**JUNE 26, 2019 CITY COUNCIL AGENDA**
**CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated June 26, 2019. 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.

T.C. Broadnax
City Manager

6/14/19
Date

M. Elizabeth Reich

Elizabeth Reich
Chief Financial Officer

6-14-19
Date

RECEIVED
2019 JUN 14 PM 4:03
CITY SECRETARY
DALLAS, TEXAS

# City of Dallas

*1500 Marilla Street*
*Dallas, Texas 75201*

# COUNCIL AGENDA

**June 26, 2019**

(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.

If you need interpretation in Spanish language, please contact the City Secretary's Office at 214-670-3738 with a 48 hour advance notice.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 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 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.

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaria del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilties 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 de 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 (*pagers*) 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 esté 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 esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

# Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

*"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."*

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

*"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."*

**AGENDA**
**CITY COUNCIL MEETING**
**WEDNESDAY, JUNE 26, 2019**
**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 - 67 |
| | **ITEMS FOR INDIVIDUAL CONSIDERATION** | |
| No earlier than 9:15 a.m. | | Items 68 - 70 |
| | **PUBLIC HEARINGS AND RELATED ACTIONS** | |
| 1:00 p.m. | | Items 71 - 89 |

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

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. 19-894 Approval of Minutes of the June 12, 2019 City Council Meeting

CONSENT AGENDA

**City Attorney's Office**

2. 19-846 Authorize the **(1)** acceptance of the 2019-20 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2019 through June 30, 2020; **(2)** establishment of appropriations in an amount not to exceed $100,000.00 in the 2019-20 Veterans Treatment Court Grant Fund; **(3)** receipt and deposit of funds in an amount not to exceed $100,000.00 in the 2019-20 Veterans Treatment Court Grant Fund; and **(4)** execution of the grant agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed $100,000.00 - Financing: Texas Veterans Commission Grant Funds

**Department of Aviation**

3. 19-891 Authorize the **(1)** application for and acceptance of a grant from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field (Grant No. 3-48-0062-057-2019, CFDA No. 20.106) in a total amount not to exceed $17,000,000.00 for these projects and other eligible projects: Rehabilitation of Taxiway C - Design, Rehabilitation of Taxiway B Phase III - Construction, and Rehabilitation of Taxiway B Phase IV - Construction; **(2)** establishment of appropriations in an amount not to exceed $17,000,000.00 in the FAA AIP Grant-Taxiway C Design, Taxiway B Phase III-Phase IV Construction Rehabilitation Fund; **(3)** receipt and deposit of grant funds in an amount not to exceed $17,000,000.00 in the FAA AIP Grant-Taxiway C Design, Taxiway B Phase III-Phase IV Construction Rehabilitation Fund; and **(4)** execution of the grant agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed $17,000,000.00 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

4. 19-892 Authorize a Passenger Facility Charge Application No. 5 to the Federal Aviation Administration to provide funding for twelve new capital improvement projects at Dallas Love Field - Estimated Revenue: $142,522,322.00

5. 19-829 Authorize **(1)** an increase in the construction services contract with Construction-Rent-A-Fence, Inc. to provide installation of a revised fence with integral security cables; and **(2)** a two-month extension to the contract from November 2019 to January 2020 - Not to exceed $878,402.82, from $4,263,599.60 to $5,142,002.42 - Financing: Aviation Capital Construction Fund

6. 19-489 Authorize the Second Amendment to exercise two, one-year renewal options to the concession contract with Pop Four Love Field, JV, LLC, previously approved by Resolution No. 12-0706 on March 7, 2012, for food and beverage concession services at Dallas Love Field - Estimated Revenue: $160,816.00 over both one-year renewal options on space number L1045, a 1,250 square foot pre-security restaurant, currently branded as Bruegger's Bagels

**Department of Convention and Event Services**

7. 19-862 A resolution authorizing the City Manager to ratify an emergency construction contract with Supreme Roofing, LP, for roof repairs to the Lower A/B lobby at the Kay Bailey Hutchison Convention Center Dallas, located at 650 South Griffin Street - Not to exceed $62,500.00 - Financing: Convention Center Capital Construction Fund

**Department of Dallas Animal Services**

8. 19-831 Authorize the **(1)** acceptance of a grant from Petco Foundation on behalf of the Innovation Showdown Investors for the Petco Foundation-Innovation Showdown Investors Grant award to develop the D90 Shelter Service System to enhance operations, programs, and partnerships that reduce the number of animals in shelters and provide additional lifesaving opportunities in the amount of $200,000.00 for the period June 26, 2019 through October 31, 2020; **(2)** receipt and deposit of grant funds in an amount not to exceed $200,000.00 in the Petco Foundation-Innovation Showdown Investors Grant 19-20 Fund; **(3)** establishment of appropriations in an amount not to exceed $200,000.00 in the Petco Foundation-Innovation Showdown Investors Grant 19-20 Fund; and **(4)** execution of the grant agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed $200,000.00 - Financing: Petco Foundation Grant Funds

**Department of Public Works**

9. 19-791 Authorize payment to the Texas Department of Transportation for the City's share of final construction costs for the bridge replacement on South Marsalis Avenue at Five Mile Creek in the amount of $201,937.56 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

10. 19-783 Authorize a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation (Contract No. CSJ 0918-47-244) for the design of a new bridge over the existing Union Pacific Railroad tracks on Prairie Creek Road from North of Military Parkway to North of Forney Road in the amount of $20,030.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

11. 19-376 Authorize a professional services contract with Halff Associates, Inc. for the engineering design of a local street reconstruction project on 10th Street from Interstate Highway 35 to Clarendon Drive - Not to exceed $290,165.40 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($237,667.60) and Water Utilities Capital Improvement Funds ($52,497.80)

12. 19-374 Authorize a professional services contract with Hayden Consultants, Inc. for the engineering design of Street Reconstruction Group 17-5002 (list attached to the Agenda Information Sheet) - Not to exceed $392,998.30 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($302,713.30) and Water Utilities Capital Improvement Funds ($90,285.00)

13. 19-655 Authorize a professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for architectural, engineering design, and construction administration services for the West Dallas Multi-Purpose Center located at 2828 Fish Trap Road - Not to exceed $244,132.00 - Financing: City Facilities (H) Fund (2017 Bond Funds)

Note: Agenda Item Nos. 14 and 15 must be considered collectively.

14. 19-844 Authorize **(1)** a Participation and Maintenance Agreement with the GLBT Chamber of Commerce Foundation for a pilot transaction to facilitate Third party organization sponsored enhancements as part of City streetscape improvements to the public right-of-ways and will provide advance funding to the City for the construction costs of multi-colored crosswalks on Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue; **(2)** be responsible for the post-installation repairs and maintenance of the multi-colored crosswalks; **(3)** the receipt and deposit of funds from the GLBT Chamber of Commerce Foundation in an amount not to exceed $128,250.00; and **(4)** an increase in appropriations in the amount of $128,250.00 in the Capital Projects Reimbursement Fund - Not to exceed $128,250.00 - Financing: Capital Projects Reimbursement Fund

15. 19-793 Authorize a construction contract for the construction of complete street improvements on Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue - Gibson & Associates, Inc., lowest responsible bidder of four - Not to exceed $1,375,735.16 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds) ($1,247,485.16) and Capital Projects Reimbursement Fund ($128,250.00)

16. 19-849 Authorize **(1)** acceptance of a donation in the amount of $752,454.75 from Friends of the Dallas Public Library, Inc. on behalf of The Crystal Charity Ball and Frieda Gayle Stern Family for the construction of the Vickery Meadow Branch Library; **(2)** an increase in appropriations in an amount not to exceed $752,454.75 in the Library Private Donation Fund; and **(3)** a construction contract for the construction of the Vickery Meadow Branch Library to be located at 8255 Park Lane - Turner Construction Company, best value proposer of three - Total not to exceed $6,399,295.00 - Financing: Library (E) Fund (2017 Bond Funds) ($5,429,640.25), Park and Recreation (B) Fund (2017 Bond Funds) ($217,200.00), and Library Private Donation Fund ($752,454.75)

**Department of Sustainable Development and Construction**

17. 19-789 Authorize acquisition from Omega Industries, Inc., of approximately 244,712 square feet of land improved with four commercial structures located near the intersection of Ellenwood Street and C.F. Hawn Freeway for the District 2 Service Center Project - Not to exceed $1,510,000.00 ($1,500,000.00, plus closing costs and title expenses not to exceed $10,000.00) - Financing: Park and Recreation Facilities Fund (2006 Bond Funds)

18. 19-761 Authorize acquisition from Berkeley Industries, Ltd., of a wastewater easement containing approximately 955 square feet of land located near Arapaho and Preston Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed $11,250.00 ($10,027.00, plus closing costs and title expenses not to exceed $1,223.00) - Financing: Wastewater Capital Improvement Fund

19. 19-149 Authorize acquisition from Keller Springs Estates, Ltd., of a wastewater easement containing approximately 43,509 square feet of land located near the intersection of Preston and Keller Springs Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed $233,942.00 ($228,442.00, plus closing costs and title expenses not to exceed $5,500.00) - Financing: Water Capital Improvement Fund

20. 19-144 Authorize acquisition from SDOG Investments I, L.L.C., of a wastewater easement containing a total of approximately 24,402 square feet of land located near the intersection of Preston and Arapaho Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed $271,372.00 ($265,372.00, plus closing costs and title expenses not to exceed $6,000.00) - Financing: Wastewater Capital Improvement Fund

21. 19-709 A resolution authorizing the conveyance of a right-of-way easement and a Possession and Use Agreement, for a total of approximately 50,878 square feet of City-owned land to the State of Texas located near the intersection of Interstate Highway 30 and Bass Pro Drive - Revenue: $175,384.00

22. 19-640 An ordinance providing for the closure and vacation of portions of Crockett Street, Pearl Street Connection and North Pearl Expressway, containing approximately 48,873 square feet of land, located near the intersection of Live Oak Street and Pearl Street Connection - Financing: No cost consideration to the City

23. 19-493 An ordinance abandoning a portion of a utility easement to Lopez Realty Limited Liability Company, the abutting owner, containing approximately 524 square feet of land, located near the intersection of Brockbank Drive and Lombardy Lane - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

24. 18-1014 An ordinance abandoning a portion of Akard Street to KDP Akard Development Partners, LP, the abutting owner, containing approximately 560 square feet of land, located near the intersection of Akard and Olive Streets; and authorizing the quitclaim - Revenue: $190,400.00, plus the $20.00 ordinance publication fee

25. 19-542 An ordinance abandoning a portion of a floodway easement to Knott Holdings, LLC, the abutting owner, containing approximately 5,631 square feet of land, located near the intersection of Frontier Lane and Bob-O-Link Drive - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

26. 19-598 An ordinance abandoning portions of a sanitary sewer easement to Angel 11:11, LLC, the abutting owner, containing a total of approximately 1,711 square feet of land, located near the intersection of Davis Street and Vernon Avenue - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

27. 19-872 An ordinance granting an MU-1 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, on the northwest corner of Duluth Street and Chicago Street - Z178-368 - Financing: No cost consideration to the City

28. 19-871 Authorize an addition to Kaufman County Fresh Water District No. 1D within the City of Dallas' extraterritorial jurisdiction that would include approximately 41.904 acres on property located in Kaufman County north of West U.S. Highway 80 and southeast of FM 548 Road - Financing: No cost consideration to the City

**Department of Transportation**

29. 19-18 Authorize an Interlocal Agreement with Dallas Area Rapid Transit (DART) for the installation and maintenance of a pilot Transit Signal Priority System Program along four DART bus lines - Financing: No cost consideration to the City

30. 19-763 Authorize **(1)** a Local Project Advance Funding Agreement with the Texas Department of Transportation in the amount of $3,001,021.62 for a U.S. Department of Transportation - Federal Highway Administration 2017 Highway Safety Improvement Program Grant (Agreement No. CSJ 0918-47-212, etc., CFDA No. 20.205) in the amount of $2,384,182.40 as Federal participation and $166,042.36 as State participation to design, upgrade, and construct eight traffic signals and associated off-system intersection improvements at: Zang Boulevard at Clarendon Drive, Jefferson Boulevard at Marsalis Avenue, Lake June Road at Masters Drive, Polk Street at Red Bird Lane, Jefferson Boulevard at Crawford Street, Westmoreland Road at Gannon Lane, Camp Wisdom Road at Hampton Road, and Beckley Avenue at Clarendon Drive; **(2)** a required local match in the amount of $304,196.86 to be issued as a warrant check for State construction costs and other State direct costs; and **(3)** an additional required local match identified for design of the traffic signals in the amount of $146,600.00, previously approved on May 23, 2018, by Resolution No. 18-0749 - Total amount of $3,001,021.62 - Financing: Texas Department of Transportation Grant Funds ($2,550,224.76) and General Fund ($304,196.86)

31. 19-784 Authorize **(1)** the receipt and deposit of funds in an amount not to exceed $242,059.45 in the Capital Projects Reimbursement Fund from Gabriella Tower, LLC for material, equipment and labor provided by the City related to the construction of a new traffic signal at Cantegral and Live Oak Streets; and **(2)** an increase in appropriations in an amount not to exceed $242,059.45 in the Capital Projects Reimbursement Fund - Not to exceed $242,059.45 - Financing: Capital Projects Reimbursement Fund

**Office of Cultural Affairs**

32. 19-865 Authorize a contract with John Christensen for the fabrication and installation of two site-specific artworks at Vickery Meadow Library located at 8255 Park Lane and at Forest Green Library located at 9619 Greenville Avenue - Not to exceed $163,516.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds) ($14,896.00) and Library Facilities (E) Fund (2017 Bond Funds) ($148,620.00)

**Office of Economic Development**

33. 19-897 Authorize a two-year service contract to administer a Workforce Readiness, Placement and Retention Program to provide career pathways training - City Wide Community Development Corporation, most advantageous proposer of two - Not to exceed $375,000.00 - Financing: Public/Private Partnership Fund

34. 19-868 Authorize a New Markets Tax Credit transaction between the Dallas Development Fund and its subsidiaries, Capital One N.A. and its subsidiaries (Capital One), and Girl Scouts of Northeast Texas, and its affiliates (GSNETX) for improvements to Camp Whispering Cedars (Project) located at 6010 Whispering Cedar Drive, Dallas, Texas 75236 - Financing: No cost consideration to the City

**Office of Environmental Quality & Sustainability**

35. 19-855 Authorize a Memorandum of Understanding for the Water Conservation Public Awareness Campaign between the City of Dallas and the Tarrant Regional Water District to fund a cooperative agreement to continue a successful regional public awareness campaign that encourages efficient water use, reduces water waste, and reduces water demand in the Dallas-Fort Worth region for the next five years - Not to exceed $3,350,000.00 - Financing: General Fund (subject to annual appropriations) (see Fiscal Information)

**Office of Homeless Solutions**

36. 19-749 Authorize a contract with Shelter Ministries of Dallas dba Austin Street Center for the provision of emergency shelter services, consisting of shelter operations and essential services, for homeless individuals for the period June 26, 2019 through October 18, 2019 - Not to exceed $268,283.00 - Financing: 2017-18 Emergency Solutions Grant Fund

37. 19-746 Authorize a contract with Family Gateway, Inc. for the provision of emergency shelter services, consisting of shelter operations and essential services, for homeless families with children for the period June 26, 2019 through October 18, 2019 - Not to exceed $278,019.00 - Financing: 2017-18 Emergency Solutions Grant Fund

38. 19-748 Authorize a contract with The Family Place for the provision of emergency shelter services, consisting of shelter operations and essential services, for homeless families with children for the period June 26, 2019 through October 18, 2019 - Not to exceed $99,000.00 - Financing: 2017-18 Emergency Solutions Grant Fund

39. 19-747 Authorize a contract with Legal Aid of NorthWest Texas for the provision of emergency shelter essential services, consisting of legal services, for homeless persons for the period June 26, 2019 through October 18, 2019 - Not to exceed $89,687.00 - Financing: 2017-18 Emergency Solutions Grant Fund

40. 19-742 Authorize a fifteen-month contract, with one twelve-month renewal option, with Community Council of Greater Dallas to provide services under a Homeless Workforce Sustainability Program including but not limited to workforce training, skill development, and job placement opportunities for homeless persons for the period July 1, 2019 through September 30, 2020 - Not to exceed $211,599.00 - Financing: General Fund

41. 19-751 Authorize a fifteen-month contract, with one twelve-month renewal option, with CitySquare to provide services under a System Enhancement Program including but not limited to case management, transportation, behavioral health services, workforce solutions, diversion, or re-entry services to homeless and at-risk individuals and families for the period July 1, 2019 through September 30, 2020 - Not to exceed $187,500.00 - Financing: General Fund

42. 19-750 Authorize a fifteen-month contract, with one twelve-month renewal option, with The Family Place to provide services under a System Enhancement Program including but not limited to case management, transportation, behavioral health services, workforce solutions, diversion, or re-entry services to homeless and at-risk families for the period July 1, 2019 through September 30, 2020 - Not to exceed $62,500.00 - Financing: General Fund

43. 19-752 Authorize a fifteen-month contract, with one twelve-month renewal option, with Catholic Charities of Dallas, Inc. to provide services under a Supportive Housing for Seniors Program including but not limited to housing rental subsidies for transition into permanent supportive housing, case management, and wrap-around stabilization services for homeless seniors for the period July 1, 2019 through September 30, 2020 - Not to exceed $250,000.00 - Financing: General Fund

44. 19-753 Authorize a fifteen-month contract, with one twelve-month renewal option, with CitySquare to implement a Landlord Subsidized Leasing Program under Track 3 of the Homeless Solutions Strategy by providing move-in and rental assistance for eligible individuals and families in need of temporary assistance and risk mitigation funds to landlords that reserve units for eligible individuals and families experiencing homelessness for the period July 1, 2019 through September 30, 2020 - Not to exceed $1,300,000.00 - Financing: General Fund

**Office of Procurement Services**

45. 19-790 Authorize a two-year service price agreement **(1)** for citywide hazardous and non-hazardous waste disposal services with Green Planet, Inc. through an interlocal agreement with Dallas/Fort Worth International Airport in an estimated amount of $1,744,066.15; and **(2)** citywide bio-hazardous decontamination and spill clean-up services with The Cleaning Guys, LLC dba CG Environmental through an interlocal agreement with the Texas Department of Transportation in an estimated amount of $1,486,388.88 - Total estimated amount of $3,230,455.03 - Financing: General Fund ($2,545,300.00), Equipment and Fleet Management Fund ($220,000.00), Aviation Fund ($200,000.00), Dallas Water Utilities Fund ($161,050.00), Sanitation Operation Fund ($102,770.03), and Convention and Event Services Fund ($1,335.00)

46. 19-739 Authorize a three-year service price agreement for new recruit medical exams, wellness-fitness exams, and hazardous material medical surveillance program for the Fire-Rescue Department - HealthTexas Provider Network dba Baylor Scott & White MedProvider, most advantageous proposer of two - Estimated amount of $2,409,005 - Financing: General Fund

47. 19-837 Authorize a three-year service price agreement for grounds maintenance for parks and other City owned properties - Good Earth Corporation in an estimated amount of $4,519,022 and V.L. & I, Inc. dba Urban Landscaping & Irrigation in an estimated amount of $1,868,076, lowest responsible bidders of two - Total estimated amount of $6,387,098 - Financing: General Fund ($6,247,778), Sanitation Operation Fund ($117,000), and Equipment and Fleet Management Fund ($22,320)

48. 19-847 Authorize a five-year turnkey acquisition and service price agreement for the purchase of a radio frequency identification system for the Library - mk Library Solutions, Inc., most advantageous proposer of six - Estimated amount of $1,678,538 - Financing: General Fund

49. 19-721 Authorize **(1)** a three-year service contract for printing and mailing of certified notices for the Police Department Auto Pound - Statement Systems, Inc. most advantageous proposer of four in the amount of $786,240; and **(2)** the ratification of $130,000 to pay outstanding invoices associated with the current contract with Statement Systems, Inc. for printing and mailing of certified notices for the Police Department Auto Pound - Total not to exceed $916,240 - Financing: General Fund (subject to annual appropriations)

50. 19-815 Authorize a three-year service contract, with two one-year renewal options, for marketing services for the Dallas Executive Airport for the Department of Aviation - Alpha Business Images, LLC, most advantageous proposer of ten - Not to exceed $411,405 - Financing: Aviation Fund (subject to annual appropriations)

51. 19-576 Authorize a five-year service contract for hosting, maintenance, and support of ESO Fire software for the Fire-Rescue Department - ESO Solutions, Inc., sole source - Not to exceed $841,115 - Financing: Data Services Fund (subject to annual appropriations)

52. 18-1100 Authorize a five-year service contract for maintenance and support of a flight information display system for the Department of Aviation - Amadeus Airport IT Americas, Inc., sole source - Not to exceed $336,634 - Financing: Aviation Fund (subject to annual appropriations)

53. 19-100 Authorize a five-year service contract for maintenance and support of the existing court case and content management system - Tyler Technologies, Inc., sole source - Not to exceed $3,858,968 - Financing: Technology Fund ($2,051,227) and Data Services Fund ($1,807,741) (subject to annual appropriations)

54. 19-816 Authorize a six-month insurance contract, with two one-year renewal options to provide individual stop loss insurance coverage for the City's self-insured health and pharmacy benefit plans for covered expenses for all claims over $1,000,000 for the Department of Human Resources - Cigna Health and Life Insurance Company, most advantageous proposer of three - Not to exceed $352,763 - Financing: Benefit Fund (subject to annual appropriations)

55. 19-566 Authorize a five-year master agreement for traffic signal parts and equipment for the Department of Transportation - Mobotrex, Inc. in an estimated amount of $1,471,560.00, Paradigm Traffic Systems, Inc. in an estimated amount of $893,640.00, Consolidated Traffic Controls, Inc. in an estimated amount of $569,967.00, Traffic Parts, Inc. in an estimated amount of $202,731.25, and Dynamic Vision Co., Inc. in an estimated amount of $182,780.00, lowest responsible bidders of six - Estimated total amount of $3,320,678.25 - Financing: General Fund

56. 19-405 Authorize Supplemental Agreement No. 2 to exercise the second three-year renewal option to the service contract with Bradford Airport Logistics, LTD for dock master services at Dallas Love Field for the Department of Aviation - Not to exceed $2,850,302 - Financing: Aviation Fund (subject to annual appropriations)

57. 19-720 Authorize Supplemental Agreement No. 7 to increase the service contract with Dunbar Armored, Inc. for armored car services for City facilities that conduct monetary transactions and extend the term of the contract from August 30, 2019 to August 30, 2020 - Not to exceed $236,942.88, from $1,147,771.54 to $1,384,714.42 - Financing: General Fund ($170,557.90), Aviation Fund ($29,244.74), Development Services Fund ($11,862.60), Sanitation Fund ($8,280.48), Convention Center Fund ($8,184.00), Water Utilities Fund ($7,164.96), and Express Business Center Fund ($1,648.20)

**Park & Recreation Department**

58. 19-860 Authorize **(1)** an amendment to the Funding Agreement with the Texas Department of Transportation (TxDOT), previously approved on October 24, 2018, by Resolution No. 18-1521 to revise the funding agreement amount from $7,074,496.00 to $7,434,427.00; and **(2)** Amendment No. 1 to the Advance Funding Agreement with TxDOT for the Trinity Strand Trail - Phase II Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) for additional funding for review, inspection and oversight of construction activities - Total amount $160,784.00, from $2,074,496.00 to $2,235,280.00 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds)

59. 19-861 Authorize a first amendment to the existing design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail to include match funding in an amount not to exceed $1,000,000.00 from 2017 Bond Funds for construction - Financing: This action has no cost consideration to the City (see Fiscal Information for future cost)

**Water Utilities Department**

60. 19-713 Authorize Interlocal Agreements with the City of Carrollton and the City of Farmers Branch to allow the City of Dallas to construct, own, operate and maintain a 72-inch diameter water transmission main within the corporate limits of Carrollton and Farmers Branch - Financing: No cost consideration to the City

61. 19-690 Authorize **(1)** a second amendment to the Advanced Funding Agreement with Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District for a one-year extension; and **(2)** an increase in funding for the Advanced Funding Agreement with Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District in the amount of $76,588.00 - Not to exceed $76,588.00, from $1,935,660.00 to $2,012,248.00 - Financing: Water Construction Fund

62. 19-504 Authorize a professional services contract with Halff Associates, Inc. for the engineering design of the Vinemont Channel Drainage Diversion Project - Not to exceed $585,288.00 - Financing: Flood Control (D) Fund (2017 Bond Funds)

63. 19-691 Authorize an increase in the construction services contract with Archer Western Construction, LLC for additional work associated with the construction of a new residuals handling facility at the Elm Fork Water Treatment Plant - Not to exceed $1,479,271.62, from $25,486,500.00 to $26,965,771.62 - Financing: Water Construction Fund

64. 19-731 Authorize an increase in the construction services contract with Webber, LLC for additional work associated with the improvements to the Walcrest Pump Station and reservoir - Not to exceed $1,731,751.71, from $37,409,104.31 to $39,140,856.02 - Financing: Water Construction Fund

65. 19-780 Authorize an increase in the construction services contract with Muniz Construction, Inc. for additional work associated with the installation of water and wastewater mains at three locations (list attached to the Agenda Information Sheet) - Not to exceed $106,960.00, from $5,763,443.00 to $5,870,403.00 - Financing: Wastewater Capital Improvement Fund

66. 19-648 Authorize Supplemental Agreement No. 1 to the professional services contract with Carollo Engineers, Inc. to provide additional engineering services required to perform a Risk and Resiliency Assessment of the Dallas Water Utilities' water system and prepare an Emergency Response Plan in compliance with the America's Water Infrastructure Act of 2018 - Not to exceed $698,069.00, from $3,989,947.00 to $4,688,016.00 - Financing: Water Capital Improvement Fund

67. 19-683 Authorize Supplemental Agreement No. 4 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional construction phase services for the Walcrest Pump Station and reservoir improvements - Not to exceed $266,133.00, from $4,285,230.56 to $4,551,363.56 - Financing: Water Construction Fund

ITEMS FOR INDIVIDUAL CONSIDERATION

**City Secretary's Office**

68. 19-895 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)

**Housing & Neighborhood Revitalization**

69. 19-893 Authorize an amendment to the Comprehensive Housing Policy, previously approved on May 9, 2018, by Resolution No. 18-0704, as amended to **(1)** amend and restate the Dallas Homebuyer Assistance Program (DHAP) to **(a)** change the loan terms to forgivable annually; **(b)** remove the Homebuyer Incentive Program; **(c)** change the applicant eligibility criteria and the eligible property criteria; **(d)** change the credit and underwriting standards; **(e)** change the terms of assistance; and **(f)** make the DHAP changes effective immediately; **(2)** amend and restate the Housing Improvement and Preservation Program (HIPP) Homeowner Program to **(a)** remove the Accessibility Grant Program; **(b)** add the Minor Home Repair Grant Program; **(c)** reframe/change Housing Reconstruction Program and Rehabilitation Program activities and requirements; **(d)** change the applicant eligibility requirements and the property eligibility requirements; **(e)** change the assistance level and the terms of assistance; **(f)** change the credit and underwriting standards; **(g)** change the eligible rehabilitation activities; **(h)** add relocation requirements; **(i)** change the mortgage and refinancing terms; **(j)** add administration of duties; and **(k)** make the HIPP changes effective October 1, 2019; and **(3)** amend and restate the HIPP Landlord Program to **(a)** change the applicant eligibility requirements and the property eligibility requirements; **(b)** change the assistance level and the terms of assistance; **(c)** change the credit and underwriting standards; **(d)** change the eligible activities; **(e)** add relocation requirements; **(f)** remove reconstruction as an eligible activity; **(g)** add mortgage and refinancing terms; **(h)** add administration of duties; **(i)** change the affordability period; and **(j)** make the HIPP Landlord Program changes effective October 1, 2019 - Financing: No cost consideration to the City

ITEMS FOR FURTHER CONSIDERATION

**Department of Sustainable Development and Construction**

70. 19-918 An ordinance abandoning a portion of an alley to 75218 Property Company, the abutting owner, containing approximately 8,893 square feet of land, located near the intersection of Harter Road and Lake Highlands Drive; and authorizing the quitclaim - Revenue: $151,181.00, plus the $20.00 ordinance publication fee (This item was deferred on June 12, 2019)

PUBLIC HEARINGS AND RELATED ACTIONS

**Department of Sustainable Development and Construction**

ZONING CASES - CONSENT

71. 19-873 A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-5(A) Single Family District uses and a public school other than an open enrollment charter school on property zoned an R-5(A) Single Family District and CR Community Retail District, generally bounded by Bickers Street to the north, North Westmoreland Road to the east, Gallagher Street to the south, and Furey Street to the west
Recommendation of Staff and CPC: Approval, subject to a development/landscape plan, a traffic management plan, and conditions
Z189-168(JM)

72. 19-874 A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-10(A) Single Family District uses and a public school other than an open-enrollment charter school, on property zoned an R-10(A) Single Family District, generally bounded by Westmoreland Road, Sprague Drive, and Boulder Drive
Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan and conditions
Z189-176(PD)

73. 19-875 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1804 for an industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial Research District, on the north line of Commerce Street, west of Sylvan Avenue
Recommendation of Staff and CPC: Approval for a period to expire on December 10, 2019, subject to conditions
Z189-189(SM)

74. 19-876 A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1305 for a public school other than an open-enrollment charter school on property zoned a TH-2(A) Townhouse District on the southeast side of Maribeth Drive, between Osage Plaza Parkway and Dickerson Street
Recommendation of Staff and CPC: Approval, subject to a revised site plan, a revised landscape plan, traffic management plan and conditions
Z189-214(PD)

75. 19-877 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2253 for a bar, lounge or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the east side of North Hall Street, between Elm Street and Main Street
Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions
Z189-216(AU)

76. 19-878 A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District, on the southwest side of Exposition Avenue, west of Parry Avenue
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z189-222(AU)

ZONING CASES - INDIVIDUAL

77. 19-879 A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict on property zoned Subdistrict 1 within Planned Development District No. 887, the Valley View-Galleria Area Special Purpose District, on the northwest corner of Preston Road and Alpha Road
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development plan, landscape plan for Tract I, and conditions
Z189-140(SM)

78. 19-880 A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, south of Great Trinity Forest Way, west of Murdock Road
Recommendation of Staff: Approval 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 for a two-year period, subject to a site plan and conditions
Z189-203(PD)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

79. 19-652 A public hearing to receive comments regarding an application for an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District, on the southwest corner of Great Trinity Forest Way and Interstate Highway 45
Recommendation of Staff and CPC: Denial without prejudice
Z178-104(PD)
Note: This item was deferred by the City Council before opening the public hearings on February 13, 2019 and April 24, 2019, and is scheduled for consideration on June 26, 2019

80. 19-650 A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and a renewal of Specific Use Permit No. 1774 for an open-enrollment charter school on property zoned a CR Community Retail District, on the northeast line of South Lancaster Road, north of East Kiest Boulevard
Recommendation of Staff and CPC: Approval for a two-year period, subject to a revised site plan, a revised traffic management plan, and conditions
Z178-261(PD)
Note: This item was deferred by the City Council before opening the public hearing on April 24, 2019, and is scheduled for consideration on June 26, 2019

81. 19-832 A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District on property zoned an NO(A) Neighborhood Office District, on the east side of North Fitzhugh Avenue, south of Ross Avenue
Recommendation of Staff and CPC: Approval
Z189-192(JM)
Note: This item was deferred by the City Council before opening the public hearing on May 22, 2019, and is scheduled for consideration on June 26, 2019

SPECIAL PROVISION SIGN DISTRICT

82. 19-881 A public hearing to receive comments regarding an application for and an ordinance granting the removal of the McKinney Avenue Special Provision Sign District on property zoned Planned Development District No. 372, at the northeast corner of Lemmon Avenue and McKinney Avenue
Recommendation of Staff and CPC: Approval
SPSD189-005

STREET NAME CHANGE

83. 19-882 A public hearing to receive comments regarding a proposal to consider the Ceremonial Street Name request for "Bennett I. Miller" as a street topper on South Saint Paul Street between Gano Street and Beaumont Street - NC189-003 - Financing: This action has no cost consideration to the City (Street toppers to be prepared and paid for by the City of Dallas)

FLOODPLAIN APPLICATIONS

**Water Utilities Department**

84. 19-796 A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 5.7 acres of the current 33.52 acres of land located at 9301 Sandyland Boulevard, within the floodplain of Prairie Creek, Fill Permit 18-07 - Financing: No cost consideration to the City

85. 19-797 A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.37 acres of the current 3.22 acres of land located at 7580 and 7606 Greenville Avenue, within the floodplain of White Rock Creek, Fill Permit 18-09 - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS

**Department of Sustainable Development and Construction**

86. 19-883 A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from an open-enrollment charter school, Harmony Public School as required by Section 6-4 of the Dallas City Code to allow a mixed-beverages permit (Chapter 28 of the Texas Alcoholic Beverage Code) for a restaurant without drive-in or drive-through service with a food and beverage certificate [ML Beverages, LLC] on the northeast corner of Frankford Road and Highland Springs Way - AV189-003 - Financing: No cost consideration to the City

87. 19-884 A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a public school, North Dallas High School as required by Section 6-4 of the Dallas City Code to allow a mixed-beverages permit (Chapter 28 of the Texas Alcoholic Beverage Code) for a restaurant without drive-in or drive-through service with a food and beverage certificate [KIST Heart Kitchen, LLC] on the north corner of McKinney Avenue and Blackburn Street - AV189-004 - Financing: No cost consideration to the City

**Housing & Neighborhood Revitalization**

88. 19-737 A public hearing to receive comments on Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME Investment Partnerships Program and Community Development Block Grant Program, to **(a)** revise the Dallas Homebuyer Assistance Program Program Statement to amend the area median family income (AMI) requirements, to change the loan terms to forgivable annually, and to remove the Homebuyer Incentive Program; and **(b)** revise the Housing Improvement and Preservation Program Program Statement to amend the AMI requirements, to remove the accessibility grant program, add the Minor Home Repair Grant Program, and add the Housing Reconstruction Program; and at the close of the public hearing, authorize the final adoption of Substantial Amendment No. 2 to the FY 2018-19 Action Plan - Financing: No cost consideration to the City

**Office of Environmental Quality & Sustainability**

89. 19-856 A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by RaceTrac Petroleum, Inc., located near the intersection of Walnut Hill Lane and Composite Drive and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to RaceTrac Petroleum, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

## EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]

2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]

3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]

4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]

5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]

6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]

7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

# Agenda Date: June 26, 2019

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
|---|---|---|---|---|---|
| 1. | N/A | V | N/A | N/A | Approval of Minutes of the June 12, 2019 City Council Meeting |
| 2. | N/A | C | ATT | GT | Authorize the (1) acceptance of the 2019-20 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2019 through June 30, 2020; (2) establishment of appropriations in an amount not to exceed $100,000.00 in the 2019-20 Veterans Treatment Court Grant Fund; (3) receipt and deposit of funds in an amount not to exceed $100,000.00 in the 2019-20 Veterans Treatment Court Grant Fund; and (4) execution of the grant agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed $100,000.00 - Financing: Texas Veterans Commission Grant Funds |
| 3. | 2 | C | AVI | GT | Authorize the (1) application for and acceptance of a grant from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field (Grant No. 3-48-0062-057-2019, CFDA No. 20.106) in a total amount not to exceed $17,000,000.00 for these projects and other eligible projects: Rehabilitation of Taxiway C - Design, Rehabilitation of Taxiway B Phase III - Construction, and Rehabilitation of Taxiway B Phase IV - Construction; (2) establishment of appropriations in an amount not to exceed $17,000,000.00 in the FAA AIP Grant-Taxiway C Design, Taxiway B Phase III-Phase IV Construction Rehabilitation Fund; (3) receipt and deposit of grant funds in an amount not to exceed $17,000,000.00 in the FAA AIP Grant-Taxiway C Design, Taxiway B Phase III-Phase IV Construction Rehabilitation Fund; and (4) execution of the grant agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed $17,000,000.00 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds |
| 4. | 2 | C | AVI | REV $142,522,322.00 | Authorize a Passenger Facility Charge Application No. 5 to the Federal Aviation Administration to provide funding for twelve new capital improvement projects at Dallas Love Field - Estimated Revenue: $142,522,322.00 |
| 5. | 2 | C | AVI | $878,402.82 | Authorize (1) an increase in the construction services contract with Construction-Rent-A-Fence, Inc. to provide installation of a revised fence with integral security cables; and (2) a two-month extension to the contract from |

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
|---|---|---|---|---|---|
| | | | | | November 2019 to January 2020 - Not to exceed $878,402.82, from $4,263,599.60 to $5,142,002.42 - Financing: Aviation Capital Construction Fund |
| 6. | 2 | C | AVI | REV $160,816.00 | Authorize the Second Amendment to exercise two, one-year renewal options to the concession contract with Pop Four Love Field, JV, LLC, previously approved by Resolution No. 12-0706 on March 7, 2012, for food and beverage concession services at Dallas Love Field - Estimated Revenue: $160,816.00 over both one-year renewal options on space number L1045, a 1,250 square foot pre-security restaurant, currently branded as Bruegger's Bagels |
| 7. | 2 | C | CCT | $62,500.00 | A resolution authorizing the City Manager to ratify an emergency construction contract with Supreme Roofing, LP, for roof repairs to the Lower A/B lobby at the Kay Bailey Hutchison Convention Center Dallas, located at 650 South Griffin Street - Not to exceed $62,500.00 - Financing: Convention Center Capital Construction Fund |
| 8. | All | C | DAS | GT | Authorize the (1) acceptance of a grant from Petco Foundation on behalf of the Innovation Showdown Investors for the Petco Foundation-Innovation Showdown Investors Grant award to develop the D90 Shelter Service System to enhance operations, programs, and partnerships that reduce the number of animals in shelters and provide additional lifesaving opportunities in the amount of $200,000.00 for the period June 26, 2019 through October 31, 2020; (2) receipt and deposit of grant funds in an amount not to exceed $200,000.00 in the Petco Foundation-Innovation Showdown Investors Grant 19-20 Fund; (3) establishment of appropriations in an amount not to exceed $200,000.00 in the Petco Foundation-Innovation Showdown Investors Grant 19-20 Fund; and (4) execution of the grant agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed $200,000.00 - Financing: Petco Foundation Grant Funds |
| 9. | 4 | C | PBW | $201,937.56 | Authorize payment to the Texas Department of Transportation for the City's share of final construction costs for the bridge replacement on South Marsalis Avenue at Five Mile Creek in the amount of $201,937.56 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) |
| 10. | 7 | C | PBW | $20,030.00 | Authorize a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation (Contract No. CSJ 0918-47-244) for the design of a new bridge over the existing Union Pacific Railroad tracks on Prairie Creek Road from North of Military Parkway to North of Forney Road in the amount of $20,030.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) |

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
|---|---|---|---|---|---|
| 11. | 4 | C | PBW | $290,165.40 | Authorize a professional services contract with Halff Associates, Inc. for the engineering design of a local street reconstruction project on 10th Street from Interstate Highway 35 to Clarendon Drive - Not to exceed $290,165.40 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($237,667.60) and Water Utilities Capital Improvement Funds ($52,497.80) |
| 12. | 5 | C | PBW | $392,998.30 | Authorize a professional services contract with Hayden Consultants, Inc. for the engineering design of Street Reconstruction Group 17-5002 (list attached to the Agenda Information Sheet) - Not to exceed $392,998.30 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($302,713.30) and Water Utilities Capital Improvement Funds ($90,285.00) |
| 13. | 6 | C | PBW | $244,132.00 | Authorize a professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for architectural, engineering design, and construction administration services for the West Dallas Multi-Purpose Center located at 2828 Fish Trap Road - Not to exceed $244,132.00 - Financing: City Facilities (H) Fund (2017 Bond Funds) |
| 14. | 2, 14 | C | PBW | $128,250.00 | Authorize (1) a Participation and Maintenance Agreement with the GLBT Chamber of Commerce Foundation for a pilot transaction to facilitate Third party organization sponsored enhancements as part of City streetscape improvements to the public right-of-ways and will provide advance funding to the City for the construction costs of multi-colored crosswalks on Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue; (2) be responsible for the post-installation repairs and maintenance of the multi-colored crosswalks; (3) the receipt and deposit of funds from the GLBT Chamber of Commerce Foundation in an amount not to exceed $128,250.00; and (4) an increase in appropriations in the amount of $128,250.00 in the Capital Projects Reimbursement Fund - Not to exceed $128,250.00 - Financing: Capital Projects Reimbursement Fund |
| 15. | 2, 14 | C | PBW | $1,375,735.16 | Authorize a construction contract for the construction of complete street improvements on Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue - Gibson & Associates, Inc., lowest responsible bidder of four - Not to exceed $1,375,735.16 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds) ($1,247,485.16) and Capital Projects Reimbursement Fund ($128,250.00) |
| 16. | 13 | C | PBW | $5,646,840.25 | Authorize (1) acceptance of a donation in the amount of $752,454.75 from Friends of the Dallas Public Library, Inc. on behalf of The Crystal Charity Ball and Frieda Gayle Stern Family for the construction of the Vickery Meadow Branch Library; (2) an increase in appropriations in an amount not to exceed |

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
|---|---|---|---|---|---|
| | | | | | $752,454.75 in the Library Private Donation Fund; and (3) a construction contract for the construction of the Vickery Meadow Branch Library to be located at 8255 Park Lane - Turner Construction Company, best value proposer of three - Total not to exceed $6,399,295.00 - Financing: Library (E) Fund (2017 Bond Funds) ($5,429,640.25), Park and Recreation (B) Fund (2017 Bond Funds) ($217,200.00), and Library Private Donation Fund ($752,454.75) |
| 17. | 8 | C | DEV | $1,510,000.00 | Authorize acquisition from Omega Industries, Inc., of approximately 244,712 square feet of land improved with four commercial structures located near the intersection of Ellenwood Street and C.F. Hawn Freeway for the District 2 Service Center Project - Not to exceed $1,510,000.00 ($1,500,000.00, plus closing costs and title expenses not to exceed $10,000.00) - Financing: Park and Recreation Facilities Fund (2006 Bond Funds) |
| 18. | 12 | C | DEV | $11,250.00 | Authorize acquisition from Berkeley Industries, Ltd., of a wastewater easement containing approximately 955 square feet of land located near Arapaho and Preston Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed $11,250.00 ($10,027.00, plus closing costs and title expenses not to exceed $1,223.00) - Financing: Wastewater Capital Improvement Fund |
| 19. | 12 | C | DEV | $233,942.00 | Authorize acquisition from Keller Springs Estates, Ltd., of a wastewater easement containing approximately 43,509 square feet of land located near the intersection of Preston and Keller Springs Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed $233,942.00 ($228,442.00, plus closing costs and title expenses not to exceed $5,500.00) - Financing: Water Capital Improvement Fund |
| 20. | 12 | C | DEV | $271,372.00 | Authorize acquisition from SDOG Investments I, L.L.C., of a wastewater easement containing a total of approximately 24,402 square feet of land located near the intersection of Preston and Arapaho Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed $271,372.00 ($265,372.00, plus closing costs and title expenses not to exceed $6,000.00) - Financing: Wastewater Capital Improvement Fund |
| 21. | 9 | C | DEV | REV $175,384.00 | A resolution authorizing the conveyance of a right-of-way easement and a Possession and Use Agreement, for a total of approximately 50,878 square feet of City-owned land to the State of Texas located near the intersection of Interstate Highway 30 and Bass Pro Drive - Revenue: $175,384.00 |
| 22. | 14 | C | DEV | NC | An ordinance providing for the closure and vacation of portions of Crockett Street, Pearl Street Connection and North Pearl Expressway, containing |

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
|---|---|---|---|---|---|
| | | | | | approximately 48,873 square feet of land, located near the intersection of Live Oak Street and Pearl Street Connection - Financing: No cost consideration to the City |
| 23. | 6 | C | DEV | REV $5,400.00 | An ordinance abandoning a portion of a utility easement to Lopez Realty Limited Liability Company, the abutting owner, containing approximately 524 square feet of land, located near the intersection of Brockbank Drive and Lombardy Lane - Revenue: $5,400.00, plus the $20.00 ordinance publication fee |
| 24. | 14 | C | DEV | REV $190,400.00 | An ordinance abandoning a portion of Akard Street to KDP Akard Development Partners, LP, the abutting owner, containing approximately 560 square feet of land, located near the intersection of Akard and Olive Streets; and authorizing the quitclaim - Revenue: $190,400.00, plus the $20.00 ordinance publication fee |
| 25. | 9 | C | DEV | REV $5,400.00 | An ordinance abandoning a portion of a floodway easement to Knott Holdings, LLC, the abutting owner, containing approximately 5,631 square feet of land, located near the intersection of Frontier Lane and Bob-O-Link Drive - Revenue: $5,400.00, plus the $20.00 ordinance publication fee |
| 26. | 1 | C | DEV | REV $5,400.00 | An ordinance abandoning portions of a sanitary sewer easement to Angel 11:11, LLC, the abutting owner, containing a total of approximately 1,711 square feet of land, located near the intersection of Davis Street and Vernon Avenue - Revenue: $5,400.00, plus the $20.00 ordinance publication fee |
| 27. | 6 | C | DEV | NC | An ordinance granting an MU-1 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, on the northwest corner of Duluth Street and Chicago Street - Z178-368 - Financing: No cost consideration to the City |
| 28. | Outside | C | DEV | NC | Authorize an addition to Kaufman County Fresh Water District No. 1D within the City of Dallas' extraterritorial jurisdiction that would include approximately 41.904 acres on property located in Kaufman County north of West U.S. Highway 80 and southeast of FM 548 Road - Financing: No cost consideration to the City |
| 29. | 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 | C | TRN | NC | Authorize an Interlocal Agreement with Dallas Area Rapid Transit (DART) for the installation and maintenance of a pilot Transit Signal Priority System Program along four DART bus lines - Financing: No cost consideration to the City |
| 30. | 1, 3, 4, 5, 8 | C | TRN | $304,196.86 | Authorize (1) a Local Project Advance Funding Agreement with the Texas |

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
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| | | | | | Department of Transportation in the amount of $3,001,021.62 for a U.S. Department of Transportation - Federal Highway Administration 2017 Highway Safety Improvement Program Grant (Agreement No. CSJ 0918-47-212, etc., CFDA No. 20.205) in the amount of $2,384,182.40 as Federal participation and $166,042.36 as State participation to design, upgrade, and construct eight traffic signals and associated off-system intersection improvements at: Zang Boulevard at Clarendon Drive, Jefferson Boulevard at Marsalis Avenue, Lake June Road at Masters Drive, Polk Street at Red Bird Lane, Jefferson Boulevard at Crawford Street, Westmoreland Road at Gannon Lane, Camp Wisdom Road at Hampton Road, and Beckley Avenue at Clarendon Drive; (2) a required local match in the amount of $304,196.86 to be issued as a warrant check for State construction costs and other State direct costs; and (3) an additional required local match identified for design of the traffic signals in the amount of $146,600.00, previously approved on May 23, 2018, by Resolution No. 18-0749 - Total amount of $3,001,021.62 - Financing: Texas Department of Transportation Grant Funds ($2,550,224.76) and General Fund ($304,196.86) |
| 31. | 14 | C | TRN | $242,059.45 | Authorize (1) the receipt and deposit of funds in an amount not to exceed $242,059.45 in the Capital Projects Reimbursement Fund from Gabriella Tower, LLC for material, equipment and labor provided by the City related to the construction of a new traffic signal at Cantegral and Live Oak Streets; and (2) an increase in appropriations in an amount not to exceed $242,059.45 in the Capital Projects Reimbursement Fund - Not to exceed $242,059.45 - Financing: Capital Projects Reimbursement Fund |
| 32. | 10, 13 | C | OCA | $163,516.00 | Authorize a contract with John Christensen for the fabrication and installation of two site-specific artworks at Vickery Meadow Library located at 8255 Park Lane and at Forest Green Library located at 9619 Greenville Avenue - Not to exceed $163,516.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds) ($14,896.00) and Library Facilities (E) Fund (2017 Bond Funds) ($148,620.00) |
| 33. | All | C | ECO | $375,000.00 | Authorize a two-year service contract to administer a Workforce Readiness, Placement and Retention Program to provide career pathways training - City Wide Community Development Corporation, most advantageous proposer of two - Not to exceed $375,000.00 - Financing: Public/Private Partnership Fund |
| 34. | 3 | C | ECO | NC | Authorize a New Markets Tax Credit transaction between the Dallas Development Fund and its subsidiaries, Capital One N.A. and its subsidiaries (Capital One), and Girl Scouts of Northeast Texas, and its |

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
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| | | | | | affiliates (GSNETX) for improvements to Camp Whispering Cedars (Project) located at 6010 Whispering Cedar Drive, Dallas, Texas 75236 - Financing: No cost consideration to the City |
| 35. | All | C | OEQ | $3,350,000.00 | Authorize a Memorandum of Understanding for the Water Conservation Public Awareness Campaign between the City of Dallas and the Tarrant Regional Water District to fund a cooperative agreement to continue a successful regional public awareness campaign that encourages efficient water use, reduces water waste, and reduces water demand in the Dallas-Fort Worth region for the next five years - Not to exceed $3,350,000.00 - Financing: General Fund (subject to annual appropriations) (see Fiscal Information) |
| 36. | All | C | OHS | GT | Authorize a contract with Shelter Ministries of Dallas dba Austin Street Center for the provision of emergency shelter services, consisting of shelter operations and essential services, for homeless individuals for the period June 26, 2019 through October 18, 2019 - Not to exceed $268,283.00 - Financing: 2017-18 Emergency Solutions Grant Fund |
| 37. | All | C | OHS | GT | Authorize a contract with Family Gateway, Inc. for the provision of emergency shelter services, consisting of shelter operations and essential services, for homeless families with children for the period June 26, 2019 through October 18, 2019 - Not to exceed $278,019.00 - Financing: 2017-18 Emergency Solutions Grant Fund |
| 38. | All | C | OHS | GT | Authorize a contract with The Family Place for the provision of emergency shelter services, consisting of shelter operations and essential services, for homeless families with children for the period June 26, 2019 through October 18, 2019 - Not to exceed $99,000.00 - Financing: 2017-18 Emergency Solutions Grant Fund |
| 39. | All | C | OHS | GT | Authorize a contract with Legal Aid of NorthWest Texas for the provision of emergency shelter essential services, consisting of legal services, for homeless persons for the period June 26, 2019 through October 18, 2019 - Not to exceed $89,687.00 - Financing: 2017-18 Emergency Solutions Grant Fund |
| 40. | All | C | OHS | $211,599.00 | Authorize a fifteen-month contract, with one twelve-month renewal option, with Community Council of Greater Dallas to provide services under a Homeless Workforce Sustainability Program including but not limited to workforce training, skill development, and job placement opportunities for homeless persons for the period July 1, 2019 through September 30, 2020 - Not to exceed $211,599.00 - Financing: General Fund |
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| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
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| 41. | All | C | OHS | $187,500.00 | Authorize a fifteen-month contract, with one twelve-month renewal option, with CitySquare to provide services under a System Enhancement Program including but not limited to case management, transportation, behavioral health services, workforce solutions, diversion, or re-entry services to homeless and at-risk individuals and families for the period July 1, 2019 through September 30, 2020 - Not to exceed $187,500.00 - Financing: General Fund |
| 42. | All | C | OHS | $62,500.00 | Authorize a fifteen-month contract, with one twelve-month renewal option, with The Family Place to provide services under a System Enhancement Program including but not limited to case management, transportation, behavioral health services, workforce solutions, diversion, or re-entry services to homeless and at-risk families for the period July 1, 2019 through September 30, 2020 - Not to exceed $62,500.00 - Financing: General Fund |
| 43. | All | C | OHS | $250,000.00 | Authorize a fifteen-month contract, with one twelve-month renewal option, with Catholic Charities of Dallas, Inc. to provide services under a Supportive Housing for Seniors Program including but not limited to housing rental subsidies for transition into permanent supportive housing, case management, and wrap-around stabilization services for homeless seniors for the period July 1, 2019 through September 30, 2020 - Not to exceed $250,000.00 - Financing: General Fund |
| 44. | All | C | OHS | $1,300,000.00 | Authorize a fifteen-month contract, with one twelve-month renewal option, with CitySquare to implement a Landlord Subsidized Leasing Program under Track 3 of the Homeless Solutions Strategy by providing move-in and rental assistance for eligible individuals and families in need of temporary assistance and risk mitigation funds to landlords that reserve units for eligible individuals and families experiencing homelessness for the period July 1, 2019 through September 30, 2020 - Not to exceed $1,300,000.00 - Financing: General Fund |
| 45. | All | C | POM | $3,230,455.03 | Authorize a two-year service price agreement (1) for citywide hazardous and non-hazardous waste disposal services with Green Planet, Inc. through an interlocal agreement with Dallas/Fort Worth International Airport in an estimated amount of $1,744,066.15; and (2) citywide bio-hazardous decontamination and spill clean-up services with The Cleaning Guys, LLC dba CG Environmental through an interlocal agreement with the Texas Department of Transportation in an estimated amount of $1,486,388.88 - Total estimated amount of $3,230,455.03 - Financing: General Fund ($2,545,300.00), Equipment and Fleet Management Fund ($220,000.00), Aviation Fund ($200,000.00), Dallas Water Utilities Fund ($161,050.00), |

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
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| | | | | | Sanitation Operation Fund ($102,770.03), and Convention and Event Services Fund ($1,335.00) |
| 46. | All | C | POM | $2,409,005.00 | Authorize a three-year service price agreement for new recruit medical exams, wellness-fitness exams, and hazardous material medical surveillance program for the Fire-Rescue Department - HealthTexas Provider Network dba Baylor Scott & White MedProvider, most advantageous proposer of two - Estimated amount of $2,409,005 - Financing: General Fund |
| 47. | All | C | POM | $6,387,098.00 | Authorize a three-year service price agreement for grounds maintenance for parks and other City owned properties - Good Earth Corporation in an estimated amount of $4,519,022 and V.L. & I, Inc. dba Urban Landscaping & Irrigation in an estimated amount of $1,868,076, lowest responsible bidders of two - Total estimated amount of $6,387,098 - Financing: General Fund ($6,247,778), Sanitation Operation Fund ($117,000), and Equipment and Fleet Management Fund ($22,320) |
| 48. | All | C | POM | $1,678,538.00 | Authorize a five-year turnkey acquisition and service price agreement for the purchase of a radio frequency identification system for the Library - mk Library Solutions, Inc., most advantageous proposer of six - Estimated amount of $1,678,538 - Financing: General Fund |
| 49. | All | C | POM | $916,240.00 | Authorize (1) a three-year service contract for printing and mailing of certified notices for the Police Department Auto Pound - Statement Systems, Inc. most advantageous proposer of four in the amount of $786,240; and (2) the ratification of $130,000 to pay outstanding invoices associated with the current contract with Statement Systems, Inc. for printing and mailing of certified notices for the Police Department Auto Pound - Total not to exceed $916,240 - Financing: General Fund (subject to annual appropriations) |
| 50. | 3 | C | POM | $411,405.00 | Authorize a three-year service contract, with two one-year renewal options, for marketing services for the Dallas Executive Airport for the Department of Aviation - Alpha Business Images, LLC, most advantageous proposer of ten - Not to exceed $411,405 - Financing: Aviation Fund (subject to annual appropriations) |
| 51. | All | C | POM | $841,115.00 | Authorize a five-year service contract for hosting, maintenance, and support of ESO Fire software for the Fire-Rescue Department - ESO Solutions, Inc., sole source - Not to exceed $841,115 - Financing: Data Services Fund (subject to annual appropriations) |
| 52. | 2 | C | POM | $336,634.00 | Authorize a five-year service contract for maintenance and support of a flight information display system for the Department of Aviation - Amadeus Airport IT Americas, Inc., sole source - Not to exceed $336,634 - Financing: Aviation |

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
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| | | | | | Fund (subject to annual appropriations) |
| 53. | All | C | POM | $3,858,968.00 | Authorize a five-year service contract for maintenance and support of the existing court case and content management system - Tyler Technologies, Inc., sole source - Not to exceed $3,858,968 - Financing: Technology Fund ($2,051,227) and Data Services Fund ($1,807,741) (subject to annual appropriations) |
| 54. | All | C | POM | $352,763.00 | Authorize a six-month insurance contract, with two one-year renewal options to provide individual stop loss insurance coverage for the City's self-insured health and pharmacy benefit plans for covered expenses for all claims over $1,000,000 for the Department of Human Resources - Cigna Health and Life Insurance Company, most advantageous proposer of three - Not to exceed $352,763 - Financing: Benefit Fund (subject to annual appropriations) |
| 55. | All | C | POM | $3,320,678.25 | Authorize a five-year master agreement for traffic signal parts and equipment for the Department of Transportation - Mobotrex, Inc. in an estimated amount of $1,471,560.00, Paradigm Traffic Systems, Inc. in an estimated amount of $893,640.00, Consolidated Traffic Controls, Inc. in an estimated amount of $569,967.00, Traffic Parts, Inc. in an estimated amount of $202,731.25, and Dynamic Vision Co., Inc. in an estimated amount of $182,780.00, lowest responsible bidders of six - Estimated total amount of $3,320,678.25 - Financing: General Fund |
| 56. | 2 | C | POM | $2,850,302.00 | Authorize Supplemental Agreement No. 2 to exercise the second three-year renewal option to the service contract with Bradford Airport Logistics, LTD for dock master services at Dallas Love Field for the Department of Aviation - Not to exceed $2,850,302 - Financing: Aviation Fund (subject to annual appropriations) |
| 57. | All | C | POM | $236,942.88 | Authorize Supplemental Agreement No. 7 to increase the service contract with Dunbar Armored, Inc. for armored car services for City facilities that conduct monetary transactions and extend the term of the contract from August 30, 2019 to August 30, 2020 - Not to exceed $236,942.88, from $1,147,771.54 to $1,384,714.42 - Financing: General Fund ($170,557.90), Aviation Fund ($29,244.74), Development Services Fund ($11,862.60), Sanitation Fund ($8,280.48), Convention Center Fund ($8,184.00), Water Utilities Fund ($7,164.96), and Express Business Center Fund ($1,648.20) |
| 58. | 2 | C | PKR | $160,784.00 | Authorize (1) an amendment to the Funding Agreement with the Texas Department of Transportation (TxDOT), previously approved on October 24, 2018, by Resolution No. 18-1521 to revise the funding agreement amount from $7,074,496.00 to $7,434,427.00; and (2) Amendment No. 1 to the |

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
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| | | | | | Advance Funding Agreement with TxDOT for the Trinity Strand Trail - Phase II Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) for additional funding for review, inspection and oversight of construction activities - Total amount $160,784.00, from $2,074,496.00 to $2,235,280.00 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds) |
| 59. | 14 | C | PKR | NC | Authorize a first amendment to the existing design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail to include match funding in an amount not to exceed $1,000,000.00 from 2017 Bond Funds for construction - Financing: This action has no cost consideration to the City (see Fiscal Information for future cost) |
| 60. | Outside | C | DWU | NC | Authorize Interlocal Agreements with the City of Carrollton and the City of Farmers Branch to allow the City of Dallas to construct, own, operate and maintain a 72-inch diameter water transmission main within the corporate limits of Carrollton and Farmers Branch - Financing: No cost consideration to the City |
| 61. | All | C | DWU | $76,588.00 | Authorize (1) a second amendment to the Advanced Funding Agreement with Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District for a one-year extension; and (2) an increase in funding for the Advanced Funding Agreement with Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District in the amount of $76,588.00 - Not to exceed $76,588.00, from $1,935,660.00 to $2,012,248.00 - Financing: Water Construction Fund |
| 62. | 9 | C | DWU | $585,288.00 | Authorize a professional services contract with Halff Associates, Inc. for the engineering design of the Vinemont Channel Drainage Diversion Project - Not to exceed $585,288.00 - Financing: Flood Control (D) Fund (2017 Bond Funds) |
| 63. | Outside | C | DWU | $1,479,271.62 | Authorize an increase in the construction services contract with Archer Western Construction, LLC for additional work associated with the construction of a new residuals handling facility at the Elm Fork Water Treatment Plant - Not to exceed $1,479,271.62, from $25,486,500.00 to $26,965,771.62 - Financing: Water Construction Fund |
| 64. | 11 | C | DWU | $1,731,751.71 | Authorize an increase in the construction services contract with Webber, LLC for additional work associated with the improvements to the Walcrest Pump |

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
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| | | | | | Station and reservoir - Not to exceed $1,731,751.71, from $37,409,104.31 to $39,140,856.02 - Financing: Water Construction Fund |
| 65. | 2, 6 | C | DWU | $106,960.00 | Authorize an increase in the construction services contract with Muniz Construction, Inc. for additional work associated with the installation of water and wastewater mains at three locations (list attached to the Agenda Information Sheet) - Not to exceed $106,960.00, from $5,763,443.00 to $5,870,403.00 - Financing: Wastewater Capital Improvement Fund |
| 66. | All | C | DWU | $698,069.00 | Authorize Supplemental Agreement No. 1 to the professional services contract with Carollo Engineers, Inc. to provide additional engineering services required to perform a Risk and Resiliency Assessment of the Dallas Water Utilities' water system and prepare an Emergency Response Plan in compliance with the America's Water Infrastructure Act of 2018 - Not to exceed $698,069.00, from $3,989,947.00 to $4,688,016.00 - Financing: Water Capital Improvement Fund |
| 67. | 11 | C | DWU | $266,133.00 | Authorize Supplemental Agreement No. 4 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional construction phase services for the Walcrest Pump Station and reservoir improvements - Not to exceed $266,133.00, from $4,285,230.56 to $4,551,363.56 - Financing: Water Construction Fund |
| 68. | N/A | I | SEC | NC | 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) |
| 69. | All | I | HOU | NC | Authorize an amendment to the Comprehensive Housing Policy, previously approved on May 9, 2018, by Resolution No. 18-0704, as amended to (1) amend and restate the Dallas Homebuyer Assistance Program (DHAP) to (a) change the loan terms to forgivable annually; (b) remove the Homebuyer Incentive Program; (c) change the applicant eligibility criteria and the eligible property criteria; (d) change the credit and underwriting standards; (e) change the terms of assistance; and (f) make the DHAP changes effective immediately; (2) amend and restate the Housing Improvement and Preservation Program (HIPP) Homeowner Program to (a) remove the Accessibility Grant Program; (b) add the Minor Home Repair Grant Program; (c) reframe/change Housing Reconstruction Program and Rehabilitation Program activities and requirements; (d) change the applicant eligibility requirements and the property eligibility requirements; (e) change the assistance level and the terms of assistance; (f) change the credit and underwriting standards; (g) change the eligible rehabilitation activities; (h) add relocation requirements; (i) change the mortgage and refinancing terms; |

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
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| | | | | | (j) add administration of duties; and (k) make the HIPP changes effective October 1, 2019; and (3) amend and restate the HIPP Landlord Program to (a) change the applicant eligibility requirements and the property eligibility requirements; (b) change the assistance level and the terms of assistance; (c) change the credit and underwriting standards; (d) change the eligible activities; (e) add relocation requirements; (f) remove reconstruction as an eligible activity; (g) add mortgage and refinancing terms; (h) add administration of duties; (i) change the affordability period; and (j) make the HIPP Landlord Program changes effective October 1, 2019 - Financing: No cost consideration to the City |
| 70. | 9 | I | DEV | REV $151,181.00 | An ordinance abandoning a portion of an alley to 75218 Property Company, the abutting owner, containing approximately 8,893 square feet of land, located near the intersection of Harter Road and Lake Highlands Drive; and authorizing the quitclaim - Revenue: $151,181.00, plus the $20.00 ordinance publication fee (This item was deferred on June 12, 2019) |
| 71. | 6 | PH | DEV | NC | A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-5(A) Single Family District uses and a public school other than an open enrollment charter school on property zoned an R-5(A) Single Family District and CR Community Retail District, generally bounded by Bickers Street to the north, North Westmoreland Road to the east, Gallagher Street to the south, and Furey Street to the west<br>Recommendation of Staff and CPC: Approval, subject to a development/landscape plan, a traffic management plan, and conditions<br>Z189-168(JM) |
| 72. | 3 | PH | DEV | NC | A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-10(A) Single Family District uses and a public school other than an open-enrollment charter school, on property zoned an R-10(A) Single Family District, generally bounded by Westmoreland Road, Sprague Drive, and Boulder Drive<br>Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan and conditions<br>Z189-176(PD) |
| 73. | 6 | PH | DEV | NC | A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1804 for an industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial Research District, on the north line of Commerce Street, west of Sylvan Avenue |

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
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| | | | | | Recommendation of Staff and CPC: Approval for a period to expire on December 10, 2019, subject to conditions<br>Z189-189(SM) |
| 74. | 12 | PH | DEV | NC | A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1305 for a public school other than an open-enrollment charter school on property zoned a TH-2(A) Townhouse District on the southeast side of Maribeth Drive, between Osage Plaza Parkway and Dickerson Street<br>Recommendation of Staff and CPC: Approval, subject to a revised site plan, a revised landscape plan, traffic management plan and conditions<br>Z189-214(PD) |
| 75. | 2 | PH | DEV | NC | A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2253 for a bar, lounge or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the east side of North Hall Street, between Elm Street and Main Street<br>Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions<br>Z189-216(AU) |
| 76. | 7 | PH | DEV | NC | A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District, on the southwest side of Exposition Avenue, west of Parry Avenue<br>Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions<br>Z189-222(AU) |
| 77. | 11 | PH | DEV | NC | A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict on property zoned Subdistrict 1 within Planned Development District No. 887, the Valley View-Galleria Area Special Purpose District, on the northwest corner of Preston Road and Alpha Road<br>Recommendation of Staff: Denial<br>Recommendation of CPC: Approval, subject to a development plan, landscape plan for Tract I, and conditions<br>Z189-140(SM) |
| 78. | 8 | PH | DEV | NC | A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages |

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
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| | | | | | in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, south of Great Trinity Forest Way, west of Murdock Road<br>Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions<br>Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions<br>Z189-203(PD) |
| 79. | 8 | PH | DEV | NC | A public hearing to receive comments regarding an application for an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District, on the southwest corner of Great Trinity Forest Way and Interstate Highway 45<br>Recommendation of Staff and CPC: Denial without prejudice<br>Z178-104(PD)<br>Note: This item was deferred by the City Council before opening the public hearings on February 13, 2019 and April 24, 2019, and is scheduled for consideration on June 26, 2019 |
| 80. | 4 | PH | DEV | NC | A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and a renewal of Specific Use Permit No. 1774 for an open-enrollment charter school on property zoned a CR Community Retail District, on the northeast line of South Lancaster Road, north of East Kiest Boulevard<br>Recommendation of Staff and CPC: Approval for a two-year period, subject to a revised site plan, a revised traffic management plan, and conditions<br>Z178-261(PD)<br>Note: This item was deferred by the City Council before opening the public hearing on April 24, 2019, and is scheduled for consideration on June 26, 2019 |
| 81. | 2 | PH | DEV | NC | A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District on property zoned an NO(A) Neighborhood Office District, on the east side of North Fitzhugh Avenue, south of Ross Avenue<br>Recommendation of Staff and CPC: Approval<br>Z189-192(JM)<br>Note: This item was deferred by the City Council before opening the public hearing on May 22, 2019, and is scheduled for consideration on June 26, 2019 |
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| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
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| 82. | 14 | PH | DEV | NC | A public hearing to receive comments regarding an application for and an ordinance granting the removal of the McKinney Avenue Special Provision Sign District on property zoned Planned Development District No. 372, at the northeast corner of Lemmon Avenue and McKinney Avenue<br>Recommendation of Staff and CPC: Approval<br>SPSD189-005 |
| 83. | 2 | PH | DEV | NC | A public hearing to receive comments regarding a proposal to consider the Ceremonial Street Name request for "Bennett I. Miller" as a street topper on South Saint Paul Street between Gano Street and Beaumont Street - NC189-003 - Financing: This action has no cost consideration to the City (Street toppers to be prepared and paid for by the City of Dallas) |
| 84. | 8 | PH | DWU | NC | A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 5.7 acres of the current 33.52 acres of land located at 9301 Sandyland Boulevard, within the floodplain of Prairie Creek, Fill Permit 18-07 - Financing: No cost consideration to the City |
| 85. | 13 | PH | DWU | NC | A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.37 acres of the current 3.22 acres of land located at 7580 and 7606 Greenville Avenue, within the floodplain of White Rock Creek, Fill Permit 18-09 - Financing: No cost consideration to the City |
| 86. | 12 | PH | DEV | NC | A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from an open-enrollment charter school, Harmony Public School as required by Section 6-4 of the Dallas City Code to allow a mixed-beverages permit (Chapter 28 of the Texas Alcoholic Beverage Code) for a restaurant without drive-in or drive-through service with a food and beverage certificate [ML Beverages, LLC] on the northeast corner of Frankford Road and Highland Springs Way - AV189-003 - Financing: No cost consideration to the City |
| 87. | 14 | PH | DEV | NC | A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a public school, North Dallas High School as required by Section 6-4 of the Dallas City Code to allow a mixed-beverages permit (Chapter 28 of the Texas Alcoholic Beverage Code) for a restaurant without drive-in or drive-through service with a food and beverage certificate [KIST Heart Kitchen, LLC] on the north corner of McKinney Avenue and Blackburn Street - AV189-004 - Financing: No cost consideration to the City |
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| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
|---|---|---|---|---|---|
| 88. | All | PH | HOU | NC | A public hearing to receive comments on Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME Investment Partnerships Program and Community Development Block Grant Program, to (a) revise the Dallas Homebuyer Assistance Program Program Statement to amend the area median family income (AMI) requirements, to change the loan terms to forgivable annually, and to remove the Homebuyer Incentive Program; and (b) revise the Housing Improvement and Preservation Program Program Statement to amend the AMI requirements, to remove the accessibility grant program, add the Minor Home Repair Grant Program, and add the Housing Reconstruction Program; and at the close of the public hearing, authorize the final adoption of Substantial Amendment No. 2 to the FY 2018-19 Action Plan - Financing: No cost consideration to the City |
| 89. | 6 | PH | OEQ | NC | A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by RaceTrac Petroleum, Inc., located near the intersection of Walnut Hill Lane and Composite Drive and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to RaceTrac Petroleum, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City<br>Recommendation of Staff: Approval |

**TOTAL $49,648,916.29**

# Agenda Information Sheet

**File #:** 19-894 **Item #:** 1.

## SUBJECT

Approval of Minutes of the June 12, 2019 City Council Meeting

# Agenda Information Sheet

**File #:** 19-846 **Item #:** 2.

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** June 26, 2019

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

**DEPARTMENT:** City Attorney's Office

**EXECUTIVE:** Christopher J. Caso

## SUBJECT

Authorize the **(1)** acceptance of the 2019-20 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2019 through June 30, 2020; **(2)** establishment of appropriations in an amount not to exceed $100,000.00 in the 2019-20 Veterans Treatment Court Grant Fund; **(3)** receipt and deposit of funds in an amount not to exceed $100,000.00 in the 2019-20 Veterans Treatment Court Grant Fund; and **(4)** execution of the grant agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed $100,000.00 - Financing: Texas Veterans Commission Grant Funds

## BACKGROUND

This item will authorize the acceptance and execution of the Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance. The Commission awarded the City a one-year grant with the project period from July 1, 2019 to June 30, 2020. The Veterans Treatment Court (VTC) seeks to identify veterans with chemical dependency who have at least one unadjudicated City of Dallas criminal citation. Eligible veterans will be offered an opportunity to participate in the VTC Program where their criminal citations will be adjudicated and they will be assessed and assigned a case manager and referred to services such as alcohol/drug treatment and recovery support services. The VTC docket will be held at the South Oak Cliff Community Court, which is located inside the Dallas Area Rapid Transit Police Headquarters at 2111 South Corinth Street.

The Texas Veterans Commission has awarded the City $100,000.00 in support of the VTC Program.

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

On June 22, 2016, City Council authorized acceptance of the 2016-17 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for expansion of the South Oak Cliff Community Court to include South Oak Cliff Veterans Treatment Court Project for the period July 1, 2016 through June 30, 2017; approval to create two new full-time positions to execute the proposed project; and execution of the grant agreement by Resolution No. 16-1118.

On June 13, 2018, City Council authorized acceptance of the 2018-19 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2018 through June 30, 2019 and execution of the grant agreement by Resolution No. 18-0806.

## FISCAL INFORMATION

Texas Veterans Commission Grant Funds - $100,000.00



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**WHEREAS,** on June 22, 2016, City Council authorized acceptance of the 2016-17 Veterans Treatment Court Grant from the Texas Veterans Commission for Expansion of the South Oak Cliff Community Court to include South Oak Cliff Veterans Treatment Court project for the period July 1, 2016 through June 30, 2017; approval to create two new full-time positions to execute the proposed project; and execution of the grant agreement by Resolution No. 16-1118; and

**WHEREAS,** on June 13, 2018, City Council authorized acceptance of the 2018-19 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veterans' Assistance for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2018 through June 30, 2019; the establishment of appropriations in an amount not to exceed $75,000 in the 2018-19 Veterans Treatment Court Grant Fund; the receipt and deposit of funds in an amount not to exceed $75,000.00 in the 2018-19 Veterans Treatment Court Grant Fund; and execution of the grant agreement by Resolution No. 18-0806; and

**WHEREAS,** the City of Dallas seeks to continue the South Oak Cliff Veterans Treatment Court docket at the South Oak Cliff Community Court that will incorporate alcohol/drug treatment, recovery support services, screening, assessment, case management, and program coordination specifically for veterans; and

**WHEREAS,** the Fund for Veterans' Assistance of the Texas Veterans Commission has awarded the City a one-year grant with the project period from July 1, 2019 to June 30, 2020; and

**WHEREAS,** the Texas Veterans Commission's Fund for Veterans' Assistance has made grant funds available during the 2019-20 fiscal year and partially during the 2018-19 fiscal year to offer veterans facing criminal charges for substance abuse and possession an opportunity to enter a substance abuse recovery program in lieu of jail time; and

**WHEREAS,** the grant funding would benefit the City in its endeavor to reduce crime and help affected veterans become drug free and self-sufficient; and

**WHEREAS,** the City finds it in the best interest of the City's residents that the grant funds be accepted for the 2019-20 fiscal year and partially during the 2018-19 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 Texas Veterans Commission; 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 accept the 2019-20 Veterans Treatment Court Grant from the Texas Veterans Commission Fund for Veteran's Assistance for continuation of the South Oak Cliff Community Court to include the South Oak Cliff Veterans Treatment Court Project for the period July 1, 2019 through June 30, 2020, in an amount not to exceed $100,000.00; and execute the grant agreement with the Texas Veterans Commission, approved as to form by the City Attorney.

**SECTION 2**. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $100,000.00 in the 2019-20 Veterans Treatment Court Grant Fund, Fund S339, Department ATT, Unit 3883, various Object Codes per the attached Schedule.

**SECTION 3**. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in the amount not to exceed $100,000.00 in the 2019-20 Veterans Treatment Court Grant Fund, Fund S339, Department ATT, Unit 3883, and Revenue Code 6516.

**SECTION 4**. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $100,000.00 from the 2019-20 Veterans Treatment Court Grant Fund, Fund S339, Department ATT, Unit 3883, per the attached Schedule.

**SECTION 5.** That the City Manager is hereby authorized to reimburse the Texas Veterans Commission Fund for Veterans' Assistance of any expenditure 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 Texas Veterans Commission Fund for Veterans' Assistance monitoring reports not later than 30 days after the receipt of the report.

**SECTION 7.** That this contract is designated as Contract No. ATT-2019-00010612.

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

# SCHEDULE A

**Texas Veterans Commision - Veterans Treatment Court Grant**

| ATT | BUDGET (July 1, 2019 - June 30, 2020) | |
|---|---|---|
| *Obj.* | | |
| 1101 | Salaries | $ 46,350 |
| 1301 | Pension | $ 6,772 |
| 1304 | Health Insurance | $ 7,245 |
| 1306 | FICA | $ 672 |
| 2110 | Office Supplies | $ 1,474 |
| 2252 | Metered Postage | $ 300 |
| 2280 | Other Supplies | $ 3,060 |
| 3070 | Professional Services | $ 24,500 |
| 3092 | Security Services | $ 8,877 |
| 3363 | Vehicle Reimbursement | $ 750 |
| | **Total** | **$ 100,000** |

# Agenda Information Sheet

**File #:** 19-891 **Item #:** 3.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Aviation

**EXECUTIVE:** Kimberly Bizor Tolbert

## SUBJECT

Authorize the **(1)** application for and acceptance of a grant from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field (Grant No. 3-48-0062-057-2019, CFDA No. 20.106) in a total amount not to exceed $17,000,000.00 for these projects and other eligible projects: Rehabilitation of Taxiway C - Design, Rehabilitation of Taxiway B Phase III - Construction, and Rehabilitation of Taxiway B Phase IV - Construction; **(2)** establishment of appropriations in an amount not to exceed $17,000,000.00 in the FAA AIP Grant-Taxiway C Design, Taxiway B Phase III-Phase IV Construction Rehabilitation Fund; **(3)** receipt and deposit of grant funds in an amount not to exceed $17,000,000.00 in the FAA AIP Grant-Taxiway C Design, Taxiway B Phase III-Phase IV Construction Rehabilitation Fund; and **(4)** execution of the grant agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed $17,000,000.00 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

## BACKGROUND

As part of the FAA AIP, all large and medium hub airports (Dallas Love Field is considered a medium hub) are apportioned grants to airports annually based on annual passenger enplanements. These grant funds are referred to as Entitlement Grants. Preliminary notification from the FAA indicates that Dallas Love Field's allocated share of Entitlement Grant Funds for Federal Fiscal Year 2019 is approximately $2,600,000.00. FAA Entitlement Grant Funds may pay for airfield, taxiway, runway improvement projects and other eligible projects included in the Dallas Love Field Master Plan. Dallas Love Field has consistently received FAA Entitlement Grants annually.

The FAA has not allocated additional FAA Discretionary Grant Funds in this year's FAA disbursement. However, Discretionary Grant funding at other airports may suddenly become available for eligible projects at Dallas Love Field. Dallas Love Field will manage all airfield-based projects to ensure project eligibility compliance for FAA grant funding. FAA Entitlement Grants and Discretionary Grants are expected to be available in July or August 2019.

Approval of this action to accept the Federal Fiscal Year 2019 Entitlement and Discretionary Grants in advance, enables the Department of Aviation to react quickly and take advantage of any FAA funding opportunities as they became available.

Rehabilitate Taxiway C - Design

The existing pavement on Taxiway Charlie was assessed in a 2015 Airfield Pavement Condition Survey. The recommendation in the survey was reconstruction. In addition, the existing airfield drainage needs to be upgraded to conform to current standards. This portion of the project will be design.

Rehabilitate Taxiway B - Phase III - Construction

The existing pavement on Taxiway Bravo was assessed in a 2015 Airfield Pavement Condition Survey. The recommendation in the survey was reconstruction. In addition, the existing airfield drainage needs to be upgraded to conform to current standards. This portion of the project will be construction.

Rehabilitate Taxiway B - Phase IV - Construction

The existing pavement on Taxiway Bravo was assessed in a 2015 Airfield Pavement Condition Survey. The recommendation in the survey was reconstruction. In addition, the existing airfield drainage needs to be upgraded to conform to current standards. This portion of the project will be construction.

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

On March 25, 2015, City Council authorized a professional services contract with Garver, LLC for engineering services for design and construction documents for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field by Resolution No. 15-0491.

On September 28, 2016, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Garver, LLC to provide full-time, on-site construction administration and construction observation services for the Taxiway Echo Intersections Improvements and Taxiway Bravo Rehabilitation Projects at Dallas Love Field by Resolution No. 16-1581.

On January 25, 2017, City Council authorized professional services contract with Alliance Geotechnical Group, Inc. to perform materials testing on four construction projects in the Airside Capital Improvements Program at Dallas Love Field by Resolution No. 17-0186.

On August 23, 2017, City Council authorized the acceptance of a grant from the U.S. Department of Transportation Federal Aviation Administration (Grant No. 3-48-0062-053-2017/CFDA No. 20.106) for the federal share of the eligible capital improvement projects for the Airport Improvement Program at Dallas Love Field for the Extension of Taxiway M Design Project and construction for the Runway 18-36 Conversion Project by Resolution No. 17-1364.



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On April 25, 2018, City Council authorized Supplemental Agreement No. 6 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Rehabilitation Phase III and IV at Dallas Love Field by Resolution No. 18-0599.

On May 23, 2018, City Council authorized the application for and acceptance of two grants from the U.S. Department of Transportation, Federal Aviation Administration for the federal share of the eligible capital improvement projects for the Airport Improvement Program at Dallas Love Field for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) and Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) by Resolution No. 18-0734.

On November 28, 2018, City Council authorized an amendment to Resolution No. 18-0734, previously approved on May 23, 2018, for the acceptance of three grants from the U.S. Department of Transportation, Federal Aviation Administration for the federal share of the eligible capital improvement projects for the Airport Improvement Program at Dallas Love Field for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-056-2018, CFDA No. 20.106), Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106), and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) by Resolution No. 18-1657.

On April 10, 2019, City Council authorized a construction contract with Austin Bridge and Road, L.P. for construction of the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field by Resolution No. 19-0489.

On April 10, 2019, City Council authorized Supplemental Agreement No. 5 to the professional services contract with Alliance Geotechnical Group, Inc. to provide construction materials testing services for the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field by Resolution No. 19-0491.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Federal Aviation Administration Airport Improvement Program Grant Funds - $17,000,000.00

Project Summary:

| | |
|---|---|
| Rehabilitate Taxiway C - Design | $ 2,000,000.00 (est.) |
| Rehabilitate Taxiway B - Phase III - Construction | $ 7,500,000.00 (est.) |
| Rehabilitate Taxiway B - Phase IV - Construction | $ 7,500,000.00 (est.) |
| Total Grant Acceptance Limit | $17,000,000.00 (est.) |



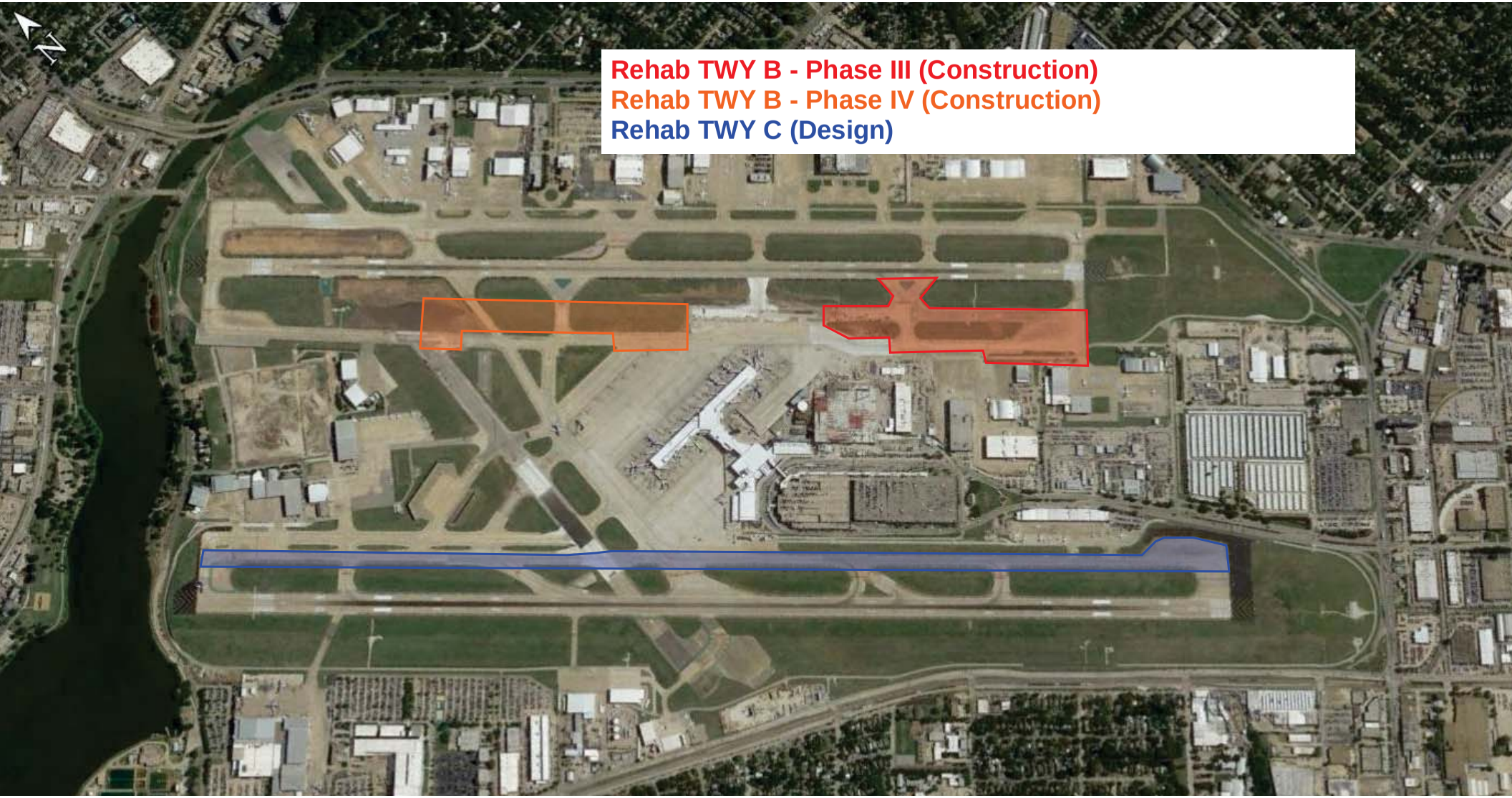
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## MAP

Attached



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N
Rehab TWY B - Phase III (Construction)
Rehab TWY B - Phase IV (Construction)
Rehab TWY C (Design)

**WHEREAS,** on March 25, 2015, City Council authorized a professional services contract with Garver, LLC for engineering services for design and construction documents for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field, in an amount not to exceed $1,323,890.00, by Resolution No. 15-0491; and

**WHEREAS,** on September 28, 2016, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Garver, LLC to provide full-time, on-site construction administration and construction observation services for the Taxiway Echo Intersections Improvements and Taxiway Bravo Rehabilitation Projects at Dallas Love Field, in an amount not to exceed $1,769,340.00, from $1,687,194.00 to $3,456,534.00, by Resolution No. 16-1581; and

**WHEREAS,** on January 25, 2017, City Council authorized professional services contract with Alliance Geotechnical Group, Inc. to perform materials testing on four construction projects in the Airside Capital Improvements Program at Dallas Love Field, in an amount not to exceed $534,194.00, by Resolution No. 17-0186; and

**WHEREAS,** on August 23, 2017, City Council authorized the acceptance of a grant from the U.S. Department of Transportation Federal Aviation Administration (Grant No. 3-48-0062-053-2017/CFDA No. 20.106) for the federal share of the eligible capital improvement projects for the Airport Improvement Program at Dallas Love Field for the Extension of Taxiway M Design Project and construction for the Runway 18-36 Conversion Project, in an amount not to exceed $1,617,738.00, of the total estimated project cost by Resolution No. 17-1364; and

**WHEREAS,** on April 25, 2018, City Council authorized Supplemental Agreement No. 6 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Rehabilitation Phase III and IV at Dallas Love Field by Resolution No. 18-0599; and

**WHEREAS,** on May 23, 2018, City Council authorized the application for and acceptance of two grants from the U.S. Department of Transportation, Federal Aviation Administration for the federal share of the eligible capital improvement projects for the Airport Improvement Program at Dallas Love Field for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) in the amount of $1,000,000.00 and Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in an approximate amount of $14,000,000.00, in a total amount not to exceed $15,000,000.00, by Resolution No. 18-0734; and

**WHEREAS,** on November 28, 2018, City Council authorized an amendment to Resolution No. 18-0734, previously approved on May 23, 2018, for the acceptance of three grants from the U.S. Department of Transportation, Federal Aviation Administration for the federal share of the eligible capital improvement projects for the Airport Improvement Program at Dallas Love Field for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-056-2018, CFDA No. 20.106) in the amount of $1,000,000.00, Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) in the amount of $5,025,000.00, and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in the amount of $3,966,149.00, in a total amount not to exceed $9,991,149.00, by Resolution No. 18-1657; and

**WHEREAS,** on April 10, 2019, City Council authorized a construction contract with Austin Bridge and Road, L.P. for the construction of the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field, in an amount not to exceed $28,092,994.35, by Resolution No. 19-0489; and

**WHEREAS,** on April 10, 2019, City Council authorized Supplemental Agreement No. 5 to the professional services contract with Alliance Geotechnical Group, Inc. to provide construction materials testing services for the Rehabilitation of Taxiway Bravo Phases III and IV Project at Dallas Love Field by Resolution No. 19-0491; and

**WHEREAS,** the FAA is authorized by the United States Congress to disburse grant funds on an annual basis to eligible airport within the National Plan of Integrated Airport Systems (NPIAS); and

**WHEREAS,** the FAA identifies grant disbursement through the Airport Improvement Program, with grants disbursed through entitlements based on enplaned passengers and excess funds being disbursed through discretionary grants for eligible projects; and

**WHEREAS,** the FAA has identified Dallas Love Field as a major component in the NPIAS and is deserving of excess grant funds should they become available; and

**WHEREAS,** it is now desirable to apply for and accept reimbursement funds from the FAA for eligible costs of each project.

**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 and accept a grant from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field (Grant No. 3-48-0062-057-2019, CFDA No. 20.106) in a total amount not to exceed $17,000,000.00 for these projects and other eligible projects: Rehabilitation of Taxiway C - Design, Rehabilitation of Taxiway B Phase III – Construction, and Rehabilitation of Taxiway B Phase IV - Construction; apply for and accept future increases in the project cost when approved by both the City and the FAA; and execute the grant agreement with the U.S. Department of Transportation, Federal Aviation Administration and all terms, conditions, and documents required by the grant agreement, approved as to form by the City Attorney.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $17,000,000.00 in the FAA AIP Grant-Taxiway C Design, Taxiway B Phase III-Phase IV Construction Rehabilitation Fund, as follows:

| | |
|---|---|
| FAA AIP Grant-Taxiway C Rehabilitation Design Unit<br>Fund F564, Department AVI, Unit W122, Object 4111 | $ 2,000,000.00 |
| FAA AIP Grant-Taxiway B Rehabilitation Phase III Construction Unit<br>Fund F564, Department AVI, Unit D015, Object 4599 | $ 7,500,000.00 |
| FAA AIP Grant-Taxiway B Rehabilitation Phase IV Construction Unit<br>Fund F564, Department AVI, Unit D017, Object 4599 | $ 7,500,000.00 |
| Total amount not to exceed | $17,000,000.00 |

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed $17,000,000.00 in the FAA AIP Grant-Taxiway C Design, Taxiway B Phase III-Phase IV Construction Rehabilitation Fund, as follows:

| | |
|---|---|
| FAA AIP Grant-Taxiway C Rehabilitation Design Unit<br>Fund F564, Department AVI, Unit W122, Revenue Code 9907 | $ 2,000,000.00 |
| FAA AIP Grant-Taxiway B Rehabilitation Phase III Construction Unit<br>Fund F564, Department AVI, Unit D015, Revenue Code 9907 | $ 7,500,000.00 |
| FAA AIP Grant-Taxiway B Rehabilitation Phase IV Construction Unit<br>Fund F564, Department AVI, Unit D017, Revenue Code 9907 | $ 7,500,000.00 |
| Total amount not to exceed | $17,000,000.00 |

**SECTION 4.** That the Chief Financial Officer is hereby authorized to reimburse funds in a total amount not to exceed $15,000,000.00 from the FAA AIP Grant-Taxiway C Design, Taxiway B Phase III-Phase IV Construction Rehabilitation Fund, Fund F564, Department AVI, Units D015 and D017, Object 4599 to the Aviation Passenger Facility Charge-Near Term Projects Fund, Fund A477, Department AVI, Object 5011 for the Taxiway B project costs.

**SECTION 5.** That the Chief Financial Officer is hereby authorized to disburse remaining funds in an amount not to exceed $2,000,000.00 from the FAA AIP Grant-Taxiway C Design, Taxiway B Phase III-Phase IV Construction Rehabilitation Fund, Fund F564, Department AVI, Unit W122, Object 4111.

**SECTION 6.** That the City Manager is hereby authorized to reimburse to the granting agency any expenditure 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 7.** That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

**SECTION 8.** That the contract for the FAA AIP Grant - Rehabilitation of Taxiway C Design, Taxiway B Phase III, and Taxiway B Phase IV Construction Projects is designated as Contract No. AVI-2019-00010699.

**SECTION 9.** That this resolution shall take effect immediately from and after its passage, in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

# Agenda Information Sheet

**File #:** 19-892 **Item #:** 4.

| | |
|---|---|
| **STRATEGIC PRIORITY:** | Mobility Solutions, Infrastructure, and Sustainability |
| **AGENDA DATE:** | June 26, 2019 |
| **COUNCIL DISTRICT(S):** | 2 |
| **DEPARTMENT:** | Department of Aviation |
| **EXECUTIVE:** | Kimberly Bizor Tolbert |

## SUBJECT

Authorize a Passenger Facility Charge Application No. 5 to the Federal Aviation Administration to provide funding for twelve new capital improvement projects at Dallas Love Field - Estimated Revenue: $142,522,322.00

## BACKGROUND

The Passenger Facility Charge (PFC) Program is a federally authorized, local charge to provide capital funding for eligible airport projects. Eligible projects include those that preserve or enhance safety, security, or capacity; reduce noise or mitigate noise impacts per standards; or enhance competition. The PFC is collected by the air-carriers from boarding passengers through each ticket sale and remitted to the airport. Current legislation allows a PFC ranging from $1.00 up to $4.50 per eligible enplaned passenger. The City Council previously authorized the City Manager to apply for authorization to collect a PFC at the rate of $4.50 per enplaned passenger.

On May 13, 2009, City Council authorized the City Manager to apply for authorization to collect a PFC at the rate of $4.50 per enplaned passenger by Resolution No. 09-1224.

The City Council is asked to approve a new PFC Application No. 5 whereby the City will ask the Federal Aviation Administration (FAA) to authorize the City's collection of $142,522,322.00 for twelve new capital improvement projects at Dallas Love Field. If Application No. 5 is approved by the FAA, the $4.50 collection rate will continue until June 2027.

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

On August 24, 2011, City Council authorized PFC Application No. 4 and an amendment to the PFC Application No. 3, by Resolution No. 11-2160.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Estimated Revenue: $142,522,322.00

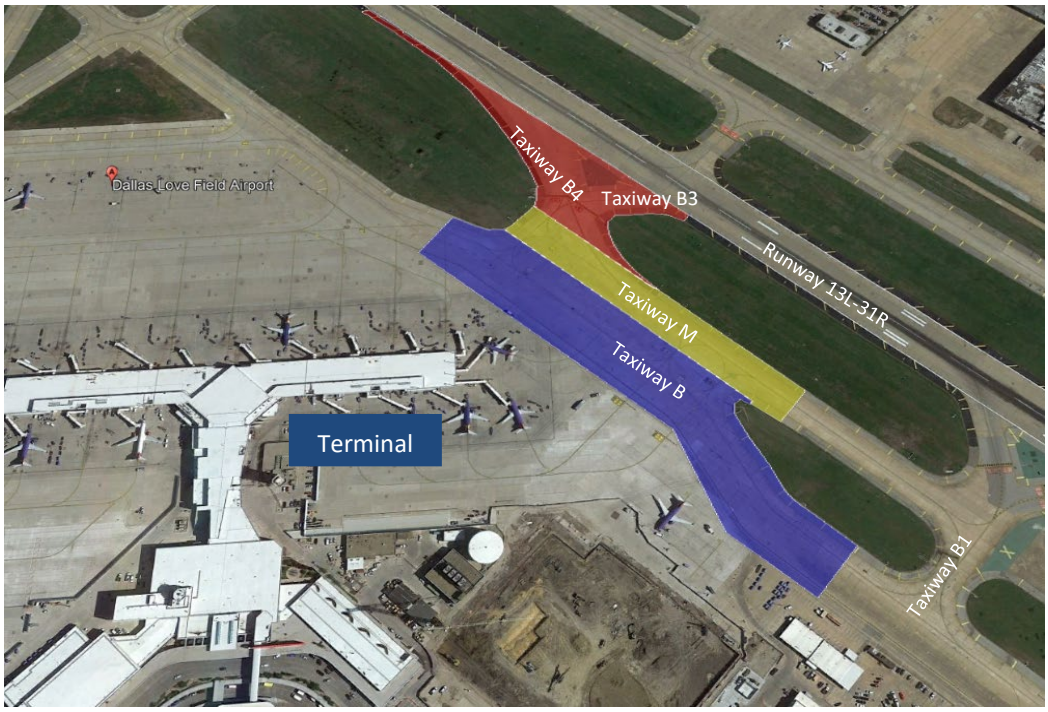
## MAPS

Attached

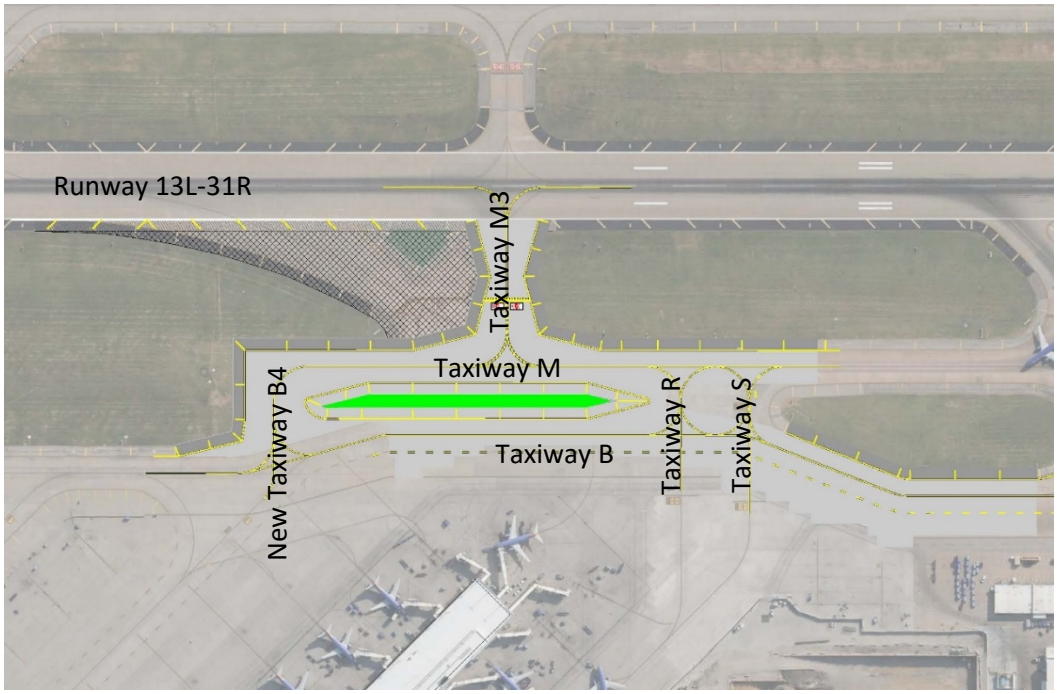


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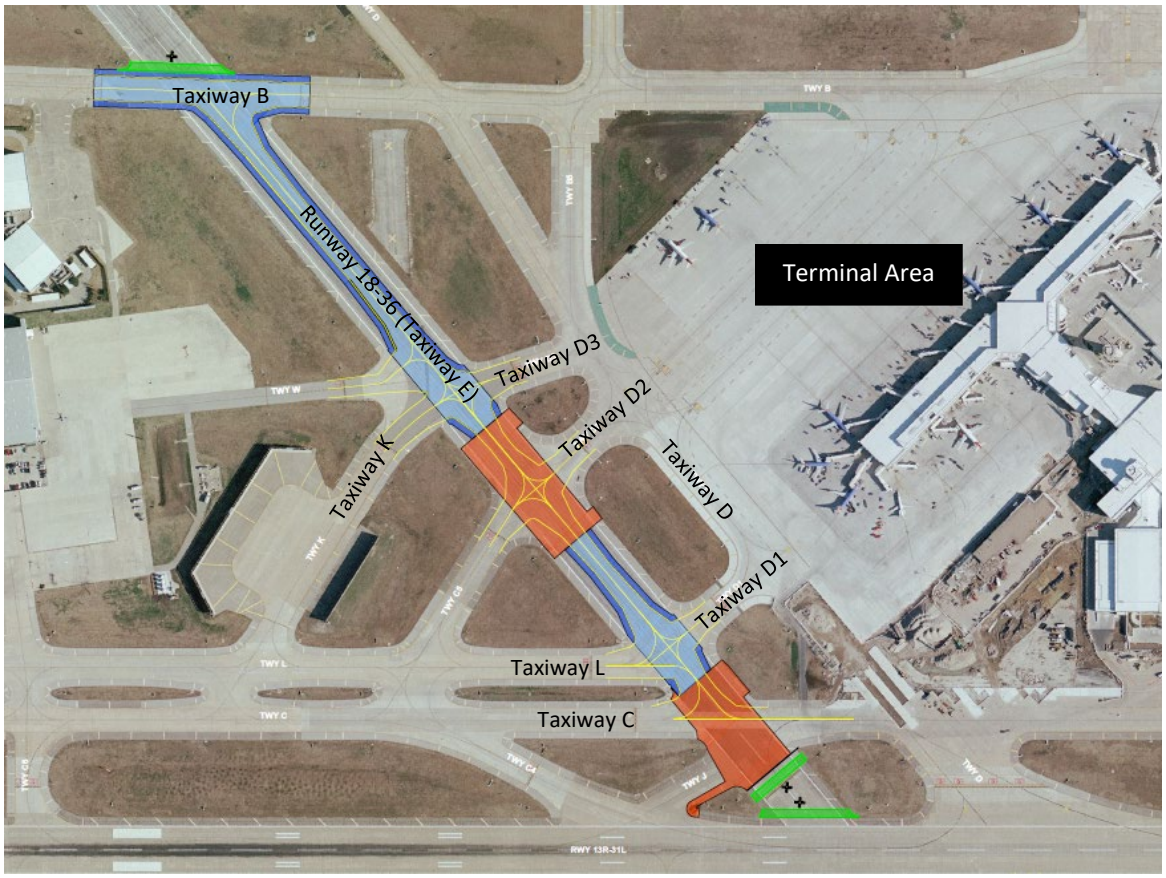
Project 5.01 Reconstruction Taxiway B - Phase 1 (before construction)



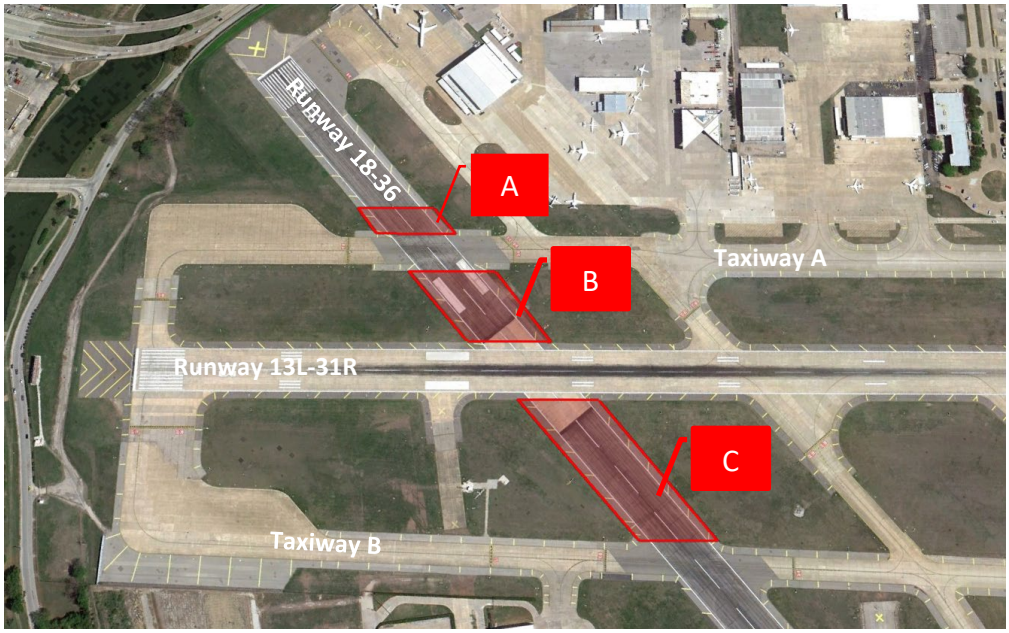

Project 5.01 Reconstruction Taxiway B - Phase 1 (after construction)



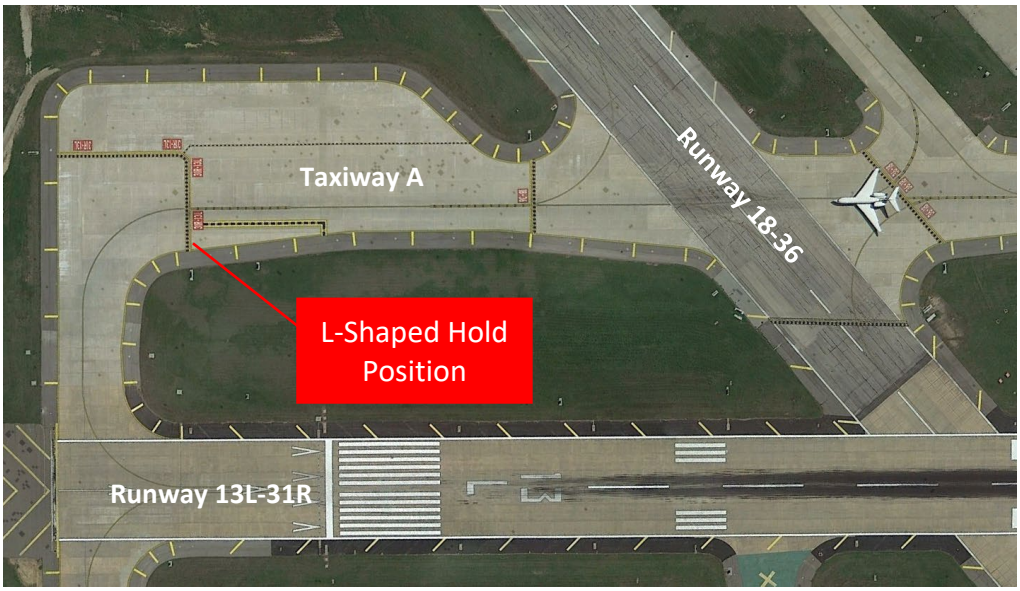
Project 5.02 Runway 18-36 Conversion (Blue areas only)



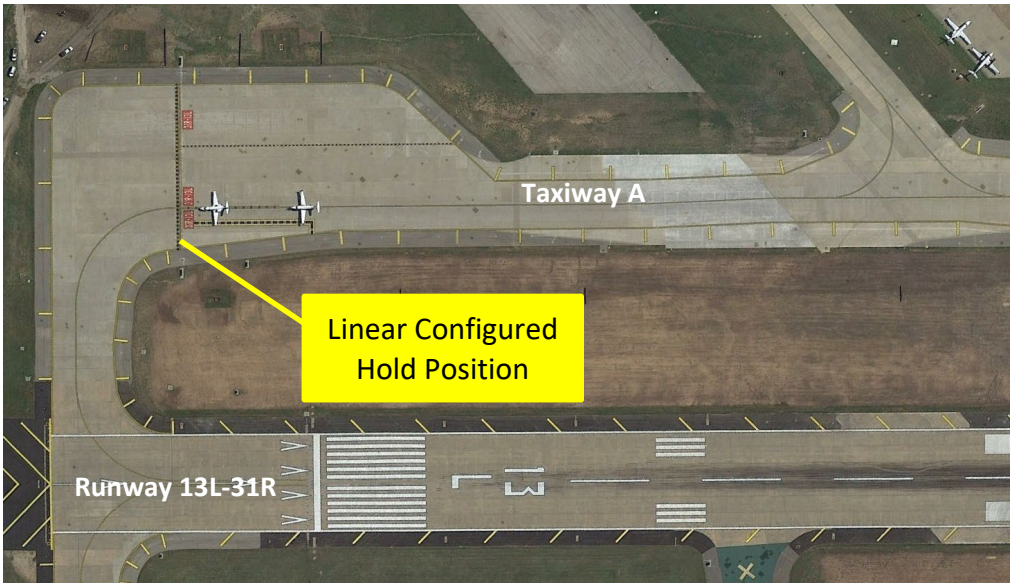
Project 5.03 Runway Incursion Mitigation (before construction)



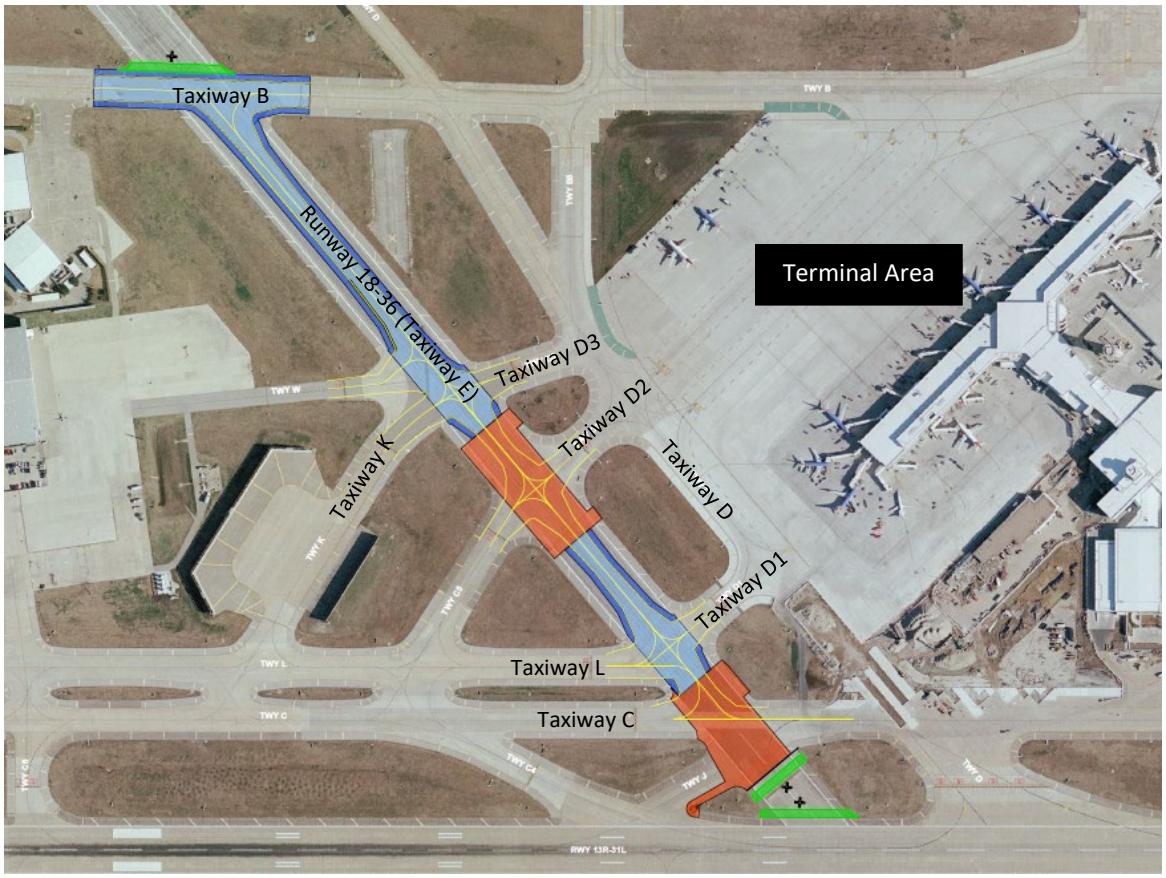

Project 5.03 Runway Incursion Mitigation (before construction)



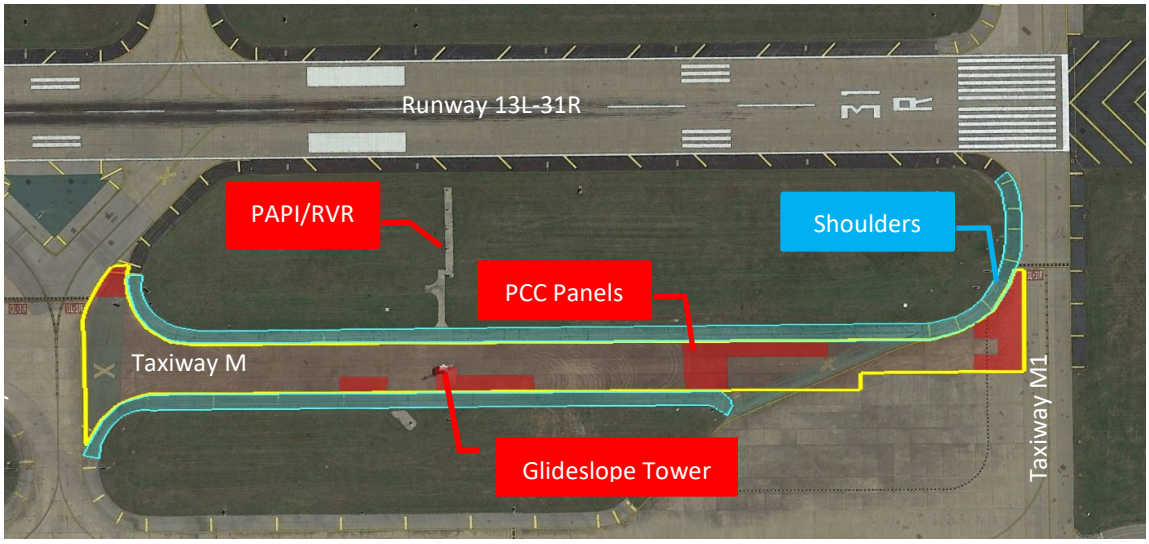
Project 5.03 Runway Incursion Mitigation  (after construction)



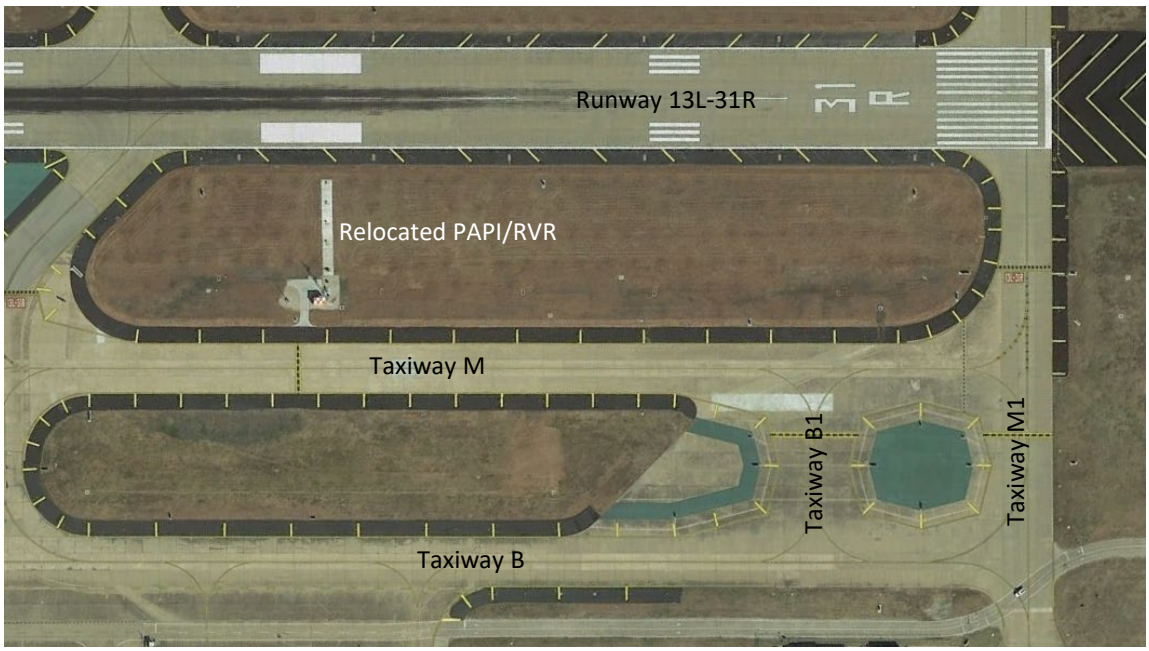
Project 5.04 Runway 18-36 (Taxiway E) Intersection Repairs (Orange areas only)



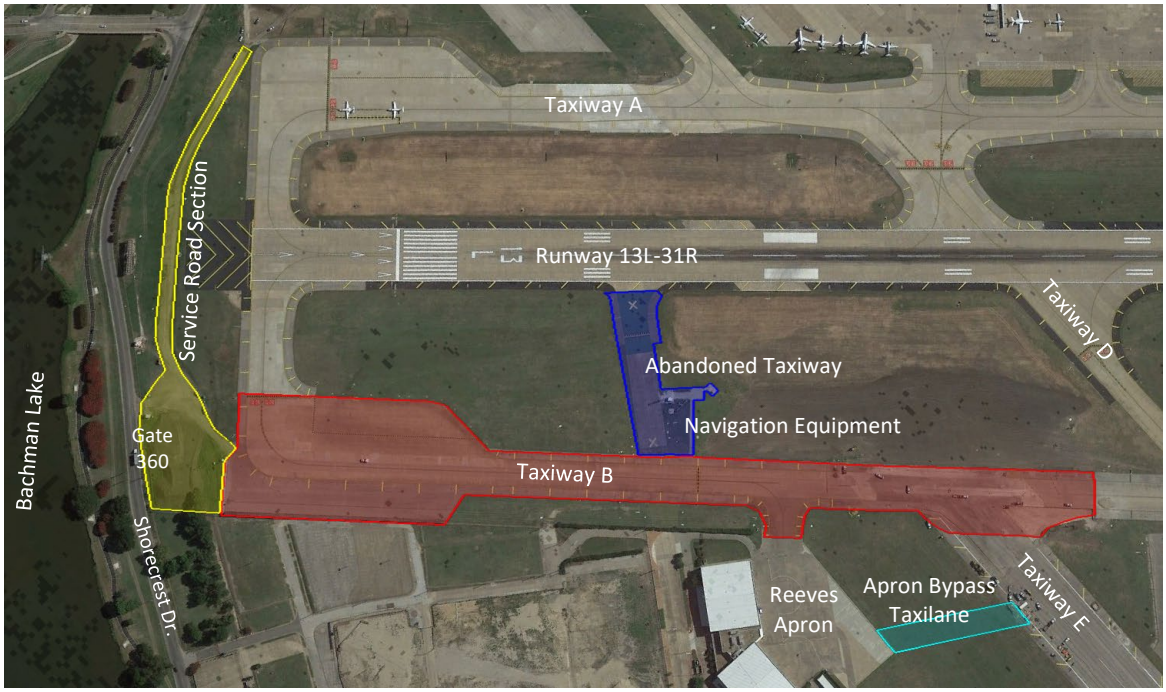
Project 5.05 Runway 31R Glideslope (before construction)



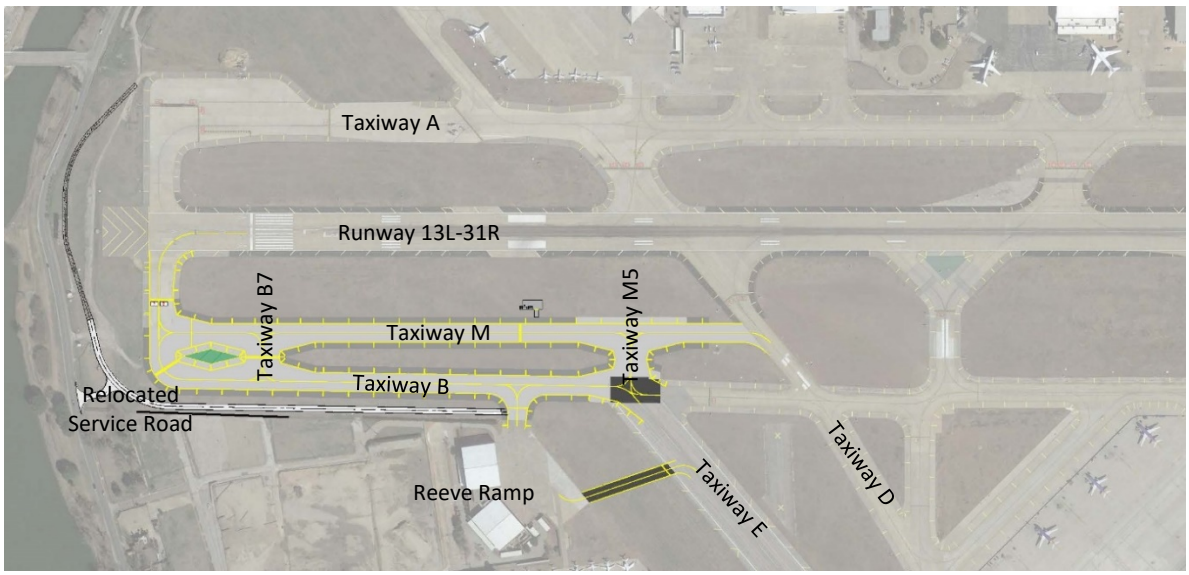

Project 5.05 Runway 31R Glideslope (after construction)



Project 5.06 Reconstruct Taxiway B - Phase II (before construction)



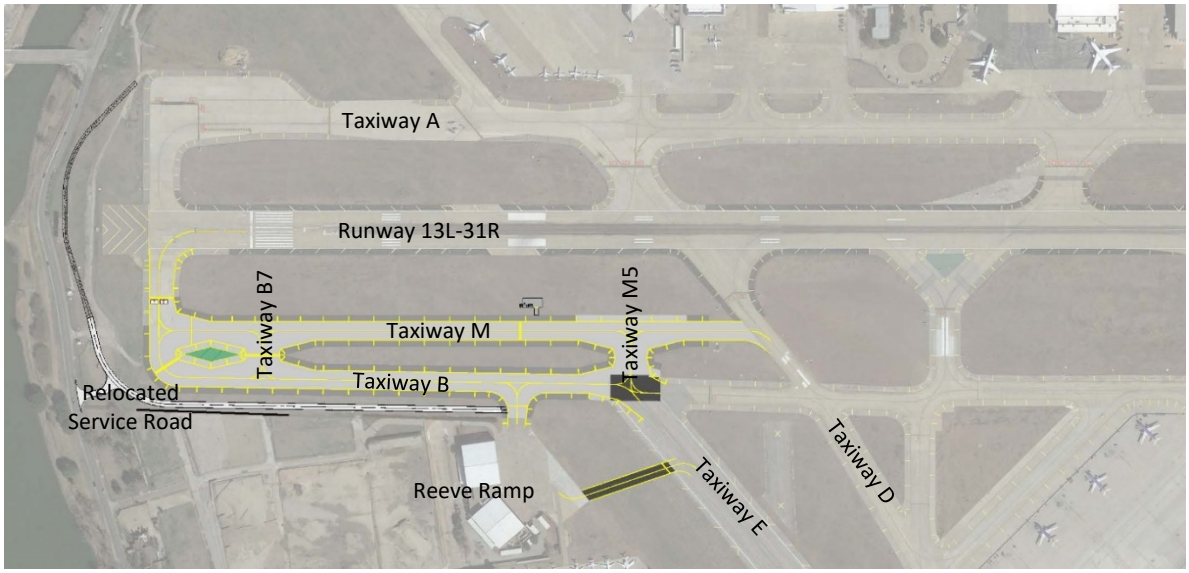

Project 5.06 Reconstruct Taxiway B - Phase II (after construction)



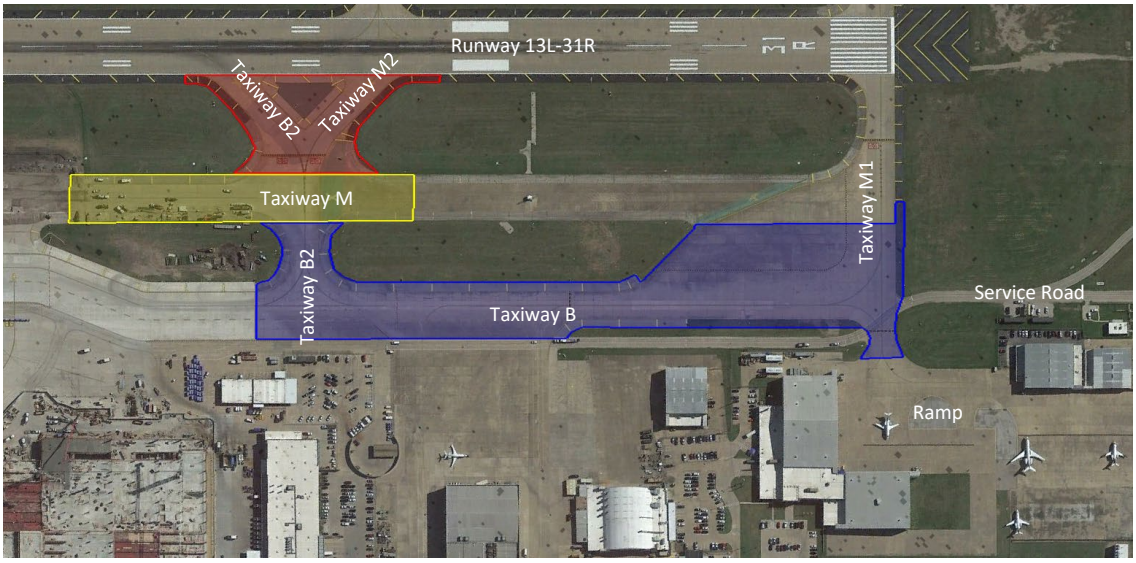
Project 5.07 Reconstruct Taxiway B - Phase II  TWY M Extension (before construction)



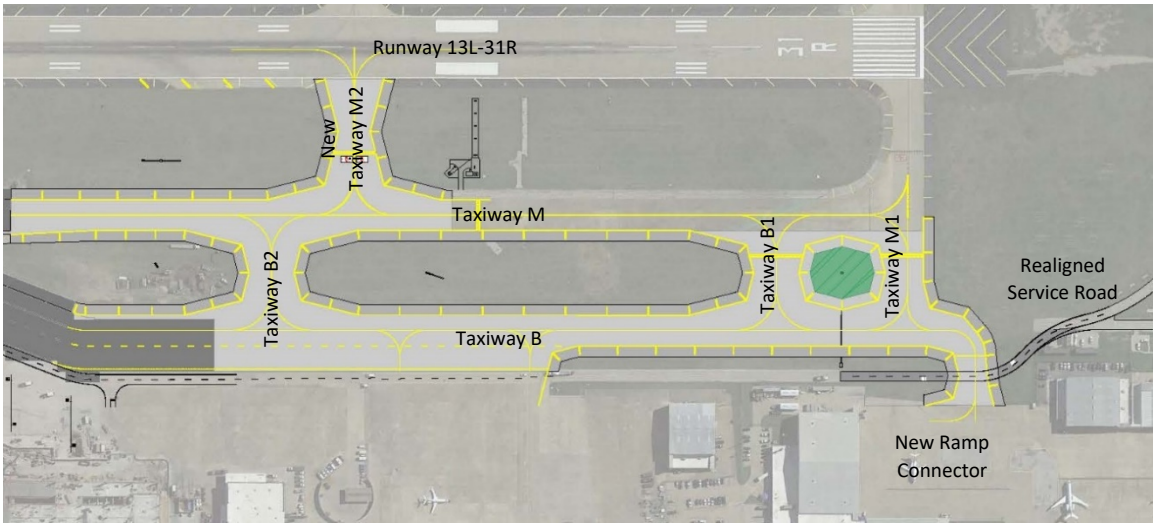

Project 5.07 Reconstruct Taxiway B - Phase II  TWY M Extension (after construction)



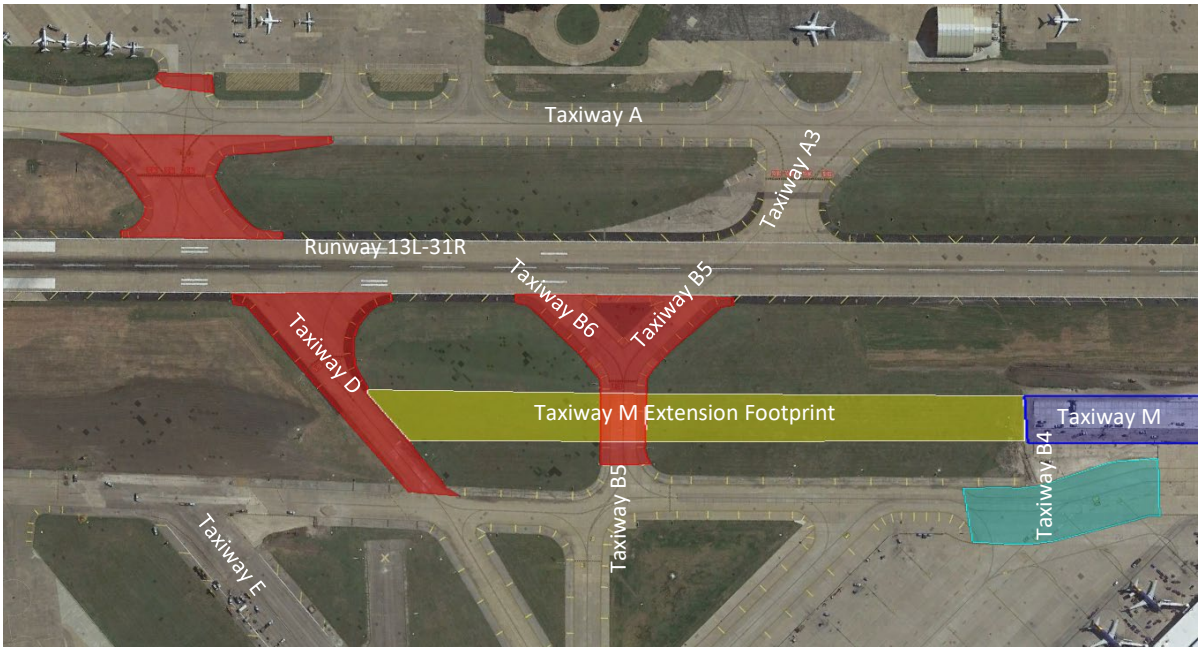
Project 5.08 Reconstruct Taxiway B - Phase III (before construction)



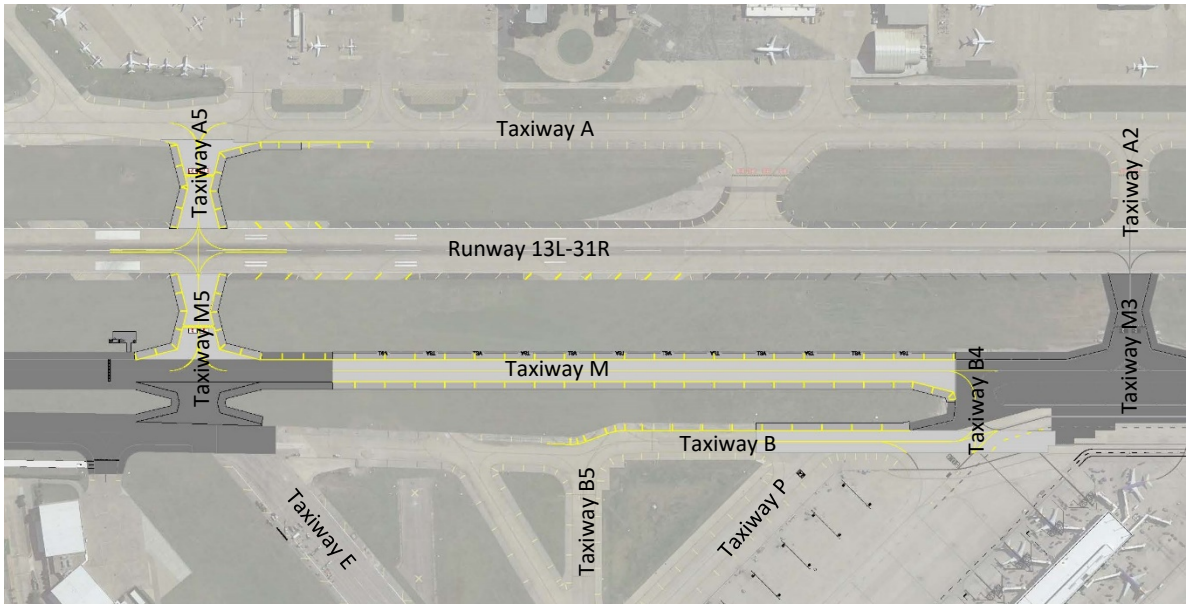

Project 5.08 Reconstruct Taxiway B - Phase III (after construction)



Project 5.09 Reconstruct Taxiway B - Phase IV (before construction)



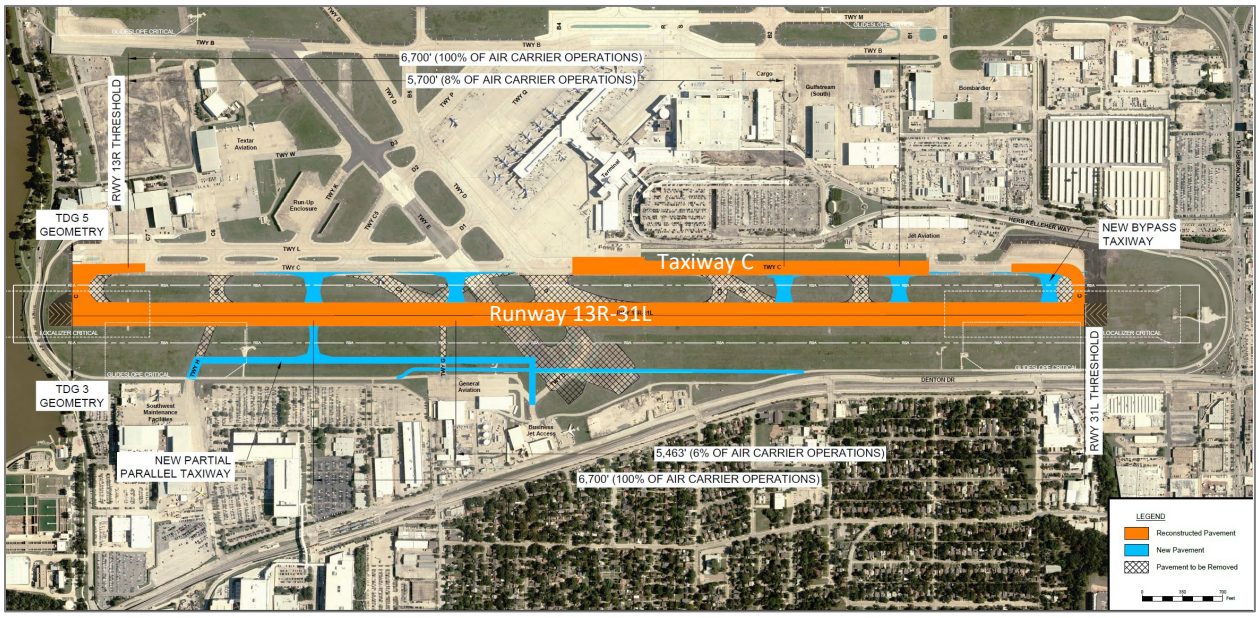

Project 5.09 Reconstruct Taxiway B - Phase IV (after construction)



## Project 5.10 Reconstruct of Runway 13R-31L (before construction)




## Project 5.10 Reconstruct of Runway 13R-31L (after construction)



Project 5.11 Airport Pavement Evaluation Study (entire airfield)



June 26, 2019

**WHEREAS,** the Passenger Facility Charge (PFC) Program is a federally authorized, local charge to provide capital funding for eligible airport projects, including those projects that preserve or enhance safety, security, or capacity; reduce noise or mitigate noise impacts per standards; or enhance competition; and

**WHEREAS,** PFCs are collected by the air-carriers from boarding passengers through each ticket sale and remitted to the airport; and

**WHEREAS,** current legislation allows a PFC ranging from $1.00 up to $4.50 per eligible enplaned passenger; and

**WHEREAS,** on October 10, 2007, City Council authorized the City Manager to apply to the Federal Aviation Administration (FAA) for authorization to collect a PFC at the rate of $3.00 per enplaned passenger by Resolution No. 07-3012; and

**WHEREAS,** on May 13, 2009, City Council authorized the City Manager apply to the FAA for authorization to amend the PFC rate up to $4.50 per enplaned passenger by Resolution No. 09-1224; and

**WHEREAS,** on August 24, 2011, City Council authorized the City Manager apply to the FAA for PFC Application No. 4 and to apply for an amendment to PFC Application No. 3, by Resolution No. 11-2160; and

**WHEREAS,** it is now desirable to make a new application to the FAA for authorization of PFC funding for twelve new capital projects at Dallas Love Field; and

**WHEREAS,** the twelve proposed projects under PFC Application No. 5 are listed on the attached **Exhibit A**.

**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 a Passenger Facility Charge Application No. 5 to the Federal Aviation Administration to provide funding for twelve new capital improvement projects at Dallas Love Field, in the estimated revenue amount of $142,522,322.00.

**SECTION 2.** That if Application No. 5 is approved by the FAA, the $4.50 collection rate will continue until June 2027.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to deposit all PFC revenues received into the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Revenue Code 781H.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to transfer funds from Fund 0477, Dept. AVI, Balance Sheet Account 0001 (cash account), to Aviation's future Capital Improvement Program project funds; Department AVI, Balance Sheet Account 0001, on an as needed basis.

**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.

# EXHIBIT A

Funding Sources

| Pro No. | Project Title | PFC Revenue Requested | | | AIP Funding | | | | Total Project Cost | Project Duration | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | PFC Level | Pay-Go | Total PFC | AIP Funds | Grant No. | AIP Funds | Year Anticipated | Total Project Cost | Start Date | End Date |
| 5.01 | Reconstruct Taxiway Bravo (B) - Phase I | $4.50 | $ 13,898,204 | $ 13,898,204 | $ - | | $ - | | $ 13,898,204 | 03/01/15 | 05/01/18 |
| 5.02 | Runway 18-36 Conversion Project (Taxiway E) | $4.50 | $ 6,850,148 | $ 6,850,148 | $ 928,480 | 3-48-0062-53-2016 | $ - | | $ 7,778,628 | 03/01/15 | 09/01/17 |
| 5.03 | Runway 18-36 Runway Incursion Mitigation at Runway 13L-31R | $4.50 | $ 3,089,666 | $ 3,089,666 | $ 198,574 | 3-48-0062-51-2016 | $ - | | $ 3,288,240 | 01/27/16 | 06/30/18 |
| 5.04 | Runway 18-36 (Taxiway E) Intersection Reconstruction at Taxiways D2 and C | $4.50 | $ 4,318,616 | $ 4,318,616 | $ - | | $ - | | $ 4,318,616 | 05/15/15 | 06/30/18 |
| 5.05 | Relocate Runway 31R Glideslope | $4.50 | $ 6,473,017 | $ 6,473,017 | $ - | | $ - | | $ 6,473,017 | 08/01/16 | 10/01/18 |
| 5.06 | Reconstruct Taxiway B - Phase II (Rwy 13L to Twy E) | $4.50 | $ 5,745,592 | $ 5,745,592 | $ 789,512 | 3-48-0062-51-2016 | $ - | | $ 11,560,104 | 11/28/16 | 05/17/19 |
| | | | | | $ 5,025,000 | 3-48-0062-54-2018 | | | | | |
| 5.07 | Reconstruct Taxiway B - Phase II (Twy M Extension) | $4.50 | $ 7,003,222 | $ 7,003,222 | $ 689,258 | 3-48-0062-53-2016 | $ - | | $ 7,692,480 | 11/28/16 | 05/17/19 |
| 5.08 | Reconstruct Taxiway B - Phase III (Twy B1 to Rwy 31R) | $4.50 | $ 18,784,686 | $ 18,784,686 | $ - | | $ 750,000 | 2019 | $ 19,534,686 | 01/31/18 | 05/08/20 |
| 5.09 | Reconstruct Taxiway B - Phase IV (Twy M Extension) | $4.50 | $ 13,116,555 | $ 13,116,555 | $ - | | $ 750,000 | 2019 | $ 13,866,555 | 01/31/18 | 05/08/20 |
| 5.10 | Reconstruct Runway 13R-31L | $4.50 | $ 62,192,616 | $ 62,192,616 | $ 3,966,149 | 3-48-0062-55-2018 | $ 17,500,000 | 2020 | $ 83,658,765 | 05/01/20 | 01/01/22 |
| 5.11 | Airport Pavement Evaluation Study | $3.00 | $ 1,000,000 | $ 1,000,000 | $ 1,000,000 | 3-48-0062-56-2018 | $ - | | $ 2,000,000 | 11/01/18 | 12/01/20 |
| 5.12 | PFC Administrative Costs | $3.00 | $ 80,000 | $ 80,000 | $ - | | $ - | | $ 80,000 | 03/01/15 | 01/01/22 |
| | | | $ 142,552,322 | $ 142,552,322 | $ 12,596,973 | | $ 19,000,000 | | $ 174,149,295 | | |

Source: City of Dallas, March 2019.

Prepared by: Ricondo & Associates, Inc., March 2019.

# Agenda Information Sheet

**File #:** 19-829 **Item #:** 5.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Aviation

**EXECUTIVE:** Kimberly Bizor Tolbert

## SUBJECT

Authorize **(1)** an increase in the construction services contract with Construction-Rent-A-Fence, Inc. to provide installation of a revised fence with integral security cables; and **(2)** a two-month extension to the contract from November 2019 to January 2020 - Not to exceed $878,402.82, from $4,263,599.60 to $5,142,002.42 - Financing: Aviation Capital Construction Fund

## BACKGROUND

The physical perimeter of Dallas Love Field is enclosed by nearly 40,000 linear feet of airport operations area fence and vehicle gates. Engineering studies have been conducted to assess existing security features and prioritize phased security improvement. After public bidding in April 2018, City Council authorized a construction services contract with Construction-Rent-A-Fence, Inc.

This action will authorize Change Order No. 1 to the construction services contract with Construction-Rent-A-Fence, Inc. to provide installation of a revised fence design incorporating security cable integrated within horizontal members of the fence itself, instead of freestanding bollard and cable system, which would encroach on the existing perimeter road and require costly relocations. This action will add an additional 120 days to the original estimated construction schedule.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Began Design | November 2015 |
| Completed Design | March 2018 |
| Began Construction | October 2018 |
| Complete Construction | January 2020 |

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

On August 22, 2018, City Council authorized a construction contract with Construction-Rent-A-Fence, Inc. by Resolution No. 18-1127.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Aviation Capital Construction Fund - $878,402.82

| | |
|---|---|
| Original Contract | $4,263,599.60 |
| Change Order No. 1 (this action) | $ 878,402.82 |
| Total Contract Cost | $5,142,002.42 |

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $878,402.82 | Construction | 25.00% | 100.00% | $878,402.82 |
| • This contract exceeds the M/WBE goal. | | | | |
| • Change Order No.1 - 94.31% Overall M/WBE Participation | | | | |

## OWNER

**Construction-Rent-A-Fence, Inc.**

Wendy Ford, Vice President

## MAP

Attached



powered by Legistar™




Diagram of Dallas Love Field Security Controls Enhancement locations

N

June 26, 2019

**WHEREAS,** on August 22, 2018, City Council authorized a construction contract with Construction-Rent-A-Fence, Inc., lowest responsive bidder of three, in an amount not to exceed $4,263,599.60, by Resolution No. 18-1127; and

**WHEREAS,** the Department of Aviation has requested changes to the proposed fencing system to be updated with current specifications that offer integral security cables inside the horizontal members of the fence structure; and

**WHEREAS,** it is now necessary to authorize Change Order No. 1 to the construction services contract with Construction-Rent-A-Fence, Inc. **(1)** to provide installation of a revised fence with integral security cables; and **(2)** a two-month extension to the contract from November 2019 to January 2020, in an amount not to exceed $878,402.82, increasing the contract amount from $4,263,599.60 to $5,142,002.42.

**Now, Therefore,**

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

**SECTION 1.** That an increase in the construction services contract with Construction-Rent-A-Fence, Inc. (Change Order No. 1) is authorized **(1)** to provide installation of a revised fence with integral security cables; and **(2)** a two-month extension to the contract from November 2019 to January 2020, in an amount not to exceed $878,402.82, increasing the contract amount from $4,263,599.60 to $5,142,002.42.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $878,402.82 to Construction-Rent-A-Fence, Inc. in accordance with the terms and conditions of the contract from Aviation Capital Construction Fund, Fund 0131, Department AVI, Unit P746, Activity AAIP, Object 4599, Program P746, Encumbrance/Contract No. CX-AVI-2018-00006754, Commodity 91200, Vendor 346992.

**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 Information Sheet

**File #:** 19-489 **Item #:** 6.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Aviation

**EXECUTIVE:** Kimberly Bizor Tolbert

## SUBJECT

Authorize the Second Amendment to exercise two, one-year renewal options to the concession contract with Pop Four Love Field, JV, LLC, previously approved by Resolution No. 12-0706 on March 7, 2012, for food and beverage concession services at Dallas Love Field - Estimated Revenue: $160,816.00 over both one-year renewal options on space number L1045, a 1,250 square foot pre-security restaurant, currently branded as Bruegger's Bagels

## BACKGROUND

On March 7, 2012, City Council authorized a concessions contract, with renewal options with Pop Four Love Field JV, LLC to construct and manage two food and beverage locations: Cru Wine Bar in the stem area of the terminal and Bruegger's Bagels in the terminal lobby, pre-security at Dallas Love Field. The primary term of the contract was for nine years with two one-year renewal options.

The Bruegger's Bagels brand has not resonated with passengers, with the last twelve month sales of $387,500.00 or $310.00 per square foot. The total food and beverage program produces over $2,200.00 per square foot. The concessionaire plans to rebrand the unit to the Dallas Maverick's Bar & Grill, a full service restaurant with bar, televisions and patio seating. The branding elements together with a full service menu and bar will improve sales dramatically. The additional term of two years will allow additional time to amortize the re-branding expense, which will exceed the mid-term refurbishment requirement of $81,250.00.

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

March 7, 2012, City Council authorized concessions contracts, with renewal options, for the operation of food and beverage concessions at Dallas Love Field Airport by Resolution No. 12-0706.

On August 12, 2015, City Council authorized the City Manager to offer City vendors operating as food and beverage concessionaires at Dallas Love Field an amendment to their current concession contracts to: allow product pricing at no greater than street pricing plus ten percent; establish a minimum hourly pay rate of $10.37, defined as a living wage, for non-tipped and non-managerial food and beverage concession employees; and remove the shared costs provisions by Resolution No. 15-1335.

## FISCAL INFORMATION

Estimated Revenue: $160,816.00

FY 2021-22 $80,408.00
FY 2022-23 $80,408.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | ACDBE Goal | ACDBE % | ACDBE $ |
|---|---|---|---|---|
| $160,816.00 | Revenue | N/A | N/A | N/A |
| • The Business Inclusion and Development Plan does not apply to Revenue contracts. | | | | |

## OWNER

**Pop Four Love Field, JV, LLC**

Luis Ibarguengoytia, Manager



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June 26, 2019

**WHEREAS,** Pop Four Love Field JV, LLC ("Pop Four") has constructed and currently maintains two food and beverage locations at Dallas Love Field pursuant to a concession contract with the City of Dallas; and

**WHEREAS,** Pop Four wishes to re-brand and refurbish its terminal lobby location in order to increase estimated revenue; and

**WHEREAS,** City has agreed to exercise the two one-year renewal options of the concession contract in order to allow Pop Four additional time to amortize the remodeling expenses.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute the Second Amendment to the concession contract with Pop Four Love Field JV, LLC, approved as to form by the City Attorney, to exercise two, one-year renewal options.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit all revenues received from the concessionaire in Fund 0130, Department AVI, Unit 7725, Revenue Code 7811.

**SECTION 3.** That all other terms under the existing contract remain the same.

**SECTION 4.** That this contract is designated as Contract No. AVI-2019-00010746.

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

# Agenda Information Sheet

**File #:** 19-862 **Item #:** 7.

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Convention and Event Services

**EXECUTIVE:** Joey Zapata

## SUBJECT

A resolution authorizing the City Manager to ratify an emergency construction contract with Supreme Roofing, LP, for roof repairs to the Lower A/B lobby at the Kay Bailey Hutchison Convention Center Dallas, located at 650 South Griffin Street - Not to exceed $62,500.00 - Financing: Convention Center Capital Construction Fund

## BACKGROUND

This action ratifies a construction contract with Supreme Roofing, LP for emergency roof repairs to the Lower A/B lobby at the Kay Bailey Hutchison Convention Center Dallas. The lobby roof, installed over seventeen years ago, has experienced increased deterioration which allowed water to infiltrate and damage building components and pond on the lobby floor. The rapid deterioration was attributed to the higher than normal storm activity and rainfall in the Dallas/Fort Worth area over the last several months.

The roof was assessed and recommended for replacement as part of the water infiltration assessment project conducted by Conley Group, Inc., as authorized by Resolution No. 17-1285, on August 23, 2017. A reassessment was performed in response to the spreading water infiltration that damaged ever-increasing areas of the ceiling and created slip-fall hazards throughout the lobby. It was further recommended that immediate repairs be made to prevent ongoing damage to building components, avoid life safety issues, and prevent closure of the lobby area which serves as the main entry from Ceremonial Drive.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Began Construction | April 2019 |
| Completed Construction | April 2019 |

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

Information about this item will be provided to the Quality of Life, Arts & Culture Committee on June 10, 2019.

## FISCAL INFORMATION

Convention Center Capital Construction Fund - $62,500.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $62,500.00 | Emergency Construction | N/A | N/A | N/A |
| • The Business Inclusion and Development Plan does not apply to emergency ratification contracts. | | | | |

## OWNER

**Supreme Roofing, LP**

Tim McMillin, President



powered by Legistar™

June 26, 2019

**WHEREAS,** the Lower A/B lobby roof at the Kay Bailey Hutchison Convention Center Dallas installed over seventeen years ago deteriorated and failed which allowed water infiltration into the building during storms that damaged building components; and

**WHEREAS,** an assessment of the roof by the Conley Group, Inc. as part of the water infiltration assessment project authorized by Resolution No. 17-1285, dated August 23, 207, found it necessary to make immediate repairs to prevent further damage to building components, avoid life safety issues, and closing of the lobby that serves as the main entry into the Center from Ceremonial Drive; and

**WHEREAS,** it is now necessary to ratify an emergency construction contract with Supreme Roofing, LP, lowest responsible bidder of three, for the Lower A/B lobby roof repairs at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street, in an amount not to exceed $62,500.00.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to ratify an emergency construction contract with Supreme Roofing, LP, for roof repairs to the Lower A/B lobby at the Kay Bailey Hutchison Convention Center Dallas, in an amount not to exceed $62,500.00.

**SECTION 2**. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $62,500.00 to Supreme Roofing, LP from Convention Center Capital Construction Fund, Fund 0082, Department CCT, Unit W111, Object 3210, Activity CCIM, Program CCTCW111, Commodity 92500, Encumbrance/Contract No. CCT-2019-00010057, Vendor VC20040.

**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 Information Sheet

**File #:** 19-831 **Item #:** 8.

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Department of Dallas Animal Services

**EXECUTIVE:** Nadia Chandler-Hardy

## SUBJECT

Authorize the **(1)** acceptance of a grant from Petco Foundation on behalf of the Innovation Showdown Investors for the Petco Foundation-Innovation Showdown Investors Grant award to develop the D90 Shelter Service System to enhance operations, programs, and partnerships that reduce the number of animals in shelters and provide additional lifesaving opportunities in the amount of $200,000.00 for the period June 26, 2019 through October 31, 2020; **(2)** receipt and deposit of grant funds in an amount not to exceed $200,000.00 in the Petco Foundation-Innovation Showdown Investors Grant 19-20 Fund; **(3)** establishment of appropriations in an amount not to exceed $200,000.00 in the Petco Foundation-Innovation Showdown Investors Grant 19-20 Fund; and **(4)** execution of the grant agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed $200,000.00 - Financing: Petco Foundation Grant Funds

## BACKGROUND

The Petco Foundation and the Innovation Showdown Investors are a group of nonprofit organizations dedicated to supporting and encouraging the work of organizations in an effort to create a nation where no animal is needlessly euthanized, where domestic animals can be trained to provide service to people and organizations in need, and where all domestic animals can be healthy and find lifelong homes and lifesaving medical care.

Dallas Animal Services (DAS) provides a safe, compassionate and healthy environment for the citizens, residents, and animals in the City of Dallas. DAS strives to lead the nation in innovative lifesaving and to maintain a sustainable live release rate of over 90 percent.

DAS is receiving the Innovation Showdown award from the Petco Foundation in the amount of $200,000.00 to develop a D90 Shelter Service System (D90SSS) which will help increase customer satisfaction and positive animal outcomes in the main animal shelter facility for the City of Dallas. The D90SSS will serve as a customer service application providing assistance to citizens while in the shelter and at home. The D90SSS will enhance the customer experience by helping residents search adoptable or lost/found pets using both physical and behavioral characteristics; using indoor Global

Positioning System to direct customers to an available pet's location within the building; notifying Animal Care Representatives when a service is needed; entering customers into service queues and displaying estimated wait times; suggesting similar pets on each animal's profile based on search characteristics; providing face to face customer service by functioning with video chat platforms such as Facebook portal; creating an electronic animal adoption process; streamlining the foster system; and more!

This program will be the lifesaving gift that keeps on giving, allowing DAS to continue to save thousands of additional lives annually.

## ESTIMATED SCHEDULE OF PROJECT

Begin System June 2019
Complete System October 2020

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

City Council was briefed by memorandum regarding this matter on June 7, 14 and 21, 2019.

## FISCAL INFORMATION

Petco Foundation Grant Funds - $200,000.00

**WHEREAS,** the Petco Foundation has awarded the City of Dallas grant funds to develop the D90 Shelter Service System (D90SSS) which will help increase customer satisfaction and animal outcomes in the main animal shelter facility for the City of Dallas; and

**WHEREAS,** it is recommended that the City Manager be authorized to accept the grant funds in an amount not to exceed $200,000.00 for the period June 26, 2019 through October 31, 2020.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to accept a grant from Petco Foundation on behalf of the Innovation Showdown Investors for the Petco Foundation-Innovation Showdown Investors Grant 19-20 award to develop the D90 Shelter Service System to enhance operations, programs, and partnerships that reduce the number of animals in shelters and provide additional lifesaving opportunities in the amount of $200,000.00 for the period June 26, 2019 through October 31, 2020; and execute the grant agreement and all terms, conditions, and documents required by the grant agreement, approved as to form by the City Attorney.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed $200,000.00 into the Petco Foundation-Innovation Showdown Investors Grant 19-20 Fund, Fund P134, Department DAS, Unit 3859, Revenue Code 8411.

**SECTION 3.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $200,000.00 into the Petco Foundation-Innovation Showdown Investors Grant 19-20 Fund, Fund P134, Department DAS, Unit 3859, Object 3070.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $200,000.00 from the Petco Foundation-Innovation Showdown Investors Grant 19-20 Fund, Fund P134, Department DAS, Unit 3859, Object 3070.

**SECTION 5.** That the City Manager is hereby authorized to reimburse to the granting agency any expenditure 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 Petco Foundation monitoring reports not later than 30 days after the receipt of the report.

**SECTION 7.** That this contract is designated as Contract No. DAS-2019-00010415.

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

# Agenda Information Sheet

**File #:** 19-791 **Item #:** 9.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 4

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize payment to the Texas Department of Transportation for the City's share of final construction costs for the bridge replacement on South Marsalis Avenue at Five Mile Creek in the amount of $201,937.56 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

## BACKGROUND

The Texas Department of Transportation (TxDOT) recently completed the final audit on the construction of a partnership project with the City of Dallas to replace the South Marsalis Avenue Bridge at Five Mile Creek. TxDOT is now requesting funding from the City of Dallas to pay for construction-related expenses in excess of available Federal and TxDOT funds. This action will authorize payment of $201,937.56 to TxDOT for the City's share of final construction costs.

The South Marsalis Avenue Bridge at Five Mile Creek was selected and approved to be funded by the Federal Off-System Bridge Program in 2005. The scope of this project was to replace the existing structure with a new bridge on South Marsalis Avenue over Five Mile Creek. TxDOT administered the construction contract which was completed in April 2017. During construction it was discovered the vertical clearance to the aerial utilities was insufficient to allow for installation of the drilled shafts which resulted in additional costs and change orders for low drilling equipment. TxDOT's final audit of the project revealed the final total project cost incurred by TxDOT is $3,286,666.56, of which $3,084,729.00 is funded by Federal and TxDOT. The excess of available Federal and TxDOT funds, in the amount of $201,937.56 is to be funded by the City of Dallas. No future City Council action is anticipated for this project.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Began Design | June 2012 |
| Completed Design | March 2014 |
| Began Construction | August 2014 |
| Completed Construction | April 2017 |

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

On June 28, 2006, City Council authorized eight Local Project Advanced Funding Agreements with TxDOT for the replacement or rehabilitation of eight City-owned bridges as part of the approved Federal Off-System Bridge Program by Resolution No. 06-1798.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $201,937.56

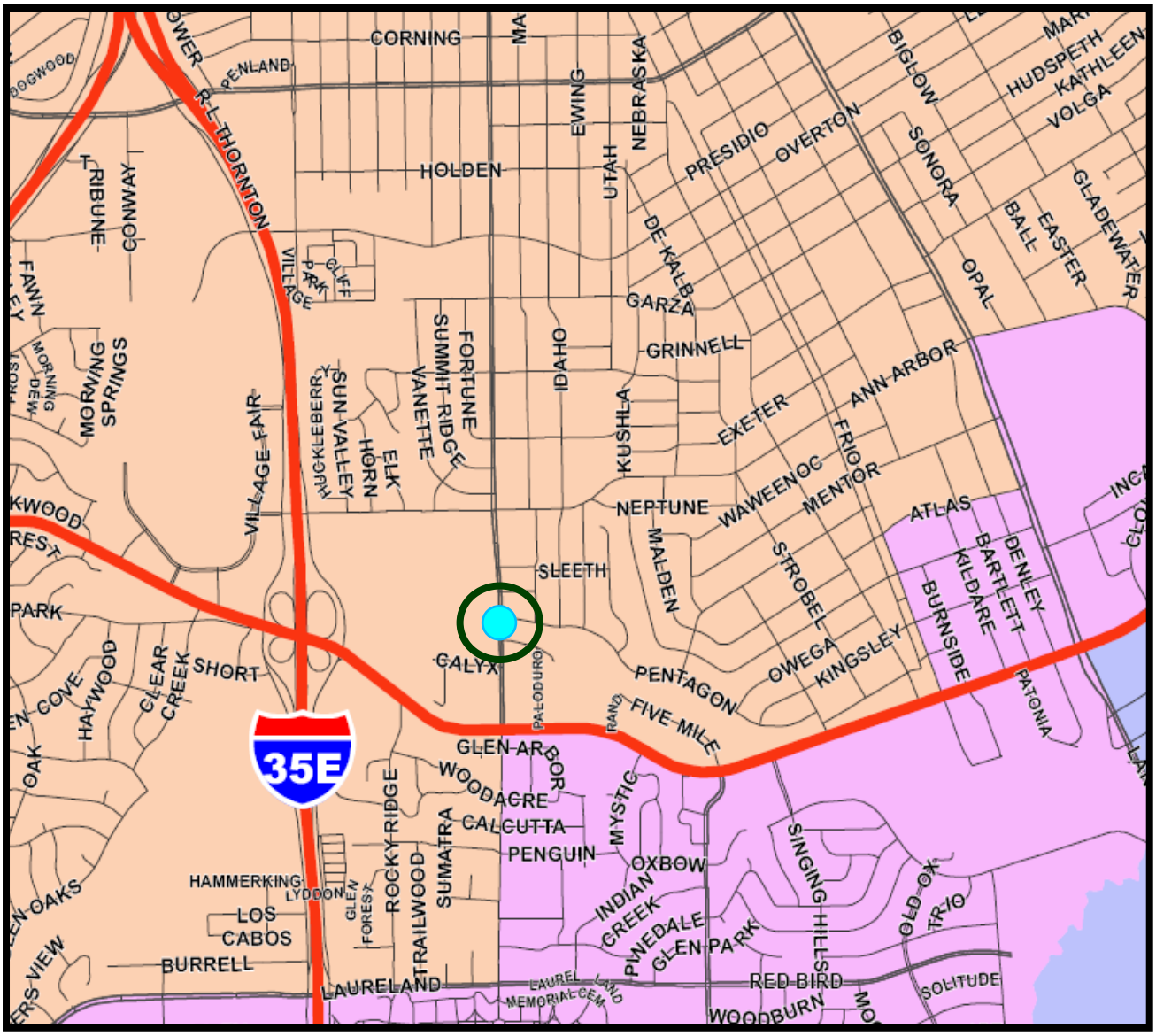
## MAP

Attached



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# SOUTH MARSALIS AVENUE BRIDGE AT FIVE MILE CREEK




# COUNCIL DISTRICT 4

June 26, 2019

**WHEREAS,** the Federal Off-System Bridge Program is administered by the Texas Department of Transportation (TxDOT) to replace or rehabilitate structurally deficient and functionally obsolete bridges located on public roads and streets off the designated state highway system; and

**WHEREAS,** the City of Dallas owns a bridge located at Five Mile Creek, on South Marsalis Avenue, National Bridge Inventory (NBI) Structure Number 1805709M1900-003, Local Designation Number 9M19-00-003; and

**WHEREAS,** on June 28, 2006, the City Council authorized eight Local Project Advanced Funding Agreements with the Texas Department of Transportation for the replacement or rehabilitation of eight City-owned bridges as part of the approved Federal Off-System Bridge Program by Resolution No. 06-1798; and

**WHEREAS,** TxDOT was the lead agency to administer the design and construction of the projects; and

**WHEREAS,** TxDOT has completed the construction and final audit for the bridge replacement on South Marsalis Avenue at Five Mile Creek, and requested funding from the City of Dallas to pay for construction-related expenses in excess of available Federal and TxDOT funds for the project; and

**WHEREAS,** TxDOT's final audit of the project revealed the final total project costs incurred by TxDOT is $3,286,666.56, of which $3,084,729.00 is funded by Federal and TxDOT; therefore, the excess of available Federal and TxDOT funds, in the amount of $201,937.56 is to be funded by the City of Dallas; and

**WHEREAS,** it is now necessary to authorize payment to TxDOT for the City's share of final construction costs for the bridge replacement on South Marsalis Avenue at Five Mile Creek, in the amount of $201,937.56.

**Now, Therefore,**

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

**SECTION 1.** That the Chief Financial Officer is hereby authorized to make a payment to the Texas Department of Transportation for the City's share of final construction costs for the bridge replacement on South Marsalis Avenue at Five Mile Creek, in the amount of $201,937.56.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in the amount of $201,937.56 to TxDOT in accordance with the terms and conditions of the agreement from Street and Transportation (A) Fund, Fund 1V22, Department PBW, Unit VA34, Object 4510, Activity BRAM, Program PB17VA34, Encumbrance/Contract No. CX-PBW-2019-00010449, Vendor 020318.

**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 Information Sheet

**File #:** 19-783 **Item #:** 10.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation (Contract No. CSJ 0918-47-244) for the design of a new bridge over the existing Union Pacific Railroad tracks on Prairie Creek Road from North of Military Parkway to North of Forney Road in the amount of $20,030.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

## BACKGROUND

The Prairie Creek Bridge over Union Pacific Railroad (UPRR) is a partnership project between the City of Dallas and the Texas Department of Transportation (TxDOT) to provide a grade separation on Prairie Creek Road at UPRR from North of Military Parkway to North of Forney Road. The existing railroad at-grade crossing on Prairie Creek Road will be permanently closed once the new bridge is in place.

This action will authorize a Local Transportation Project Advance Funding Agreement for the design of the project and payment to TxDOT for the City's share of the engineering design review costs associated with this project.

The proposed project will construct a new four-lane divided bridge with sidewalks and bicycle facilities on Prairie Creek Road over the existing UPRR tracks approximately 500 feet south of Forney Road. The estimated design cost is $2,129,737.00 of which $1,602,360.00 is to be funded by the Federal Earmark Program, $106,757.00 is to be funded by TxDOT, and the remaining $420,620.00 is to be funded by the City of Dallas 2017 Bond Program. The Federal Earmark Program funds must be obligated by August 31, 2019 or the City of Dallas will forfeit these funds. Future council action will be required to amend this agreement for adding the right-of-way, utility relocations and construction phases with associated costs to TxDOT.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Begin Design | November 2019 |
| Complete Design | May 2021 |
| Begin Construction | September 2021 |
| Complete Construction | January 2023 |

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

On March 28, 2018, City Council authorized a Memorandum of Understanding with the North Central Texas Council of Governments Regional Transportation Council regarding the use of the Congestion Mitigation and Air Quality Improvement Program and Surface Transportation Block Grant funding for the North Prairie Creek Road/Mesquite Yard Separation Project by Resolution No. 18-0440.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $20,030.00

| | |
|---|---|
| Engineering Design (Federal) | $1,602,360.00 (est.) |
| Engineering Design (Local) | $ 400,590.00 (est.) |
| TxDOT Direct Costs (Local) (this action) | $ 20,030.00 |
| TxDOT Indirect Costs (TxDOT) | $ 106,757.00 |
| Total Project Costs | $2,129,737.00 |

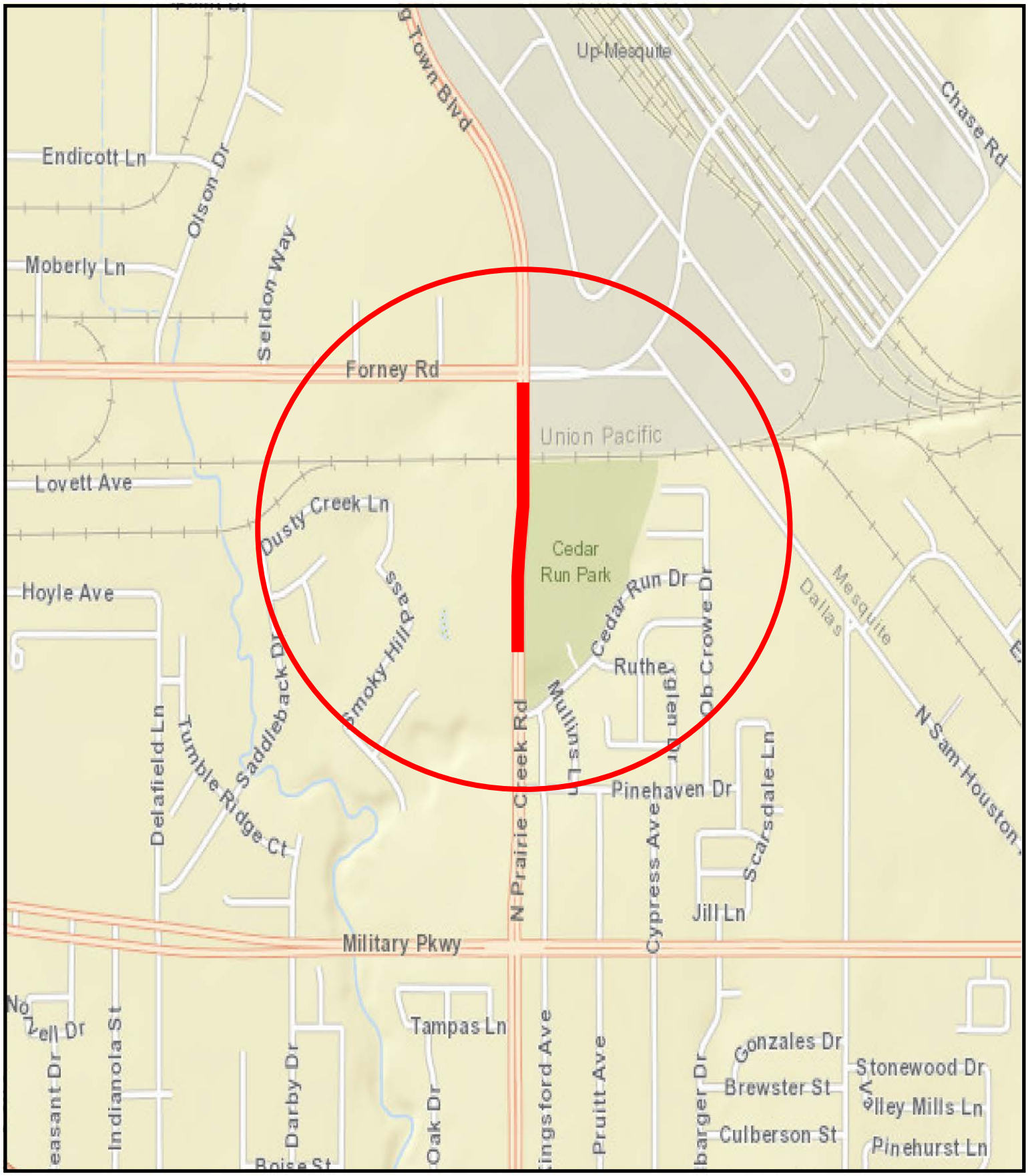
## MAP

Attached



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# PRAIRIE CREEK ROAD (BRIDGE OVER UPRR TRACKS) FROM NORTH OF MILITARY PARKWAY TO NORTH OF FORNEY ROAD




## COUNCIL DISTRICT 7

**WHEREAS,** on October 12, 2017 the Regional Transportation Council approved over $43.5 million in federal funding for the City of Dallas' proposed 2017 Bond Program Projects; and

**WHEREAS,** on March 28, 2018, City Council authorized a Memorandum of Understanding with the North Central Texas Council of Governments Regional Transportation Council regarding the use of the Congestion Mitigation Air Quality (CMAQ) and Surface Transportation Block Grant (STBG) funding for North Prairie Creek Road/Mesquite Yard Separation project (also known as Prairie Creek Bridge over UPRR Tracks from North Military Parkway to North of Forney Road), by Resolution No. 18-0440; and

**WHEREAS,** the estimated design cost of the project is $2,129,737.00 of which $1,602,360.00 is to be funded by the Federal Earmark Program, $106,757.00 is to be funded by the Texas Department of Transportation (TxDOT), and the remaining $420,620.00 is to be funded by the City of Dallas 2017 Bond Program; and

**WHEREAS,** the City of Dallas is the lead agency to administer the design, right-of-way, utility relocations, and the construction of the project; and

**WHEREAS,** it is now necessary to authorize a Local Transportation Project Advance Funding Agreement for the design and payment to TxDOT for the engineering review of Prairie Creek Road over Union Pacific Railroad Tracks from North of Military Parkway to North of Forney Road, in the amount of $20,030.00.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation, approved as to form by the City Attorney, for the design of a new bridge over the existing Union Pacific Railroad Tracks on Prairie Creek Road from North of Military Parkway to North of Forney Road, in the amount of $20,030.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in the amount of $20,030.00 to TxDOT in accordance with the terms and conditions of the agreement, from the Street and Transportation (A) Fund, Fund 1V22, Department PBW, Unit V143, Object 4111, Activity INGV, Program PB17V143, Encumbrance/Contract No. CX-PBW-2019-00010431, Vendor 020318.

**SECTION 3.** That the City of Dallas is responsible for any project cost overruns in excess of the Federal and State funding participation as described in the agreement.

**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 Information Sheet

**File #:** 19-376 **Item #:** 11.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 4

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize a professional services contract with Halff Associates, Inc. for the engineering design of a local street reconstruction project on 10th Street from Interstate Highway 35 to Clarendon Drive - Not to exceed $290,165.40 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($237,667.60) and Water Utilities Capital Improvement Funds ($52,497.80)

## BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Halff Associates, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Halff Associates, Inc. for the engineering design of a local street reconstruction project on 10th Street from Interstate Highway 35 to Clarendon Drive. The scope will include concrete pavement, curb and gutter, driveway approaches, sidewalk, storm drainage improvements, and replacing the existing water and wastewater mains and appurtenances.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Begin Design | July 2019 |
| Complete Design | August 2020 |
| Begin Construction | February 2021 |
| Complete Construction | December 2022 |

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

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure, and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $237,667.60
Water Utilities Capital Improvement Funds - $52,497.80

Estimated Future Cost - Construction - $2,798,235.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $290,165.40 | Architectural & Engineering | 25.66% | 25.66% | $74,457.00 |
| • This contract meets the M/WBE goal. | | | | |

## OWNER

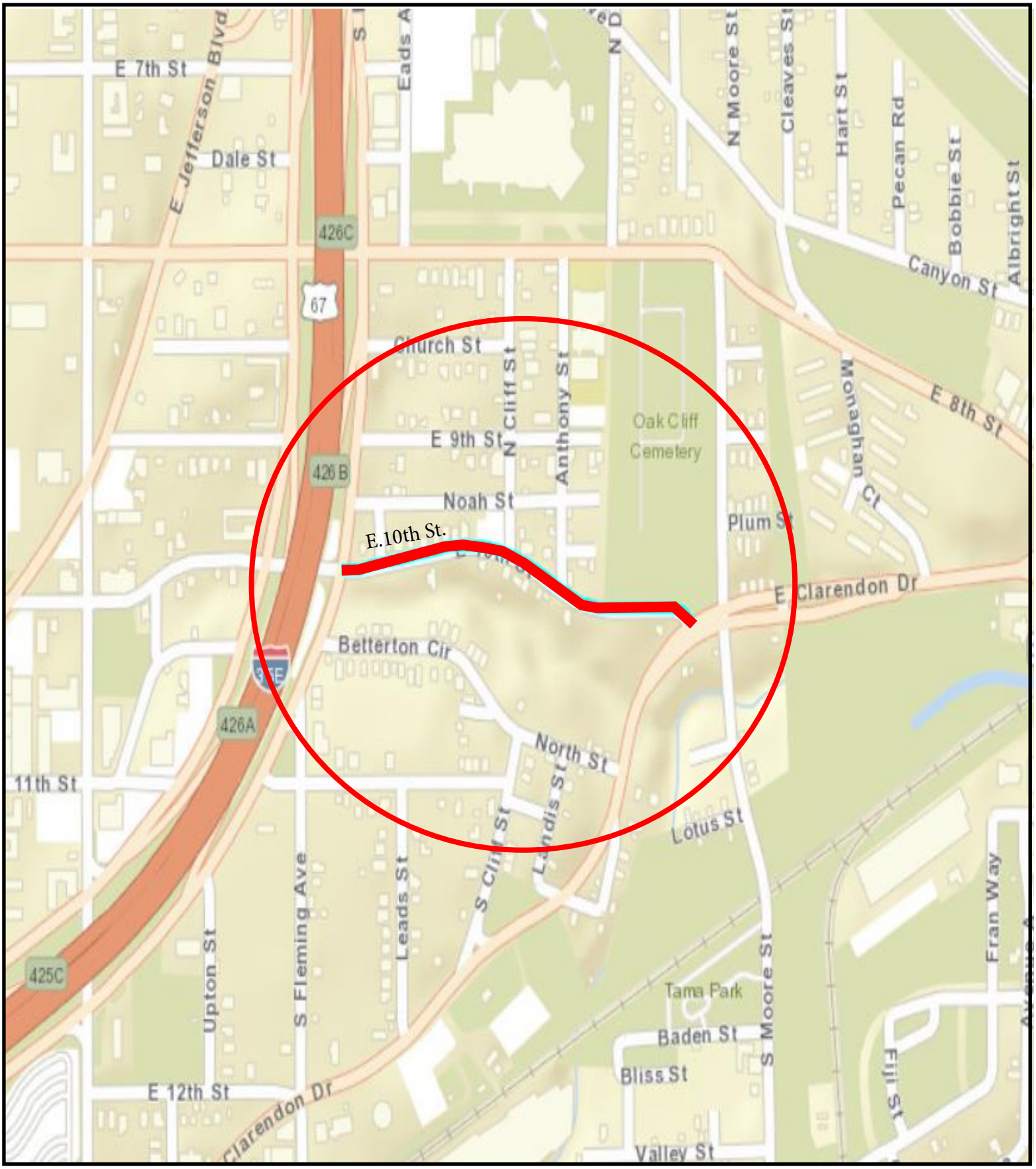
**Halff Associates, Inc.**

Stephen Crawford, P.E., Certified Floodplain Manager, Vice President

## MAP

Attached

# STREET RECONSTRUCTION
# 10TH ST. FROM INTERSTATE HIGHWAY 35 TO CLARENDON DR.




## COUNCIL DISTRICT 4

June 26, 2019

**WHEREAS,** Halff Associates, Inc., was selected to provide engineering design for the 10th Street from Interstate Highway 35 to Clarendon Drive Project.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a professional services contract with Halff Associates, Inc., approved as to form by the City Attorney, for engineering design services of the local street reconstruction project on 10th Street from Interstate Highway 35 to Clarendon Drive, in an amount not to exceed $290,165.40.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $290,165.40 in accordance with the terms and conditions of the contract.

Halff Associates, Inc. for the engineering design of street reconstruction of local street project on: 10th Street from Interstate Highway 35 to Clarendon Drive:

| | |
|---|---|
| Street and Transportation (A) Fund<br>Fund 1V22, Department PBW, Unit V198, Activity SREC<br>Object 4111, Program PB17V198<br>Encumbrance/Contract No. CX-PBW-2019-00010410<br>Vendor 506773 | $237,667.60 |
| Water Capital Improvement Fund<br>Fund 3115, Department DWU, Unit PW42<br>Object 4111, Program 719443<br>Encumbrance/Contract No. CX-PBW-2019-00010410<br>Vendor 506773 | $ 20,999.12 |
| Wastewater Capital Improvement Fund<br>Fund 2116, Department DWU, Unit PS42<br>Object 4111, Program 719444<br>Encumbrance/Contract No. CX-PBW-2019-00010410<br>Vendor 506773 | $ 31,498.68 |
| Total amount not to exceed | $290,165.40 |

**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 Information Sheet

**File #:** 19-374 **Item #:** 12.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 5

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize a professional services contract with Hayden Consultants, Inc. for the engineering design of Street Reconstruction Group 17-5002 (list attached to the Agenda Information Sheet) - Not to exceed $392,998.30 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($302,713.30) and Water Utilities Capital Improvement Funds ($90,285.00)

## BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Hayden Consultants, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Hayden Consultants, Inc. for the engineering design of two street reconstruction projects of local streets as Street Reconstruction Group 17-5002. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, possible replacement of the drainage system and water and wastewater improvements.

Following are the locations and design costs for each project:

**Street Reconstruction - Local Streets - Improvements**

| Project | Council District | Amount |
|---|---|---|
| Hodde Street from Woodmont Drive to North Jim Miller Road | 5 | $158,534.70 |
| Rayenell Avenue from Hodde Street to C.F. Hawn Service Road | 5 | $234,463.60 |



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## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Begin Design | August 2019 |
| Complete Design | August 2020 |
| Begin Construction | February 2021 |
| Complete Construction | September 2022 |

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

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $302,713.30
Water Utilities Capital Improvement Funds - $90,285.00

Estimated Future Cost - Construction - $4,166,032.21

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $392,998.30 | Architectural & Engineering | 25.66% | 26.15% | $102,785.00 |
| • This contract exceeds the M/WBE goal. | | | | |

## OWNER

**Hayden Consultants, Inc.**

Rachel Hayden, P.E., Vice President

Colin Blankenship, Branch Manager

## MAPS

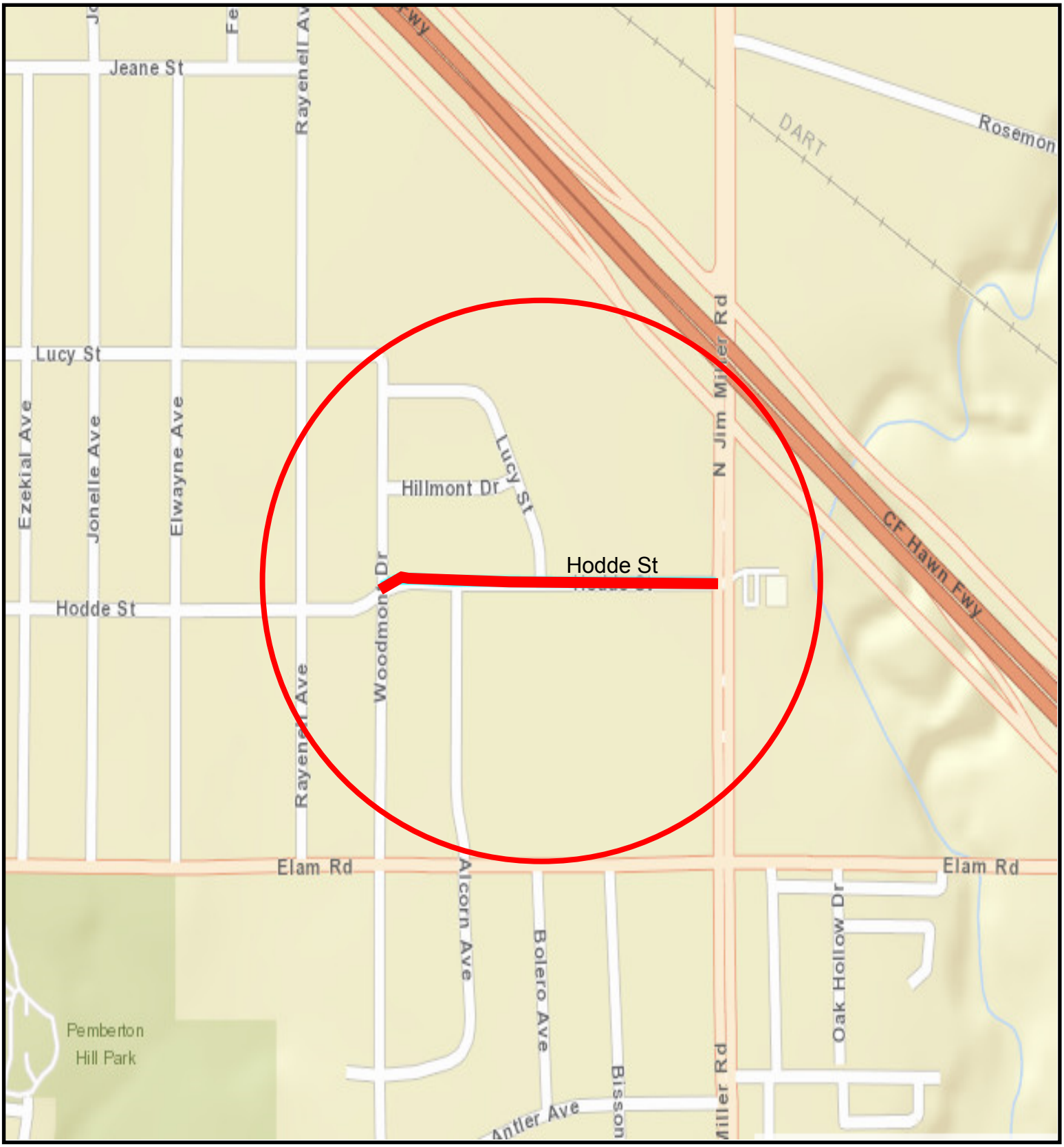
Attached

## Street Reconstruction Group 17-5002

**Street Reconstruction - Local Streets - Improvements**

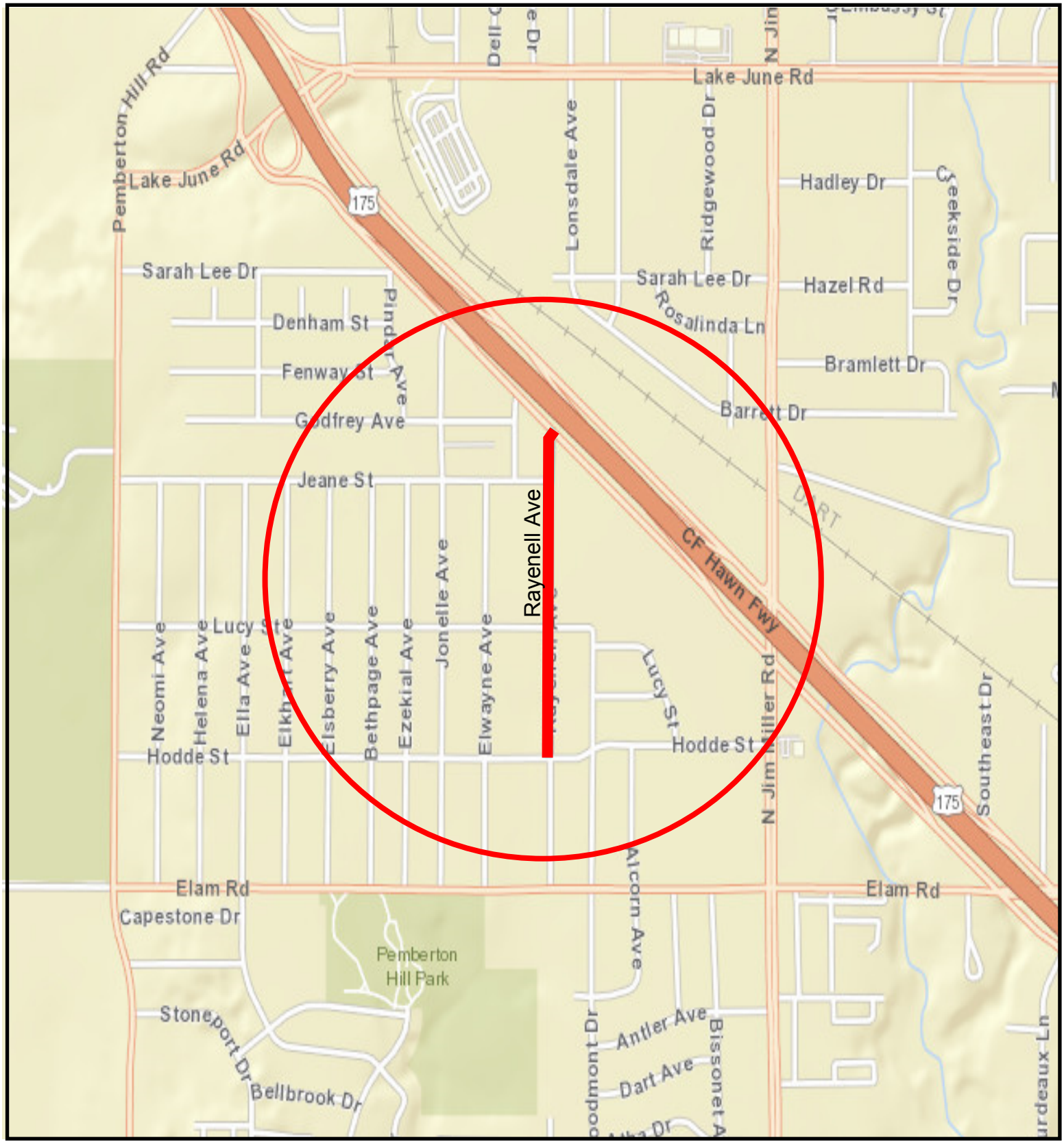
| Project | Council District |
|---|---|
| Hodde Street from Woodmont Drive to North Jim Miller Road | 5 |
| Rayenell Avenue from Hodde Street to C.F. Hawn Service Road | 5 |

# STREET RECONSTRUCTION
# HODDE STREET FROM WOODMONT DRIVE
# TO NORTH JIM MILLER ROAD




# COUNCIL DISTRICT 5

# STREET RECONSTRUCTION
# RAYENELL AVENUE FROM HODDE STREET TO C.F. HAWN SERVICE ROAD




## COUNCIL DISTRICT 5

June 26, 2019

**WHEREAS,** Hayden Consultants, Inc. was selected to provide engineering design for Street Reconstruction Group 17-5002.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a professional services contract with Hayden Consultants, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $392,998.30.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $392,998.30 in accordance with the terms and conditions of the contract:

Hayden Consultants, Inc. for the engineering design of two street reconstruction projects of local streets on: Hodde Street from Woodmont Drive to North Jim Miller Road; and Rayenell Avenue from Hodde Street to C.F. Hawn Service Road:

| | |
|---|---|
| Street and Transportation (A) Fund<br>Fund 1V22, Department PBW, Unit V204, Activity SREC<br>Object 4111, Program PB17V204<br>Encumbrance/Contract No. CX-PBW-2019-00010403<br>Vendor 352614 | $125,239.70 |
| Street and Transportation (A) Fund<br>Fund 1V22, Department PBW, Unit V205, Activity SREC<br>Object 4111, Program PB17V205<br>Encumbrance/Contract No. CX-PBW-2019-00010403<br>Vendor 352614 | $177,473.60 |
| Water Capital Improvement Fund<br>Fund 3115, Department DWU, Unit PW42<br>Object 4111, Program 719439<br>Encumbrance/Contract No. CX-PBW-2019-00010403<br>Vendor 352614 | $ 54,414.05 |
| Wastewater Capital Improvement Fund<br>Fund 2116, Department DWU, Unit PS42<br>Object 4111, Program 719440<br>Encumbrance/Contract No. CX-PBW-2019-00010403<br>Vendor 352614 | $ 35,870.95 |
| Total amount not to exceed | $392,998.30 |

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

# Agenda Information Sheet

**File #:** 19-655 **Item #:** 13.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize a professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for architectural, engineering design, and construction administration services for the West Dallas Multi-Purpose Center located at 2828 Fish Trap Road - Not to exceed $244,132.00 - Financing: City Facilities (H) Fund (2017 Bond Funds)

## BACKGROUND

This action will authorize a professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. to provide architectural, engineering design, and construction administration services for renovation and expansion of the West Dallas Multi-Purpose Center. Scope of services under this contract will include schematic design, design development, construction documents, bid evaluation, and construction administration, along with development of specifications for furniture, furnishings and equipment. This facility will be designed to meet 2030 Challenge target level reductions in energy consumption from fossil-fuel based sources.

Funding for design and construction for renovation of this facility is to be provided through 2017 Bond Funds. The renovated facility will house not-for-profit organizations providing social services to residents of the West Dallas community, as well as offices and supporting functions for City of Dallas Code Compliance and City Attorney's Office.

M. Arthur Gensler, Jr. & Associates, Inc. was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Begin Design | July 2019 |
| Complete Design | February 2020 |
| Begin Construction | June 2020 |
| Complete Construction | April 2021 |

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

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure, and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

City Facilities (H) Fund (2017 Bond Funds) - $244,132.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $244,132.00 | Architectural & Engineering | 25.66% | 50.15% | $122,432.00 |
| • This contract exceeds the M/WBE goal. | | | | |

## PROCUREMENT INFORMATION

On February 1, 2019, seven Qualification Statements were received in response to the Request for Qualifications (CIZ1788) issued on January 9, 2019. Following review of qualifications, four candidates were recommended to be issued a Request for Proposal:

- Brandstetter Carroll, Inc.
- M. Arthur Gensler, Jr. & Associates, Inc.
- HarrisonKornberg Architects
- Huitt-Zollar, Inc.

Proposals were received and distributed to the Selection Committee on March 22, 2019. Following independent review and evaluation of each submittal, the Selection Committee members ranked each candidate's proposal. The cumulative highest ranked proposal was submitted by M. Arthur Gensler, Jr. & Associates, Inc.

## OWNER

**M. Arthur Gensler, Jr. & Associates, Inc.**

Paul Manno, Principal

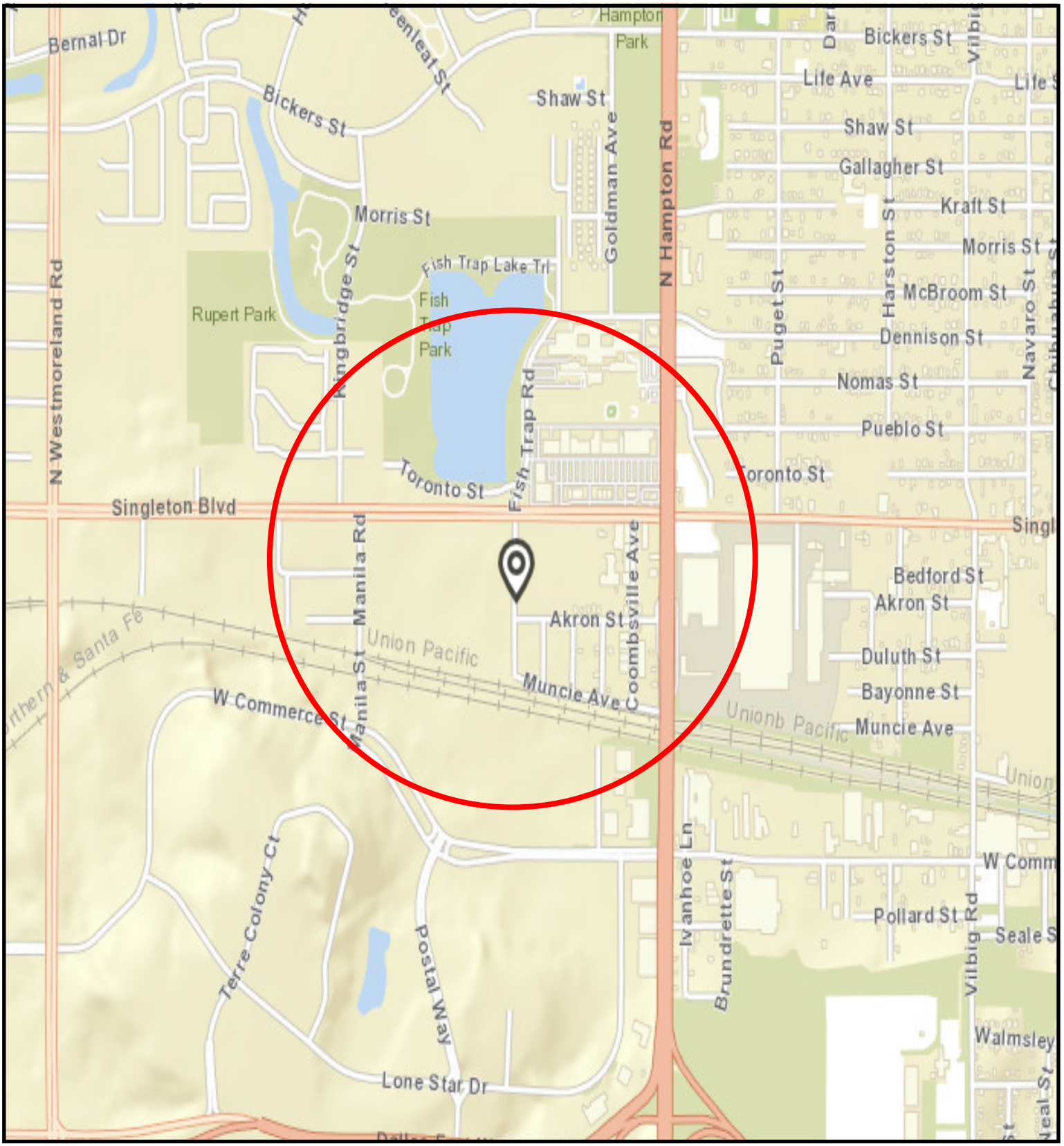
## MAP

Attached



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# WEST DALLAS MULTI-PURPOSE CENTER
# LOCATED AT 2828 FISH TRAP ROAD




## COUNCIL DISTRICT 6

June 26, 2019

**WHEREAS,** in the 2017 Bond Program, the citizens of Dallas approved funding for design and construction for renovation and expansion of the West Dallas Multi-Purpose Center located at 2828 Fish Trap Road; and

**WHEREAS,** at the conclusion of a selection process conducted by City staff, M. Arthur Gensler, Jr. & Associates, Inc. was chosen as the most qualified firm to provide professional services for renovation and expansion this existing facility; and

**WHEREAS,** it is now desirable to authorize a professional services contract with M. Arthur Gensler, Jr. & Associates, Inc. for architectural and engineering design and construction administration services for the West Dallas Multi-Purpose Center facility located at 2828 Fish Trap Road, in an amount not to exceed $244,132.00.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a professional services contract with M. Arthur Gensler, Jr. & Associates, Inc., approved as to form by the City Attorney, to provide architectural and engineering design and construction administration services, in an amount not to exceed $244,132.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $244,132.00 to M. Arthur Gensler, Jr. & Associates, Inc. in accordance with the terms and conditions of the contract from the City Facilities (H) Fund, Fund 1V60, Department BSD, Unit VH13, Object 4112, Encumbrance/Contract No. PBW-2019-00009161, Vendor VS0000001122.

**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 Information Sheet

**File #:** 19-844 **Item #:** 14.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 2, 14

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize **(1)** a Participation and Maintenance Agreement with the GLBT Chamber of Commerce Foundation for a pilot transaction to facilitate Third party organization sponsored enhancements as part of City streetscape improvements to the public right-of-ways and will provide advance funding to the City for the construction costs of multi-colored crosswalks on Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue; **(2)** be responsible for the post-installation repairs and maintenance of the multi-colored crosswalks; **(3)** the receipt and deposit of funds from the GLBT Chamber of Commerce Foundation in an amount not to exceed $128,250.00; and **(4)** an increase in appropriations in the amount of $128,250.00 in the Capital Projects Reimbursement Fund - Not to exceed $128,250.00 - Financing: Capital Projects Reimbursement Fund

## BACKGROUND

This action will authorize a Participation and Maintenance Agreement with the GLBT Chamber of Commerce Foundation specifying the terms of including multi-colored crosswalk improvements in the City of Dallas contract for Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue project (the “Project”).

The GLBT Chamber of Commerce Foundation desires to and will be the pilot transaction participant to sponsor and provide advance funding to the City for the construction costs of the multi-colored crosswalks in the Project area. The GLBT Chamber of Commerce Foundation will be responsible for the post-installation improvements, repairs and maintenance of the multi-colored crosswalks in the Project area. If advance funding is not received by January 31, 2020 from the GLBT Chamber of Commerce Foundation for the construction of the multi-colored crosswalk improvements, the City will process a change order to remove the cost of the proposed multi-colored crosswalk improvements from the contract, in an amount not to exceed $128,250.00.

The GLBT Chamber of Commerce Foundation shall be responsible for the cost of the improvements, repairs and maintenance of the multi-colored crosswalks in accordance with the Participation and Maintenance Agreement.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Begin Construction | September 2019 |
| Complete Construction | March 2020 |

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

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Capital Projects Reimbursement Fund - $128,250.00

| Council District | Amount |
|---|---|
| 2 | $ 64,125.00 |
| 14 | $ 64,125.00 |
| Total | $128,250.00 |

The GLBT Chamber of Commerce Foundation will provide advance funding to the City in an amount not to exceed $128,250.00.

## OWNER

**GLBT Chamber of Commerce Foundation**

Tony Vedda, President and Chief Executive Officer

Clint Thomson, Board Chair

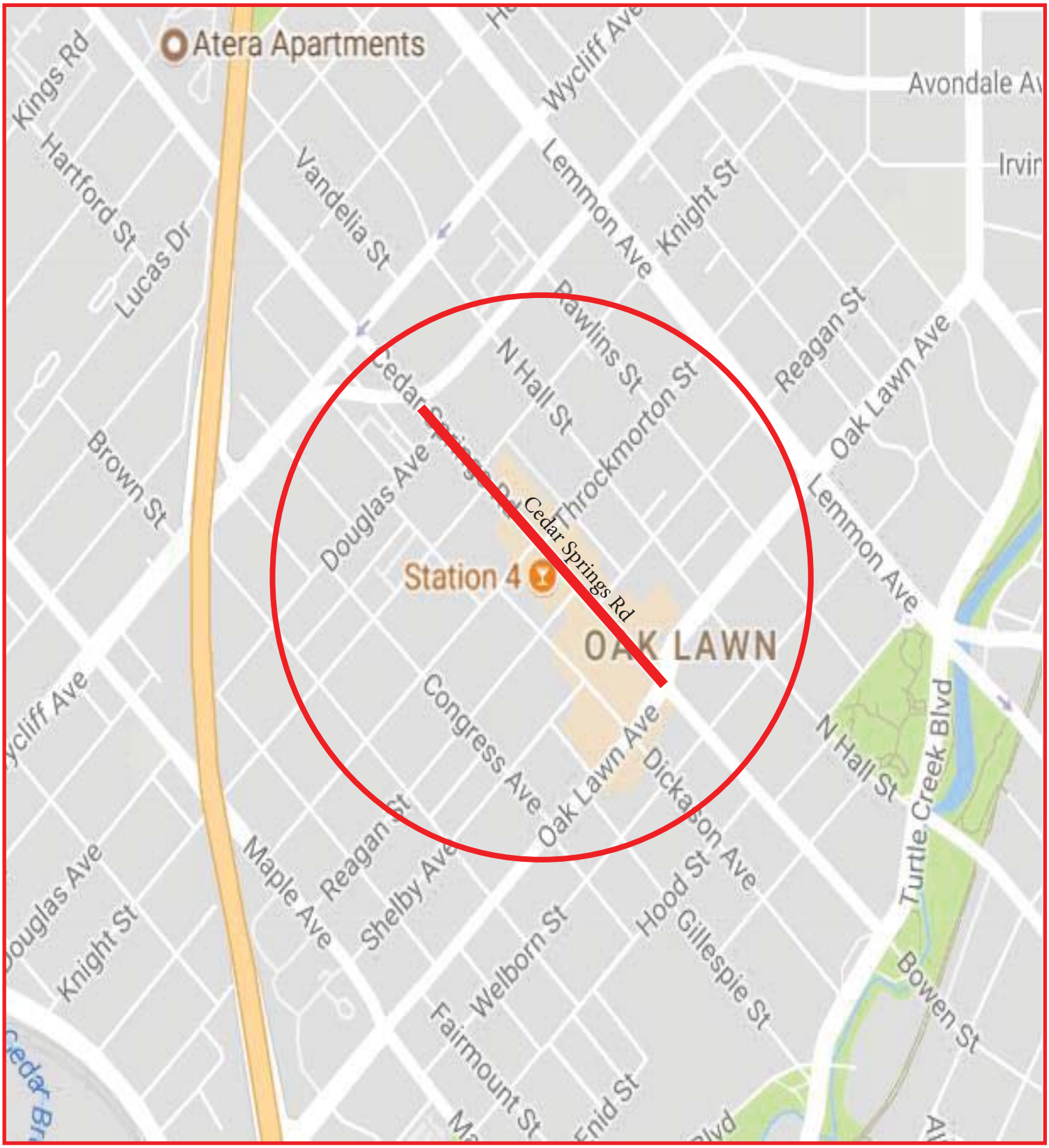
## MAP

Attached



powered by Legistar™

# CEDAR SPRINGS ROAD FROM DOUGLAS AVENUE TO OAK LAWN AVENUE




## COUNCIL DISTRICTS 2, 14

**WHEREAS,** the City of Dallas has determined as part of the Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue project (the "Project") to introduce and enter into a pilot transaction to facilitate Third party organization sponsored enhancements as part of City streetscape improvements to the public right-of-ways; and

**WHEREAS,** the GLBT Chamber of Commerce Foundation desires to and will be the pilot transaction participant to (i) sponsor and provide advance funding to the City for the construction costs of the multi-colored crosswalks in the Project area; and (ii) be responsible for the post-installation improvements, repairs and maintenance of the multi-colored crosswalks in the Project area; and

**WHEREAS,** in order to implement the pilot project**,** the City of Dallas will administer the construction; and

**WHEREAS,** the GLBT Chamber of Commerce Foundation, to be the pilot participant, will enter into a Participation and Maintenance Agreement with the City to (i) provide advance funding to the City of an amount not to exceed $128,250.00 for the construction costs of the multi-colored crosswalks in the Project area; and (ii) to obligate the GLBT to undertake the post-installation repairs and maintenance of the multi-colored crosswalks. If advance funding is not received by January 31, 2020 from the GLBT Chamber of Commerce Foundation for the construction of the multi-colored crosswalk improvements, the City will process a change order to remove the cost of the proposed multi-colored crosswalk improvements from the contract, in an amount not to exceed $128,250.00; and

**WHEREAS,** the GLBT Chamber of Commerce Foundation shall be responsible for the cost of the improvements, repairs and maintenance of the multi-colored crosswalks in accordance with the Participation and Maintenance Agreement.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a Participation and Maintenance Agreement with the GLBT Chamber of Commerce Foundation, approved as to form by the City Attorney, for a pilot transaction to facilitate Third party organization sponsored enhancements as part of City streetscape improvements to the public right-of-ways, wherein the GLBT Chamber of Commerce Foundation shall be the pilot participant and (i) provide advance funding to the City for the construction costs in an amount not to exceed $128,250.00 for the multi-colored crosswalks on Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue (the "Project") ; and (ii) be responsible for the post-installation repairs and maintenance of the multi-colored crosswalks. If advance funding is not received by January 31, 2020 from the GLBT Chamber of Commerce Foundation for the construction of the multi-colored crosswalk improvements, the City will process a

**SECTION 1.** (continued)

change order to remove the cost of the proposed multi-colored crosswalk improvements from the Project contract, in an amount not to exceed $128,250.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed $128,250.00 from the GLBT Chamber of Commerce Foundation in the Capital Reimbursement Fund, Fund 0556, Department PBW, Unit S391, Revenue Code 6526 in accordance with the terms and conditions of the Participation and Maintenance Agreement.

**SECTION 3.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed $128,250.00 in the Capital Projects Reimbursement Fund, Fund 0556, Department PBW, Unit S391, Object 4510.

**SECTION 4.** That in accordance with the provisions of the Participation and Maintenance Agreement with the GLBT Chamber of Commerce Foundation, should additional funding be necessary to complete the multi-colored crosswalks improvements, the Chief Financial Officer is hereby authorized to obtain and deposit such additional funding received from GLBT Chamber of Commerce Foundation for this purpose and should the final construction cost be less than the total amount received, to return same to the GLBT Chamber of Commerce Foundation.

**SECTION 5.** That this contract is designated as Contract No. PBW-2019-00010565.

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

# Agenda Information Sheet

**File #:** 19-793 **Item #:** 15.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 2, 14

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize a construction contract for the construction of complete street improvements on Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue - Gibson & Associates, Inc., lowest responsible bidder of four - Not to exceed $1,375,735.16 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds) ($1,247,485.16) and Capital Projects Reimbursement Fund ($128,250.00)

## BACKGROUND

On July 22, 2014, Administrative Action No. 14-6743 authorized a professional services contract with VERDUNITY, INC. for the development of schematic drawings and cost estimates for the purpose of selecting the desired elements for inclusion in the project preliminary design phase for streetscape improvements for Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue (the “Project”).

On January 10, 2018, City Council authorized Supplemental Agreement No. 1 to the professional services contract with VERDUNITY, INC. to provide additional engineering services of streetscape improvements for Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue by Resolution No. 18-0067.

This action will authorize a construction contract with Gibson & Associates, Inc. for the construction of complete street improvements on Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue. The project scope includes landscaping, barrier-free ramps, continental style crosswalks, decorative paving, traffic signal design, pocket park plaza, gateway treatment and neighborhood signs at Douglas Avenue and Oak Lawn Avenue.

The City of Dallas has determined as part of the Project to introduce and enter into a pilot transaction to facilitate Third party organization sponsored enhancements as part of City streetscape improvements to the public right-of-ways.

The GLBT Chamber of Commerce Foundation desires to and will be the pilot transaction participant to sponsor and provide advance funding to the City for the construction costs of the multi-colored crosswalks in the Project area and will be responsible for the post-installation improvements, repairs and maintenance of the multi-colored crosswalks in the Project area.

The GLBT Chamber of Commerce Foundation, to be the pilot participant, will enter into a Participation and Maintenance Agreement with the City to provide advance funding to the City of an amount not to exceed $128,250.00 for the construction costs of the multi-colored crosswalks in the Project area; and to obligate the GLBT to undertake the post-installation repairs and maintenance of the multi-colored crosswalks. If advance funding is not received by January 31, 2020 from the GLBT Chamber of Commerce Foundation for the construction of the multi-colored crosswalk improvements, the City will process a change order to remove the cost of the proposed multi-colored crosswalk improvements from the contract, in an amount not to exceed $128,250.00.

The GLBT Chamber of Commerce Foundation shall be responsible for the cost of the improvements, repairs and maintenance of the multi-colored crosswalks in accordance with the Participation and Maintenance Agreement.

The following chart illustrates Gibson & Associates, Inc.'s contractual activities with the City of Dallas for the past three years:

| | PBW | DWU | PKR |
|---|---|---|---|
| Projects Completed | 4 | 0 | 0 |
| Change Orders | 11 | 0 | 0 |
| Projects Requiring Liquidated Damages | 0 | 0 | 0 |
| Projects Completed by Bonding Company | 0 | 0 | 0 |

**ESTIMATED SCHEDULE OF PROJECT**

| | |
|---|---|
| Began Design | July 2018 |
| Completed Design | February 2019 |
| Begin Construction | September 2019 |
| Complete Construction | March 2020 |

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

On January 10, 2018, City Council authorized Supplemental Agreement No. 1 to the professional services contract with VERDUNITY, INC. to provide additional engineering services of streetscape improvements for Cedar Springs Road from Douglas Avenue to Oak Lawn by Resolution No. 18-0067.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Street and Transportation Improvements Fund (2012 Bond Funds) - $1,247,485.16
Capital Projects Reimbursement Fund - $128,250.00

| | |
|---|---|
| Design | $ 24,900.00 |
| Supplemental Agreement No. 1 | $ 130,293.85 |
| Construction (this action) | $1,375,735.16 |
| Total Project Cost | $1,530,929.01 |

| Council District | Amount |
|---|---|
| 2 | $ 687,867.58 |
| 14 | $ 687,867.58 |
| Total | $1,375,735.16 |

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $1,375,735.16 | Construction | 25.00% | 26.78% | $368,363.73 |
| • This contract exceeds the M/WBE goal. | | | | |

## PROCUREMENT INFORMATION

The following four bids were received and opened on April 19, 2019:

*Denotes successful bidder

| Bidders | Bid Amount |
|---|---|
| *Gibson & Associates, Inc.<br>11210 Ryliecrest Drive<br>Balch Springs, Texas 75180 | $1,375,735.16 |
| Joe Funk Construction | $1,970,836.55 |
| FNH Construction, LLC | $1,983,701.50 |
| Rebcon, Inc. | $2,070,572.40 |

## OWNER

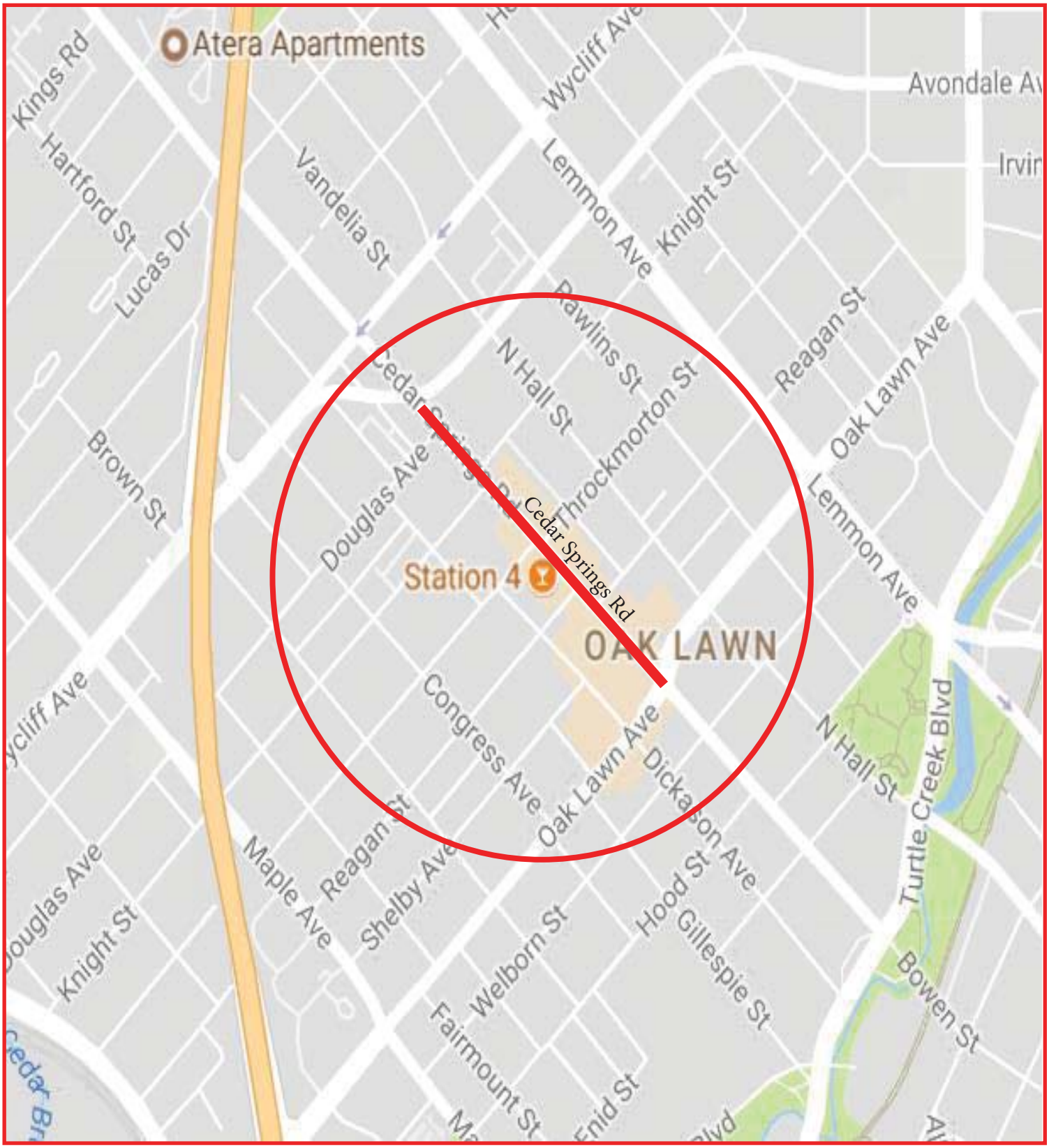
**Gibson & Associates, Inc.**

William J. Gibson, Chief Executive Officer
Alan C. Meador, Vice President
John N. Welch, Vice President
Patricia L. Blackburn, Corporate Secretary

## MAP

Attached

# CEDAR SPRINGS ROAD FROM DOUGLAS AVENUE TO OAK LAWN AVENUE




## COUNCIL DISTRICTS 2, 14

**WHEREAS,** on July 22, 2014, Administrative Action No. 14-6743 authorized a professional services contract with VERDUNITY, INC. for the development of schematic drawings and cost estimates for the purpose of selecting the desired elements for inclusion in the project preliminary design phase on Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue, in an amount not to exceed $24,900.00; and

**WHEREAS,** on January 10, 2018, City Council authorized a Supplemental Agreement No. 1 to the professional services contract with VERDUNITY, INC. to provide additional engineering services of streetscape improvements for Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue (the "Project"), in an amount not to exceed $130,293.85, from $24,900.00 to $155,193.85 by, Resolution No. 18-0067; and

**WHEREAS,** the City of Dallas has determined as part of the Project to introduce and enter into a pilot transaction to facilitate Third party organization sponsored enhancements as part of City streetscape improvements to the public right-of-ways; and

**WHEREAS,** the GLBT Chamber of Commerce Foundation desires to and will be the pilot transaction participant to (i) sponsor and provide advance funding to the City for the construction costs of the multi-colored crosswalks in the Project area; and (ii) be responsible for the post-installation improvements, repairs and maintenance of the multi-colored crosswalks in the Project area; and

**WHEREAS,** in order to implement the pilot project, the City of Dallas will administer the construction; and

**WHEREAS,** the GLBT Chamber of Commerce Foundation, to be the pilot participant, will enter into a Participation and Maintenance Agreement with the City to (i) provide advance funding to the City in an amount not to exceed $128,250.00 for the construction costs of the multi-colored crosswalks in the Project area; and (ii) to obligate the GLBT to undertake the post-installation repairs and maintenance of the multi-colored crosswalks. If advance funding is not received by January 31, 2020 from the GLBT Chamber of Commerce Foundation for the construction of the multi-colored crosswalk improvements, the City will process a change order to remove the cost of the proposed multi-colored crosswalk improvements from the contract, in an amount not to exceed $128,250.00; and

**WHEREAS,** the GLBT Chamber of Commerce Foundation shall be responsible for the cost of the improvements, repairs and maintenance of the multi-colored crosswalks in accordance with the Participation and Maintenance Agreement; and

June 26, 2019

**WHEREAS,** on April 19, 2019, four bids were received for the construction of complete street improvements on Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue, as follows:

| **Bidders** | **Amount** |
|---|---|
| Gibson & Associates, Inc. | $1,375,735.16 |
| Joe Funk Construction | $1,970,836.55 |
| FNH Construction, LLC | $1,983,701.50 |
| Rebcon, Inc. | $2,070,572.40 |

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a construction contract with Gibson & Associates, Inc., approved as to form by the City Attorney, for the construction of complete street improvements on Cedar Springs Road from Douglas Avenue to Oak Lawn Avenue, in an amount not to exceed $1,375,735.16.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,375,735.16 to Gibson & Associates, Inc., in accordance with the terms and conditions of the contract, as follows:

| | |
|---|---|
| Street and Transportation Improvements Fund<br>Fund 3U22, Department PBW, Unit S391, Activity CPST<br>Object 4510, Program PB12S391<br>Encumbrance/Contract No. CX-PBW-2019-00010295<br>Vendor VS0000022657 | $ 219,141.36 |
| Street and Transportation Improvements Fund<br>Fund 4U22, Department PBW, Unit S391, Activity CPST<br>Object 4510, Program PB12S391<br>Encumbrance/Contract No. CX-PBW-2019-00010295<br>Vendor VS0000022657 | $1,028,343.80 |
| Capital Projects Reimbursement Fund<br>Fund 0556, Department PBW, Unit S391, Activity CPST<br>Object 4510, Program PB12S391<br>Encumbrance/Contract No. CX-PBW-2019-00010295<br>Vendor VS0000022657 | $ 128,250.00 |
| Total amount not to exceed | $1,375,735.16 |

**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 Information Sheet

**File #:** 19-849 **Item #:** 16.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 13

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize **(1)** acceptance of a donation in the amount of $752,454.75 from Friends of the Dallas Public Library, Inc. on behalf of The Crystal Charity Ball and Frieda Gayle Stern Family for the construction of the Vickery Meadow Branch Library; **(2)** an increase in appropriations in an amount not to exceed $752,454.75 in the Library Private Donation Fund; and **(3)** a construction contract for the construction of the Vickery Meadow Branch Library to be located at 8255 Park Lane - Turner Construction Company, best value proposer of three - Total not to exceed $6,399,295.00 - Financing: Library (E) Fund (2017 Bond Funds) ($5,429,640.25), Park and Recreation (B) Fund (2017 Bond Funds) ($217,200.00), and Library Private Donation Fund ($752,454.75)

## BACKGROUND

Turner Construction Company is recommended for award of this construction contract as the 'Best Value' Proposer following an evaluation process of the three Request for Competitive Sealed Proposals (RFCSP) received to provide construction services for the approximately 18,000 square feet new neighborhood library.

Dallas voters approved funding for design and construction of the new Vickery Meadow Branch Library in the 2017 Bond Program. The $7,790,000.00 allocation for Vickery Meadow Branch Library is being supplemented with $217,200.00 from Park and Recreation Proposition C Bond Funds for installation of a children and youth playground area.

Enhancements to the children's, young adults and adult areas are to be funded through a public-private partnership between the City of Dallas and Friends of the Dallas Public Library, Inc. (FoDPL). The FoDPL is contributing $752,454.75 toward construction of the Vickery Meadow Branch Library.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Began Design | November 2018 |
| Completed Design | May 2019 |

Begin Construction July 2019
Complete Construction November 2020

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

On September 9, 2009, City Council authorized the acquisition of property at 8255 Park Lane for the new Vickery Meadow Branch Library facility by Resolution No. 09-2247.

On October 24, 2018, City Council authorized an architectural services contract with DSGN Associates, Inc. by Resolution No. 18-1488.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Library Private Donation Fund - $752,454.75
Library (E) Fund (2017 Bond Funds) - $5,429,640.25
Park & Recreation (B) Fund (2017 Bond Funds) - $217,200.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $6,399,295.00 | Construction | 25.00% | 33.16% | $2,121,770.00 |
| • This contract exceeds the M/WBE goal. | | | | |

## PROCUREMENT INFORMATION

A RFCSP was publicly advertised on May 1, 2019, for submittals by qualified contractors for evaluation by a Selection Committee comprised of City staff familiar with design and construction of City facilities. Three competitive sealed proposals were received on May 24, 2019. Following independent review and ranking of each proposal by the Selection Committee, their final ranking of the proposals resulted in a recommendation of Turner Construction Company being the Best Value Proposal for this contract.

| Proposer | Base Bid | Ranking |
|---|---|---|
| Turner Construction Company | $6,915,729.00 | 1 |
| Gilbert May, Inc. dba Phillips/May Corporation | $6,670,333.00 | 2 |
| JC Commercial, Inc. | $7,897,777.00 | 3 |

The submitted proposals were evaluated and ranked according to criteria published in the Vickery Meadow Branch Library Project Manual, Volume One Specifications. The four Evaluation Criteria

categories with respective weighting factors were as follows:

| | |
|---|---|
| Proposed Construction Cost | 50% |
| Qualifications of General Contractor & Relevant Experience | 20% |
| Sustainable Development Construction Practices | 15% |
| Business Inclusion and Development Requirements | 15% |

Turner Construction Company provided an original base bid of $6,915,729.00. After further negotiation with the contractor, the final base bid contract amount is $6,399,295.00.

The following five Alternates were included in the original RFCSP. However, they were not included in the final contact amount since it cost would put this project over budget:

- Alternate No. 1 - Adding large mature tree at Public Plaza
- Alternate No. 2 - Additional plaza paving area
- Alternate No. 3 - Additional 67 kW capacity of Photovoltaic panels for Net Zero
- Alternate No. 4 - Demonstration teaching kitchen
- Alternate No. 5 - Infrastructure for two Electric Vehicle Charging Stations

Based on the bids received, and the desire of the community to add some of the alternates, Alternate No. 1 ($13,000.00) and Alternate No. 2 ($63,509.00) will be included in the construction contract award as a change order only if other funding opportunities are realized.

Note: The Best and Final Offer from Turner Construction Company was $6,399,295.00.

**OWNER**

**Turner Construction Company**

Jerry Crawford, Vice-President & General Manager

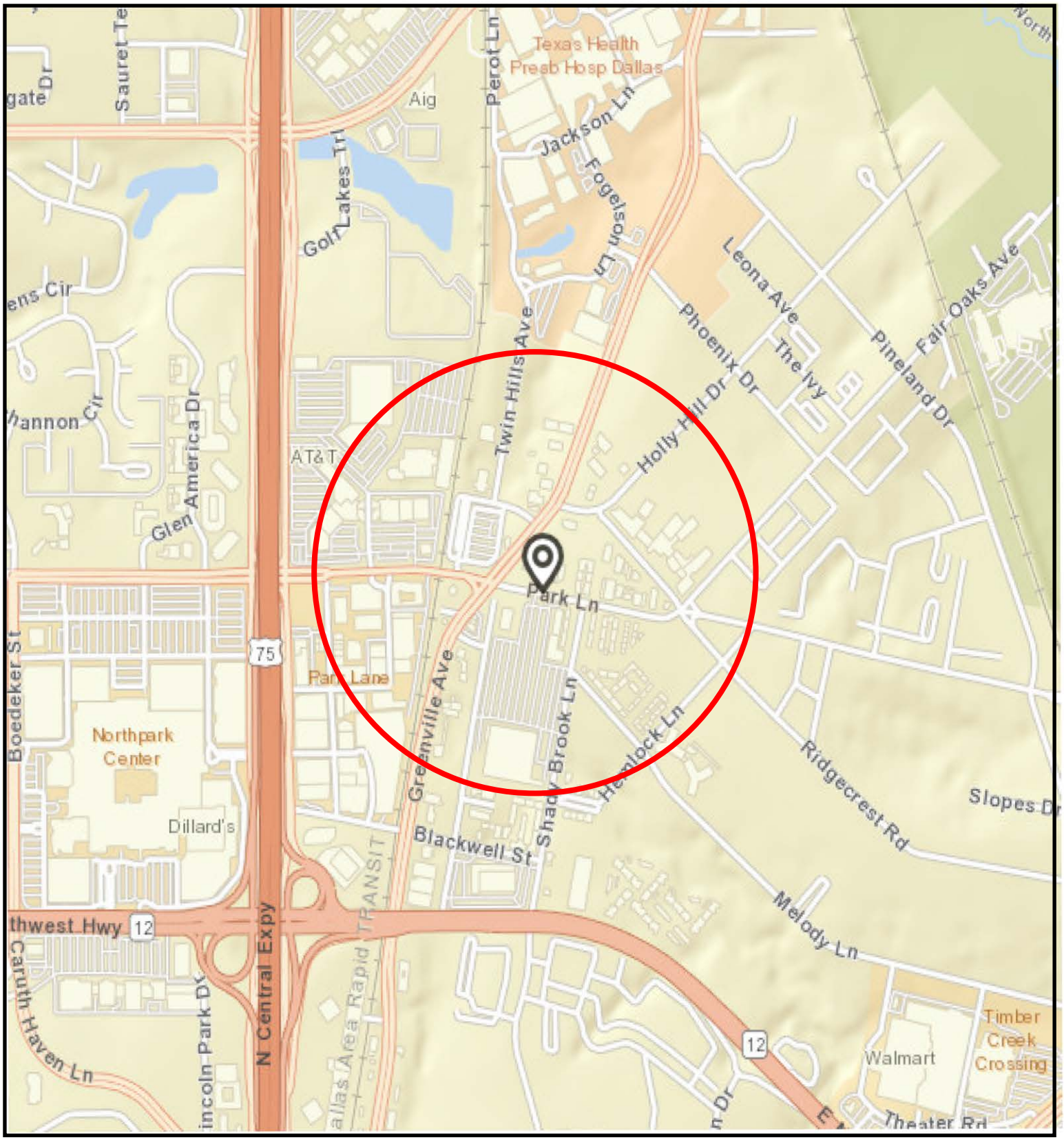
**MAP**

Attached



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# VICKERY MEADOW BRANCH LIBRARY
# LOCATED AT 8255 PARK LANE




# COUNCIL DISTRICT 13

**WHEREAS,** the citizens of Dallas approved funding in the 2006 Bond Program for the land acquisition of a new library facility for the Vickery Meadow service area; and

**WHEREAS,** on September 9, 2009, City Council authorized acquisition of land at 8255 Park Lane for the new Vickery Meadow Branch Library facility by Resolution No. 09-2247; and

**WHEREAS,** the citizens of Dallas approved funding in the 2017 Bond Program for the design and construction of the Vickery Meadow Branch Library to be located at 8255 Park Lane; and

**WHEREAS,** on October 24, 2018, City Council authorized an architectural services contract with DSGN Associates, Inc. to provide architectural, engineering design, and construction administration services for the Vickery Meadow Branch Library facility, in an amount not to exceed $800,353.00, by Resolution No.18-1488; and

**WHEREAS,** it is now in the best interest of the City to accept a donation from Friends of the Dallas Public Library, Inc. on behalf of The Crystal Charity Ball and Frieda Gayle Stern Family for the construction of the Vickery Meadow Branch Library, in an amount not to exceed $752,454.75; and

**WHEREAS**, three Request for Competitive Sealed Proposals were received and opened on May 24, 2019 and ranked as follows; and

| **Proposer** | **Base Bid** | **Ranking** |
|---|---|---|
| Turner Construction Company | $6,915,729.00 | 1 |
| Gilbert May, Inc. dba Phillips/May Corporation | $6,670,333.00 | 2 |
| JC Commercial, Inc. | $7,897,777.00 | 3 |

**WHEREAS,** Turner Construction Company provided an original base bid of $6,915,729.00 and after further negotiation with the contractor, with the removal of the five alternatives, the final base bid contract amount is now $6,399,295.00; and

**WHEREAS,** Turner Construction Company was selected as the best value proposer of the three responsive proposers; and

**WHEREAS,** it is now desirable to authorize a contract with Turner Construction Company for the construction of the Vickery Meadow Branch Library, to be located at 8255 Park Lane, in an amount not to exceed $6,399,295.00.

**Now, Therefore,**

June 26, 2019

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

**SECTION 1.** That the City Manager is hereby authorized to accept a donation from Friends of the Dallas Public Library, Inc. on behalf of The Crystal Charity Ball and Frieda Gayle Stern Family for the construction of the Vickery Meadow Branch Library to be located at 8255 Park Lane, in an amount not to exceed $752,454.75.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit donated funds from Friends of the Dallas Public Library, Inc. on behalf of The Crystal Charity Ball and Frieda Gayle Stern Family, in an amount not to exceed $752,454.75 in the Library Private Donation Fund, Fund DL42, Department BSD, Unit VE03, Revenue Code 8411.

**SECTION 3.** That the City Manager is hereby authorized to increase appropriations in the amount of $752,454.75 in Library Private Donation Fund, Fund DL42, Department BSD, Unit VE03, Object 4310.

**SECTION 4.** That the City Manager is hereby authorized to execute a contract with Turner Construction Company, best value proposer of three, approved as to form by the City Attorney, for the construction of the Vickery Meadow Branch Library located at 8255 Park Lane, in an amount not to exceed $6,399,295.00.

**SECTION 5.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $6,399,295.00 to Turner Construction Company, in accordance with the terms and conditions of the contract, as follows:

| | |
|---|---|
| Library (E) Fund (2017 Bond Funds)<br>Fund 1V42 Department BSD, Unit VE03, Activity LIBF<br>Object 4310, Program EB17VE03<br>Encumbrance/Contract No. CX-BON-2019-00010320<br>Vendor 508618 | $5,429,640.25 |
| Park and Recreation (B) Fund (2017 Bond Funds)<br>Fund 1V00 Department PKR, Unit VK80, Activity PLGI<br>Obj. 4599, Program PK17VK80<br>Encumbrance/Contract No. CX-BON-2019-00010320<br>Vendor 508618 | $ 217,200.00 |
| Library Private Donation Fund<br>Fund DL42, Department BSD, Unit VE03, Activity LIBF<br>Object 4310, Program EB17VE03<br>Encumbrance/Contract No. CX-BON-2019-00010320<br>Vendor 508618 | $ 752,454.75 |
| Total amount not to exceed | $6,399,295.00 |

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

Agenda Information Sheet

**File #:** 19-789 **Item #:** 17.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

Authorize acquisition from Omega Industries, Inc., of approximately 244,712 square feet of land improved with four commercial structures located near the intersection of Ellenwood Street and C.F. Hawn Freeway for the District 2 Service Center Project - Not to exceed $1,510,000.00 ($1,500,000.00, plus closing costs and title expenses not to exceed $10,000.00) - Financing: Park and Recreation Facilities Fund (2006 Bond Funds)

## BACKGROUND

This item authorizes the acquisition from Omega Industries, Inc., of approximately 244,712 square feet of land located near the intersection of Ellenwood Street and C.F. Hawn Freeway for the District 2 Service Center Project. This property will be used for the relocation of the Park and Recreation Department Maintenance District 2 Service Center. The 2016 Crawford Park Master Plan calls for relocation of the service center to be able to fully develop the park as a signature park. The consideration is based on independent appraisals.

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

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Park and Recreation Facilities Fund (2006 Bond Funds) - $1,510,000.00 ($1,500,000.00, plus closing costs and title expenses not to exceed $10,000.00)

## OWNER

**Omega Industries, Inc.**

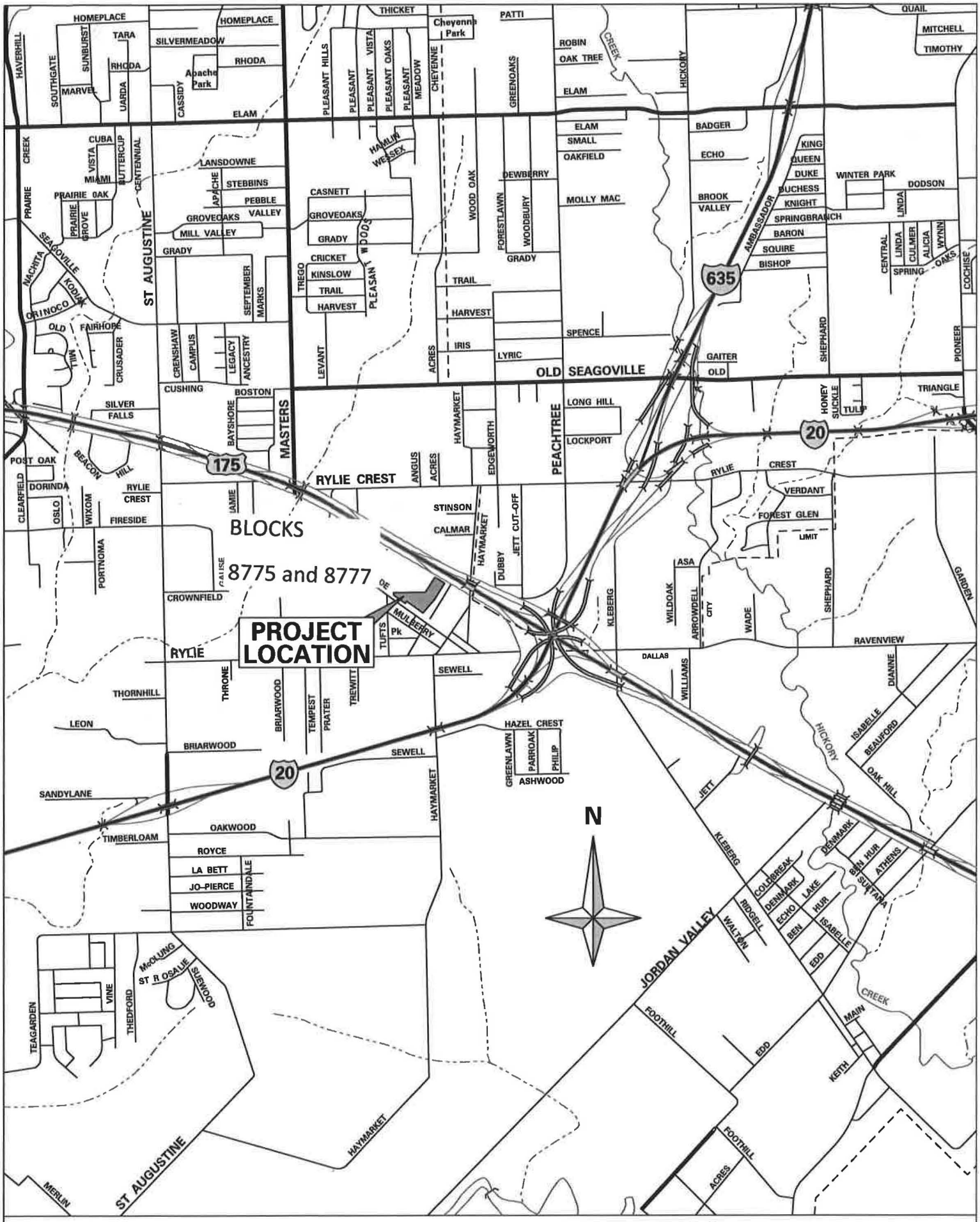
Shivaram Ashvat Shetty, President

## MAP

Attached



powered by Legistar™




**10818 C F HAWN FREEWAY**

June 26, 2019

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 244,712 square feet of land located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": District 2 Service Center Project

"USE": City services and maintenance facilities provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Fee Simple Title with closing conditions to include all improvements and tenant lease(s), subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the conveyance instrument(s) approved as to form by the City Attorney and such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

"OWNER": Omega Industries, Inc., provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": $1,500,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $10,000.00

"AUTHORIZED AMOUNT": Not to exceed $1,510,000.00

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

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

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

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

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

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

**SECTION 6.** That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES $795,652.34 payable out of Park and Recreation Facilities Fund, Fund 1T00, Department PKR, Unit P764, Activity PKLA, Program PK764, Object 4210, Encumbrance/Contract No. PKR-2019-00010438, $704,674.66 payable out of Park and Recreation Facilities Fund, Fund 2T00, Department PKR, Unit P764, Activity PKLA, Program PK764, Object 4210, Encumbrance/Contract No. PKR-2019-00010438 and $10,000.00 payable out of Park and Recreation Facilities Fund, Fund 2T00, Department PKR, Unit P764, Activity PKLA, Program PK764, Object 4230, Encumbrance/Contract No. PKR-2019-00010438. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

**SECTION 8.** That in the event the PROPERTY acquisition closes, and active lease(s) are in effect, the City Manager, and/or the City Manager's designees, is hereby authorized and directed to assume or terminate the lease(s) under terms and conditions approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

**SECTION 9.** That in the event the PROPERTY acquisition closes, the Chief Financial Officer is hereby authorized and directed to deposit funds in accordance with the terms and conditions of any assumed lease(s) in the Capital Gifts, Donations and Development Funds, Fund 0530, Department PKR, Unit 919A, Activity PKLA, Program PKCF Hawn, Revenue Code 8471.

**SECTION 10.** 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:
CHRISTOPHER J. CASO, Interim City Attorney

BY: _____
Assistant City Attorney

# Exhibit A

**FIELD NOTES DESCRIBING A 244,712 SQUARE FOOT (5.618 ACRE) TRACT OF LAND TO BE ACQUIRED BY THE CITY OF DALLAS FROM OMEGA INDUSTRIES, INC.**

Being a 244,712 Square Foot (5.618 Acre) tract of land in the City of Dallas, Dallas County, Texas, being situated in the James R. Rylie Survey, Abstract Number 1245, Dallas County, Texas and being a portion of Lots 18 and 19 of the Union Central Life Insurance Co. Addition, an addition to the City of Dallas recorded in Volume 5, Page 282 of the Map Records of Dallas County, Texas and a portion of the Town of Rylie Unrecorded Addition, lying in Blocks 8775 and 8777, Official City of Dallas Block Numbers, and being all of the land conveyed to Omega Industries, Inc. as Tract I and Tract II by Deed recorded in Instrument Number 201700061075 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

**BEGINNING** at a ½-inch diameter iron rod (Record Monument) found at the most Northerly corner of said Tract I, being also the most Northerly corner of the herein described tract of land and the most Easterly corner of a tract of land conveyed to Alberto M. Cedano by Instrument No. 20080307662 of the Official Public Records of Dallas County, Texas, lying on the Southwest Right-of-Way line of United States Highway 175 (C.F. Hawn Freeway) a variable width Right-of-Way:

**THENCE** South 58°08'29" East with the said Southwest line of Highway 175, pass at 60.02 feet the most Easterly corner of said Tract I, being also the most Northerly corner of said Tract II, and continuing for a total distance of 216.42 feet to a Mag Nail with washer marked "CITY OF DALLAS" set at the most Easterly corner of said Tract II and of the herein described tract of land, *from which* an "X" cut in concrete (Record Monument) found at the most Easterly corner of a tract of land conveyed to Sparkle Holdings, Inc. by deed recorded in Instrument No. 200600076126 of the Official Public Records of Dallas County, Texas bears South 58°08'29" East a distance of 69.13 feet:

**THENCE** South 31°14'41" West, departing the said Southwest line of Highway 175 and with the common line between said Omega Industries and Sparkle Holdings tracts a distance of 372.40 feet to an outside corner of the herein described tract of land, being also an inside corner of a tract of land conveyed to MM Rylie Holdings, LLC by deed recorded in Instrument No. 201700063274 of the Official Public Records of Dallas County, Texas (not monumented):

**THENCE** South 40°23'52" West, continuing with said common line between Omega Industries and MM Rylie Holdings properties a distance of 333.66 feet to the intersection with the Northeast line of the Dallas Area Rapid Transit (D.A.R.T.; successor in title to the Texas and New Orleans Railroad) property as shown on the above said Town of Rylie Unrecorded Addition (not monumented):

# Exhibit A

**FIELD NOTES DESCRIBING A 244,712 SQUARE FOOT (5.618 ACRE) TRACT OF LAND TO BE ACQUIRED BY THE CITY OF DALLAS FROM OMEGA INDUSTRIES, INC.**

**THENCE** North 53°43'02" West, departing the said common line between the Omega Industries and MM Rylie Holdings properties, and with the said Northeast line of said D.A.R.T. property a distance of 377.58 feet to a ½-inch diameter iron rod (Record Monument) found at an inside corner of the herein described tract of land:

**THENCE** South 36°19'03" West, continuing with the said common line between D.A.R.T. and Omega Industries properties a distance of 50.09 feet to a ½-inch diameter iron rod (Record Monument) found at an outside corner of the herein described tract of land"

**THENCE** North 53°43'02" West, continuing with the said common line between D.A.R.T. and Omega Industries properties a distance of 278.90 feet to a ½-inch diameter iron rod (Record Monument) found at the most Southerly Southwest corner of the herein described tract of land, being also a southeast corner of Lot 1, Block 1/8777 of the Cavett Subdivision, an addition to the City of Dallas recorded in Volume 88179, Page 3232 of the Deed Records of Dallas County, Texas:

**THENCE** North 00°23'01" East, departing the last said Northeast line of D.A.R.T. property and with the East line of said Lot 1 a distance of 43.31 feet to a ½-inch diameter iron rod (Record Monument) found at an outside corner of the herein described tract of land:

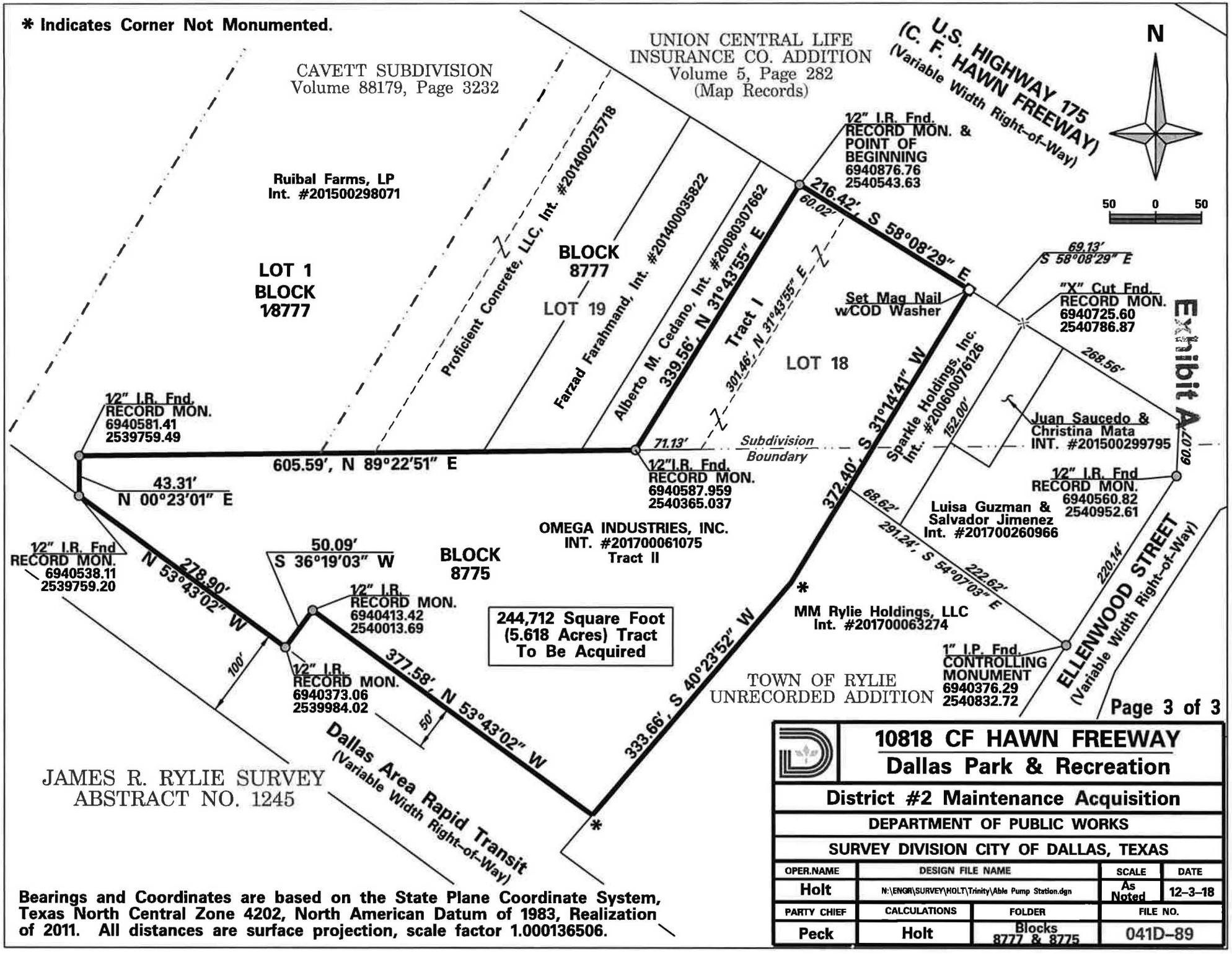
**THENCE** North 89°22'51" East with the South line of said Lot 1, and a portion of the South line of Lots 18 and 19 of the above referenced Union Central Life Insurance Addition, a distance of 605.59 feet to a ½-inch diameter iron rod (Record Monument) found at an inside corner of the herein described tract of land, being also the Southeast corner of a tract of land conveyed to Alberto M. Cedano by deed recorded in Instrument No. 20080307662 of the Official Public Records of Dallas County, Texas:

**THENCE** North 31°43'55" East with the common line between said Cedano and Omega Industries properties a distance of 339.56 feet to the **POINT OF BEGINNING**, containing 244,712 Square Feet, or 5.618 Acres of land.

**BASIS OF BEARINGS**: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

Scott Holt
12/4/18

STATE OF TEXAS
REGISTERED
SCOTT RAY HOLT
4895
PROFESSIONAL
LAND SURVEYOR


* Indicates Corner Not Monumented.
CAVETT SUBDIVISION
Volume 88179, Page 3232
UNION CENTRAL LIFE INSURANCE CO. ADDITION
Volume 5, Page 282
(Map Records)
U.S. HIGHWAY 175
(C. F. HAWN FREEWAY)
(Variable Width Right-of-Way)
N
50 0 50
Ruibal Farms, LP
Int. #201500298071
Proficient Concrete, LLC, Int. #20140027571
Farzad Farahmand, Int. #201400035822
Alberto M. Cedano, Int. #20080307662
LOT 1
BLOCK
8777
BLOCK
8777
LOT 19
LOT 18
Tract I
339.56', N 31°43'55" E
301.46', N 31°43'55" E
1/2" I.R. Fnd.
RECORD MON. &
POINT OF
BEGINNING
6940876.76
2540543.63
216.42', S 58°08'29" E
60.02'
69.13'
S 58°08'29" E
Set Mag Nail
w/COD Washer
"X" Cut Fnd.
RECORD MON.
6940725.60
2540786.87
268.56'
Exhibit A
1/2" I.R. Fnd.
RECORD MON.
6940581.41
2539759.49
605.59', N 89°22'51" E
71.13'
Subdivision
Boundary
1/2"I.R. Fnd.
RECORD MON.
6940587.959
2540365.037
43.31'
N 00°23'01" E
372.40', S 31°14'41" W
Sparkle Holdings, Inc.
Int. #20060007612 6
152.00'
Juan Saucedo &
Christina Mata
INT. #201500299795
60.07'
1/2" I.R. Fnd
RECORD MON.
6940560.82
2540952.61
68.62'
Luisa Guzman &
Salvador Jimenez
Int. #201700260966
291.24', S 54°07'03" E
222.62'
220.14'
ELLENWOOD STREET
(Variable Width Right-of-Way)
OMEGA INDUSTRIES, INC.
INT. #201700061075
Tract II
1/2" I.R. Fnd
RECORD MON.
6940538.11
2539759.20
278.90'
N 53°43'02" W
50.09'
S 36°19'03" W
BLOCK
8775
1/2" I.R.
RECORD MON.
6940413.42
2540013.69
244,712 Square Foot
(5.618 Acres) Tract
To Be Acquired
MM Rylie Holdings, LLC
Int. #201700063274
1" I.P. Fnd.
CONTROLLING
MONUMENT
6940376.29
2540832.72
100'
1/2" I.R.
RECORD MON.
6940373.06
2539984.02
377.58', N 53°43'02" W
50'
333.66', S 40°23'52" W
TOWN OF RYLIE
UNRECORDED ADDITION
JAMES R. RYLIE SURVEY
ABSTRACT NO. 1245
Dallas Area Rapid Transit
(Variable Width Right-of-Way)
Bearings and Coordinates are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Realization of 2011. All distances are surface projection, scale factor 1.000136506.
10818 CF HAWN FREEWAY
Dallas Park & Recreation
District #2 Maintenance Acquisition
DEPARTMENT OF PUBLIC WORKS
SURVEY DIVISION CITY OF DALLAS, TEXAS
OPER.NAME
Holt
DESIGN FILE NAME
N:\ENGR\SURVEY\HOLT\Trinity\Able Pump Station.dgn
SCALE
As Noted
DATE
12-3-18
PARTY CHIEF
Peck
CALCULATIONS
Holt
FOLDER
Blocks 8777 & 8775
FILE NO.
041D-89

# EXHIBIT B

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

## WARRANTY DEED

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

That Omega Industries, Inc. a Texas corporation (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of ONE MILLION FIVE HUNDRED AND NO/100 DOLLARS ($1,500,000.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

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

EXECUTED this _____ day of _____, _____.

**GRANTOR**

Omega Industries, Inc.,
a Texas corporation

By: _____
Name: Shivaram Ashvat Shetty
Title: President

* * * * * * * * * * * * * * * * * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by Shivaram Ashvat Shetty, President of Omega Industries, Inc., a Texas corporation, on behalf of said corporation.

_____
Notary Public, State of TEXAS

* * * * * * * * * * * * * * * * * * * *

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

Warranty Deed Log No. 47034 / City Block 8775 and 8777

# Exhibit A

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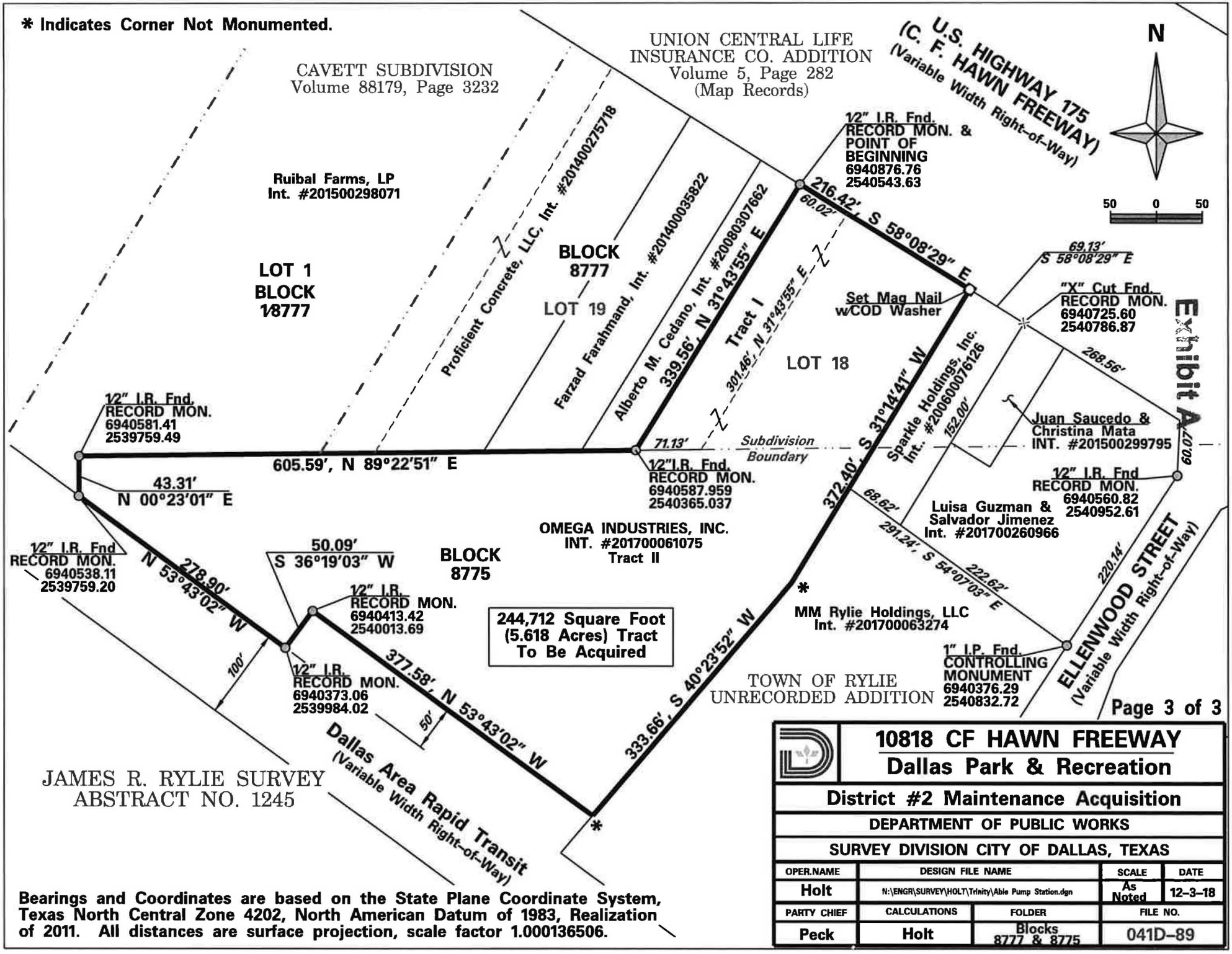
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**BASIS OF BEARINGS**: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

Scott Holt
12/4/18






Page 3 of 3

**Bearings and Coordinates are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Realization of 2011. All distances are surface projection, scale factor 1.000136506.**

# 10818 CF HAWN FREEWAY
## Dallas Park & Recreation

**District #2 Maintenance Acquisition**

**DEPARTMENT OF PUBLIC WORKS**

**SURVEY DIVISION CITY OF DALLAS, TEXAS**

| OPER.NAME | DESIGN FILE NAME | | SCALE | DATE |
|---|---|---|---|---|
| Holt | N:\ENGR\SURVEY\HOLT\Trinity\Able Pump Station.dgn | | As Noted | 12-3-18 |
| PARTY CHIEF | CALCULATIONS | FOLDER | FILE NO. | |
| Peck | Holt | Blocks 8777 & 8775 | 041D-89 | |

Agenda Information Sheet

**File #:** 19-761 **Item #:** 18.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 12

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

Authorize acquisition from Berkeley Industries, Ltd., of a wastewater easement containing approximately 955 square feet of land located near Arapaho and Preston Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed $11,250.00 ($10,027.00, plus closing costs and title expenses not to exceed $1,223.00) - Financing: Wastewater Capital Improvement Fund

## BACKGROUND

This item authorizes the acquisition from Berkeley Industries Ltd., of a wastewater easement containing approximately 955 square feet of land located near Arapaho and Preston Roads for the McKamy and Osage Branch Wastewater Interceptor Project. This property will be used for improvements and relocation of the McKamy and Osage Branch wastewater line. The consideration is based on an independent appraisal. There are no relocation benefits associated.

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

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Wastewater Capital Improvement Fund - $11,250.00 ($10,027.00, plus closing costs and title expenses not to exceed $1,223.00)

## OWNER

**Berkeley Industries, Ltd.**

Arapaho Berkeley Management LLC, General Partner

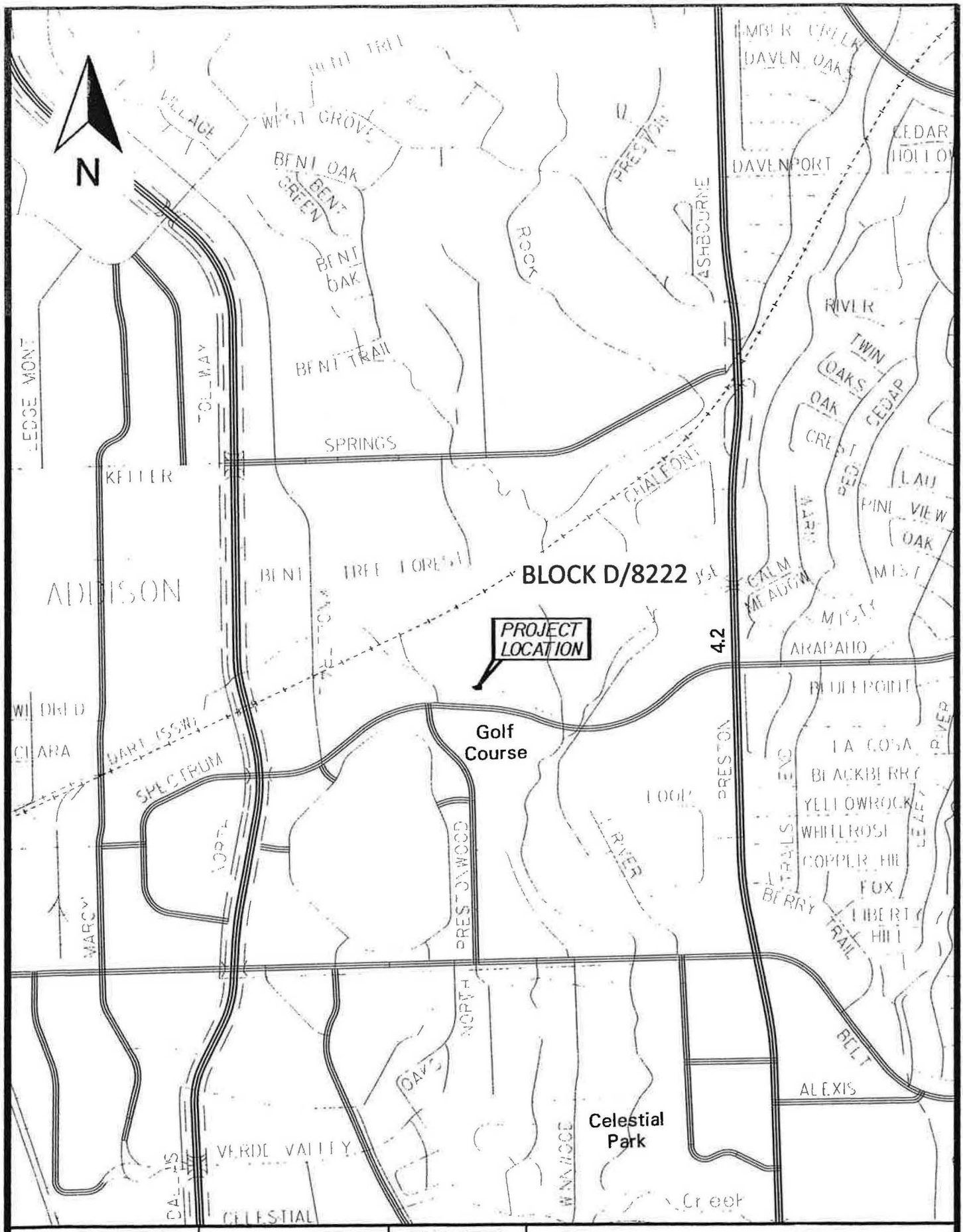
Jon Hamilton, President

## MAP

Attached



powered by Legistar™




| | | | |
|---|---|---|---|
| COMPUTED _____ CKD _____<br>DRAWN _____ CKD _____<br>SUPERVISOR _____<br>DATE _____<br>SCALE _____ | AZ&B<br>ARREDONDO, ZEPEDA & BRUNZ, INC.<br>11355 McCREE ROAD<br>DALLAS, TX. 75238<br>PH. 214-341-9900<br>FAX 214-341-9925<br>email - office@azb-engrs.com | 955 S.F. PARCEL<br>ROBERT WILBURN SURVEY ~ ABSTRACT NO. 1580<br>DALLAS CITY BLOCK 8222 | |
| | | SHEET OF | DWG No. REV |

June 26, 2019

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 955 square feet of land located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": McKamy and Osage Branch Wastewater Interceptor Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of wastewater together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

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

"OWNER": Berkeley Industries, Ltd., provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": $10,027.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $1,223.00

"AUTHORIZED AMOUNT": Not to exceed $11,250.00

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

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

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

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

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

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

**SECTION 6.** That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Wastewater Capital Improvement Fund, Fund 2116, Department DWU, Unit PS40, Activity MPSA, Program 706028, Object 4250, Encumbrance/Contract No. CX-DWU-2018-00006897. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY: _____
Assistant City Attorney

MP/42655

# 955 SQUARE FOOT (0.022 ACRE)

EXHIBIT A

## DALLAS CITY BLOCK D/8222

## WASTEWATER EASEMENT

## BERKELEY INDUSTRIES, LTD.

**BEING** a 955 square foot (0.022 acre) parcel of land situated in the ROBERT WILBURN SURVEY, ABSTRACT NO. 1580, in Official City Block Number D/8222 in the City of Dallas, Dallas County, Texas, said parcel being part of Lot 3, Block D/8222 of Prestonwood Oaks Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 82135, Page 1831 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said Lot 3 being described in a deed to Berkeley Industries, Ltd. as recorded in Volume 96227, Page 2827 D.R.D.C.T., and being more particularly described as follows;

**COMMENCING** at a 1/2-inch steel rod (controlling monument-Texas Coordinate System of 1983 (Grid Coordinates) - N=7,036,859.97, E=2,485,312.79) found at the end of a curve, in the common north right-of-way line of Arapaho Road (a 80 foot right-of-way) and the south line of Lot 4 of said Prestonwood Oaks Addition;

THENCE South 85 degrees 49 minutes 36 seconds East, along said common line, a distance of 413.18 feet to a 1/2-inch steel rod (controlling monument-Texas Coordinate System of 1983 (Grid Coordinates) - N=7,036,829.90, E=2,485,724.82) found for the beginning of a tangent curve to the right;

THENCE continuing along said common line and along said tangent curve to the right with a radius of 793.00 feet, passing the common southeast corner of said Lot 4 and southwest corner of Lot 2, Block D/8222 of said Prestonwood Oaks Addition, continuing along the common north right-of-way line of Arapaho Road and the south line of said Lot 2 in total a central angle of 12 degrees 30 minutes 28 seconds, Eastwardly, an arc length of 173.11 feet with a chord bearing and distance of South 79 degrees 34 minutes 22 seconds East for 172.77 feet for the end of said curve;

THENCE South 73 degrees 19 minutes 08 seconds East, continuing along said common line, a distance of a distance of 18.19 feet to a point for corner;

THENCE South 80 degrees 04 minutes 36 seconds East, continuing along said common line, passing at a distance of 9.28 the common southeast corner of said Lot 2 and southwest corner of said Lot 3, continuing along the common north right-of-way line of Arapaho Road and the south line of said Lot 3, a total distance of 39.43 feet to a point for the common southeast corner of said Lot 3 and southwest corner of a called 64.2897 acre tract of land designated "Tract II" being described in a deed to Prestonwood Golf Club, LLC. as recorded in Instrument Number 201400052410 Official Public Records Dallas County, Texas;

# 955 SQUARE FOOT (0.022 ACRE)
## DALLAS CITY BLOCK D/8222
## WASTEWATER EASEMENT
## BERKELEY INDUSTRIES, LTD.

EXHIBIT A

THENCE North 09 degrees 09 minutes 54 seconds East, along the common east line of said Lot 3 and the west line of said Prestonwood Golf Club LLC. tract of land, a distance of 148.47 feet to a 5/8-inch steel rod (controlling monument-Texas Coordinate System of 1983 (Grid Coordinates) - N=7,036,933.17, E=2,485,974.61) found for corner;

THENCE North 11 degrees 03 minutes 14 seconds East, continuing along said common line, a distance of 15.26 feet to a 1/2-inch steel rod with a cap marked "AZ&B" set for the **POINT OF BEGINNING**;

**THENCE** departing said common line and across said Lot 3 the following three (3) courses and distances:

1. North 42 degrees 07 minutes 56 seconds West, a distance of 40.39 feet to a point for corner (not set - concrete rip rap);

2. North 47 degrees 52 minutes 04 seconds East, a distance of 35.00 feet to a point for corner (not set – concrete rip rap);

3. South 42 degrees 07 minutes 56 seconds East, a distance of 14.19 feet to a point for corner (not set – concrete rip rap) in the common east line of said Lot 3 and west line of said Prestonwood Golf Club LLC. tract of land;

**THENCE** South 11 degrees 03 minutes 14 seconds West, along said common line, a distance of 43.72 feet to the **POINT OF BEGINNING** and containing 955 square feet (0.022 acre) of land, more or less.

Basis of bearings and source of coordinates is the Texas Coordinate System of 1983, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

A survey plat of even date accompanies this property description.

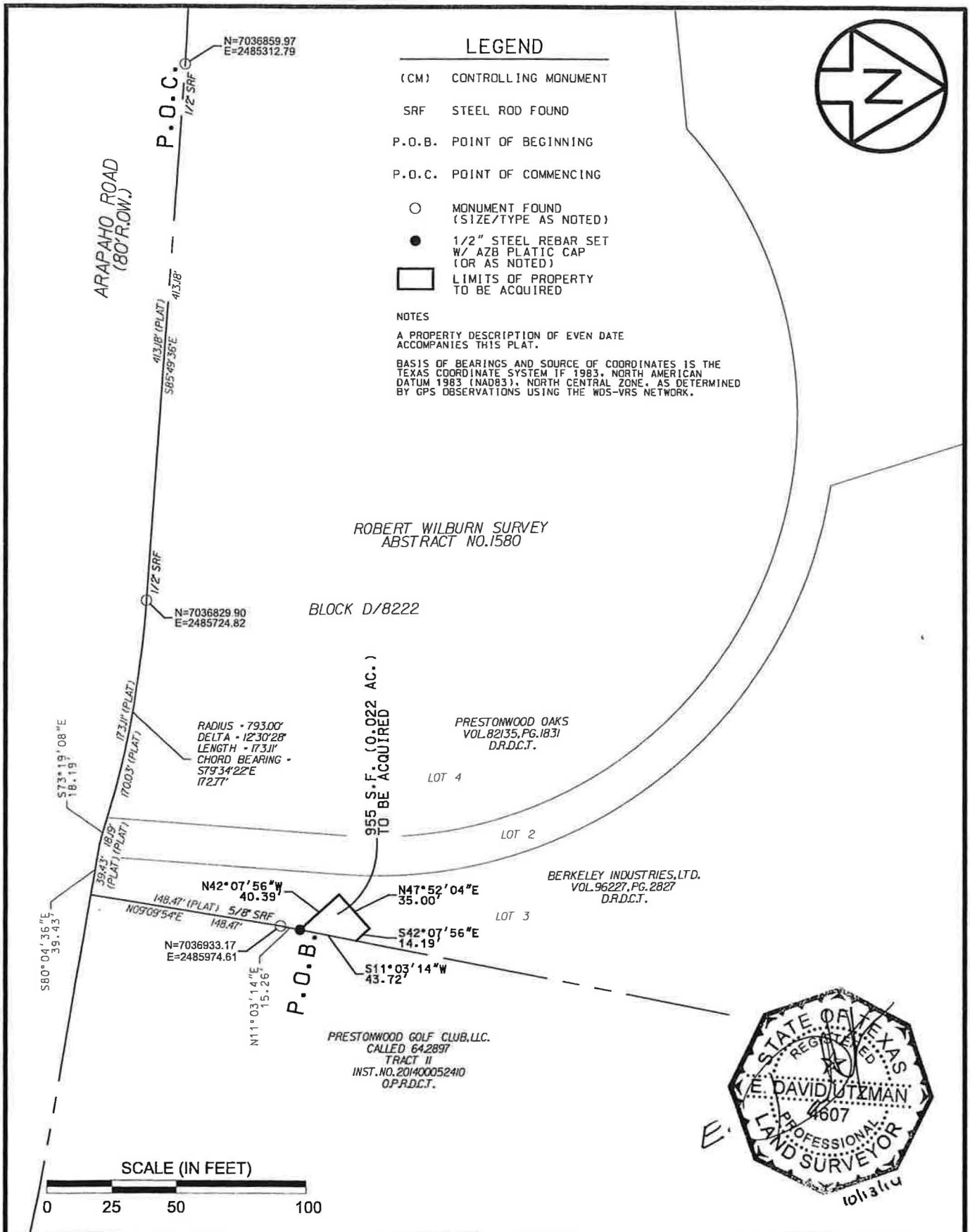
I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of September 2014.

E. David Utzman
Registered Professional Land Surveyor
No. 4607

STATE OF TEXAS
REGISTERED
E. DAVID UTZMAN
4607
PROFESSIONAL
LAND SURVEYOR

10/13/14
Date

EXHIBIT A




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| | | | |
|---|---|---|---|
| COMPUTED JDS CKD RLD<br>DRAWN JDS CKD RLD<br>SUPERVISOR E.D. UTZMAN<br>DATE 10-10-14<br>SCALE 1"=100' | REVISION HISTORY | AZ&B<br>ARREDONDO, ZEPEDA & BRUNZ, INC.<br>11355 McCREE ROAD<br>DALLAS, TX. 75238<br>PH. 214-341-9900<br>FAX 214-341-9925<br>email - office@azb-engrs.com | 955 SQUARE FOOT (0.022 ACRE)<br>DALLAS CITY BLOCK D/8222<br>WASTEWATER EASEMENT<br>BERKELEY INDUSTRIES, LTD. |
| | | | SHEET 3 OF 3 \| DWG No. \| REV |

EXHIBIT B

# WASTEWATER EASEMENT

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

That Berkeley Industries, Ltd., a Texas limited partnership (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of TEN THOUSAND TWENTY SEVEN DOLLARS AND NO/100 DOLLARS ($10,027.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, an easement for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances and such additional main or mains and appurtenances as are needed in the future in, under, through, across and along all that certain lot, tract or parcel of land described in Exhibit A, attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances, and such additional main or mains and appurtenances as are needed in the future, according to such plans and specifications as will, in City's opinion, best serve the public purpose. The payment of the purchase price shall be considered full and adequate compensation for the easement rights herein granted.

Should one or more of the Grantors herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

The City shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, but without limiting the same to, the right of ingress and egress over and across said property to and from said easement for the purpose of constructing, reconstructing, maintaining, inspecting or repairing said main or mains and appurtenances.

The City shall have the right to remove and keep removed from the permanent easement herein granted any and all structures, fences, trees, shrubs, growths or other obstructions which may endanger or interfere with the construction, reconstruction, maintenance, repair or operation of the said main or mains. (Grantor, its successors or assigns, shall not place or store any material upon, or cover, bury, pave over or otherwise obstruct any cleanout, valve, meter or manhole located within the herein described permanent easement.)

Grantor, its successors or assigns, shall not be permitted to plant trees or shrubs of any kind within the boundaries of the herein described permanent easement.

All expenses in the construction and maintenance of said main or mains and appurtenances shall be borne by the City. In the construction of said main or mains and appurtenances, should the City find it necessary to remove any improvements now on the above-described property, all of those expenses shall also be borne by the City. Upon completion of construction, all surplus excavation, debris, trash or litter resulting from construction shall be cleaned up and hauled off the premises, and the easement property, including any fences disturbed, shall be restored to its original contour and condition.

Nothing in this easement shall be construed as a waiver by the City of any connection charge or charges imposed by ordinance or Charter of the City of Dallas.

SPECIAL PROVISIONS: "None".

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

EXECUTED this _____ day of _____, _____.

Berkeley Industries, Ltd.,
a Texas limited partnership

By: _____
Name: _____
Title: _____

* * * * * * * * * * * * * * * * * * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____ by _____, _____ of Berkeley Industries, Ltd., a Texas limited partnership on behalf said limited partnership.

_____
Notary Public, State of TEXAS

* * * * * * * * * * * * * * * * * * * *

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

Wastewater Easement Log No. 42655

# 955 SQUARE FOOT (0.022 ACRE)

EXHIBIT A

## DALLAS CITY BLOCK D/8222

## WASTEWATER EASEMENT

## BERKELEY INDUSTRIES, LTD.

**BEING** a 955 square foot (0.022 acre) parcel of land situated in the ROBERT WILBURN SURVEY, ABSTRACT NO. 1580, in Official City Block Number D/8222 in the City of Dallas, Dallas County, Texas, said parcel being part of Lot 3, Block D/8222 of Prestonwood Oaks Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 82135, Page 1831 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said Lot 3 being described in a deed to Berkeley Industries, Ltd. as recorded in Volume 96227, Page 2827 D.R.D.C.T., and being more particularly described as follows;

**COMMENCING** at a 1/2-inch steel rod (controlling monument-Texas Coordinate System of 1983 (Grid Coordinates) - N=7,036,859.97, E=2,485,312.79) found at the end of a curve, in the common north right-of-way line of Arapaho Road (a 80 foot right-of-way) and the south line of Lot 4 of said Prestonwood Oaks Addition;

THENCE South 85 degrees 49 minutes 36 seconds East, along said common line, a distance of 413.18 feet to a 1/2-inch steel rod (controlling monument-Texas Coordinate System of 1983 (Grid Coordinates) - N=7,036,829.90, E=2,485,724.82) found for the beginning of a tangent curve to the right;

THENCE continuing along said common line and along said tangent curve to the right with a radius of 793.00 feet, passing the common southeast corner of said Lot 4 and southwest corner of Lot 2, Block D/8222 of said Prestonwood Oaks Addition, continuing along the common north right-of-way line of Arapaho Road and the south line of said Lot 2 in total a central angle of 12 degrees 30 minutes 28 seconds, Eastwardly, an arc length of 173.11 feet with a chord bearing and distance of South 79 degrees 34 minutes 22 seconds East for 172.77 feet for the end of said curve;

THENCE South 73 degrees 19 minutes 08 seconds East, continuing along said common line, a distance of a distance of 18.19 feet to a point for corner;

THENCE South 80 degrees 04 minutes 36 seconds East, continuing along said common line, passing at a distance of 9.28 the common southeast corner of said Lot 2 and southwest corner of said Lot 3, continuing along the common north right-of-way line of Arapaho Road and the south line of said Lot 3, a total distance of 39.43 feet to a point for the common southeast corner of said Lot 3 and southwest corner of a called 64.2897 acre tract of land designated "Tract II" being described in a deed to Prestonwood Golf Club, LLC. as recorded in Instrument Number 201400052410 Official Public Records Dallas County, Texas;

FIELD NOTES APPROVED

# 955 SQUARE FOOT (0.022 ACRE)
## DALLAS CITY BLOCK D/8222
## WASTEWATER EASEMENT
## BERKELEY INDUSTRIES, LTD.

EXHIBIT A

THENCE North 09 degrees 09 minutes 54 seconds East, along the common east line of said Lot 3 and the west line of said Prestonwood Golf Club LLC. tract of land, a distance of 148.47 feet to a 5/8-inch steel rod (controlling monument-Texas Coordinate System of 1983 (Grid Coordinates) - N=7,036,933.17, E=2,485,974.61) found for corner;

THENCE North 11 degrees 03 minutes 14 seconds East, continuing along said common line, a distance of 15.26 feet to a 1/2-inch steel rod with a cap marked "AZ&B" set for the **POINT OF BEGINNING**;

**THENCE** departing said common line and across said Lot 3 the following three (3) courses and distances:

1. North 42 degrees 07 minutes 56 seconds West, a distance of 40.39 feet to a point for corner (not set - concrete rip rap);

2. North 47 degrees 52 minutes 04 seconds East, a distance of 35.00 feet to a point for corner (not set – concrete rip rap);

3. South 42 degrees 07 minutes 56 seconds East, a distance of 14.19 feet to a point for corner (not set – concrete rip rap) in the common east line of said Lot 3 and west line of said Prestonwood Golf Club LLC. tract of land;

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Basis of bearings and source of coordinates is the Texas Coordinate System of 1983, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

A survey plat of even date accompanies this property description.

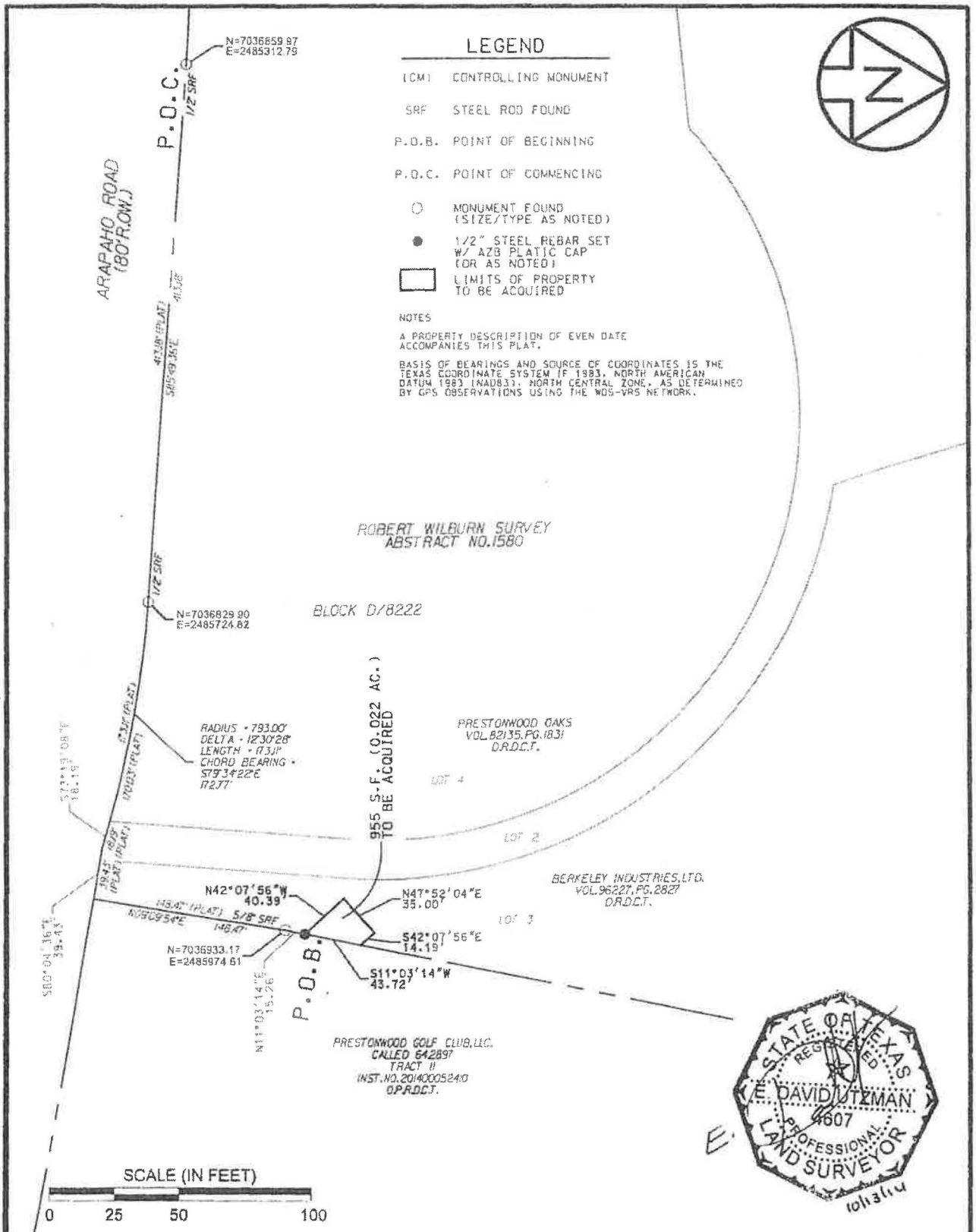
I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of September 2014.

E. David Utzman
Registered Professional Land Surveyor
No. 4607

STATE OF TEXAS
REGISTERED
E. DAVID UTZMAN
4607
PROFESSIONAL
LAND SURVEYOR

10/13/14
Date

EXHIBIT A




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|---|---|---|---|
| COMPUTED JDS CKD RLD<br>DRAWN JDS CKD RLD<br>SUPERVISOR E.D. UTZMAN<br>DATE 10-10-14<br>SCALE 1"=100' | REVISION HISTORY | AZ&B<br>ARREDONDO, ZEPEDA & BRUNZ, INC<br>11355 McKREE ROAD<br>DALLAS, TX. 75238<br>PH. 214-341-9900<br>FAX 214-341-9919<br>email: office@azb-engrs.com | 955 SQUARE FOOT (0.022 ACRE)<br>DALLAS CITY BLOCK D/8222<br>WASTEWATER EASEMENT<br>BERKELEY INDUSTRIES, LTD.<br>SHEET 3 OF 3 \| DWG No. \| REV |

©

# Agenda Information Sheet

**File #:** 19-149 **Item #:** 19.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 12

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

Authorize acquisition from Keller Springs Estates, Ltd., of a wastewater easement containing approximately 43,509 square feet of land located near the intersection of Preston and Keller Springs Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed $233,942.00 ($228,442.00, plus closing costs and title expenses not to exceed $5,500.00) - Financing: Water Capital Improvement Fund

## BACKGROUND

This item authorizes the acquisition from Keller Springs Estates, Ltd., of a wastewater easement containing approximately 43,509 square feet of land located near the intersection of Preston and Keller Springs Roads for the McKamy and Osage Branch Wastewater Interceptor Project. This property will be used for the improvements and relocation of the McKamy and Osage Branch wastewater line. The consideration is based on an independent appraisal. There are no relocation costs associated.

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

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Water Capital Improvement Fund - $233,942.00 ($228,442.00, plus closing costs and title expenses not to exceed $5,500.00)

**OWNER**

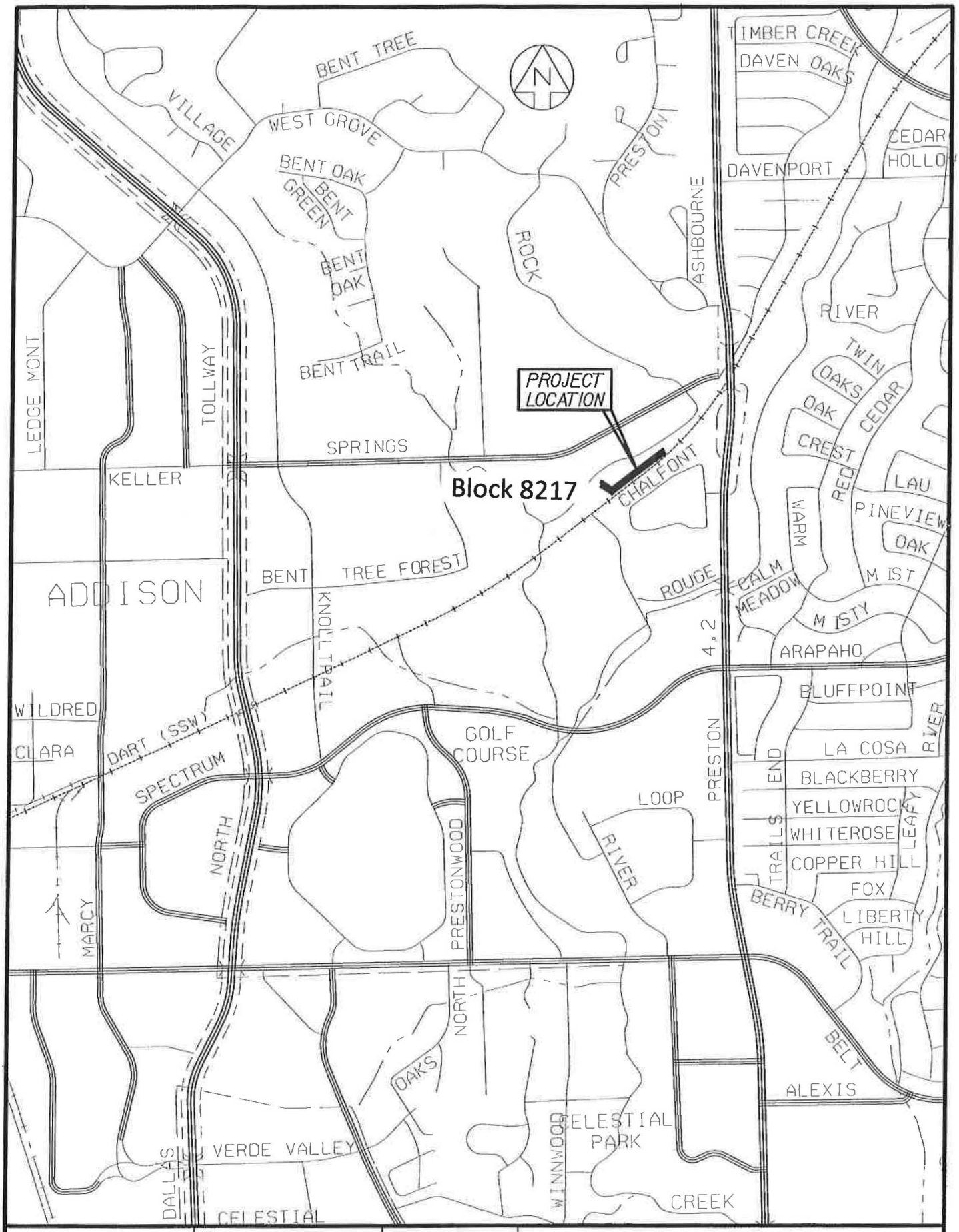
**Keller Springs Estates, Ltd.**

Keller Springs Estates Management, Inc.

J. Stephen Dieb, President

**MAP**

Attached




COMPUTED ____ CKD. ____
DRAWN ____ CKD ____
SUPERVISOR ____ ____ ____
DATE ____ ____ ____
SCALE ____ ____ ____

AZ&B
ARREDONDO, ZEPEDA & BRUNZ, INC.
11355 McCREE ROAD
DALLAS, TX. 75238
PH. 214-341-9900
FAX 214-341-9925
email - office@azb-engrs.com

# LOCATOR MAP

43,509 SQUARE FOOT (0.999 ACRE)
ROBERT WILBURN SURVEY ~ ABSTRACT NO. 1580
DALLAS CITY BLOCK 8217

| SHEET | OF | DWG No. | REV |
|---|---|---|---|

June 26, 2019

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 43,509 square feet of land located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": McKamy and Osage Branch Wastewater Interceptor Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated wastewater together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

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

"OWNER": Keller Springs Estates, Ltd., provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": $228,442.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $5,500.00

"AUTHORIZED AMOUNT": Not to exceed $233,942.00

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

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

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

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

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

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

**SECTION 6.** That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Capital Improvement Fund, Fund 3116, Department DWU, Unit PS40, Program 706028, Object 4250, Encumbrance/Contract No. CX-DWU-2019-00008635. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY: _____
Assistant City Attorney

JC/40196

EXHIBIT A

**43,509 SQUARE FOOT (0.999 ACRE)**
**DALLAS CITY BLOCK 8217**
**WASTEWATER EASEMENT**
**KELLER SPRINGS ESTATE, LTD.**

**BEING** a 43,509 square feet (0.999 acre) parcel of land situated in the ROBERT WILBURN SURVEY, ABSTRACT NO. 1580 in Official City Block No. 8217, in the City of Dallas, Dallas County, Texas, said parcel being part of a called 14.68 acre tract of land described in a Special Warranty Deed with Vendor's Lien to Keller Springs Estate, Ltd., recorded in Volume 2004228, Page 00022 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

**COMMENCING** at an "X" cut in concrete (controlling monument) found for the northeast corner of said 14.68 acre tract and the northwest corner of a tract of land described in a deed to the City of Dallas recorded in Volume 78095, Page 1656 of said Deed Records;

**THENCE** South 30 degrees 51 minutes 35 seconds East, along the common line between said 14.68 acre tract and said City of Dallas tract, a distance of 513.44 feet to a ½-inch steel rebar with cap marked "AZ&B" set for the **POINT OF BEGINNING**;

**THENCE** South 30 degrees 51 minutes 35 seconds East, continuing along said common line a distance of 35.19 feet to a ½-inch steel rebar with a cap marked "AZ&B" set in the north line of the Dallas Area Rapid Transit (DART) right-of-way (100' width right-of-way), as evidenced by deed recorded in Volume 88083, Page 4905 of the Deed Records of Dallas County, Texas, for the southeast corner of said 14.68 acre tract and the southwest corner of said City of Dallas tract, from which a ½-inch steel rebar found bears South 49 degrees 36 minutes 16 seconds West a distance of 9.53 feet and a 5/8-inch steel rebar found (controlling monument) at the north corner of Woodhaven Apartments, an addition to the City of Dallas according to the plat thereof recorded in Volume 79038, Page 0284 of said Deed Records bears South 03 degrees 17 minutes 11 seconds East, a distance of 1859.93 feet;

FIELD NOTES APPROVED:
4/22/13

**THENCE** South 53 degrees 08 minutes 25 seconds West, along the common line between said 14.68 acre tract and the north line of said DART right-of-way, a distance of 976.47 feet to a ½-inch steel rebar with a cap marked "AZ&B" set for corner;

**THENCE** North 47 degrees 09 minutes 14 seconds West, departing the common line between said 14.68 acre tract and said DART right-of-way and across said 14.68 acre tract, a distance of 279.61 feet to a ½-inch steel rebar with a cap marked "AZ&B" set in the west line of said 14.68 acre tract and the east line of a called 12.910 acre tract of land described as Tract III in a Quitclaim Deed to Providence Texas Capital Corporation Inc., recorded in Volume 97076, Page 4407 of said Deed Records;

**43,509 SQUARE FOOT (0.999 ACRE)**
**DALLAS CITY BLOCK 8217**
**WASTEWATER EASEMENT**
**KELLER SPRINGS ESTATE, LTD.**

EXHIBIT A

**THENCE** North 00 degrees 48 minutes 39 seconds West, along the common line between said 14.68 acre tract and said 12.910 acre tract, a distance of 37.05 feet to a ½-inch steel rebar with a cap marked "AZ&B" set for corner;

**THENCE** departing said common line and across said 14.68 acre tract, the following courses and distances:

South 82 degrees 13 minutes 13 seconds East, a distance of 14.26 feet to a ½-inch steel rebar with a cap marked "AZ&B" set for corner;

South 47 degrees 09 minutes 14 seconds East, a distance of 264.29 feet to a ½-inch steel rebar with a cap marked "AZ&B" set for corner;

North 53 degrees 08 minutes 25 seconds East, a distance of 950.94 feet to the **POINT OF BEGINNING** and containing 43,509 square feet (0.999 acre) of land, more or less.

Basis of bearings is the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

A survey plat of even date accompanies this property description.

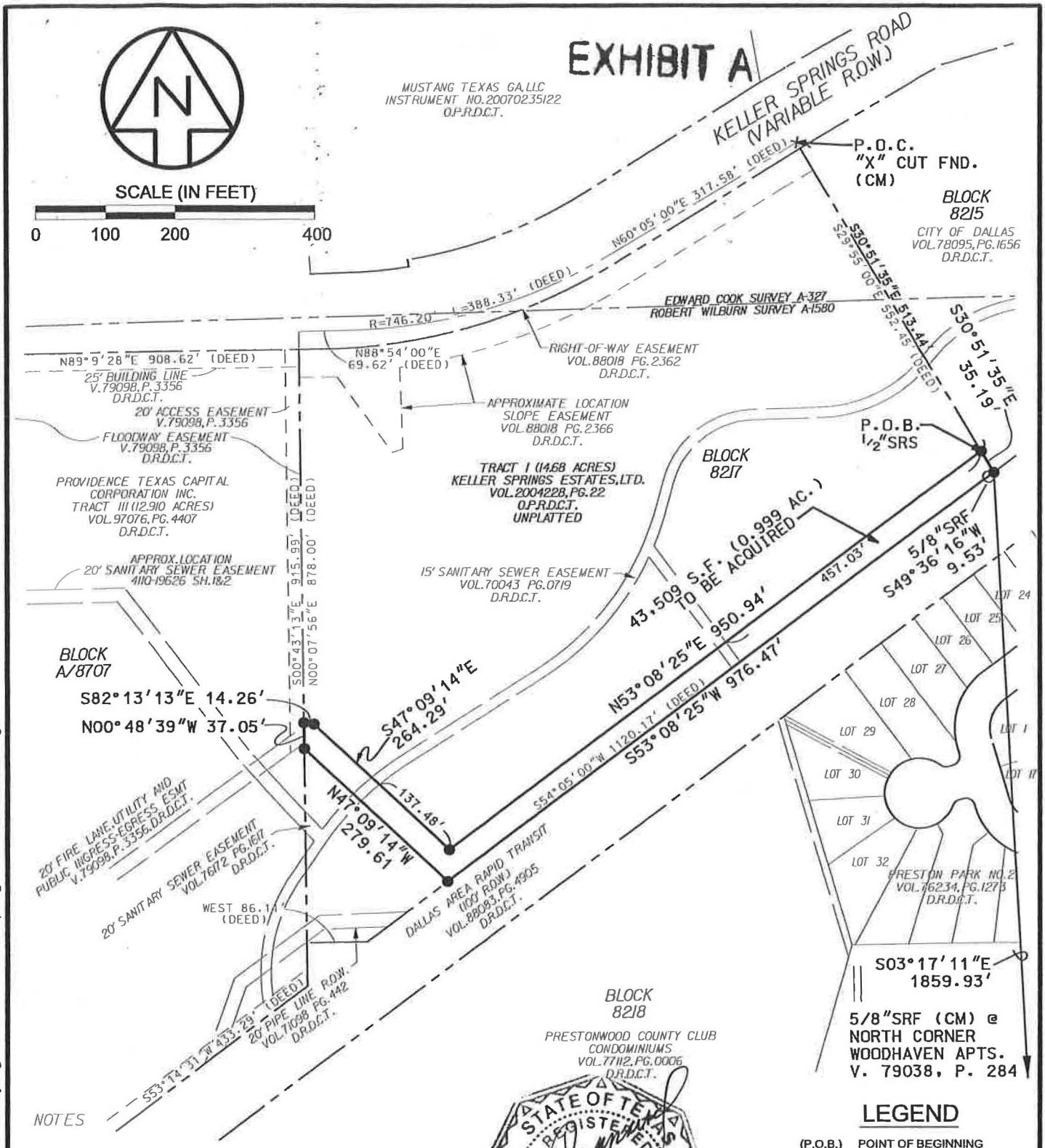
I the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of December, 2011.

2/16/2013

Jeffrey Sheppard
Registered Professional Land Surveyor No. 3696

STATE OF TEXAS
REGISTERED
JEFFREY SHEPPARD
3696
PROFESSIONAL
LAND SURVEYOR

# EXHIBIT A




NOTES

A PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (NAD83), NORTH CENTRAL ZONE, AS DETERMINED BY GPS OBSERVATIONS USING THE WDS-VRS NETWORK.

## LEGEND

| | |
|---|---|
| (P.O.B.) | POINT OF BEGINNING |
| (P.O.C.) | POINT OF COMMENCING |
| (CM) | CONTROLLING MONUMENT |
| O | STEEL REBAR FOUND (SIZE AS NOTED) |
| X | "X" CUT FOUND |
| ● | 1/2" STEEL REBAR SET W/ AZB PLASTIC CAP (EXCEPT AS NOTED) |
| ▭ | LIMITS OF PROPERTY TO BE ACQUIRED |

STATE OF TEXAS
REGISTERED
JEFFREY SHEPPARD
3696
PROFESSIONAL
LAND SURVEYOR

2/16/2013

| | |
|---|---|
| COMPUTED | PMC CKD. JHS |
| DRAWN | PMC CKD JHS |
| SUPERVISOR | E.D. UTZMAN |
| DATE | 12-9-11 |
| SCALE | 1"=200' |

REVISION HISTORY


AZ&B
ARREDONDO, ZEPEDA & BRUNZ, INC.
11355 McCREE ROAD
DALLAS, TX. 75238
PH. 214-341-9900
FAX 214-341-9925
email - office@azb-engrs.com


# 43,509 SQUARE FOOT (0.999 ACRE) DALLAS CITY BLOCK 8217 WASTEWATER EASEMENT KELLER SPRINGS ESTATES, LTD.

| SHEET | DWG No. | REV |
|---|---|---|
| 3 OF 3 | | |

S:\DWU\207010.001-Halff-McKamy\Dgn\Easement\Keller Springs Estates\Esmt-413.dgn 2/16/2013 8:11:12 AM

EXHIBIT B

# WASTEWATER EASEMENT

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

That Keller Springs Estates, Ltd., a Texas limited partnership (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of TWO HUNDRED TWENTY-EIGHT FOUR THOUSAND FOUR HUNDRED TWENTY-TWO AND NO/100 DOLLARS ($228,422.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, an easement for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances and such additional main or mains and appurtenances as are needed in the future in, under, through, across and along all that certain lot, tract or parcel of land described in Exhibit A, attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances, and such additional main or mains and appurtenances as are needed in the future, according to such plans and specifications as will, in City's opinion, best serve the public purpose. The payment of the purchase price shall be considered full and adequate compensation for the easement rights herein granted.

Should one or more of the Grantors herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

The City shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, but without limiting the same to, the right of ingress and egress over and across said property to and from said easement for the purpose of constructing, reconstructing, maintaining, inspecting or repairing said main or mains and appurtenances.

The City shall have the right to remove and keep removed from the permanent easement herein granted any and all structures, fences, trees, shrubs, growths or other obstructions which may endanger or interfere with the construction, reconstruction, maintenance, repair or operation of the said main or mains. (Grantor, its successors or assigns, shall not place or store any material upon, or cover, bury, pave over or otherwise obstruct any cleanout, valve, meter or manhole located within the herein described permanent easement.)

Grantor, its successors or assigns, shall not be permitted to plant trees or shrubs of any kind within the boundaries of the herein described permanent easement.

EXHIBIT B

All expenses in the construction and maintenance of said main or mains and appurtenances shall be borne by the City. In the construction of said main or mains and appurtenances, should the City find it necessary to remove any improvements now on the above-described property, all of those expenses shall also be borne by the City. Upon completion of construction, all surplus excavation, debris, trash or litter resulting from construction shall be cleaned up and hauled off the premises, and the easement property, including any fences disturbed, shall be restored to its original contour and condition.

Nothing in this easement shall be construed as a waiver by the City of any connection charge or charges imposed by ordinance or Charter of the City of Dallas.

SPECIAL PROVISIONS: "None".

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

EXECUTED this _____ day of _____, _____.

GRANTOR

Keller Springs Estates, Ltd.,
a Texas limited partnership

By: _____
Name:
Title:

* * * * * * * * * * * * * * * * * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____ by _____, _____ of Keller Springs Estates, Ltd., a Texas limited partnership, on behalf of said limited partnership.

_____
Notary Public, State of TEXAS

* * * * * * * * * * * * * * * * * * * *

EXHIBIT B

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

Wastewater Easement Log No. 40196

EXHIBIT A

**43,509 SQUARE FOOT (0.999 ACRE)**
**DALLAS CITY BLOCK 8217**
**WASTEWATER EASEMENT**
**KELLER SPRINGS ESTATE, LTD.**

**BEING** a 43,509 square feet (0.999 acre) parcel of land situated in the ROBERT WILBURN SURVEY, ABSTRACT NO. 1580 in Official City Block No. 8217, in the City of Dallas, Dallas County, Texas, said parcel being part of a called 14.68 acre tract of land described in a Special Warranty Deed with Vendor's Lien to Keller Springs Estate, Ltd., recorded in Volume 2004228, Page 00022 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

**COMMENCING** at an "X" cut in concrete (controlling monument) found for the northeast corner of said 14.68 acre tract and the northwest corner of a tract of land described in a deed to the City of Dallas recorded in Volume 78095, Page 1656 of said Deed Records;

**THENCE** South 30 degrees 51 minutes 35 seconds East, along the common line between said 14.68 acre tract and said City of Dallas tract, a distance of 513.44 feet to a ½-inch steel rebar with cap marked "AZ&B" set for the **POINT OF BEGINNING**;

**THENCE** South 30 degrees 51 minutes 35 seconds East, continuing along said common line a distance of 35.19 feet to a ½-inch steel rebar with a cap marked "AZ&B" set in the north line of the Dallas Area Rapid Transit (DART) right-of-way (100' width right-of-way), as evidenced by deed recorded in Volume 88083, Page 4905 of the Deed Records of Dallas County, Texas, for the southeast corner of said 14.68 acre tract and the southwest corner of said City of Dallas tract, from which a ½-inch steel rebar found bears South 49 degrees 36 minutes 16 seconds West a distance of 9.53 feet and a 5/8-inch steel rebar found (controlling monument) at the north corner of Woodhaven Apartments, an addition to the City of Dallas according to the plat thereof recorded in Volume 79038, Page 0284 of said Deed Records bears South 03 degrees 17 minutes 11 seconds East, a distance of 1859.93 feet;

FIELD NOTES APPROVED:
4/12/13

**THENCE** South 53 degrees 08 minutes 25 seconds West, along the common line between said 14.68 acre tract and the north line of said DART right-of-way, a distance of 976.47 feet to a ½-inch steel rebar with a cap marked "AZ&B" set for corner;

**THENCE** North 47 degrees 09 minutes 14 seconds West, departing the common line between said 14.68 acre tract and said DART right-of-way and across said 14.68 acre tract, a distance of 279.61 feet to a ½-inch steel rebar with a cap marked "AZ&B" set in the west line of said 14.68 acre tract and the east line of a called 12.910 acre tract of land described as Tract III in a Quitclaim Deed to Providence Texas Capital Corporation Inc., recorded in Volume 97076, Page 4407 of said Deed Records;

**43,509 SQUARE FOOT (0.999 ACRE)**
**DALLAS CITY BLOCK 8217**
**WASTEWATER EASEMENT**
**KELLER SPRINGS ESTATE, LTD.**

**EXHIBIT A**

**THENCE** North 00 degrees 48 minutes 39 seconds West, along the common line between said 14.68 acre tract and said 12.910 acre tract, a distance of 37.05 feet to a ½-inch steel rebar with a cap marked "AZ&B" set for corner;

**THENCE** departing said common line and across said 14.68 acre tract, the following courses and distances:

South 82 degrees 13 minutes 13 seconds East, a distance of 14.26 feet to a ½-inch steel rebar with a cap marked "AZ&B" set for corner;

South 47 degrees 09 minutes 14 seconds East, a distance of 264.29 feet to a ½-inch steel rebar with a cap marked "AZ&B" set for corner;

North 53 degrees 08 minutes 25 seconds East, a distance of 950.94 feet to the **POINT OF BEGINNING** and containing 43,509 square feet (0.999 acre) of land, more or less.

Basis of bearings is the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

A survey plat of even date accompanies this property description.

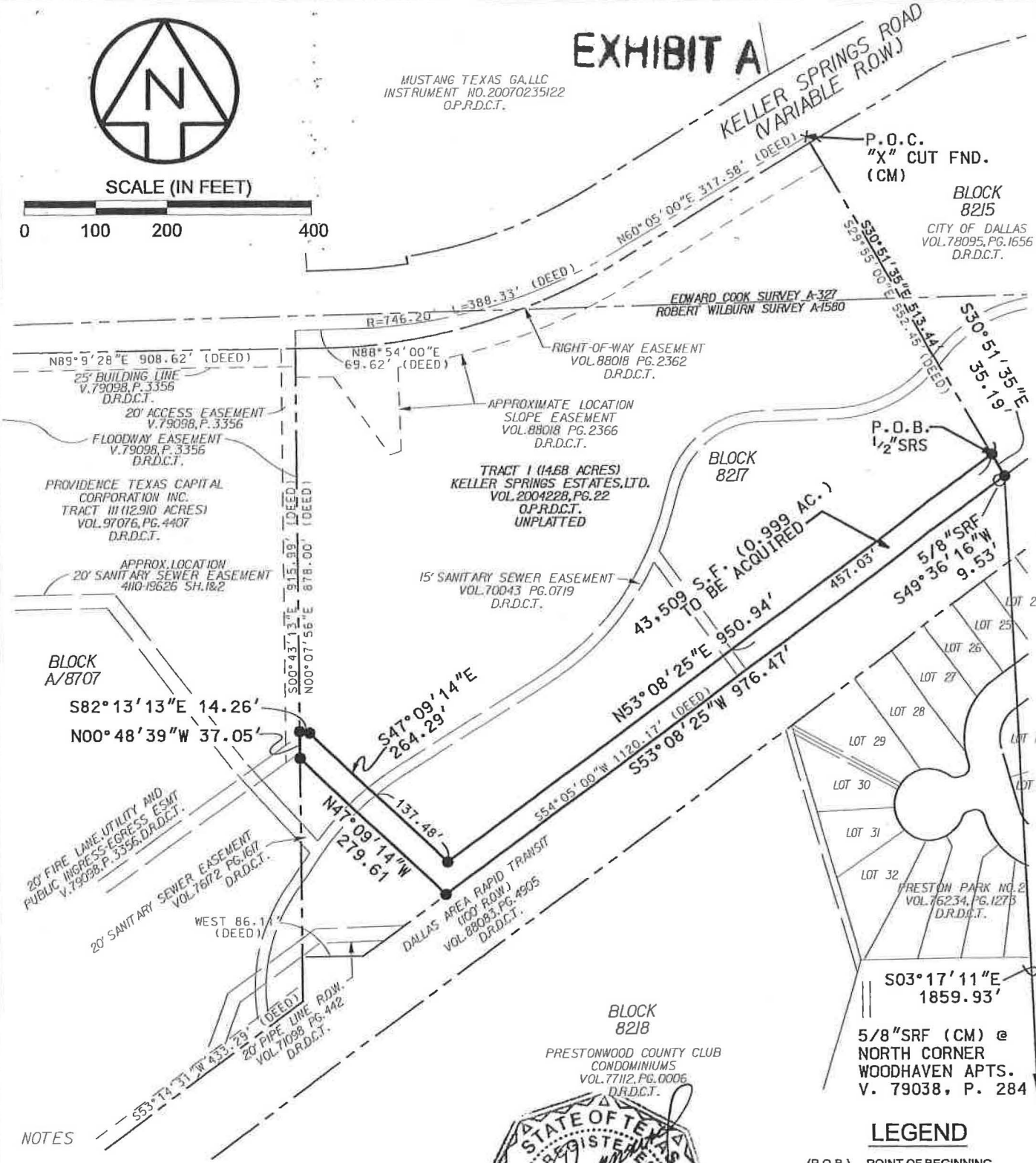
I the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of December, 2011.

Jeffrey Sheppard 2/16/2013

Jeffrey Sheppard
Registered Professional Land Surveyor No. 3696



# EXHIBIT A




SCALE (IN FEET)

0 100 200 400

NOTES

A PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (NAD83), NORTH CENTRAL ZONE, AS DETERMINED BY GPS OBSERVATIONS USING THE WDS-VRS NETWORK.

STATE OF TEXAS REGISTERED JEFFREY SHEPPARD 3696 PROFESSIONAL LAND SURVEYOR

2/16/2013

## LEGEND

| | |
|---|---|
| (P.O.B.) | POINT OF BEGINNING |
| (P.O.C.) | POINT OF COMMENCING |
| (CM) | CONTROLLING MONUMENT |
| O | STEEL REBAR FOUND (SIZE AS NOTED) |
| X | "X" CUT FOUND |
| ● | 1/2" STEEL REBAR SET W/ AZB PLASTIC CAP (EXCEPT AS NOTED) |
| ▭ | LIMITS OF PROPERTY TO BE ACQUIRED |

COMPUTED PMC CKD. JHS
DRAWN PMC CKD JHS
SUPERVISOR E.D. UTZMAN
DATE 12-9-11
SCALE 1"=200'

REVISION HISTORY

AZ&B
ARREDONDO, ZEPEDA & BRUNZ, INC.
11355 McCREE ROAD
DALLAS, TX. 75238
PH. 214-341-9900
FAX 214-341-9925
email - office@azb-engrs.com

# 43,509 SQUARE FOOT (0.999 ACRE) DALLAS CITY BLOCK 8217 WASTEWATER EASEMENT KELLER SPRINGS ESTATES, LTD.

SHEET 3 OF 3 | DWG No. | REV

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# Agenda Information Sheet

**File #:** 19-144 **Item #:** 20.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 12

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

Authorize acquisition from SDOG Investments I, L.L.C., of a wastewater easement containing a total of approximately 24,402 square feet of land located near the intersection of Preston and Arapaho Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed $271,372.00 ($265,372.00, plus closing costs and title expenses not to exceed $6,000.00) - Financing: Wastewater Capital Improvement Fund

## BACKGROUND

This item authorizes the acquisition from SDOG Investments I, L.L.C., of a wastewater easement containing a total of approximately 24,402 square feet of land located near the intersection of Preston and Arapaho Roads for the McKamy and Osage Branch Wastewater Interceptor Project. This property will be used for the improvements and relocation of the McKamy and Osage Branch wastewater line. The consideration is based on an independent appraisal. There are no relocation costs associated.

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

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Wastewater Capital Improvement Fund - $271,372.00 ($265,372.00, plus closing costs and title expenses not to exceed $6,000.00)

## OWNER

**SDOG Investments I, L.L.C.**

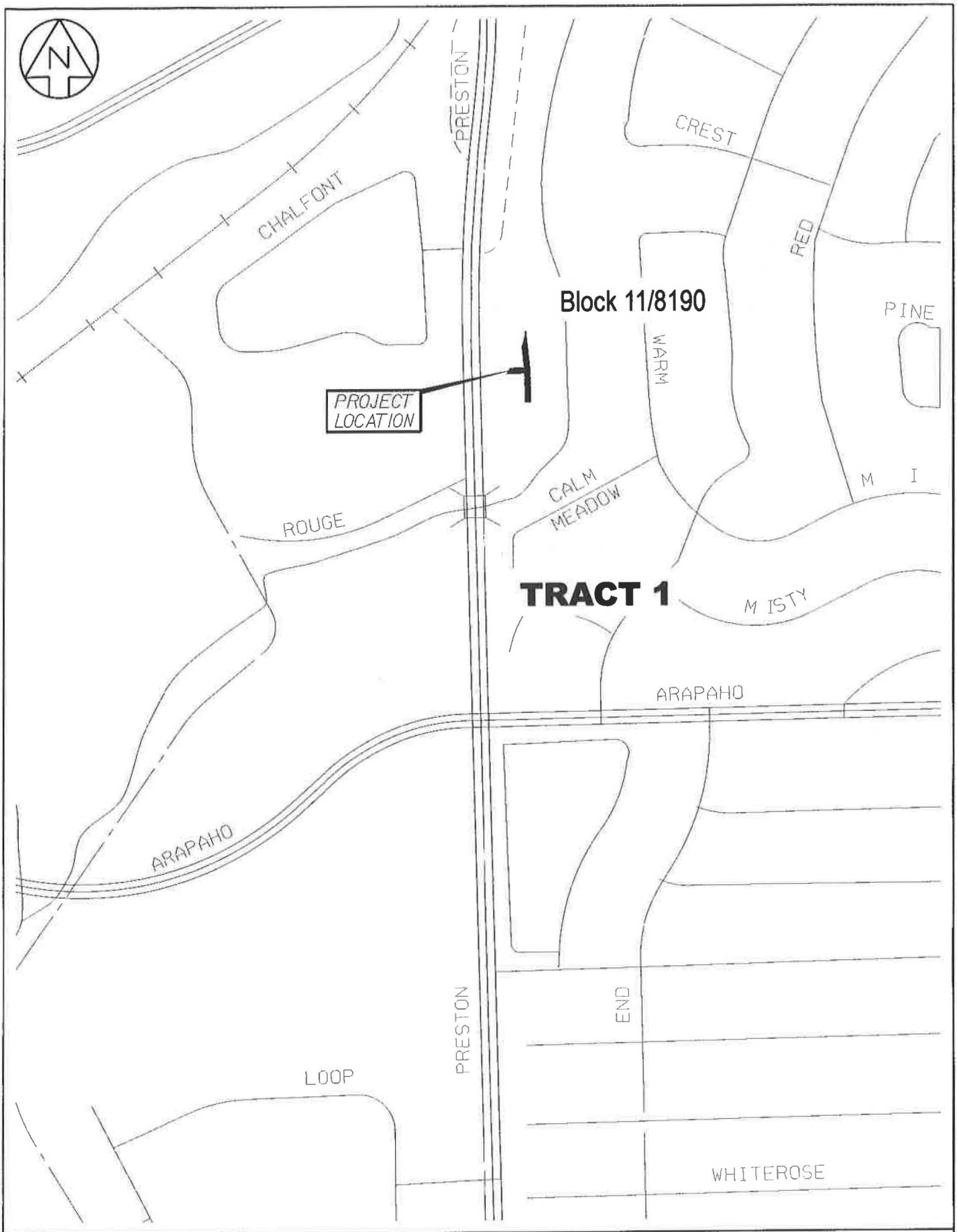
Scott Dabney, Manager

## MAPS

Attached



powered by Legistar™



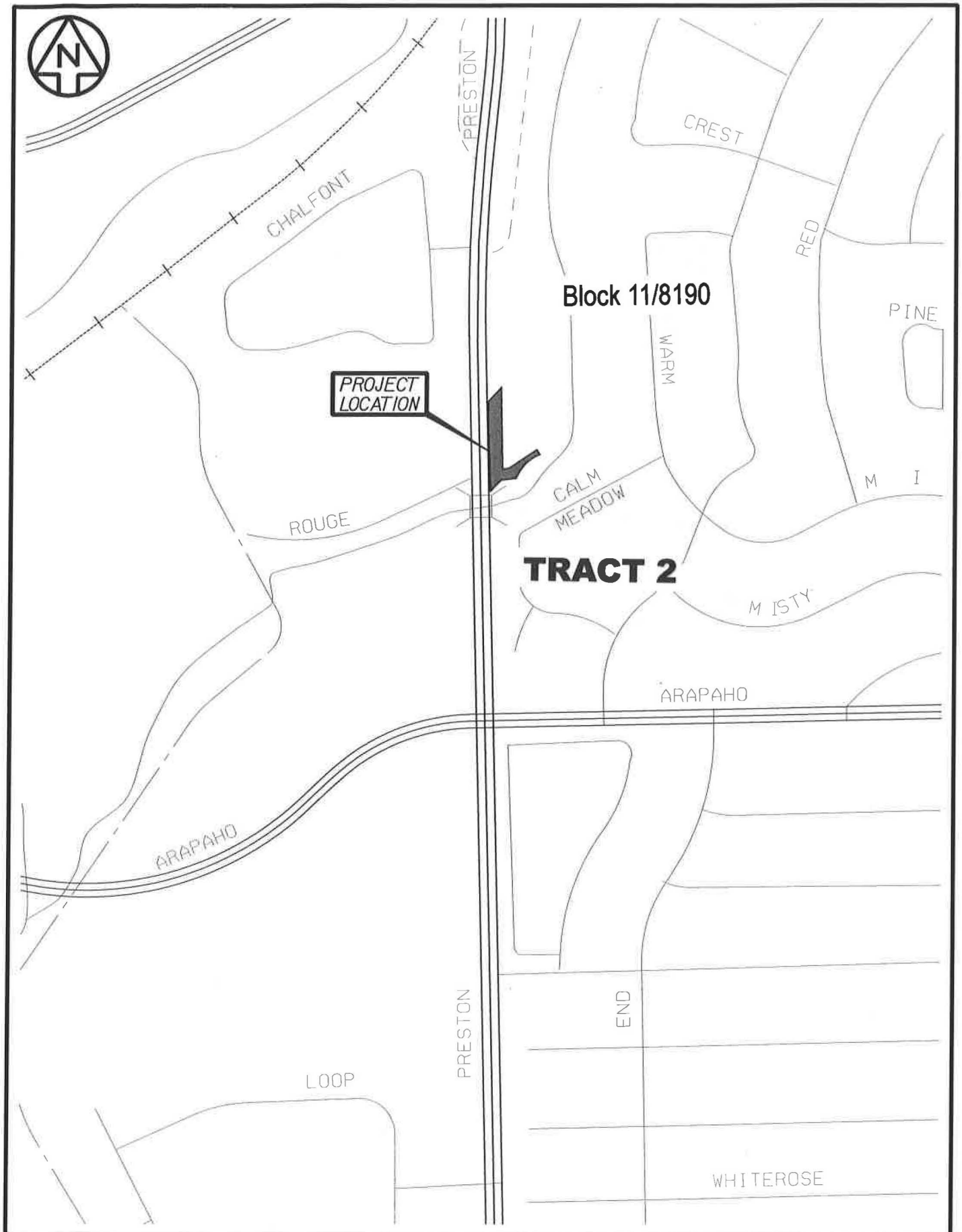

COMPUTED ____ CKD. ____
DRAWN ____ CKD ____
SUPERVISOR ____ ____ ____
DATE ____ ____ ____
SCALE ____ ____ ____

AZ&B
ARREDONDO, ZEPEDA & BRUNZ, INC.
11355 McCREE ROAD
DALLAS, TX 75238
PH. 214-341-9900
FAX 214-341-9925
email - office@azb-engrs.com

# LOCATOR MAP

JOHN BECKNELL SURVEY ~ ABSTRACT NO. 53
DALLAS CITY BLOCK 11/8190

| SHEET | OF | DWG No. | REV |
|---|---|---|---|




COMPUTED ____ CKD ____
DRAWN ____ CKD ____
SUPERVISOR ____ ____ ____
DATE ____ ____ ____
SCALE ____ ____ ____

AZ&B
ARREDONDO, ZEPEDA & BRUNZ, INC.
11355 McCREE ROAD
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email - office@azb-engrs.com

# LOCATOR MAP

JOHN BECKNELL SURVEY ~ ABSTRACT NO. 53
DALLAS CITY BLOCK 11/8190

| SHEET | OF | DWG No. | REV |
|---|---|---|---|
| | | | |

June 26, 2019

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 24,402 square feet of land located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": McKamy and Osage Branch Wastewater Interceptor Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated wastewater together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

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

"OWNER": SDOG Investments I, L.L.C., provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": $265,372.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $6,000.00

"AUTHORIZED AMOUNT": Not to exceed $271,372.00

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

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

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

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

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

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

**SECTION 6.** That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Wastewater Capital Improvement Fund, Fund 3116, Department DWU, Unit PS40, Program 706028, Object 4250, Encumbrance/Contract No. CX-DWU-2019-00008634. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY: _____
Assistant City Attorney

JC/40194

**8,358 SQUARE FOOT (0.192 ACRE)**
**DALLAS CITY BLOCK 11/8190**
**WASTEWATER EASEMENT**
**PRESCOTT INTERESTS, LTD.**

**EXHIBIT A**

**TRACT 1**

**BEING** an 8,358 square foot (0.192 Acre) parcel of land situated in the JOHN BECKNELL SURVEY, ABSTRACT NO. 53, in the City of Dallas, Dallas County, Texas, said parcel being part of a called 4.136 acre tract of land described in a deed to Prescott Interests, LTD. recorded in Instrument Number 200600229523 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), also being part of the Common Area "A" tract and Lot 1, Block 11/8190 of Prescott Interests 15900 Preston Road Addition, an addition to the City of Dallas according to the plat thereof recorded in Instrument Number 201000053042 of said Official Public Records and being more particularly described as follows:

**COMMENCING** at a ½-inch steel rod with a cap marked "Britain & Crawford" found (controlling monument) in the easterly right-of-way line of Preston Road (variable width right-of-way) for the northwesterly corner of a called 1.776 acre tract of land described in a deed to Delart Investments, Inc., recorded in Volume 90213, page 4296 of the Deed Records of Dallas County, Texas, from which a cut "X" found (controlling monument) for a westerly corner of said Delart Investments, Inc., tract bears South 13 degrees 49 minutes 53 seconds West a distance of 68.65 feet;

THENCE North 57 degrees 23 minutes 33 seconds East, along the northerly line of said Delart Investments, Inc. tract, a distance of 137.63 feet to the northeasterly corner of said Delart Investments, Inc. tract and being on the westerly line of said Prescott Interests, LTD. tract and said Common Area "A" tract;

THENCE South 06 degrees 57 minutes 18 seconds East, along the common line between said Delart Investments, Inc. tract, said Prescott Interests, LTD. tract, and said Common Area "A" tract, a distance of 132.67 feet to a point;

THENCE South 00 degrees 20 minutes 12 seconds West along the common line between said Delart Investments, Inc. tract, said Prescott Interests, LTD. tract, and said Common Area "A" tract, a distance of 200.90 feet to a ½-inch steel rod with a cap marked "AZ&B" set for the **POINT OF BEGINNING**;

**THENCE** across said Prescott Interests, LTD. tract, and said Common Area "A" tract the following courses and distances:

North 85 degrees 16 minutes 31 seconds East, a distance of 4.86 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 04 degrees 43 minutes 29 seconds East, a distance of 162.08 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

FIELD NOTES APPROVED:
4/24/13

South 00 degrees 34 minutes 07 seconds West, a distance of 122.61 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

North 89 degrees 25 minutes 53 seconds West, a distance of 25.00 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

North 00 degrees 34 minutes 07 seconds East, a distance of 87.82 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

North 89 degrees 25 minutes 53 seconds West, crossing said Lot 1 at a distance of 29.27 feet, and continuing a total distance of 92.81 feet to a ½-inch steel rod with a cap marked "AZ&B" set in the common line between said Delart Investments, Inc. tract and said Prescott Interests, LTD. tract, and said Lot 1;

**THENCE** North 44 degrees 29 minutes 47 seconds East, along the southeasterly boundary of said Delart Investments, Inc. tract and the northwesterly boundary of Lot 1 and said Common Area "A" tract, a distance of 18.27 feet to a ½-inch steel rod with a cap marked "AZ&B" set;

**THENCE** North 33 degrees 03 minutes 15 seconds East, continuing along the southeasterly boundary of said Delart Investments, Inc. tract and the northwesterly boundary of Lot 1 and said Common Area "A" tract, a distance of 14.04 feet to a ½-inch steel rod with a cap marked "AZ&B" set;

**THENCE** across said Prescott Interests, LTD. tract, and said Common Area "A" tract the following courses and distances:

South 89 degrees 25 minutes 53 seconds East, a distance of 72.59 feet to a ½-inch steel rod with a cap marked "AZ&B" set;

North 00 degrees 34 minutes 07 seconds West, a distance of 8.63 feet to a ½-inch steel rod with a cap marked "AZ&B" set;

North 04 degrees 43 minutes 29 seconds West, a distance of 97.16 feet to a ½-inch steel rod with a cap marked "AZ&B" set in the common line between said Delart Investments, Inc. tract, said Prescott Interests, LTD., and Common Area "A" tract;

**THENCE** North 17 degrees 18 minutes 22 seconds East, along the common line between said Delart Investments, Inc. tract, said Prescott Interests, LTD., and Common area "A" tract, a distance of 49.47 feet to a set ½-inch steel rod with a cap marked "AZ&B";

EXHIBIT A

**THENCE** North 00 degrees 20 minutes 12 seconds East, continuing along the common line between said Delart Investments, Inc. tract and said Prescott Interests, LTD. tract, a distance of 17.99 feet to the **POINT OF BEGINNING** and containing 8,358 square feet, or 0.192 acre of land, more or less.

Basis of bearings is the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

A survey plat of even date accompanies this property description.

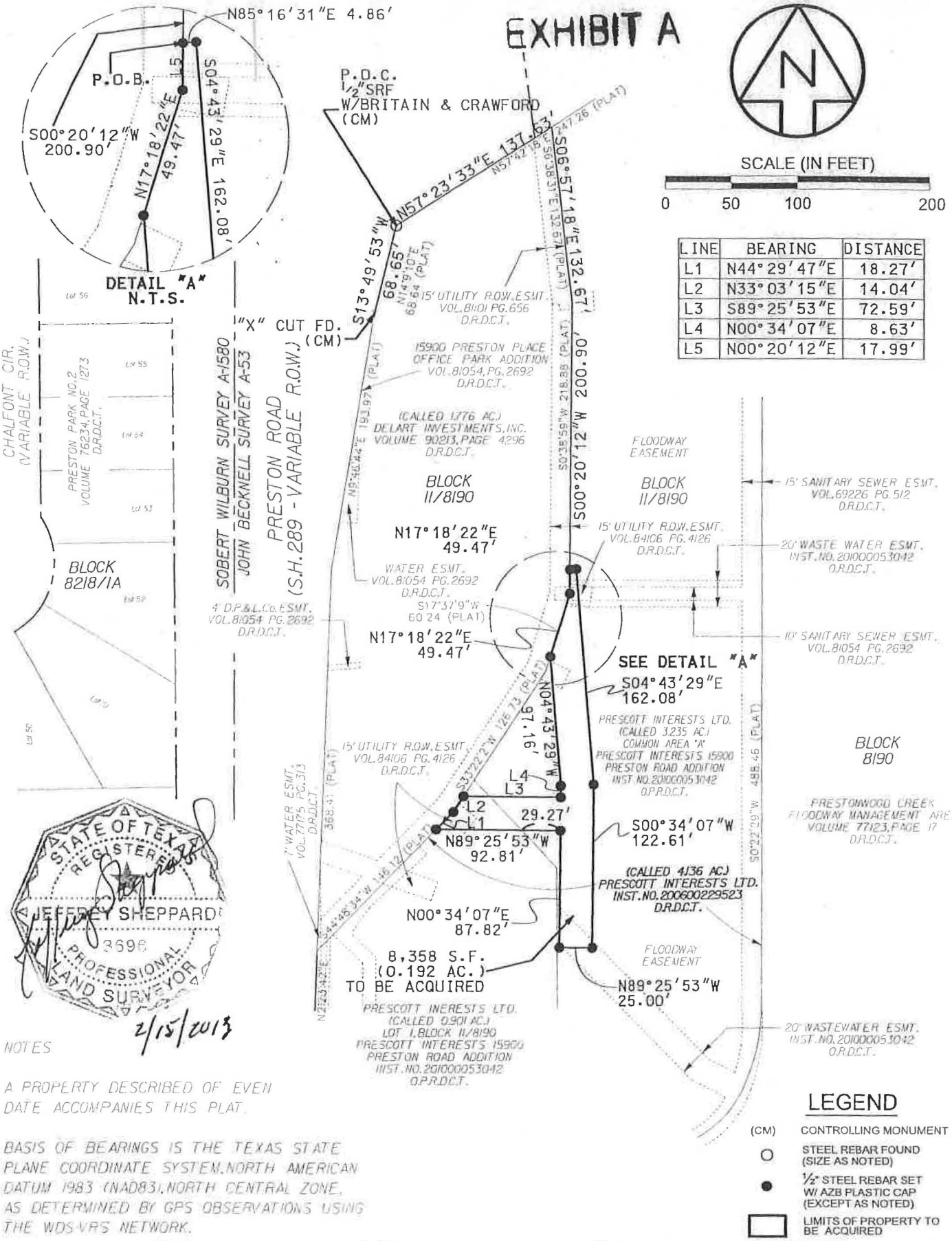
I the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of August, 2011.

Jeffrey Sheppard 2/15/2013

Jeffrey Sheppard
Registered Professional Land Surveyor No. 3696



# EXHIBIT A




| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | N44°29'47"E | 18.27' |
| L2 | N33°03'15"E | 14.04' |
| L3 | S89°25'53"E | 72.59' |
| L4 | N00°34'07"E | 8.63' |
| L5 | N00°20'12"E | 17.99' |

STATE OF TEXAS
REGISTERED
JEFFREY SHEPPARD
3696
PROFESSIONAL
LAND SURVEYOR

2/15/2013

NOTES

A PROPERTY DESCRIBED OF EVEN DATE ACCOMPANIES THIS PLAT.

BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (NAD83), NORTH CENTRAL ZONE, AS DETERMINED BY GPS OBSERVATIONS USING THE WDS VRS NETWORK.

## LEGEND

| | |
|---|---|
| (CM) | CONTROLLING MONUMENT |
| ○ | STEEL REBAR FOUND (SIZE AS NOTED) |
| ● | 1/2" STEEL REBAR SET W/ AZB PLASTIC CAP (EXCEPT AS NOTED) |
| ▭ | LIMITS OF PROPERTY TO BE ACQUIRED |

COMPUTED RME CKD JHS
DRAWN RME CKD JHS
SUPERVISOR F.D. UTZMAN
DATE 08-22-11
SCALE 1"=100'

REVISION HISTORY


AZB
ARREDONDO, ZEPEDA & BRUNZ, INC.
11355 McCREE ROAD
DALLAS, TX. 75238
PH. 214-341-9900
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email - office@azb-engrs.com


8,358 SQUARE FOOT (0.192 ACRE)
DALLAS CITY BLOCK 11/8190
WASTEWATER EASEMENT
PRESCOTT INTERESTS, LTD.

SHEET 4 OF 4 | DWG No. | REV

S:\DWU\207010.001-Halff-McKamy\Dgn\Easement\Preston Place Office Park\ESMT-411b.dgn 2/15/2013 9:12:17 AM @

EXHIBIT A

TRACT 2

**16,044 SQUARE FOOT (0.368 ACRE)**
**DALLAS CITY BLOCK 11/8190**
**WASTEWATER EASEMENT**
**PRESCOTT INTERESTS, LTD**

**BEING** a 16,044 square foot (0.368 acre) parcel of land situated in the JOHN BECKNELL SURVEY, ABSTRACT NO. 53, in Official City Block Number 11/8190 in the City of Dallas, Dallas County, Texas, said parcel being part of a called 4.136 acre tract of land described in a deed to Prescott Interests, LTD. recorded in Instrument Number 200600229523 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), also being part of the Common Area "A" tract and part of Lot 1, Block 11/8190 of Prescott Interests 15900 Preston Road Addition, an addition to the City of Dallas according to the plat thereof recorded in Instrument Number 201000053042 of said Official Public Records and being more particularly described as follows:

**COMMENCING** at a ½-inch steel rod with a cap marked "Britain & Crawford" found (controlling monument-Texas State Plane Grid Coordinates-N=7,039,017.76, E=2,488,585.04) in the easterly right-of-way line of Preston Road (S.H. 289 - variable width right-of-way) for the northwesterly corner of a called 1.776 acre tract of land described in deed to Delart Investments, Inc. recorded in Volume 90213, Page 4296 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and platted as 15900 Preston Place Office Park Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 81054, Page 2692 of said Deed Records;

THENCE South 13 degrees 49 minutes 53 seconds West, along the common line between said Delart Investments, Inc. tract and said Preston Road, a distance of 68.65 feet to a cut "X" found (controlling monument-Texas State Plane Grid Coordinates-N=7,038,951.11, E=2488568.63), for a westerly corner of said Delart Investments, Inc. tract;

THENCE South 09 degrees 27 minutes 59 seconds West, continuing along said common line, a distance of 193.97 feet;

THENCE South 02 degrees 05 minutes 05 seconds West, continuing along said common line a distance of 286.56 feet to a ½-inch steel rod with a cap marked "AZ&B" set at the south corner of said Delart Investments tract and the northwest corner of said Lot 1 for the **POINT OF BEGINNING**;

**THENCE** North 44 degrees 29 minutes 47 seconds East, along the common line between said Delart Investments, Inc. tract and said Lot 1, a distance of 60.87 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

**THENCE** South 00 degrees 26 minutes 30 seconds West, departing said common line and across said Lot 1 and said Common Area "A", crossing the south line of said Lot 1 at a distance of 187.77 feet, a total distance of 261.85 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

**THENCE** across said Common Area "A", the following three (3) courses and distances;

FIELD NOTES APPROVED:
4/24/13

**16,044 SQUARE FOOT (0.368 ACRE)**
**DALLAS CITY BLOCK 11/8190**
**WASTEWATER EASEMENT**
**PRESCOTT INTERESTS, LTD**

North 85 degrees 26 minutes 30 seconds East, a distance of 20.11 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

North 59 degrees 05 minutes 26 seconds East, a distance of 110.39 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 30 degrees 54 minutes 34 seconds East, a distance of 18.98 feet to a point in a creek (unable to monument) in the common boundary of said Common Area "A" and Prestonwood Creek Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 77123, Page 17 of said Deed Records, for the beginning of a non-tangent curve to the left;

**THENCE** along the common boundary between said Common Area "A" and said Prestonwood Creek Addition, the following two (2) courses and distances;

Southwesterly, along said non-tangent curve to the left which has a chord that bears South 52 degrees 38 minutes 08 seconds West for 85.42 feet, a central angle of 38 degrees 21 minutes 37 seconds and a radius of 130.00 feet, for an arc distance of 87.04 feet, to a point in a creek for the end of said curve;

South 33 degrees 27 minutes 20 seconds West, a distance of 26.29 feet to a point in a creek for corner (unable to monument);

**THENCE** departing the common boundary between said Common Area "A" and said Prestonwood Creek Addition and across said Common area "A" the following two (2) courses and distances;

South 85 degrees 26 minutes 30 seconds West, a distance of 47.99 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 46 degrees 15 minutes 43 seconds West, a distance of 49.18 feet to a ½-inch steel rod with a cap marked "AZ&B" set in the common boundary between Preston Road and said Common Area "A";

**THENCE** along the common boundary between said Preston Road and Common Area "A", the following two (2) courses and distances;

North 00 degrees 39 minutes 27 seconds West, a distance of 206.21 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

North 02 degrees 05 minutes 05 seconds East, a distance of 81.86 feet to the **POINT OF BEGINNING** and containing 16,044 square feet (0.368 acre) of land, more or less.

**16,044 SQUARE FOOT (0.368 ACRE)**
**DALLAS CITY BLOCK 11/8190**
**WASTEWATER EASEMENT**
**PRESCOTT INTERESTS, LTD**

EXHIBIT A

Basis of bearings and source of coordinates is the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network and a grid-to-surface conversion factor of 1.000136506.

A survey plat of even date accompanies this property description.

I the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of August, 2011.

Jeffrey Sheppard 12/20/12

Jeffrey Sheppard
Registered Professional Land Surveyor No. 3696



# EXHIBIT A




12/20/12

N=7039017.76
E=2488585.04

P.O.C.
1/2"SRF
(CM)

"X" CUT FD.
(CM)

N=7038951.11
E=2488568.63

S13°49'53"W
68.65'

S09°27'59"W 193.97'

S02°05'05"W 286.56'

PRESTON ROAD
(S.H. 289 - VARIABLE R.O.W.)

W/BRITAIN & CRAWFORD

SOBERT WILBURN SURVEY A-1580
JOHN BECKNELL SURVEY A-53

BLOCK
8218/1A

BLOCK
11/8190

BLOCK
11/8190

BLOCK
8190

P.O.B.

187.77'

16,044 S.F. (0.368 AC.)
TO BE ACQUIRED

(CALLED 4.136 AC.)
PRESCOTT INTERESTS LTD.
INST. NO. 200600229523
O.P.R.D.C.T.

SCALE (IN FEET)

0 50 100 200

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | N44°29'47"E | 60.87' |
| L2 | S00°26'30"W | 261.85' |
| L3 | N85°26'30"E | 20.11' |
| L4 | N59°05'26"E | 110.39' |
| L5 | S30°54'34"E | 18.98' |
| L6 | S33°27'20"W | 26.29' |
| L7 | S85°26'30"W | 47.99' |
| L8 | S46°15'43"W | 49.18' |
| L9 | N00°39'27"W | 206.21' |
| L10 | N02°05'05"E | 81.86' |

| CURVE | DELTA | RADIUS | LENGTH | CH. BEARING | CHORD |
|---|---|---|---|---|---|
| C1 | 38°21'37"(LT) | 130.00' | 87.04' | S52°38'08"W | 85.42' |

## LEGEND

| | |
|---|---|
| (CM) | CONTROLLING MONUMENT |
| PK | PK NAIL SET |
| ○ | STEEL REBAR FOUND (SIZE AS NOTED) |
| ● | 1/2" STEEL REBAR SET W/ AZB PLASTIC CAP (EXCEPT AS NOTED) |
| ▭ | LIMITS OF PROPERTY TO BE ACQUIRED |

COMPUTED
DRAWN
SUPERVISOR
DATE
SCALE

REVISION HISTORY

AZ&B
ARREDONDO, ZEPEDA & BRUNZ, INC.
11355 McCREE ROAD
DALLAS, TX 75238
PH. 214-341-9900
FAX 214-341-9925
email - office@azb-engrs.com

16,044 SQUARE FOOT (0.368 ACRE)
DALLAS CITY BLOCK 11/8190
WASTEWATER EASEMENT
PRESCOTT INTERESTS, LTD.

SHEET 4 OF 4 | DWG No. | REV

S:\DWU\207010.001-Halff-McKamy\Dgn\Easement\Preston Place Office Park\ESMT-411A\ESMT-411a.dgn 12/17/2012 7:14:05 AM

EXHIBIT B

# WASTEWATER EASEMENT

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

That SDOG Investments I, L.L.C., a Texas limited liability company (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of TWO HUNDRED SEVENTY-ONE THOUSAND THREE HUNDRED SEVENTY-TWO AND NO/100 DOLLARS ($271,372.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, an easement for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances and such additional main or mains and appurtenances as are needed in the future in, under, through, across and along all that certain lot, tract or parcel of land described in Exhibit A, attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances, and such additional main or mains and appurtenances as are needed in the future, according to such plans and specifications as will, in City's opinion, best serve the public purpose. The payment of the purchase price shall be considered full and adequate compensation for the easement rights herein granted.

Should one or more of the Grantors herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

The City shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, but without limiting the same to, the right of ingress and egress over and across said property to and from said easement for the purpose of constructing, reconstructing, maintaining, inspecting or repairing said main or mains and appurtenances.

The City shall have the right to remove and keep removed from the permanent easement herein granted any and all structures, fences, trees, shrubs, growths or other obstructions which may endanger or interfere with the construction, reconstruction, maintenance, repair or operation of the said main or mains. (Grantor, its successors or assigns, shall not place or store any material upon, or cover, bury, pave over or otherwise obstruct any cleanout, valve, meter or manhole located within the herein described permanent easement.)

Grantor, its successors or assigns, shall not be permitted to plant trees or shrubs of any kind within the boundaries of the herein described permanent easement.

All expenses in the construction and maintenance of said main or mains and appurtenances shall be borne by the City. In the construction of said main or mains and appurtenances, should the City find it necessary to remove any improvements now on the above-described property, all of those expenses shall also be borne by the City. Upon completion of construction, all surplus excavation, debris, trash or litter resulting from construction shall be cleaned up and hauled off the premises, and the easement property, including any fences disturbed, shall be restored to its original contour and condition.

Nothing in this easement shall be construed as a waiver by the City of any connection charge or charges imposed by ordinance or Charter of the City of Dallas.

SPECIAL PROVISIONS: "None".

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

EXECUTED this _____ day of _____, _____.

SDOG Investments I, L.L.C.,
a Texas limited liability company

By: _____
Name: _____
Title: _____

* * * * * * * * * * * * * * * * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by_____, _____of SDOG Investments I, L.L.C., Inc, a Texas limited liability company, on behalf of said limited liability company.

_____
Notary Public, State of TEXAS

* * * * * * * * * * * * * * * * * * *

EXHIBIT B

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

attn: JASMINE CHACKO

Wastewater Easement Log No. 40194

**8,358 SQUARE FOOT (0.192 ACRE)**
**DALLAS CITY BLOCK 11/8190**
**WASTEWATER EASEMENT**
**PRESCOTT INTERESTS, LTD.**

**EXHIBIT A**

**TRACT 1**

**BEING** an 8,358 square foot (0.192 Acre) parcel of land situated in the JOHN BECKNELL SURVEY, ABSTRACT NO. 53, in the City of Dallas, Dallas County, Texas, said parcel being part of a called 4.136 acre tract of land described in a deed to Prescott Interests, LTD. recorded in Instrument Number 200600229523 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), also being part of the Common Area "A" tract and Lot 1, Block 11/8190 of Prescott Interests 15900 Preston Road Addition, an addition to the City of Dallas according to the plat thereof recorded in Instrument Number 201000053042 of said Official Public Records and being more particularly described as follows:

**COMMENCING** at a ½-inch steel rod with a cap marked "Britain & Crawford" found (controlling monument) in the easterly right-of-way line of Preston Road (variable width right-of-way) for the northwesterly corner of a called 1.776 acre tract of land described in a deed to Delart Investments, Inc., recorded in Volume 90213, page 4296 of the Deed Records of Dallas County, Texas, from which a cut "X" found (controlling monument) for a westerly corner of said Delart Investments, Inc., tract bears South 13 degrees 49 minutes 53 seconds West a distance of 68.65 feet;

THENCE North 57 degrees 23 minutes 33 seconds East, along the northerly line of said Delart Investments, Inc. tract, a distance of 137.63 feet to the northeasterly corner of said Delart Investments, Inc. tract and being on the westerly line of said Prescott Interests, LTD. tract and said Common Area "A" tract;

THENCE South 06 degrees 57 minutes 18 seconds East, along the common line between said Delart Investments, Inc. tract, said Prescott Interests, LTD. tract, and said Common Area "A" tract, a distance of 132.67 feet to a point;

THENCE South 00 degrees 20 minutes 12 seconds West along the common line between said Delart Investments, Inc. tract, said Prescott Interests, LTD. tract, and said Common Area "A" tract, a distance of 200.90 feet to a ½-inch steel rod with a cap marked "AZ&B" set for the **POINT OF BEGINNING**;

FIELD NOTES APPROVED: 4/22/13

**THENCE** across said Prescott Interests, LTD. tract, and said Common Area "A" tract the following courses and distances:

North 85 degrees 16 minutes 31 seconds East, a distance of 4.86 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 04 degrees 43 minutes 29 seconds East, a distance of 162.08 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 00 degrees 34 minutes 07 seconds West, a distance of 122.61 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

North 89 degrees 25 minutes 53 seconds West, a distance of 25.00 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

North 00 degrees 34 minutes 07 seconds East, a distance of 87.82 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

North 89 degrees 25 minutes 53 seconds West, crossing said Lot 1 at a distance of 29.27 feet, and continuing a total distance of 92.81 feet to a ½-inch steel rod with a cap marked "AZ&B" set in the common line between said Delart Investments, Inc. tract and said Prescott Interests, LTD. tract, and said Lot 1;

**THENCE** North 44 degrees 29 minutes 47 seconds East, along the southeasterly boundary of said Delart Investments, Inc. tract and the northwesterly boundary of Lot 1 and said Common Area "A" tract, a distance of 18.27 feet to a ½-inch steel rod with a cap marked "AZ&B" set;

**THENCE** North 33 degrees 03 minutes 15 seconds East, continuing along the southeasterly boundary of said Delart Investments, Inc. tract and the northwesterly boundary of Lot 1 and said Common Area "A" tract, a distance of 14.04 feet to a ½-inch steel rod with a cap marked "AZ&B" set;

**THENCE** across said Prescott Interests, LTD. tract, and said Common Area "A" tract the following courses and distances:

South 89 degrees 25 minutes 53 seconds East, a distance of 72.59 feet to a ½-inch steel rod with a cap marked "AZ&B" set;

North 00 degrees 34 minutes 07 seconds West, a distance of 8.63 feet to a ½-inch steel rod with a cap marked "AZ&B" set;

North 04 degrees 43 minutes 29 seconds West, a distance of 97.16 feet to a ½-inch steel rod with a cap marked "AZ&B" set in the common line between said Delart Investments, Inc. tract, said Prescott Interests, LTD., and Common Area "A" tract;

**THENCE** North 17 degrees 18 minutes 22 seconds East, along the common line between said Delart Investments, Inc. tract, said Prescott Interests, LTD., and Common area "A" tract, a distance of 49.47 feet to a set ½-inch steel rod with a cap marked "AZ&B";

EXHIBIT A

**THENCE** North 00 degrees 20 minutes 12 seconds East, continuing along the common line between said Delart Investments, Inc. tract and said Prescott Interests, LTD. tract, a distance of 17.99 feet to the **POINT OF BEGINNING** and containing 8,358 square feet, or 0.192 acre of land, more or less.

Basis of bearings is the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

A survey plat of even date accompanies this property description.

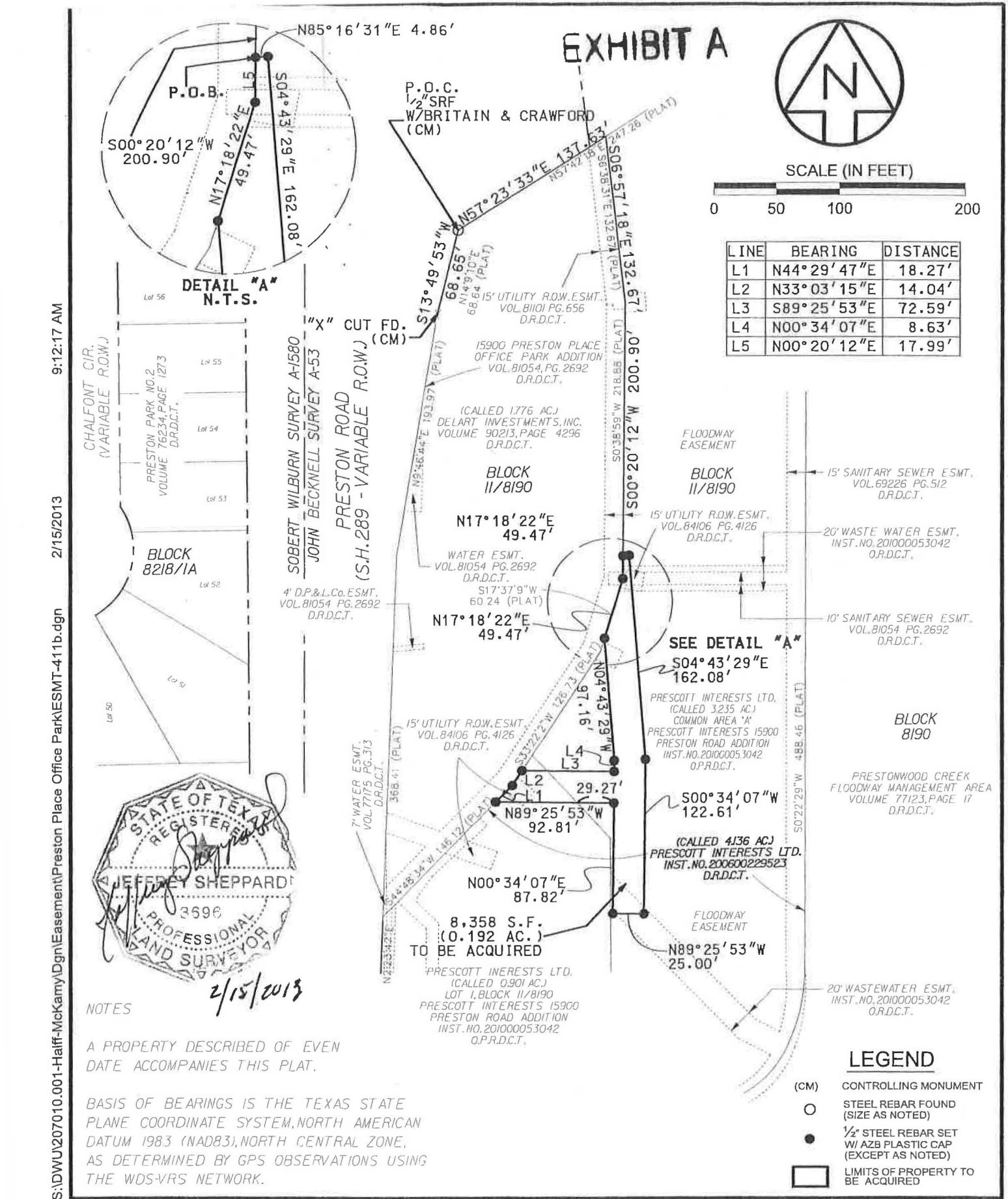
I the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of August, 2011.

2/15/2013

Jeffrey Sheppard
Registered Professional Land Surveyor No. 3696



# EXHIBIT A




SCALE (IN FEET)

0 50 100 200

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | N44°29'47"E | 18.27' |
| L2 | N33°03'15"E | 14.04' |
| L3 | S89°25'53"E | 72.59' |
| L4 | N00°34'07"E | 8.63' |
| L5 | N00°20'12"E | 17.99' |

STATE OF TEXAS
REGISTERED
JEFFREY SHEPPARD
3696
PROFESSIONAL
LAND SURVEYOR

2/15/2013

NOTES

A PROPERTY DESCRIBED OF EVEN DATE ACCOMPANIES THIS PLAT.

BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM,NORTH AMERICAN DATUM 1983 (NAD83),NORTH CENTRAL ZONE, AS DETERMINED BY GPS OBSERVATIONS USING THE WDS-VRS NETWORK.

## LEGEND

| | |
|---|---|
| (CM) | CONTROLLING MONUMENT |
| ○ | STEEL REBAR FOUND (SIZE AS NOTED) |
| ● | 1/2" STEEL REBAR SET W/ AZB PLASTIC CAP (EXCEPT AS NOTED) |
| ▭ | LIMITS OF PROPERTY TO BE ACQUIRED |

COMPUTED RME CKD. JHS
DRAWN RME CKD JHS
SUPERVISOR E.D. UTZMAN
DATE 08-22-11
SCALE 1"=100'

REVISION HISTORY


AZ&B
ARREDONDO, ZEPEDA & BRUNZ, INC.
11355 McCREE ROAD
DALLAS, TX. 75238
PH. 214-341-9900
FAX 214-341-9925
email - office@azb-engrs.com


# 8,358 SQUARE FOOT (0.192 ACRE) DALLAS CITY BLOCK 11/8190 WASTEWATER EASEMENT PRESCOTT INTERESTS, LTD.

SHEET 4 OF 4 | DWG No. | REV

S:\DWU\207010.001-Halff-McKamy\Dgn\Easement\Preston Place Office Park\ESMT-411b.dgn 2/15/2013 9:12:17 AM @

EXHIBIT A

TRACT 2

**16,044 SQUARE FOOT (0.368 ACRE)**
**DALLAS CITY BLOCK 11/8190**
**WASTEWATER EASEMENT**
**PRESCOTT INTERESTS, LTD**

**BEING** a 16,044 square foot (0.368 acre) parcel of land situated in the JOHN BECKNELL SURVEY, ABSTRACT NO. 53, in Official City Block Number 11/8190 in the City of Dallas, Dallas County, Texas, said parcel being part of a called 4.136 acre tract of land described in a deed to Prescott Interests, LTD. recorded in Instrument Number 200600229523 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), also being part of the Common Area "A" tract and part of Lot 1, Block 11/8190 of Prescott Interests 15900 Preston Road Addition, an addition to the City of Dallas according to the plat thereof recorded in Instrument Number 201000053042 of said Official Public Records and being more particularly described as follows:

**COMMENCING** at a ½-inch steel rod with a cap marked "Britain & Crawford" found (controlling monument-Texas State Plane Grid Coordinates-N=7,039,017.76, E=2,488,585.04) in the easterly right-of-way line of Preston Road (S.H. 289 - variable width right-of-way) for the northwesterly corner of a called 1.776 acre tract of land described in deed to Delart Investments, Inc. recorded in Volume 90213, Page 4296 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and platted as 15900 Preston Place Office Park Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 81054, Page 2692 of said Deed Records;

THENCE South 13 degrees 49 minutes 53 seconds West, along the common line between said Delart Investments, Inc. tract and said Preston Road, a distance of 68.65 feet to a cut "X" found (controlling monument-Texas State Plane Grid Coordinates-N=7,038,951.11, E=2488568.63), for a westerly corner of said Delart Investments, Inc. tract;

THENCE South 09 degrees 27 minutes 59 seconds West, continuing along said common line, a distance of 193.97 feet;

THENCE South 02 degrees 05 minutes 05 seconds West, continuing along said common line a distance of 286.56 feet to a ½-inch steel rod with a cap marked "AZ&B" set at the south corner of said Delart Investments tract and the northwest corner of said Lot 1 for the **POINT OF BEGINNING**;

FIELD NOTES APPROVED: 4/22/13

**THENCE** North 44 degrees 29 minutes 47 seconds East, along the common line between said Delart Investments, Inc. tract and said Lot 1, a distance of 60.87 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

**THENCE** South 00 degrees 26 minutes 30 seconds West, departing said common line and across said Lot 1 and said Common Area "A", crossing the south line of said Lot 1 at a distance of 187.77 feet, a total distance of 261.85 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

**THENCE** across said Common Area "A", the following three (3) courses and distances;

North 85 degrees 26 minutes 30 seconds East, a distance of 20.11 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

North 59 degrees 05 minutes 26 seconds East, a distance of 110.39 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 30 degrees 54 minutes 34 seconds East, a distance of 18.98 feet to a point in a creek (unable to monument) in the common boundary of said Common Area "A" and Prestonwood Creek Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 77123, Page 17 of said Deed Records, for the beginning of a non-tangent curve to the left;

**THENCE** along the common boundary between said Common Area "A" and said Prestonwood Creek Addition, the following two (2) courses and distances;

Southwesterly, along said non-tangent curve to the left which has a chord that bears South 52 degrees 38 minutes 08 seconds West for 85.42 feet, a central angle of 38 degrees 21 minutes 37 seconds and a radius of 130.00 feet, for an arc distance of 87.04 feet, to a point in a creek for the end of said curve;

South 33 degrees 27 minutes 20 seconds West, a distance of 26.29 feet to a point in a creek for corner (unable to monument);

**THENCE** departing the common boundary between said Common Area "A" and said Prestonwood Creek Addition and across said Common area "A" the following two (2) courses and distances;

South 85 degrees 26 minutes 30 seconds West, a distance of 47.99 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 46 degrees 15 minutes 43 seconds West, a distance of 49.18 feet to a ½-inch steel rod with a cap marked "AZ&B" set in the common boundary between Preston Road and said Common Area "A";

**THENCE** along the common boundary between said Preston Road and Common Area "A", the following two (2) courses and distances;

North 00 degrees 39 minutes 27 seconds West, a distance of 206.21 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

North 02 degrees 05 minutes 05 seconds East, a distance of 81.86 feet to the **POINT OF BEGINNING** and containing 16,044 square feet (0.368 acre) of land, more or less.

**16,044 SQUARE FOOT (0.368 ACRE)**
**DALLAS CITY BLOCK 11/8190**
**WASTEWATER EASEMENT**
**PRESCOTT INTERESTS, LTD**

EXHIBIT A

Basis of bearings and source of coordinates is the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network and a grid-to-surface conversion factor of 1.000136506.

A survey plat of even date accompanies this property description.

I the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of August, 2011.

Jeffrey Sheppard 12/20/12

Jeffrey Sheppard
Registered Professional Land Surveyor No. 3696



# EXHIBIT A




12/20/12

N=7039017.76
E=2488585.04

P.O.C.
1/2"SRF
W/BRITAIN & CRAWFORD (CM)

"X" CUT FD. (CM)
N=7038951.11
E=2488568.63

P.O.B.

PRESTON ROAD
(S.H.289 - VARIABLE R.O.W.)

SOBERT WILBURN SURVEY A-1580
JOHN BECKNELL SURVEY A-53

BLOCK 8218/1A

PRESTON PARK NO.2
VOLUME 76234, PAGE 1273
D.R.D.C.T.

BLOCK 11/8190

15900 PRESTON PLACE OFFICE PARK ADDITION
VOL.81054 PG.2692
D.R.D.C.T.

15' UTILITY R.O.W. ESMT.
VOL.81101 PG.656
D.R.D.C.T.

15' UTILITY R.O.W. ESMT.
VOL.84106 PG.4126
D.R.D.C.T.

WATER ESMT.
VOL.81054 PG.2692
D.R.D.C.T.

4 D.P.&L.Co. ESMT.
VOL.81054 PG.2692
D.R.D.C.T.

(CALLED 1.776 AC.)
DELART INVESTMENTS, INC.
VOLUME 90213, PAGE 4296
D.R.D.C.T.

FLOODWAY EASEMENT

PRESCOTT INTERESTS LTD.
(CALLED 3.235 AC.)
COMMON AREA "A"
PRESCOTT INTERESTS 15900
PRESTON ROAD ADDITION
INST.NO.20100053042
O.P.R.D.C.T.

(CALLED 4.136 AC.)
PRESCOTT INTERESTS LTD.
INST.NO.200600229523
O.P.R.D.C.T.

PRESCOTT INTERESTS LTD.
(CALLED 0.301 AC.)
LOT 1, BLOCK 11/8190
PRESCOTT INTERESTS 15900
PRESTON ROAD ADDITION
INST.NO.20100053042
O.P.R.D.C.T.

20' WASTE WATER ESMT.
INST.NO.20100053042
O.P.R.D.C.T.

10' SANITARY SEWER ESMT.
VOL.81054 PG.2692
D.R.D.C.T.

BLOCK 8190

PRESTONWOOD CREEK
FLOODWAY MANAGEMENT AREA
VOLUME 77123, PAGE 17
D.R.D.C.T.

15' SANITARY SEWER ESMT.
VOL.69226 PG.512
D.R.D.C.T.

10' X 20' WATER ESMT.
INST.NO.20100053042
O.P.R.D.C.T.

7' WATER ESMT.
VOL.77175 PG.313
D.R.D.C.T.

10' DRAINAGE ESMT.
INST.NO.20100053042
O.P.R.D.C.T.

10' WATER ESMT.
INST.NO.20100053042
O.P.R.D.C.T.

UNABLE TO MONUMENT

16,044 S.F. (0.368 AC.)
TO BE ACQUIRED

SCALE (IN FEET)
0 50 100 200

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | N44°29'47"E | 60.87' |
| L2 | S00°26'30"W | 261.85' |
| L3 | N85°26'30"E | 20.11' |
| L4 | N59°05'26"E | 110.39' |
| L5 | S30°54'34"E | 18.98' |
| L6 | S33°27'20"W | 26.29' |
| L7 | S85°26'30"W | 47.99' |
| L8 | S46°15'43"W | 49.18' |
| L9 | N00°39'27"W | 206.21' |
| L10 | N02°05'05"E | 81.86' |

| CURVE | DELTA | RADIUS | LENGTH | CH. BEARING | CHORD |
|---|---|---|---|---|---|
| C1 | 38°21'37"(LT) | 130.00' | 87.04' | S52°38'08"W | 85.42' |

## LEGEND

| | |
|---|---|
| (CM) | CONTROLLING MONUMENT |
| PK | PK NAIL SET |
| O | STEEL REBAR FOUND (SIZE AS NOTED) |
| ● | 1/2" STEEL REBAR SET W/ AZB PLASTIC CAP (EXCEPT AS NOTED) |
| | LIMITS OF PROPERTY TO BE ACQUIRED |

COMPUTED RMF CKD. JHS
DRAWN RMF CKD. JHS
SUPERVISOR E.D. TZWAM
DATE 12-12
SCALE 1" = 100'

REVISION HISTORY

AZ&B
ARREDONDO, ZEPEDA & BRUNZ, INC.
11355 McCREE ROAD
DALLAS, TX. 75238
PH. 214-341-9800
FAX 214-341-9925
email - office@azb-engrs.com

16,044 SQUARE FOOT (0.368 ACRE)
DALLAS CITY BLOCK 11/8190
WASTEWATER EASEMENT
PRESCOTT INTERESTS, LTD.

SHEET 4 OF 4 | DWG No. | REV

S:\DWU\207010.001-Halff-McKamy\Dgn\Easement\Preston Place Office Park\ESMT-411A\ESMT-411a.dgn 12/17/2012 7:14:05 AM

# Agenda Information Sheet

**File #:** 19-709 **Item #:** 21.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 9

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A resolution authorizing the conveyance of a right-of-way easement and a Possession and Use Agreement, for a total of approximately 50,878 square feet of City-owned land to the State of Texas located near the intersection of Interstate Highway 30 and Bass Pro Drive - Revenue: $175,384.00

## BACKGROUND

This item authorizes the conveyance of a right-of-way easement and a Possession and Use Agreement, for a total of approximately 50,878 square feet of City-owned land to the State of Texas, located near the intersection of Interstate Highway 30 and Bass Pro Drive, for the redevelopment and improvement of Interstate Highway 30 Project. The State of Texas is an entity with the power of eminent domain. The City may sell or exchange its property to a governmental entity that has the power of eminent domain without complying with the notice and bid requirements pursuant to Chapter 272 of the Local Government Code. The purchase price is based on an independent appraisal.

This property will be conveyed with a reservation of all oil, gas and other minerals in and under the property.

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

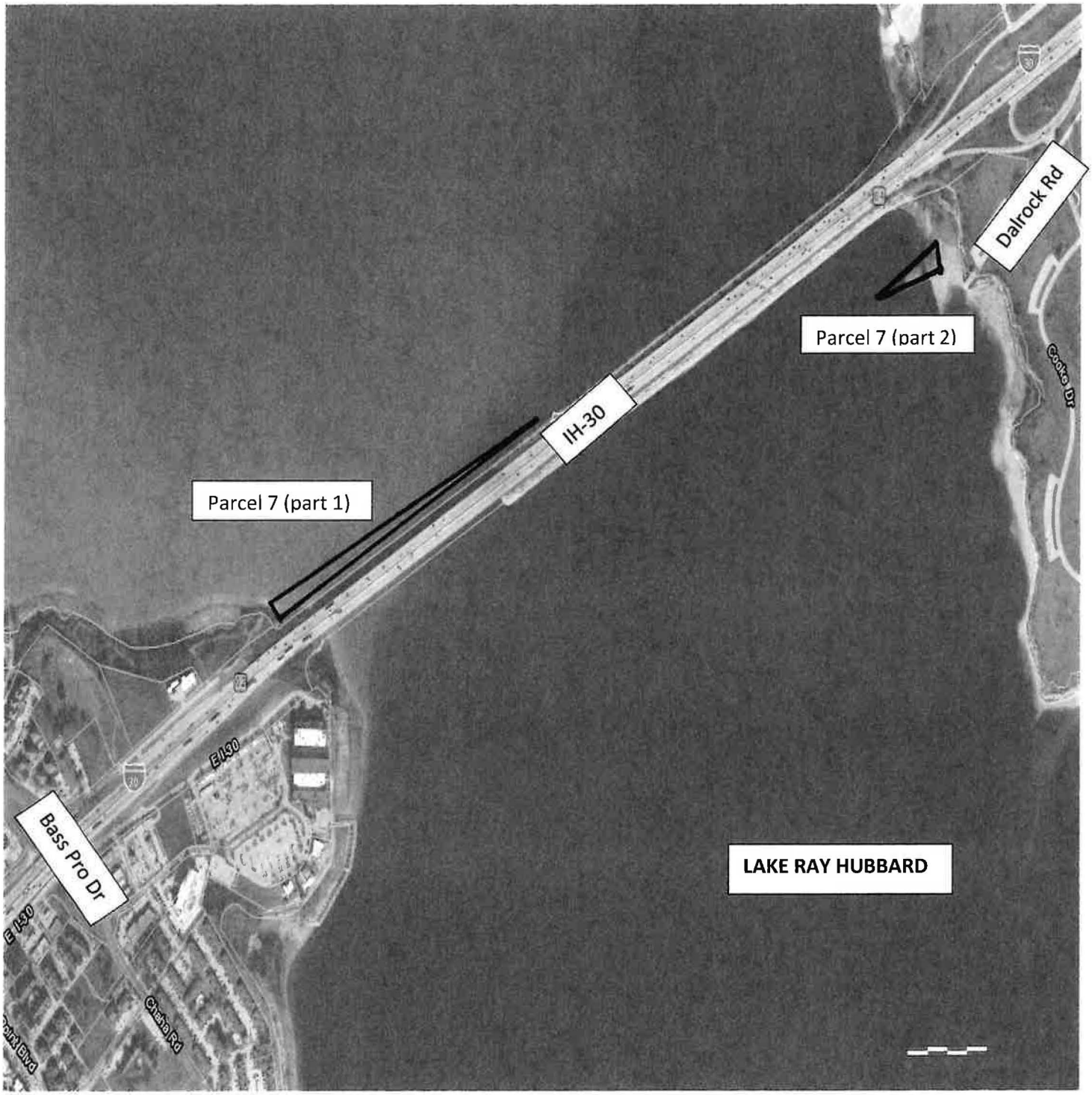
Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Revenue: $175,384.00

## MAP

Attached




**CITY OF DALLAS – LAKE RAY HUBBARD**

**PARCEL 7 (part 1)**

**PARCEL 7 (part 2)**

June 26, 2019

**WHEREAS,** the City of Dallas is the owner of a tract of land containing approximately 50,878 square feet of unimproved City owned land in Dallas County, Texas (the "Property"), and located near the intersection of Interstate Highway 30 (IH-30) and Bass Pro Drive, and is otherwise a part of Lake Ray Hubbard; as described in Exhibit "A", attached herein and incorporated by reference; and

**WHEREAS,** the Texas Department of Transportation, a State of Texas agency, has the power of eminent domain and proposes to purchase a right-of-way easement at fair market value for purposes of constructing, maintaining and reconstructing IH-30 Project; and

**WHEREAS,** the City of Dallas may sell or exchange its property to a governmental entity that has the power of eminent domain for fair market value as determined by an appraisal, without complying with the notice and bidding requirements for the sale of public lands provided for in Chapter 272, Section 272.001 of the Texas Local Government Code; and

**WHEREAS,** certain provisions of Section 2-24 of the Dallas City Code do not apply to the sale of land by the City of Dallas to other governmental entities as contemplated and authorized herein.

**Now, Therefore,**

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

**SECTION 1.** That upon receipt of **ONE HUNDRED SEVENTY-FIVE THOUSAND THREE HUNDRED EIGHTY FOUR AND NO/100 DOLLARS ($175,384.00)** from the State of Texas, acting by and through the Texas Transportation Commission, the City Manager or designee is authorized to execute a Right of Way Easement and a Possession and Use Agreement for transportation purposes to be attested by the City Secretary, approved as to form by the City Attorney, for approximately 50,878 square feet of land located near the intersection of Interstate Highway 30 and Bass Pro Drive.

**SECTION 2.** That the Right of Way Easement and a Possession and Use Agreement shall provide that the conveyance to the State of Texas, acting by and through the Texas Transportation Commission, **("GRANTEE")** are subject to the following:

(a) a restriction prohibiting the placement of industrialized housing on the property; and

(b) reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals; and

(c) any visible and apparent easements and any encroachments whether of record or not; and

**SECTION 2.** (continued)

(d) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases or other instruments of record and applicable to the property or any part thereof; and

(e) to the maximum extent allowed by law, (i) **GRANTEE** is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS"; (ii) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property; (iii) **GRANTEE** assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders; and (iv) GRANTOR expressly disclaims and **GRANTEE** expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property; and

(f) GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which **GRANTEE** may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et.

**SECTION 2.** (continued)

seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations; and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal.

(g) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

**SECTION 3.** That the sale proceeds ($159,440.00 for the right-of-way easement and $15,944.00 for immediate possession and use of the Property) shall be deposited into the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction Services-Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in the General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the Water Utilities Current Fund, Fund 0100, Department DWU, Unit 4005, Revenue Code 8416.

**SECTION 4.** That if a title policy is desired by **GRANTEE**, same shall be at the expense of said **GRANTEE**.

**SECTION 5.** That the sale shall be subject to standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by **GRANTEE**.

**SECTION 6.** That the procedures required by Section 2-24 of the Dallas City Code that are not required by state law concerning the sale of unneeded real property are waived with respect to this tract of land.

**SECTION 7.** That this resolution is designated for City purposes as Contract No. DEV-2019-00010281.

June 26, 2019

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY: _____
Assistant City Attorney

AR/47490

# EXHIBIT A-TRACT 1

**FIELD NOTES – ROADWAY EASEMENT ACQUISITION**

EXHIBIT A

**Property Description for Tract 7**
**1.168-acre (50,878 square feet)**
**City of Dallas**
**Boundary Survey**
**State of Texas**

September 21, 2018
Revised: November 27, 2018
Tract 7


| | |
|---|---|
| County: | Dallas |
| Highway: | IH 30 |
| Tract: | 7 - Parts 1 & 2 |
| STA. (Part 1): | 1691+52.00 to 1715+90.71 |
| STA. (Part 2): | 1751+30.77 to 1752+44.61 |
| RCSJ: | 0009-11-246 |

**Property Description for Tract 7**

Being a 1.168-acre (50,878 square feet) tract of land located in the Charles Neeley Survey, Abstract No. 1087, the John M. Thomas Survey, Abstract No. 1477, and the William Crabtree Survey No. 196D, Abstract No. 346, Dallas County, Texas, said 1.168-acre tract being out of a called 22,745 acre tract, also known as Lake Ray Hubbard, shown in the Dallas Water Utilities Maps 612D-1 (Boundary Survey), Sheet 192, 193, 159, and 159-A, Ray Hubbard Dam and Reservoir Property Line and City Limit Map, Map 610R-1 (Acquisition Map), also being out of that certain Tract L-25, conveyed from Lillie Chiesa to the City of Dallas by Warranty Deed dated February 1, 1968 and recorded in Volume 68027, Page 575 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and described in a boundary survey performed by Forest & Cotton dated March 23, 1961 and recorded in Volume 68103, Page 314 of the D.R.D.C.T., and being out of that certain called 5,681-acre tract conveyed from William H. (Bill) Smith, J.E. Ellis, Jr. and Ralph Tankersley, Trustees of Eugene Bragg Smith, Jr., Trust and the Beverly Bragg Smith-Lide Trust to the City of Dallas, executed April 23, 1965, as recorded in Volume 555, Page 205 of the Deed Records of Dallas County, Texas D.R.D.C.T., and that certain Tract R-4A, conveyed from George & Mollie Ross et al to the City of Dallas, as recorded Volume 2, Page 1768, executed January 7, 1963, of the D.R.D.C.T., being more particularly described by metes and bounds as follows:

FIELD NOTES APPROVED
11/27/18

# EXHIBIT A-TRACT 1



**Property Description for Tract 7**
**1.168-acre (50,878 square feet)**
**City of Dallas**
**Boundary Survey**
**State of Texas**



**Part 1**

Being a 1.138-acre (49,560 square feet) tract of land of which approximately 0.5975 of an acre (26,026 square feet) is located in the Charles Neeley Survey, Abstract No. 1087, and 0.5403 of an acre (23,534 square feet) is located in the John M. Thomas Survey, Abstract No. 1477, City of Garland and City of Dallas, Dallas County, Texas, said 1.138-acre tract being out of a called 22,745 acre tract, also known as Lake Ray Hubbard, shown in the Dallas Water Utilities Maps 612D-1 (Boundary Survey), Sheet 192 and 193, Ray Hubbard Dam and Reservoir Property Line and City Limit Map, Map 610R-1 (Acquisition Map), also being out of that certain Tract L-25, conveyed from Lillie Chiesa to the City of Dallas by Warranty Deed dated February 1, 1968 and recorded in Volume 68027, Page 575 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and described in a boundary survey performed by Forest & Cotton dated March 23, 1961 and recorded in Volume 68103, Page 314 of the D.R.D.C.T., and being out of that certain called 5,681-acre tract conveyed from William H. (Bill) Smith, J.E. Ellis, Jr. and Ralph Tankersley, Trustees of Eugene Bragg Smith, Jr., Trust and the Beverly Bragg Smith-Lide Trust to the City of Dallas, executed April 23, 1965, as recorded in Volume 555, Page 205 of the Deed Records of Dallas County, Texas D.R.D.C.T., said 1.138-acre tract of land being more particularly described by metes and bounds as follows:

**COMMENCING** at a found 3/8-inch iron rod for the take line corner "L26-3", the northeast corner of a Lot 5, Block 1, of Faulkner Point North No. 2 Replat, recorded in Volume 93149, Page 8084 of the D.R.D.C.T., also being out of a called 6.4576-acre tract conveyed from Andrew Rosemore, Evelyn Rosemore, Sidney Greenberg and Martha Greenberg to James M. Rosenberg, executed on November 23, 1993, as recorded in Volume 93234, Page 5503 of the D.R.D.C.T., same being the northwest corner of Lot 1, Block 1, of Faulkner Point North No. 1, as recorded in Volume 82021, Page 1397 of the D.R.D.C.T., same being the northwest corner of a called 3.49-acre tract, out of Lot 1 and a portion of Lot 2, Block 1, of Faulkner Point North No. 1, conveyed from Rio Partners, L.P. to American Land & Holdings, Inc., executed March 24, 2000, as recorded in Volume 2000064, Page 3747 of the D.R.D.C.T., same being an interior corner of said Lake Ray Hubbard, and in the southwest line of the take line;

# EXHIBIT A-TRACT 1



**Property Description for Tract 7**
**1.168-acre (50,878 square feet)**
**City of Dallas**
**Boundary Survey**
**State of Texas**



**THENCE**, South 80° 57' 31" East, along the northwest line of said 3.49-acre tract and said Lot 1, the southwest line of said Lake Ray Hubbard, and said southwest line of take line, a distance of 476.04 feet to a point for the take line corner "L26-2", the north corner of said Lot 1 and the west corner of said Lot 2, same being an interior corner of said Lake Ray Hubbard;

**THENCE**, North 70° 14' 27" East, along the northwest line of said 3.49-acre tract, the northwest line of said Lot 2, the southwest line of said Lake Ray Hubbard, and said southwest line of take line, a distance of 247.52 feet to a point for the take line corner "L26-1", the north corner of said 3.49-acre tract and said Lot 2, same being an interior corner of said Lake Ray Hubbard, from which a found 5/8-inch iron pipe bears North 19° 05' 35" East, a distance of 1.72 feet;

**THENCE**, South 43° 34' 28" East, along the northeast line of said 3.49-acre tract, the southwest line of said Lake Ray Hubbard, and said southwest line of take line, a distance of 40.72 feet to a point for the north corner of a 0.0494-acre tract, conveyed from Danny L. Faulkner to Faulkner Investment Company, LTD., executed December 29, 1998, as recorded in Volume 99006, Page 671 of the D.R.D.C.T.;

**THENCE**, South 43° 34' 28" East, continuing along the northeast line of said Lot 2 and said 0.0494-acre tract, said southwest line of Lake Ray Hubbard, and said southwest line of take line, a distance of 69.47 feet to a set 5/8-inch iron rod with TxDOT 1-3/4-inch pink plastic cap in the future northwest right-of-way line of IH 30 (a variable width right-of-way) for the north corner of the herein described parcel, same being the **POINT OF BEGINNING**, having coordinates of N=7,005,045.44, E=2,570,494.33, said point being 170.03 feet left from the proposed IH 30 Baseline Station 1691+52.00, from which a found City of Dallas concrete monument stamped "L25-2A" for the south corner of said Lake Ray Hubbard and the east corner of said 0.0494-acre tract; bears North 43° 34' 28" West, a distance of 10.17 feet;

EXHIBIT A-TRACT 1

EXHIBIT A

**Property Description for Tract 7**
**1.168-acre (50,878 square feet)**
**City of Dallas**
**Boundary Survey**
**State of Texas**

September 21, 2018
Revised: November 27, 2018
Tract 7


**1. THENCE**, North 57° 17' 24" East, departing the northeast line of said 0.0494-acre tract, the southwest line of said Lake Ray Hubbard, and said southwest line of take line, into and across said Lake Ray Hubbard along the future northwest line of said IH 30, passing at a distance of 92.89 feet to a set 5/8-inch iron rod with TxDOT 1-3/4-inch pink plastic cap, said being 170.16 feet left from the future IH 30 Baseline Point of Curvature Station 1692+44.89, continuing in all passing at a distance of 355.76 feet to a set 5/8-inch iron rod with TxDOT 1-3/4-inch pink plastic cap, said point being 176.37 feet left from the future IH 30 Baseline Station 1695+00.00, continuing in all passing at a distance of 536.44 feet to a set 5/8-inch iron rod with TxDOT 1-3/4-inch pink plastic cap, said point being 187.41 feet left from the future IH 30 Baseline Point of Tangent Station 1696+74.80, continuing in all for a total distance of 715.52 feet to a point not set within existing lake, same being an angle point in the future northwest right-of-way line of said IH 30, said point being 201.08 feet left from the future IH 30 Baseline Station 1698+53.35;**

**2. THENCE**, North 61° 40' 04" East, continuing along the future northwest line of said IH 30, into and across said Lake Ray Hubbard, passing at a distance of 1,146.66 feet to a point in lake, said point being 201.07 feet left from the future IH 30 Baseline Station 1710+00.00, continuing in all for a total distance of 1,737.36 feet to a point in lake, at an angle point in the existing northwest line of said IH 30 and the north corner of the herein described tract, said point being 201.06 feet left from the future IH 30 Baseline Station 1715+90.71;

**3. THENCE**, South 54° 32' 34" West, along the existing northwest line of said IH 30 and the northwest line of the certain tract conveyed to State of Texas as recorded in Volume 70207, Page 1082 of the D.R.D.C.T., same being the southeast line of said Lake Ray Hubbard, a distance of 201.56 feet to an angle point in the existing northwest line of said IH 30 and an angle point in the southeast line of said Lake Ray Hubbard;

# EXHIBIT A-TRACT 1



**Property Description for Tract 7**
**1.168-acre (50,878 square feet)**
**City of Dallas**
**Boundary Survey**
**State of Texas**



**4. THENCE**, South 61° 40' 04" West, continuing along the existing northwest line of said IH 30 and the State of Texas tract as recorded in Volume 70207, Page 1082 of the D.R.D.C.T., same being the southeast line of said Lake Ray Hubbard, a distance of 1,731.73 feet to an angle point in the existing northwest line of said IH 30 and an angle point in the southeast line of the herein described tract;

**5. THENCE**, South 57° 18' 04" West, continuing along the existing northwest line of said IH 30 and the State of Texas tract as recorded in Volume 70207, Page 1082 of the D.R.D.C.T., same being the southeast line of said Lake Ray Hubbard, a distance of 517.89 feet to a found City of Dallas concrete monument stamped "L25-2A" for the south corner of said Lake Ray Hubbard and the east corner of said 0.0494-acre tract;

**6. THENCE**, North 43° 34' 28" West, departing the existing northwest line of said IH 30 and the State of Texas tract as recorded in Volume 70207, Page 1082 of the D.R.D.C.T., along the northeast line of said 0.0494-acre tract and the southwest line of said Lake Ray Hubbard, a distance of 10.17 feet to the **POINT OF BEGINNING** and containing 1.138 acres (49,560 square feet) of land.

# EXHIBIT A-TRACT 1

## EXHIBIT A

**PROPERTY DESCRIPTION FOR TRACT 7**
**1.168-ACRE (50,878 SQUARE FEET)**
**CITY OF DALLAS, BOUNDARY SURVEY, STATE OF TEXAS**

LEGEND

| | |
|---|---|
| ○ | FOUND MONUMENT (AS NOTED) |
| ● | SET 1/2" IRON ROD W/ CAP STAMPED "VICKREY PROP. COR.", UNLESS OTHERWISE NOTED |
| ◉ | SET 5/8" IRON ROD W/ TXDOT 1-3/4-INCH PINK PLASTIC CAP |
| △ | CALCULATED POINT |
| | LAND HOOK (IDENTICAL LAND OWNER) |
| D.R.D.C.T. | DEED RECORDS OF DALLAS COUNTY, TEXAS |
| P.O.B. | POINT OF BEGINNING |
| P.O.C. | POINT OF COMMENCEMENT |
| PROPOSED R.O.W. LINE | |
| EXISTING R.O.W. LINE | |
| PROPERTY LINE | |
| PROPOSED BASELINE | |
| APPROXIMATE SURVEY LINE | |
| APPROXIMATE CITY LIMIT LINE | |
| EASEMENT LINE | |
| R.O.W. DEDICATION LINE | |

CALLED 22,745 ACRES
CITY OF DALLAS
LAKE RAY HUBBARD
DALLAS WATER UTILITIES MAP
MAPS 6120-1 (BOUNDARY SURVEY)
SHEET 192, &193,
RAY HUBBARD DAM AND RESERVOIR
PROPERTY LINE & CITY LIMIT MAP
MAP 610R-1 (ACQUISITION MAP)

BEING OUT OF TRACT L-25 AND L-18
CITY OF DALLAS
VOL. 68103, PG. 314, D.R.D.C.T.
EXECUTED: MARCH 23, 1961
VOL. 68027, PG. 575, D.R.D.C.T.
EXECUTED: FEBRUARY 1, 1968
VOL. 555, PG. 205, D.R.D.C.T.
EXECUTED: APRIL 23, 1965

CHARLES NEELEY SURVEY
ABSTRACT NUMBER 1087
CITY OF GARLAND, TEXAS

JOHN M. THOMAS SURVEY
ABSTRACT NUMBER 1477
CITY OF DALLAS, TEXAS

P.O.C.
P.O.B.
7
PART 1
FUTURE R.O.W.
EXISTING R.O.W.
IH 30

TRACT INSET
TRACT NO. 7, PART 1
N.T.S.

NOTES:

1. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (2011), EPOCH 2010.00. BEARING AND COORDINATED ARE BASED ON TXDOT-PROVIDED CONTROL POINTS E570165, E570185 AND E1990105. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE SURFACE ADJUSTMENT FACTOR OF 1.000146135. UNITS: US SURVEY FEET.
2. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.
3. ** THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON THE COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.
4. ABSTRACTING WAS PERFORMED BETWEEN APRIL 2018 AND MAY 2018. FIELDWORK WAS PERFORMED FROM MAY, 2018 TO JULY 2018.
5. STATION AND OFFSET INFORMATION REFERS TO THE PROJECT SCHEMATIC DATED MARCH 29, 2018. CONTROL-SECTION-NUMBER 0009-11-241.
6. ACCESS WILL BE PERMITTED TO THE REMAINDER PROPERTY ABUTTING THE HIGHWAY.

I, HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

11/27/18
DATE

ROBERTO A. ARAUJO-CRUZ
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NUMBER 6653

STATE OF TEXAS
REGISTERED
ROBERTO A. ARAUJO-CRUZ
6653
PROFESSIONAL
LAND SURVEYOR

| PART 1 AREA WITHIN SURVEY TABLE (ACRES) | |
|---|---|
| CHARLES NEELY | +/-0.5975/ 26,026 |
| JOHN M. THOMAS | +/-0.5403/ 23,534 |
| TOTAL TAKING | +/-1.138/ 49,560 |

AREA TABLE (ACRES)

| EXISTING AC. | TAKING AC./S.F. | TOTAL AC./S.F. | REMAINDER AC. LEFT | REMAINDER AC. RIGHT |
|---|---|---|---|---|
| CALLED 22,745 | PART 1 1.138/ 49,560 | 1.168/ 50,878 | | 22,744 |
| | PART 2 0.0303/ 1,318 | | | |

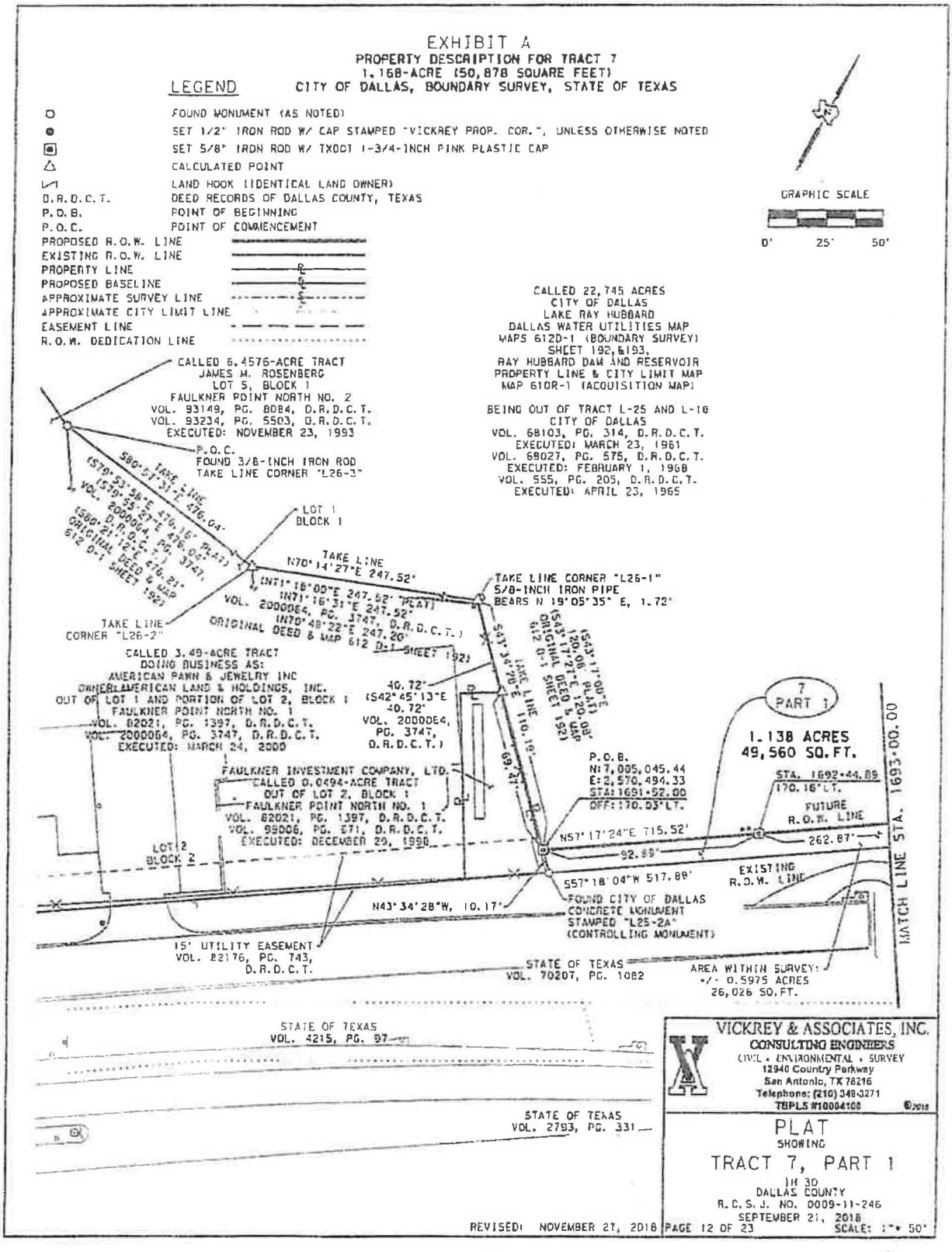

VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS
CIVIL • ENVIRONMENTAL • SURVEY
12940 Country Parkway
San Antonio, TX 78216
Telephone: (210) 349-3271
TBPLS #10004100

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PLAT
SHOWING
TRACT 7, PART 1
IN 30
DALLAS COUNTY
R.C.S.J. NO. 0009-11-246
SEPTEMBER 21, 2018
SCALE: N.T.S.

REVISED: NOVEMBER 27, 2018

# EXHIBIT A-TRACT 1



# EXHIBIT A-TRACT 1

## EXHIBIT A
### PROPERTY DESCRIPTION FOR TRACT 7
### 1.168-ACRE (50,878 SQUARE FEET)
### CITY OF DALLAS, BOUNDARY SURVEY, STATE OF TEXAS

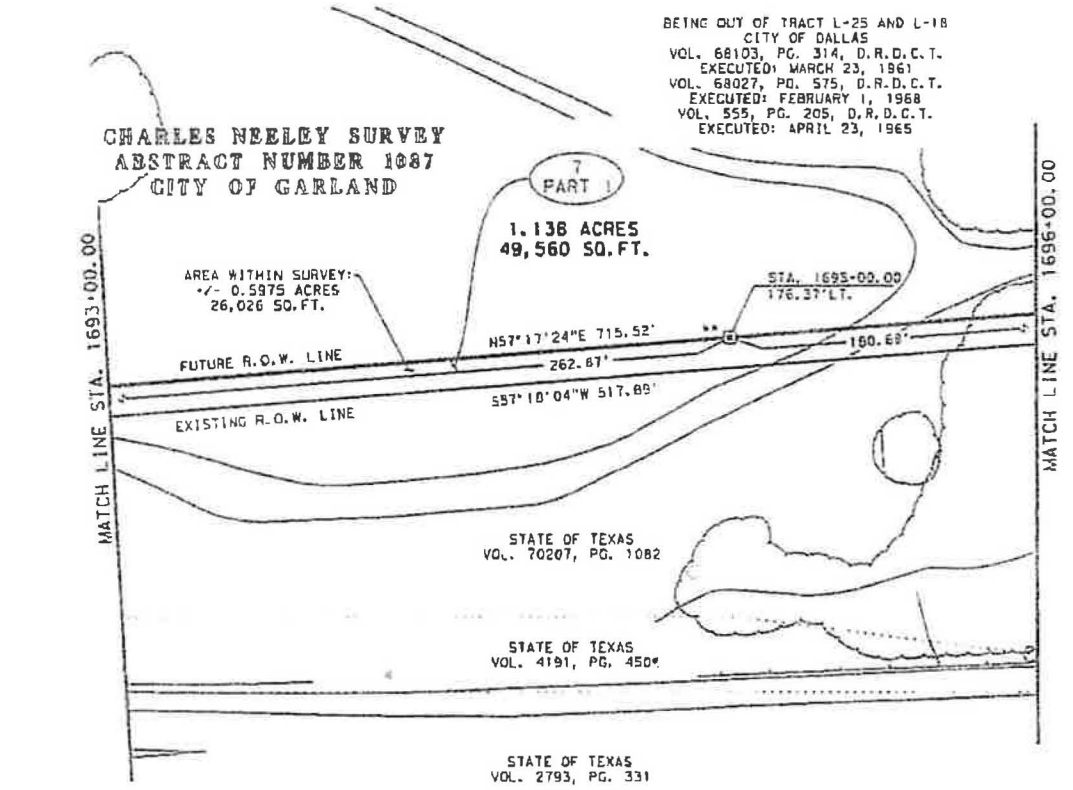
**LEGEND**

| | |
|---|---|
| ○ | FOUND MONUMENT (AS NOTED) |
| ● | SET 1/2" IRON ROD W/ CAP STAMPED "VICKREY PROP. COR.", UNLESS OTHERWISE NOTED |
| ▣ | SET 5/8" IRON ROD W/ TXDOT 1-3/4-INCH PINK PLASTIC CAP |
| △ | CALCULATED POINT |
| ⌐ | LAND HOOK (IDENTICAL LAND OWNER) |
| D.R.D.C.T. | DEED RECORDS OF DALLAS COUNTY, TEXAS |
| P.O.B. | POINT OF BEGINNING |
| P.O.C. | POINT OF COMMENCEMENT |
| PROPOSED R.O.W. LINE | |
| EXISTING R.O.W. LINE | |
| PROPERTY LINE | |
| PROPOSED BASELINE | |
| APPROXIMATE SURVEY LINE | |
| APPROXIMATE CITY LIMIT LINE | |
| EASEMENT LINE | |
| R.O.W. DEDICATION LINE | |

GRAPHIC SCALE
0' 25' 50'

CALLED 22,745 ACRES
CITY OF DALLAS
LAKE RAY HUBBARD
DALLAS WATER UTILITIES MAP
MAPS 612D-1 (BOUNDARY SURVEY)
SHEET 192, &193,
RAY HUBBARD DAM AND RESERVOIR
PROPERTY LINE & CITY LIMIT MAP
MAP 610R-1 (ACQUISITION MAP)

BEING OUT OF TRACT L-25 AND L-18
CITY OF DALLAS
VOL. 68103, PG. 314, D.R.D.C.T.
EXECUTED: MARCH 23, 1961
VOL. 68027, PG. 575, D.R.D.C.T.
EXECUTED: FEBRUARY 1, 1968
VOL. 555, PG. 205, D.R.D.C.T.
EXECUTED: APRIL 23, 1965




IH 30
(VARIABLE WIDTH R.O.W.)


VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS
CIVIL • ENVIRONMENTAL • SURVEY
12940 Country Parkway
San Antonio, TX 78216
Telephone: (210) 349-3271
TBPLS #10004100


PLAT
SHOWING
TRACT 7, PART 1
IH 30
DALLAS COUNTY
R.C.S.J. NO. 0009-11-246
SEPTEMBER 21, 2018
SCALE: 1" = 50'

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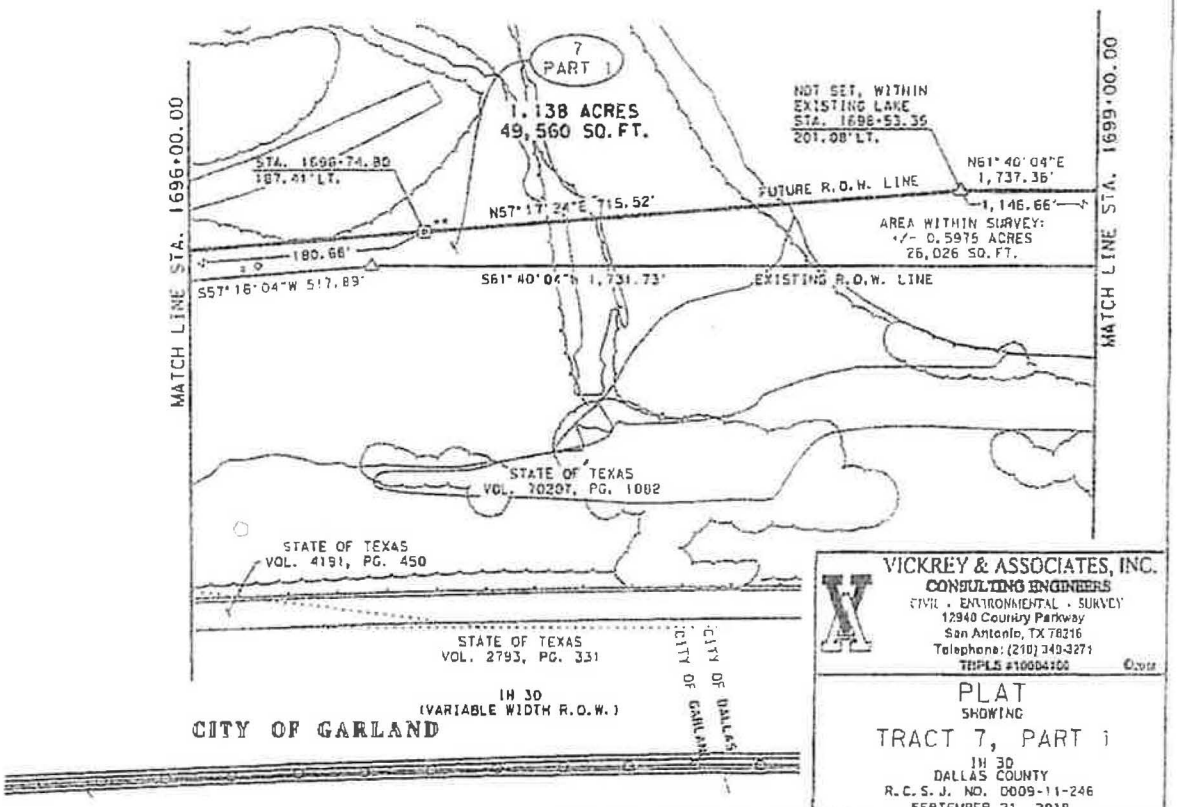
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CHARLES NEELEY SURVEY
ABSTRACT NUMBER 1087
CITY OF DALLAS





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CITY OF DALLAS, BOUNDARY SURVEY, STATE OF TEXAS

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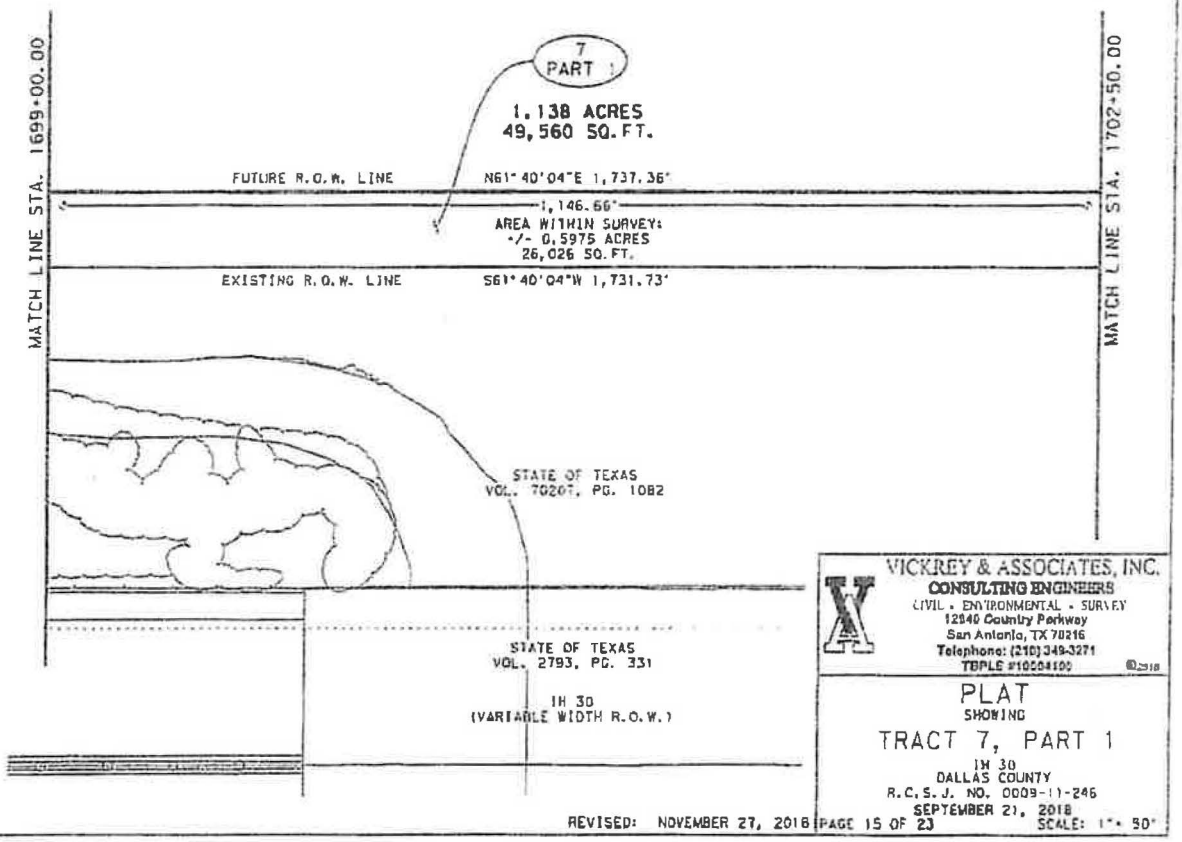
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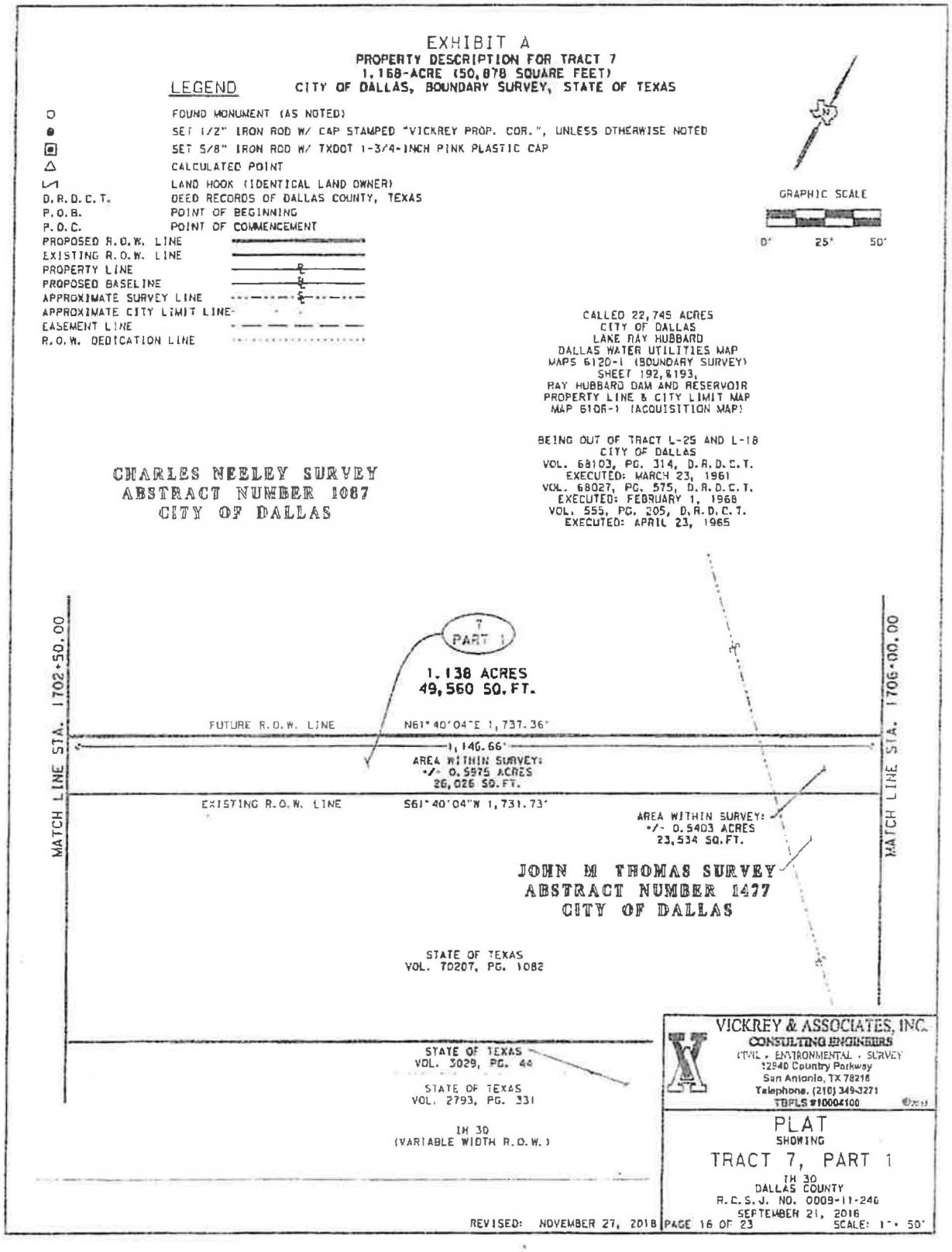
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IH 30
DALLAS COUNTY
R.C.S.J. NO. 0009-11-246
SEPTEMBER 21, 2018
SCALE: 1" = 50'

REVISED: NOVEMBER 27, 2018



19-161

# EXHIBIT A-TRACT 1



# EXHIBIT A-TRACT 1

## EXHIBIT A
**PROPERTY DESCRIPTION FOR TRACT 7**
**1.168-ACRE (50,878 SQUARE FEET)**
**CITY OF DALLAS, BOUNDARY SURVEY, STATE OF TEXAS**

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**JOHN M THOMAS SURVEY**
**ABSTRACT NUMBER 1477**
**CITY OF DALLAS**

MATCH LINE STA. 1706+00.00

7
PART 1
**1.138 ACRES**
**49,560 SQ.FT.**

FUTURE R.O.W. LINE — N61°40'04"E 1,737.36'

1,146.66'

AREA WITHIN SURVEY:
+/- 0.5403 ACRES
23,534 SQ.FT.

EXISTING R.O.W. LINE — S61°40'04"W 1,731.73'

MATCH LINE STA. 1709+50.00

STATE OF TEXAS
VOL. 70207, PG. 1082

STATE OF TEXAS
VOL. 3029, PG. 44

IH 30
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REVISED: NOVEMBER 27, 2018 PAGE 17 OF 23

# EXHIBIT A-TRACT 1

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**CITY OF DALLAS, BOUNDARY SURVEY, STATE OF TEXAS**

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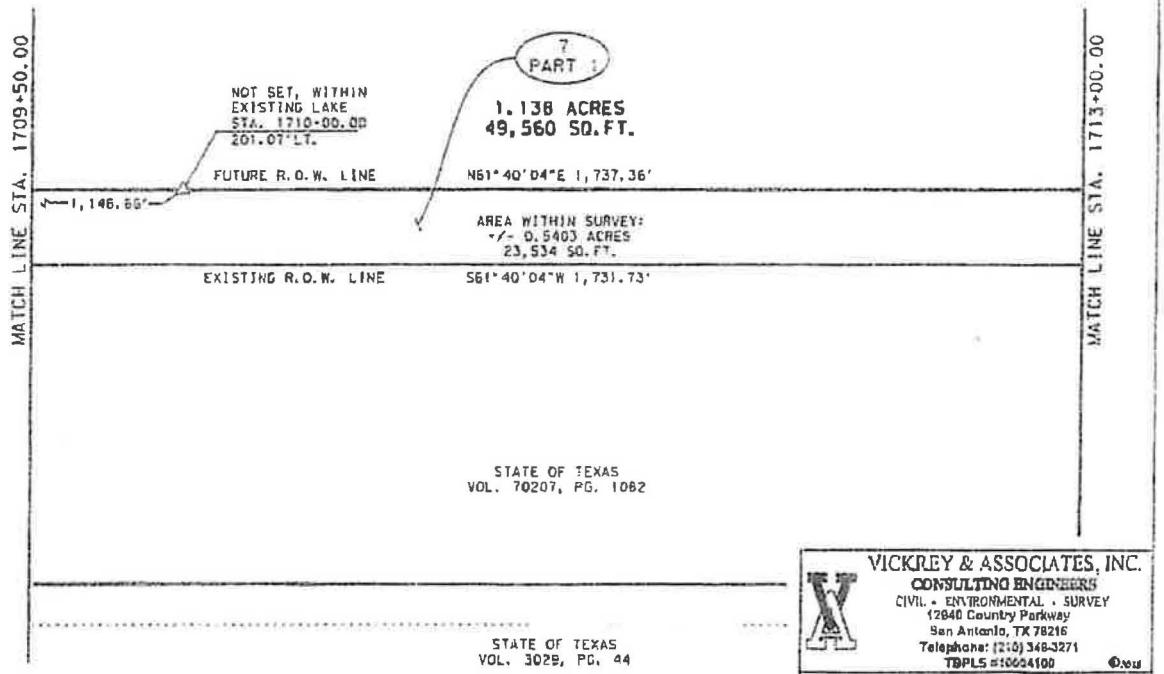
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19-161

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**PROPERTY DESCRIPTION FOR TRACT 7**
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**CITY OF DALLAS, BOUNDARY SURVEY, STATE OF TEXAS**

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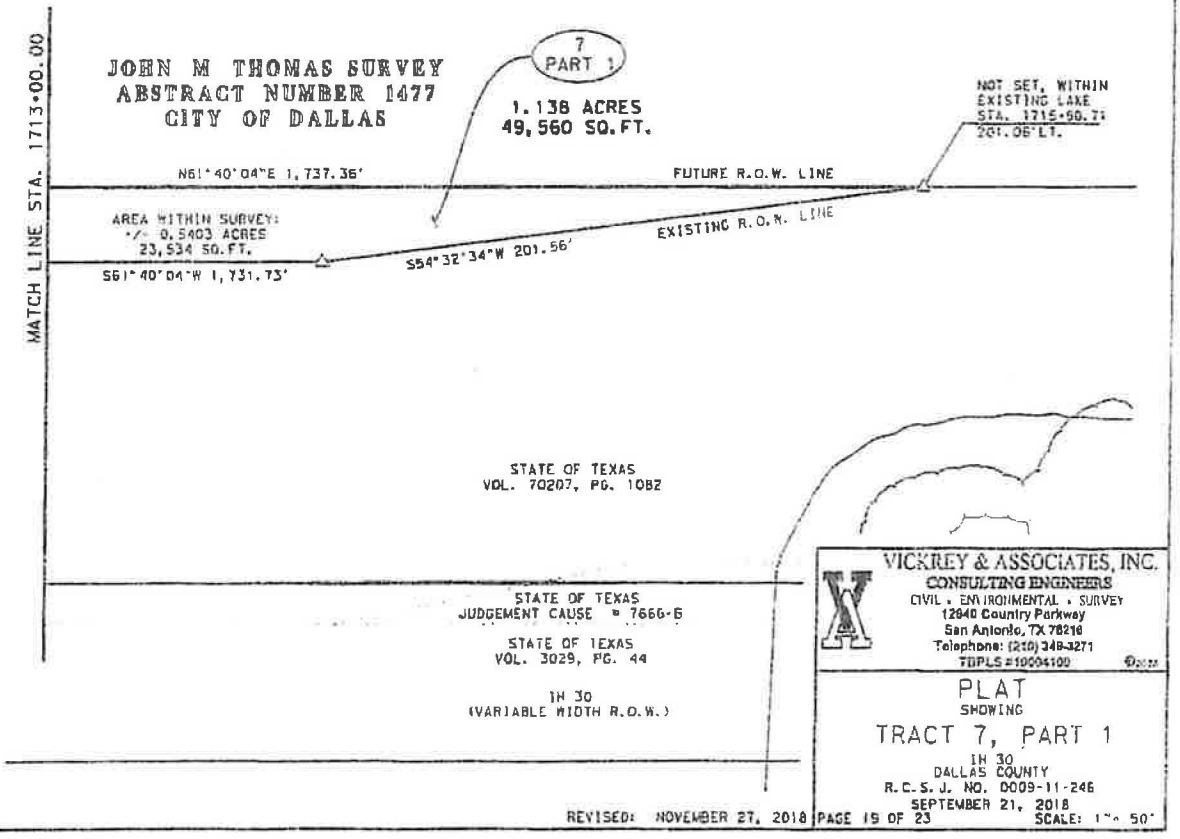
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# EXHIBIT A-TRACT 2

EXHIBIT A

**Property Description for Tract 7**
**1.168-acre (50,878 square feet)**
**City of Dallas**
**Boundary Survey**
**State of Texas**

September 21, 2018
Revised: November 27, 2018
Tract 7


**Part 2**

Being a 0.0303-acre (1,318 square feet) tract of land located in the William Crabtree Survey No. 196D, Abstract No. 346, City of Dallas, Dallas County, Texas, said 0.0303-acre tract being out of a called 22,745 acre tract, also known as Lake Ray Hubbard, shown in the Dallas Water Utilities Maps 612D-1 (Boundary Survey), Sheet 159 and 159-A, Ray Hubbard Dam and Reservoir Property Line and City Map, Map 610R-1 (Acquisition Map), also being out of that certain Tract R-4A conveyed from George & Mollie Ross et al to the City of Dallas, as recorded Volume 2, Page 1768, executed January 7, 1963, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said 0.0303-acre tract of land being more particularly described by metes and bounds as follows:

**COMMENCING** at a found 1/2-inch iron rod with cap marked "Brittain & Crawford" for an angle point in the existing southeast right-of-way line of IH 30 (a variable width right-of-way) same being an angle point in the northwest line of a called 116.932-acre tract also known as Tract 4, conveyed from the City of Rowlett to Bayside Land Partners, LLC, executed May 14, 2015, as recorded in Volume 201500126207 of the D.R.D.C.T.;

**THENCE**, North 54° 15' 39" West, along the existing southeast right-of-way line of said IH 30 and the northwest line of said 116.932-acre tract, a distance of 60.70 feet to a found 1/2-inch iron rod with cap marked "Brittain & Crawford" for an angle point in the existing southeast right-of-way line of said IH 30 and an angle point in the northwest line of said 116.932-acre tract;

**THENCE**, North 08° 06' 05" East, continuing along the existing southeast right-of-way line of said IH 30 and the southeast line of the certain tract conveyed to State of Texas as recorded in Volume 5120, Page 74 of the D.R.D.C.T., same being the northwest line of said 116.932-acre tract, a distance of 80.25 feet to a found 1/2-inch iron rod with cap marked "Brittain & Crawford" for an angle point in the existing southeast right-of-way line of said IH 30 and an angle point in the northwest line of said 116.932-acre tract;

EXHIBIT A-TRACT 2



**Property Description for Tract 7**
**1.168-acre (50,878 square feet)**
**City of Dallas**
**Boundary Survey**
**State of Texas**



**THENCE**, North 84° 43' 09" West, continuing along the existing southeast right-of-way line of said IH 30 and the southeast line of the certain tract conveyed to State of Texas (Part Four) as recorded in Volume 70207, Page 1082 of the D.R.D.C.T., same being the northwest line of said 116.932-acre tract, a distance of 295.74 feet to a found 1/2-inch iron rod with cap marked "Brittain & Crawford" for an angle point in the existing southeast right-of-way line of said IH 30 and an angle point in the northwest line of said 116.932-acre tract;

**THENCE**, South 61° 40' 04" West, continuing along the existing southeast right-of-way line of said IH 30 and the State of Texas as recorded in Volume 5120, Page 74 of the D.R.D.C.T., same being the northwest line of said 116.932-acre tract, a distance of 359.64 feet to a point in the existing southeast right-of-way line of said IH 30 and the west corner of said 116.932-acre tract;

**THENCE**, South 56° 19' 43" East, departing the existing southeast right-of-way line of said IH 30 and the State of Texas as recorded in Volume 5120, Page 74 of the D.R.D.C.T., along the southwest line of said 116.932-acre tract and the northeast line of said Lake Ray Hubbard, a distance of 29.91 feet to a point in water, in the future southeast right-of-way line of said IH 30 for the east corner of the herein described tract, same being the **POINT OF BEGINNING**, having coordinates of N=7,007,575.75, E=2,576,065.55, said point being 270.39 feet right from the proposed IH 30 Baseline Station 1752+44.61;

1. **THENCE**, South 74° 43' 42" West, departing the southwest line of said 116.932-acre tract, into and across said Lake Ray Hubbard, along the future southeast line of said IH 30, a distance of 116.86 feet to a point in water, for an angle point in the existing southeast right-of-way line of said IH 30 and the State of Texas as recorded in Volume 5120, Page 74 of the D.R.D.C.T., said point being 243.98 feet right from the proposed IH 30 Baseline Station 1751+30.77;

EXHIBIT A-TRACT 2



**Property Description for Tract 7**
**1.168-acre (50,878 square feet)**
**City of Dallas**
**Boundary Survey**
**State of Texas**



**2. THENCE**, North 61° 40' 04" East, along the existing southeast line of said IH 30 and the State of Texas as recorded in Volume 5120, Page 74 of the D.R.D.C.T., same being the northwest line of said Lake Ray Hubbard, a distance of 99.80 feet to a point at the intersection of the existing southeast line of said IH 30, the said 116.932-acre tract and northeast line of said Lake Ray Hubbard, for the north corner of the herein described tract;

**3. THENCE**, South 56° 19' 43" East, departing the existing southeast right-of-way line of said IH 30 and the State of Texas as recorded in Volume 5120, Page 74 of the D.R.D.C.T., along the southwest line of said 116.932-acre tract and the northeast line of said Lake Ray Hubbard, a distance of 29.91 feet to the **POINT OF BEGINNING** and containing 0.0303 of an acre (1,318 square feet) of land.

**Tract 7 Acquisition Summary:**
Part 1 = 1.138 acre (49,560 square feet)
Part 2 = 0.0303 acre (1,318 square feet)
Total = 1.168 acre (50,878 square feet)

# EXHIBIT A-TRACT 2

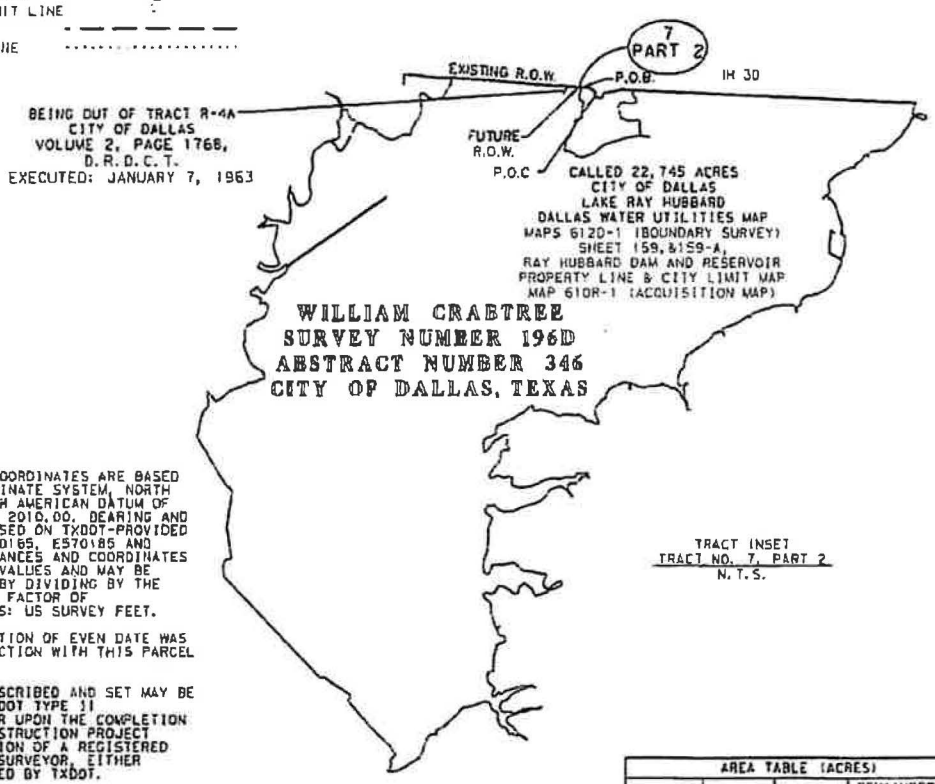
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TRACT INSET
TRACT NO. 7, PART 2
N.T.S.

NOTES:

1. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (2011), EPOCH 2010.00. BEARING AND COORDINATED ARE BASED ON TXDOT-PROVIDED CONTROL POINTS ES70165, ES70185 AND E1990105. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE SURFACE ADJUSTMENT FACTOR OF 1.000146135. UNITS: US SURVEY FEET.
2. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.
3. ** THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON THE COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.
4. ABSTRACTING WAS PERFORMED BETWEEN APRIL 2018 AND MAY 2018. FIELDWORK WAS PERFORMED FROM MAY, 2018 TO JULY 2018.
5. STATION AND OFFSET INFORMATION REFERS TO THE PROJECT SCHEMATIC DATED MARCH 29, 2018. CONTROL-SECTION-NUMBER 0009-11-241.
6. ACCESS WILL BE PERMITTED TO THE REMAINDER PROPERTY ABUTTING THE HIGHWAY.

| AREA TABLE (ACRES) | | | | |
|---|---|---|---|---|
| EXISTING AC. | TAKING AC./S.F. | TOTAL AC./S.F. | REMAINDER AC. LEFT | REMAINDER AC. RIGHT |
| CALLED 22,745 | PART 1 1.138/ 49,560<br>PART 2 0.0303/ 1,318 | 1.168/ 50,878 | | 22,744 |

I, HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

11/27/18
DATE

ROBERTO A. ARAUJO-CRUZ
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NUMBER 6653

STATE OF TEXAS
REGISTERED
ROBERTO A. ARAUJO-CRUZ
6653
PROFESSIONAL
LAND SURVEYOR

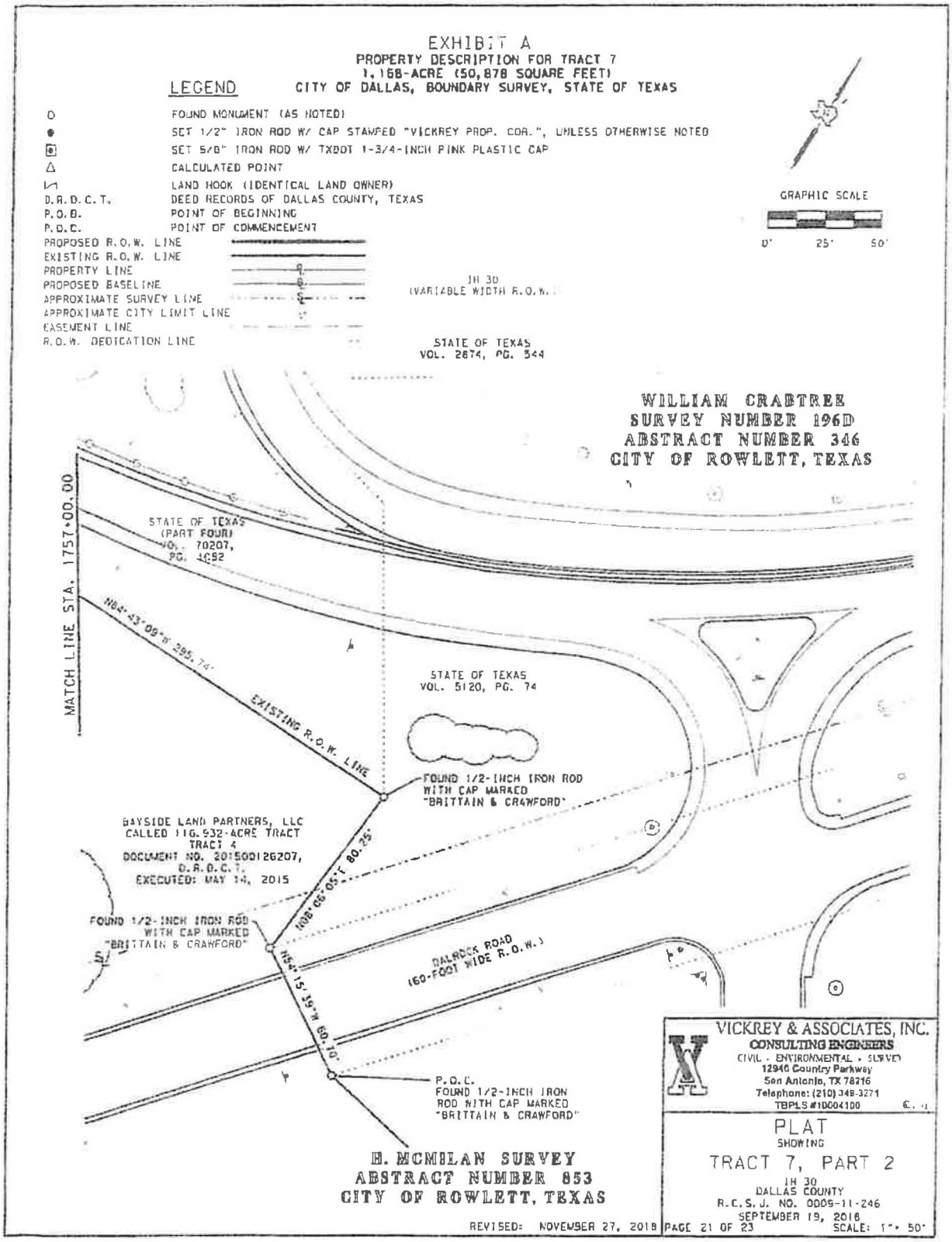

VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS
CIVIL - ENVIRONMENTAL - SURVEY
12940 Country Parkway
San Antonio, TX 78216
Telephone: (210) 340-3271
TBPLS #10004100

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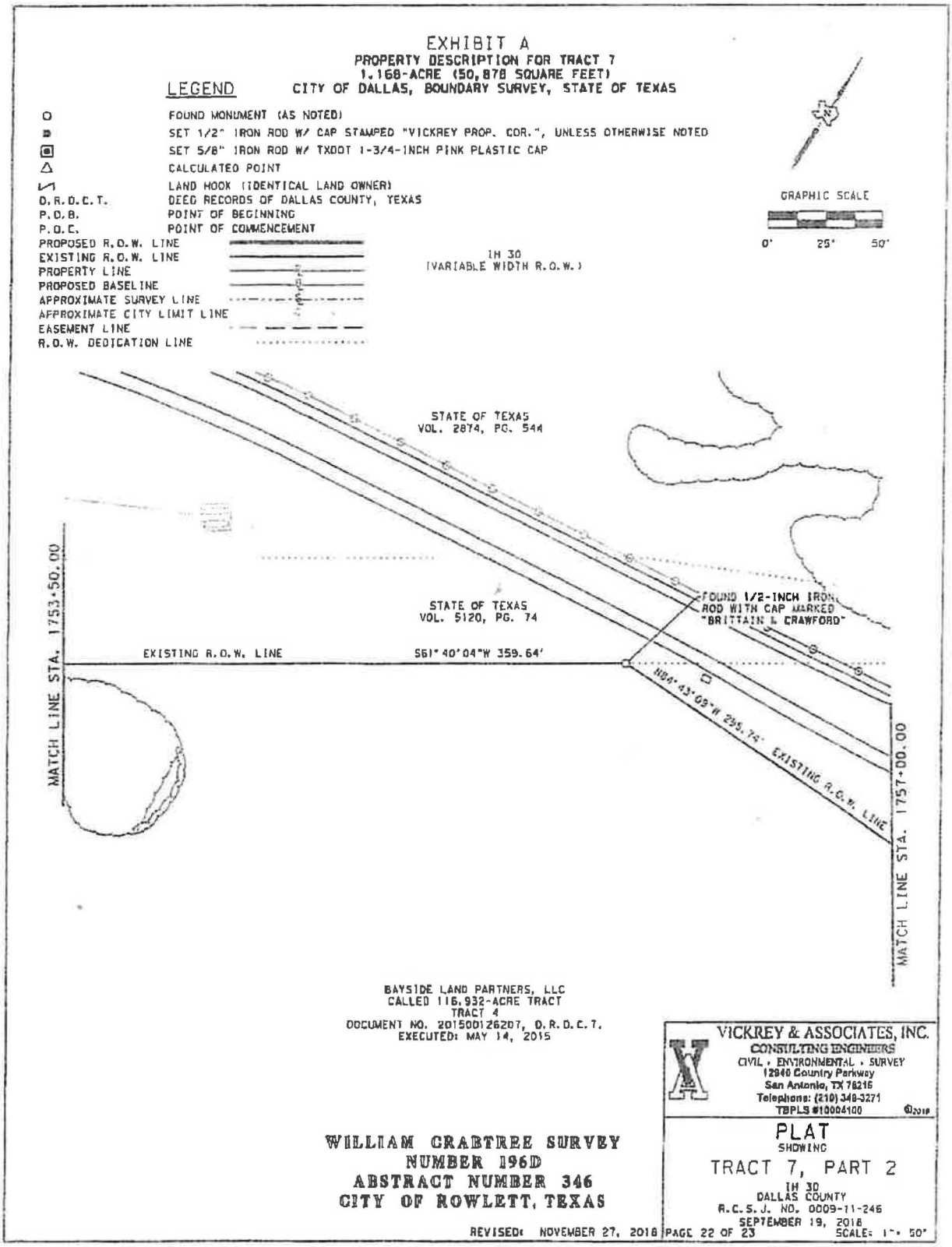
PLAT
SHOWING
TRACT 7, PART 2
IH 30
DALLAS COUNTY
R.C.S.J. NO. 0009-11-246
SEPTEMBER 19, 2018
SCALE: N.T.S.

REVISED: NOVEMBER 27, 2018

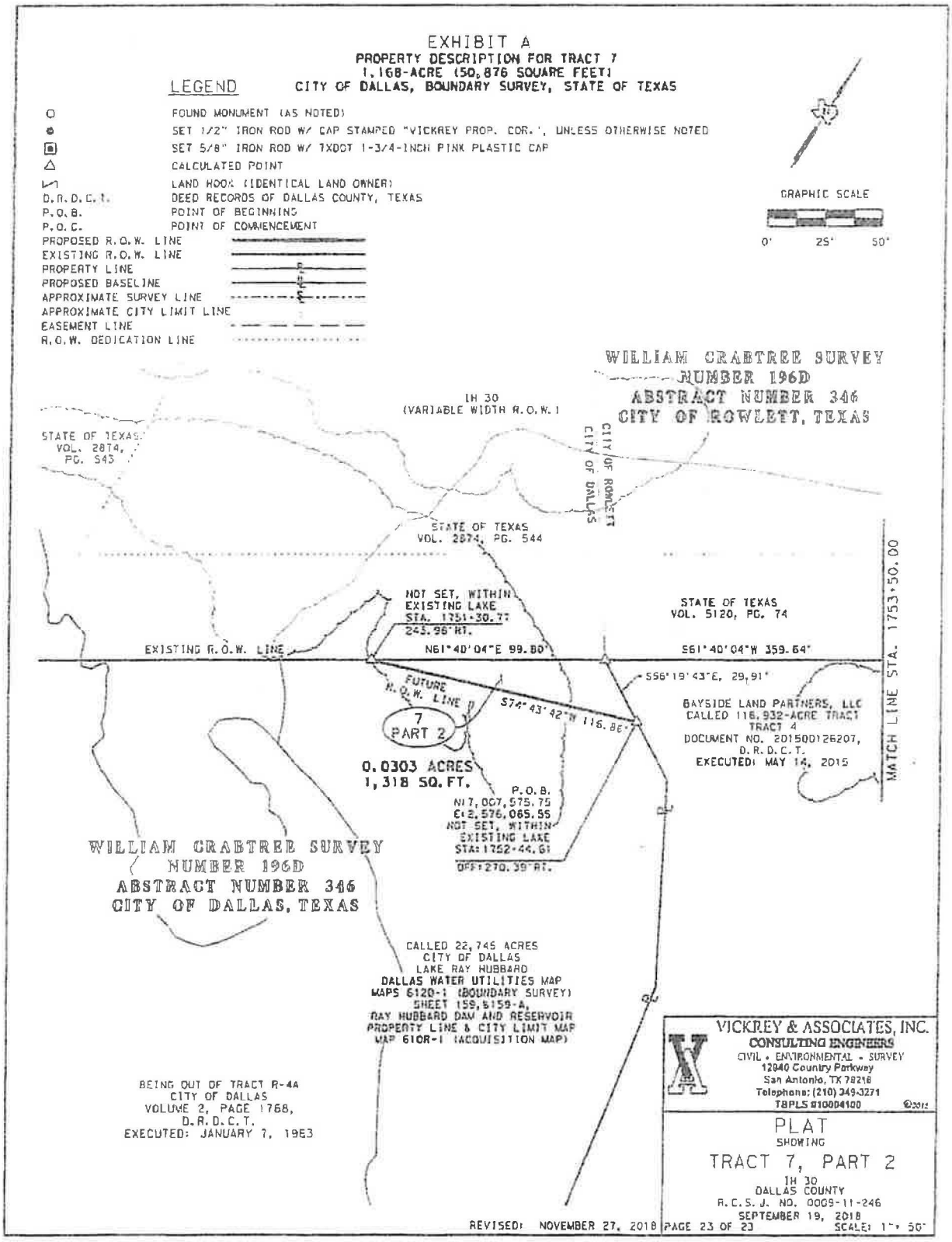
# EXHIBIT A-TRACT 2



# EXHIBIT A-TRACT 2



# EXHIBIT A-TRACT 2



# EXHIBIT A-TRACT 2

EXHIBIT A

**Property Description for Tract 7**
**1.168-acre (50,878 square feet)**
**City of Dallas**
**Boundary Survey**
**State of Texas**

September 21, 2018
Revised: November 27, 2018
Tract 7


Notes:

All bearings and coordinates are based on the Texas Coordinate System, North Central Zone, North American Datum of 1983 (2011), Epoch 2010.00. Bearings and coordinates are based on TxDOT-provided control points E570165, E570185 and E1990105. All coordinates and distances shown are surface values and may be converted to grid by dividing by the Surface Adjustment Factor of 1.000146135. Units: US Survey Feet.

Record information shown hereon is based on a public records search by the surveyor. Abstracting was performed between April 2018 and May 2018. Field work was performed from May, 2018 to July, 2018.

A parcel plat of even date was prepared in conjunction with this property description.

**The monument described and set in this call may be replaced with a TxDOT Type II right-of-way marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

Access will be permitted to the remainder property abutting the highway facility.

I hereby certify that this survey was performed on the ground under my supervision and that this property description and accompanying plat represent the facts as found at the time of the survey.

11/27/18
Date

Roberto Araujo-Cruz
Registered Professional Land Surveyor
Texas Registration No. 6653
Vickrey & Associates, Inc.
12940 Country Parkway
San Antonio, Texas 78216
210-349-3271
TBPLS Firm No. 10004100

STATE OF TEXAS
REGISTERED
ROBERTO A. ARAUJO-CRUZ
6853
PROFESSIONAL
LAND SURVEYOR

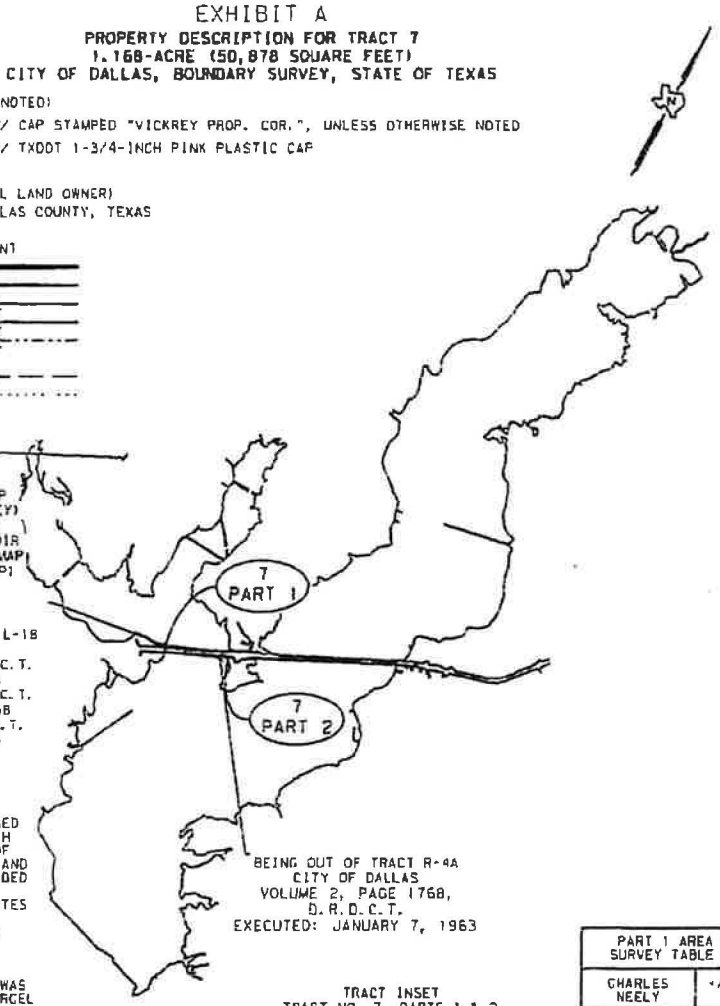
# EXHIBIT A-TRACT 2

## EXHIBIT A

**PROPERTY DESCRIPTION FOR TRACT 7**
**1.168-ACRE (50,878 SQUARE FEET)**
**CITY OF DALLAS, BOUNDARY SURVEY, STATE OF TEXAS**

LEGEND

| | |
|---|---|
| ○ | FOUND MONUMENT (AS NOTED) |
| ● | SET 1/2" IRON ROD W/ CAP STAMPED "VICKREY PROP. COR.", UNLESS OTHERWISE NOTED |
| ◉ | SET 5/8" IRON ROD W/ TXDOT 1-3/4-INCH PINK PLASTIC CAP |
| △ | CALCULATED POINT |
| ⌐ | LAND HOOK (IDENTICAL LAND OWNER) |
| D.R.D.C.T. | DEED RECORDS OF DALLAS COUNTY, TEXAS |
| P.O.B. | POINT OF BEGINNING |
| P.O.C. | POINT OF COMMENCEMENT |
| PROPOSED R.O.W. LINE | |
| EXISTING R.O.W. LINE | |
| PROPERTY LINE | |
| PROPOSED BASELINE | |
| APPROXIMATE SURVEY LINE | |
| APPROXIMATE CITY LIMIT LINE | |
| EASEMENT LINE | |
| R.O.W. DEDICATION LINE | |




CALLED 22,745 ACRES
CITY OF DALLAS
LAKE RAY HUBBARD
DALLAS WATER UTILITIES MAP
MAPS 6120-1 (BOUNDARY SURVEY)
SHEET 192,193,159,&159-A,
RAY HUBBARD DAM AND RESERVOIR
PROPERTY LINE & CITY LIMIT MAP
MAP 6108-1 (ACQUISITION MAP)

BEING OUT OF TRACT L-25 AND L-18
CITY OF DALLAS
VOL. 68103, PG. 314, D.R.D.C.T.
EXECUTED: MARCH 23, 1961
VOL. 68027, PG. 575, D.R.D.C.T.
EXECUTED: FEBRUARY 1, 1968
VOL. 555, PG. 205, D.R.D.C.T.
EXECUTED: APRIL 23, 1965

BEING OUT OF TRACT R-4A
CITY OF DALLAS
VOLUME 2, PAGE 1768,
D.R.D.C.T.
EXECUTED: JANUARY 7, 1963

TRACT INSET
TRACT NO. 7, PARTS 1 & 2
N.T.S.

NOTES:

1. ALL BEARINGS AND COORDINATES ARE BASED ON THE TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (2011), EPOCH 2010.00. BEARING AND COORDINATED ARE BASED ON TXDOT-PROVIDED CONTROL POINTS 5570165, 5570185 AND 1990105. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE SURFACE ADJUSTMENT FACTOR OF 1.00014613S. UNITS: US SURVEY FEET.
2. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.
3. ** THE MONUMENT DESCRIBED AND SET MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON THE COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.
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6. ACCESS WILL BE PERMITTED TO THE REMAINDER PROPERTY ABUTTING THE HIGHWAY.

| PART 1 AREA WITHIN SURVEY TABLE (ACRES) | |
|---|---|
| CHARLES NEELY | +/-0.5975/ 26,026 |
| JOHN M. THOMAS | +/-0.5403/ 23,534 |
| TOTAL TAKING | +/-1.138/ 49,560 |

| AREA TABLE (ACRES) | | | | |
|---|---|---|---|---|
| EXISTING AC. | TAKING AC./S.F. | TOTAL AC./S.F. | REMAINDER AC. LEFT | REMAINDER AC. RIGHT |
| CALLED 22,745 | PART 1 1.138/ 49,560 | 1.168/ 50,878 | | 22,744 |
| | PART 2 0.030/ 1,318 | | | |

I, HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PARCEL PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

11/27/18
DATE

ROBERTO A. ARAUJO-CRUZ
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NUMBER 6653

STATE OF TEXAS
REGISTERED
ROBERTO A. ARAUJO-CRUZ
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PLAT
SHOWING
TRACT 7
IH 30
DALLAS COUNTY
R.C.S.J. NO. 0009-11-246
SEPTEMBER 21, 2018

REVISED: NOVEMBER 27, 2018 PAGE 10 OF 23 SCALE: N.T.S.

1500 Marilla Street
Dallas, Texas 75201

# City of Dallas

## Agenda Information Sheet

**File #:** 19-640 **Item #:** 22.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

---

## SUBJECT

An ordinance providing for the closure and vacation of portions of Crockett Street, Pearl Street Connection and North Pearl Expressway, containing approximately 48,873 square feet of land, located near the intersection of Live Oak Street and Pearl Street Connection - Financing: No cost consideration to the City

## BACKGROUND

This item authorizes the closure and vacation of portions of Crockett Street, Pearl Street Connection and North Pearl Expressway. The areas will be included with the adjacent City-owned property for the construction of Carpenter Park.

Notices were sent to 9 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

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

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

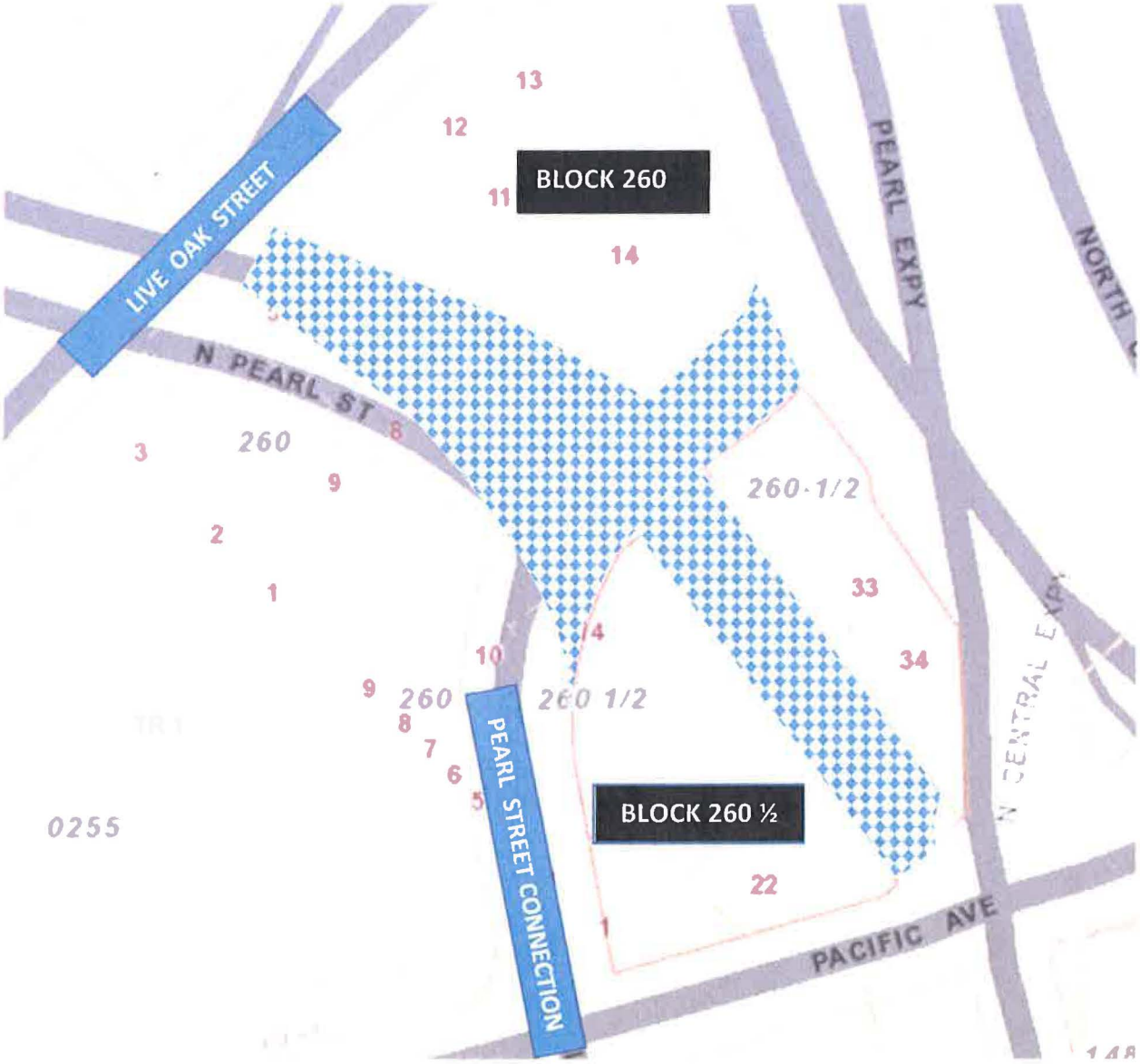
No cost consideration to City.

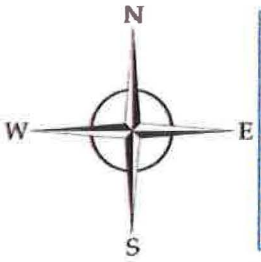
## MAP

Attached



powered by Legistar™




**CLOSURE AND VACATION OF PORTIONS OF STREETS**

**ORDINANCE NO. _____**

An ordinance providing for the closure and vacation of portions of Crockett Street, Pearl Street Connection and North Pearl Expressway adjacent to City Blocks 260 and 260½ in the City of Dallas and County of Dallas, Texas; providing for the interdepartmental transfer of funds; providing for the waiver of certain provisions of the Dallas Development Code; providing for the terms, provisions and effective date of the closure and vacation made herein; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS,** the Park and Recreation Department has requested the closure and vacation of portions of Crockett Street, Pearl Street Connection and North Pearl Expressway for the construction of Carpenter Park; and

**WHEREAS,** the City Council of the City of Dallas, acting pursuant to law, is of the opinion that the best interest and welfare of the public will be served by closing and vacating portions of Crockett Street, Pearl Street Connection and North Pearl Expressway adjacent to city-owned property in City Blocks 260 and 260½ to all vehicular and pedestrian traffic.

**Now, Therefore,**

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

**SECTION** 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof, be and the same is hereby vacated and closed insofar as the right, title and easement of the public to use said tract for pedestrian and vehicular purposes are concerned; subject, however, to the conditions hereinafter more fully set out.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to transfer the monetary consideration in the sum of **SEVENTY AND NO/100 DOLLARS ($70.00)** for the Publication Fee of **TWENTY AND NO/100 DOLLARS ($20.00)** and Recording Fee of **FIFTY AND NO/100 DOLLARS ($50.00)** from Capital Gifts Donation Fund, Fund 0530, Department PKR, Unit 7087, Object 3090 to General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction Real

**SECTION 2.** (continued)

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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

**SECTION 3.** That the closure and vacation provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are made subject to all present existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are subject to existing and retained rights of the City of Dallas ("City") to use the property described in Exhibit A for water, wastewater and drainage purposes and the presently existing facilities, if any, for all public utility and fiber optic franchisees, which facilities shall remain in place pursuant to the respective franchise agreements with those companies.

**SECTION 4.** That the closure and vacation provided for herein are made subject to:

a) the D2 Subway project plans for the future second light rail through downtown Dallas from Victory Park to Deep Ellum. City will ensure that closure and vacation does not interfere with ongoing D2 Subway project planning.

**SECTION 5.** 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.

**SECTION 6.** That this ordinance is designated for City purposes as Contract No. DEV-2019-00010286.

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
SOR Assistant Director

Passed _____.

# Exhibit A

## 48,873 SQUARE FEET (1.122 ACRES) OF CROCKETT STREET, PEARL STREET CONNECTION AND NORTH PEARL EXPRESSWAY THRU BLOCKS 260 AND 260½ TO BE CLOSED AND VACATED TO VEHICULAR TRAFFIC

**ALL THAT** certain lot, tract or parcel of land lying and being situated in the City and County of Dallas, Texas, more particularly described in the following three tracts as follows:

**BEING** an approximately 48,873 square foot (1.122 acre) tract of land lying in the John Grigsby League and Labor Survey, Abstract No. 495, Dallas County, Texas and being a portion of Pearl St. Connection and a portion of Crockett St. (formerly known Preston St.) in Blocks 260 and 260 ½, official City of Dallas numbers, being all of the land dedicated as Preston St. by *Industrial Development Company's Subdivision* as recorded in Volume 2, Page 138, Map Records Dallas County Texas and a portion of N. Pearl Expressway as shown on City of Dallas drawings 332W-4 and 331R-106, both located in the City of Dallas Survey Records Vault at 320 E. Jefferson Blvd., Rm. 314, and also being a portion of those tracts described in deeds to the City of Dallas recorded in the following instruments;

1. Volume 1588, Page 177;
2. Volume 3340, Page 127, Save and Except two tracts described in a warranty deed to P.E. Wilson and wife, Agnes Wilson, dated July 21, 1950, recorded in Volume 3346, Page 499 and in a warranty deed to Harry B. Levy, dated August 11, 1950, recorded in Volume 3374, Page 200;
3. Volume 3361, Page 421;
4. Volume 3375, Page 296;
5. Volume 3431, Page 241, Tract No. 1;
6. Volume 71019, Page 1776;
7. Ordinance No. 2014, dated July 29, 1929 condemning and assessing a tract of land for street purposes from J. Tomson and J. Stanbery;

and being more particularly described as follows:

**BEGINNING** at a Mag Nail with red anodized washer stamped "CITY OF DALLAS" (hereinafter referred to as "Mag Nail with washer"), Texas State Plane North Central Zone 4202 values of N=6972419.2816, E=2493421.3481 set at the intersection of the southwest line of Crockett St. (60' Right-of-Way by said *Industrial Development Company's Subdivision*) and the northwest line of Swiss Ave. (60' width Right-of-Way as established by *Burford, Stemmons and Williams Subdivision (Unrecorded-see Murphy and Bolanz Maps)* and verified in City of Dallas Ordinance Book 1A, Page 131, dated August 15, 1872), said intersection also being the most easterly corner of a tract of land conveyed to the City of Dallas by deed recorded in Volume 78025, Page 0443, Deed Records Dallas County, Texas (DRDCT) and the most southerly corner of the herein described tract;

**THENCE** North 38°07'46" West, departing said northwest line of Swiss Ave. and along the said southwest line of Crockett St. a distance of 299.57 feet, to a Mag Nail with red anodized washer stamped "City of Dallas" (hereinafter referred to as "with washer" set at the intersection of said line with the southeast line of Pearl St. Connection as created by said Wilson deed and shown on said City of Dallas drawings, said corner also being the most northerly corner of a tract of land described in a warranty deed to the City of Dallas recorded in Volume 78038, Page 2056;

# Exhibit A

## 48,873 SQUARE FEET (1.122 ACRES) OF CROCKETT STREET, PEARL STREET CONNECTION AND NORTH PEARL EXPRESSWAY THRU BLOCKS 260 AND 260½ TO BE CLOSED AND VACATED TO VEHICULAR TRAFFIC

**THENCE** South 50°40'24" West, along the southeast line of said Pearl St. Connection and the northwest line of said City of Dallas tract, a distance of 20.34 feet to a Mag Nail with washer set at the beginning of a non-tangent curve to the left;

**THENCE** with said curve to the left and along the southeast line of said Pearl St. Connection and the northwest line of said City of Dallas tract through a central angle of 21°26'59", having a radius of 215.00' feet and a chord that bears South 20°05'18" West, a distance of 80.02 feet, passing at an arc length of 30.73 feet, the common most westerly corner of a tract of land described in said Wilson deed and the most northerly corner of said City of Dallas deed in Volume 3361, Page 421, and continuing for a total arc length of 80.49 feet to a Mag Nail set at the intersection of the old right-of-way line of Pearl St. Connection (as shown on said City of Dallas drawings) with the new right-of-way line of Pearl St. Connection (by this instrument), said intersection also being a point on curve to the left and having Texas State Plane North Central Zone 4202 values of N=6972566.8273, E=2493193.2021;

**THENCE** with said curve to the left in a northerly direction along the new northeast right-of-way line of said Pearl St. Connection (by this instrument) through a central angle of 54°30'20", having a radius point that bears South 78°02'04" West, a distance of 374.00' feet and a chord bearing North 39°13'05" West, a distance of 342.52' feet, an arc length of 355.78' feet to a Mag nail with washer set at the southerly point of a corner cut off;

**THENCE** North 12°05'53" West, continuing with the new northeast line of said Pearl St. Connection and along the said corner cut-off, a distance of 29.76' feet to a Mag Nail with washer, having Texas State Plane North Central Zone 4202 values of N=6972861.2991, E=2492970.4885 set at the intersection of said cut-off with the southeast line of Live Oak St. (50' right-of-way by said Ordinance Book 1A, page 131) and the northwest line of a tract of land described in a deed to the City of Dallas by deed recorded in Volume 71019, Page 1776, said point also being the most westerly corner of a tract of land described in City of Dallas Ordinance No. 14850, Tract 3 for the vacation and closure of Crockett St.;

**THENCE** departing said southeast line of said Live Oak St., South 76°39'46" East, along the southwest line of said Ordinance Tract 3 and the northeast right-of-way line of said old Pearl St. Connection as shown on said City of Dallas drawings, a distance of 17.94' feet to a Mag Nail with washer set at the beginning of a tangent curve to the right;

**THENCE** continuing with said northeast line of said old Pearl St. Connection and with said curve to the right, through a central angle of 22°27'23", having a radius of 600.00 feet and a chord that bears South 65°26'04" East, a distance of 233.66' feet, an arc distance of 235.16' feet to a cross cut at the beginning of a tangent curve to the left;

# Exhibit A

## 48,873 SQUARE FEET (1.122 ACRES) OF CROCKETT STREET, PEARL STREET CONNECTION AND NORTH PEARL EXPRESSWAY THRU BLOCKS 260 AND 260½ TO BE CLOSED AND VACATED TO VEHICULAR TRAFFIC

**THENCE** continuing with said northeast line of said old Pearl St. Connection and with said curve to the left, through a central angle of 64°51'06", having a radius of 29.00' feet and a chord that bears South 86°38'01" East, a distance of 31.10' feet, an arc distance of 32.83' feet to a Mag Nail with washer set in the east line of Closed and Vacated Crockett St. by said ordinance, said point also being in the southwest line of a tract of land described in a deed to the City of Dallas recorded in Volume 75129, Page 1149, Tract 1;

**THENCE** South 45°31'46" East, along the said northeast line of Crockett St., also being the southwest line of said City of Dallas tract, a distance of 0.15' feet to a Mag Nail with washer set in the northwest line of said North Pearl Expressway as shown on said City of Dallas drawings, said nail also being at the most southerly corner of said City of Dallas tract;

**THENCE** North 55°04'43" East, along the said northwest line of North Pearl Expressway and the southeast line of said City of Dallas tract, a distance of 37.56' feet to a Mag Nail with washer set at the beginning of a curve to the left, said beginning of curve also being the most westerly corner of a tract of land as described in a deed to the City of Dallas as recorded in Volume 3375, Page 296, DRDCT;

**THENCE** with said curve to the left, along the northwest line of North Pearl Expressway and the common line of said City of Dallas tracts, through a central angle of 18°35'10", having a radius of 215.00' feet and a chord that bears North 45°47'09" East, a distance of 69.44' feet and an arc distance of 69.74' feet to a 5/8" iron rod with cap set at the intersection with the southwest line of US Interstate 345, said iron rod also being the common corner of said City of Dallas tracts;

**THENCE** South 24°57'54" East, departing the northwest line of said North Pearl Expressway and along the southwest line of said US Interstate 345, a distance of 72.10' feet to a 5/8" iron rod with cap set at an angle point;

**THENCE** South 38°07'47" East, continuing along the southwest line of said US Interstate 345, a distance of 4.88' feet to a 5/8" iron rod with cap set at the intersection of the southwest line of said US Interstate 345 and the southeast line of said North Pearl Expressway, said iron rod also being at the most northerly corner of a tract of land described in a deed to the City of Dallas recorded in Volume 75129, Page 1149, Tract 2 and the most easterly corner of a tract of land described in a deed to the City of Dallas recorded in Volume 3431, Page 241, Tract No. 1, said iron rod also being at the beginning of a non-tangent curve to the right;

**THENCE** with said curve to the right, departing the southwest line of said US Interstate 345 and with the common line of said City of Dallas tracts, through a central angle of 11°02'45", having a radius of 287.50' feet and a chord that bears South 49°33'20" West, a distance of 55.34' feet, an arc distance of 55.43' feet to a Mag Nail with washer;

# Exhibit A

## 48,873 SQUARE FEET (1.122 ACRES) OF CROCKETT STREET, PEARL STREET CONNECTION AND NORTH PEARL EXPRESSWAY THRU BLOCKS 260 AND 260½ TO BE CLOSED AND VACATED TO VEHICULAR TRAFFIC

**THENCE** South 55°04'43" West, continuing along the southeast line of said North Pearl Expressway and the common line between the two said City of Dallas tracts, a distance of 25.80' feet to a Mag Nail with washer set at the beginning of a curve to the left;

**THENCE** with said curve to the left, continuing along the southeast line of said North Pearl Expressway and the common line of said City of Dallas tracts, through a central angle of 2°23'08", having a radius of 215.00' feet and a chord that bears South 53°53'08" West, a distance of 8.95' feet and an arc distance of 8.95' feet to a Mag nail with washer set at the intersection of said line with the northeast line of said Crockett St., said nail also being at the most southerly corner of said City of Dallas tract by Volume 3431, Page 241, Tract No. 1 and the most westerly corner of said City of Dallas tract by Volume 75129, Page 1149, Tract No. 2;

**THENCE** South 38°07'46" East, departing the said southeast line of North Pearl Expressway and with the northeast line of said Crockett St., a distance of 275.70' feet to a Mag Nail with washer set at the intersection of said northeast line with the new westerly line of said Cesar Chavez Blvd.;

**THENCE** South 7°22'44" West, departing the said northeast line of Crockett St., crossing said Crockett St. and along the new westerly line of said Cesar Chavez Blvd., a distance of 49.04' feet to a Mag nail with washer set in the northwest line of said Swiss Ave.;

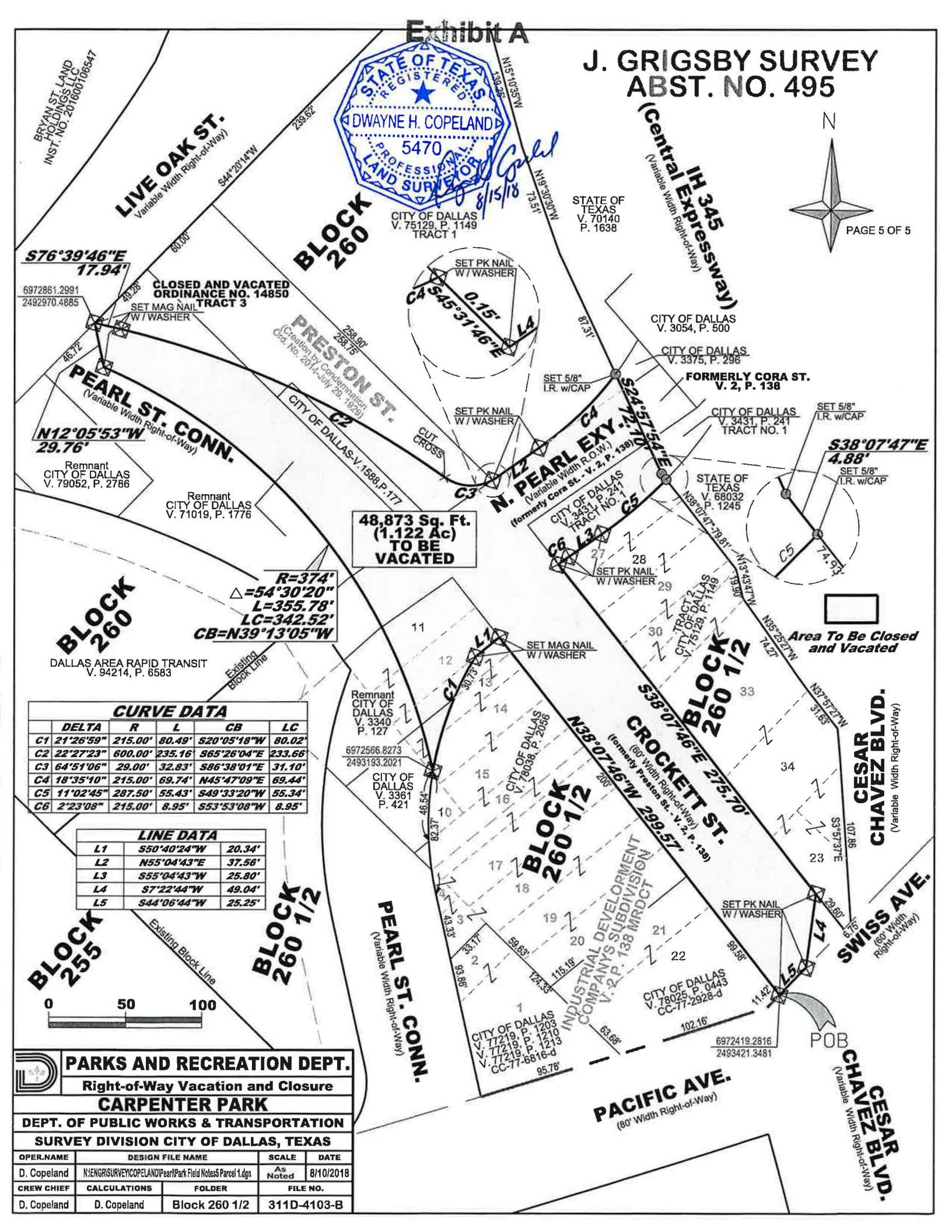
**THENCE** South 44°06'44" West, departing the new westerly line of said Cesar Chavez and along the said northwest of Swiss Ave., a distance of 25.25' feet to the **POINT OF BEGINNING** containing 48,873 square feet or 1.122 acres of land.

**BASIS OF BEARINGS:** Bearings are based on the North Texas Cooperative Real Time Kinematic Survey, Virtual Reference Station System, North American Datum of 1983.

SRH/dhc
Park Field Notes6 Rev8-10-18.docx



# Exhibit A




| CURVE DATA | | | | | |
|---|---|---|---|---|---|
| | DELTA | R | L | CB | LC |
| C1 | 21°26'59" | 215.00' | 80.49' | S20°05'18"W | 80.02' |
| C2 | 22°27'23" | 600.00' | 235.16' | S65°26'04"E | 233.66' |
| C3 | 64°51'06" | 29.00' | 32.83' | S86°38'01"E | 31.10' |
| C4 | 18°35'10" | 215.00' | 69.74' | N45°47'09"E | 69.44' |
| C5 | 11°02'45" | 287.50' | 55.43' | S49°33'20"W | 55.34' |
| C6 | 2°23'08" | 215.00' | 8.95' | S53°53'08"W | 8.95' |

| LINE DATA | | |
|---|---|---|
| L1 | S50°40'24"W | 20.34' |
| L2 | N55°04'43"E | 37.56' |
| L3 | S55°04'43"W | 25.80' |
| L4 | S7°22'44"W | 49.04' |
| L5 | S44°06'44"W | 25.25' |

**PARKS AND RECREATION DEPT.**

**Right-of-Way Vacation and Closure**

**CARPENTER PARK**

**DEPT. OF PUBLIC WORKS & TRANSPORTATION**

**SURVEY DIVISION CITY OF DALLAS, TEXAS**

| OPER.NAME | DESIGN FILE NAME | SCALE | DATE |
|---|---|---|---|
| D. Copeland | N:\ENGR\SURVEY\COPELAND\Pearl\Park Field Notes\5 Parcel 1.dgn | As Noted | 8/10/2018 |
| CREW CHIEF | CALCULATIONS | FOLDER | FILE NO. |
| D. Copeland | D. Copeland | Block 260 1/2 | 311D-4103-B |

Agenda Information Sheet

**File #:** 19-493 **Item #:** 23.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

An ordinance abandoning a portion of a utility easement to Lopez Realty Limited Liability Company, the abutting owner, containing approximately 524 square feet of land, located near the intersection of Brockbank Drive and Lombardy Lane - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

## BACKGROUND

This item authorizes the abandonment of a portion of a utility easement to Lopez Realty Limited Liability Company, the abutting owner. The area will be included with the property of the abutting owner to construct a new warehouse and office space. 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)

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Revenue: $5,400.00, plus the $20.00 ordinance publication fee

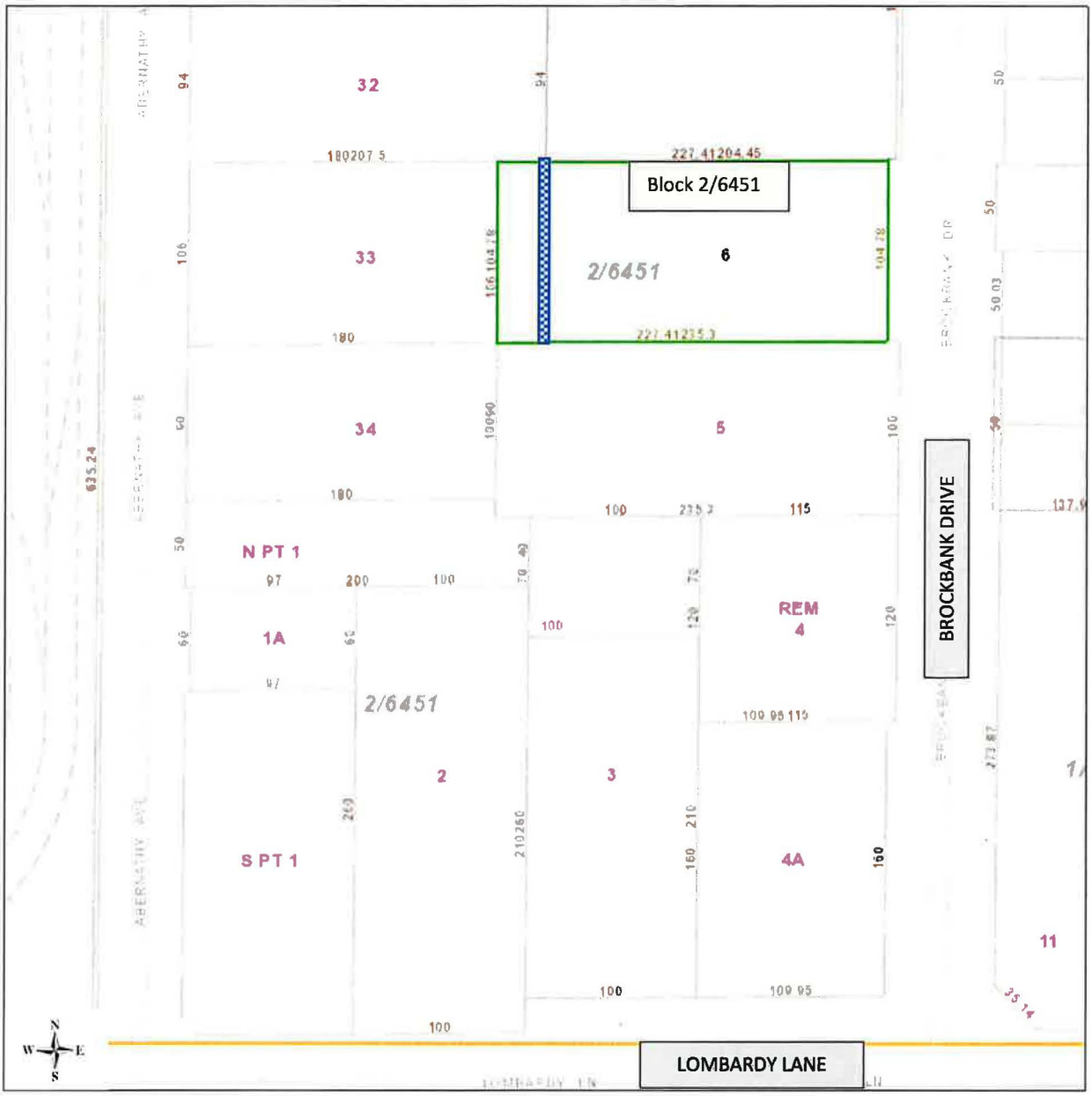
## OWNER

**Lopez Realty Limited Liability Company**

Armando Lopez, Manager

## MAP

Attached




Abandonment Area:

**ORDINANCE NO. _____**

An ordinance providing for the abandonment and relinquishment of a portion of a utility easement, located in City Block 2/6451 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Lopez Realty Limited Liability Company; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS,** the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Lopez Realty Limited Liability Company, 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 tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

**Now, Therefore,**

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

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

**SECTION 2.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS ($5,400.00)** 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 the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

**SECTION 4.** That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 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 harmless the City of Dallas as to 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 area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

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

**SECTION 10.** That this ordinance is also designated for City purposes as Contract No. DEV-2019-00009592.

**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:
CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

**Exhibit A**

# UTILITY EASEMENT ABANDONMENT
# REVISED PLAT OF ROSELAWN ADDITION
# LOTS 6, 7, 32 & 33, BLOCK 2/6451
# JAMES S. SHELLEY SURVEY, ABSTRACT NO. 1354
# CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 524 square foot tract of land situated in the J.S. Shelby Survey, Abstract No. 1354, City of Dallas, Dallas County, Texas, the subject tract being part of Lots 6, 7, 32 and 33, Block 2/6451, of Revised Plat of Roselawn Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 3, Page 171, Map Records, Dallas County, Texas, as conveyed to Lopez Realty Limited Liability Company, a Texas limited liability company by Special Warranty Deed with Vendor's Lien recorded in Instrument Number 201700080219, Official Public Records, Dallas County, Texas, the subject tract being a 5 foot wide utility easement created by said Revised Plat of Roselawn Addition, and being more particularly described as follows:

Commencing at a 1/2" iron pin found on the west right-of-way line of Brockbank Drive (66' R.O.W.) for the southeast corner of said Lot 6 and the northeast corner of Lot 5, of said Block 2/6451; Thence, South 89°15'00" West, along the south line of said Lot 6 and the north line of said Lot 5, a distance of 204.68 feet to a point on the east line of said 5 foot wide utility easement for the Point of Beginning;

Thence, South 89°15'00" West, along the south lines of said Lots 6 and 33 and the north lines of said Lot 5 and Lot 34, of said Block 2/6451, a distance of 5.00 feet to a point for corner on the west line of said utility easement;

Thence, North 00°20'07" West, along the west line of said 5 foot utility easement, a distance of 104.78 feet to a point for corner on the north line of said Lopez tract and the south line of a tract of land conveyed to 9722 Real Estate Holdings, LP by deed recorded in Instrument Number 200600440002, Official Public Records, Dallas County, Texas;

Thence, North 89°15'00" East, along the north line of said Lopez tract, the south line of said 9722 Real Estates Holdings, LP tract and the south line of Lot 7A, Block 2/6451, of Ramiro and Elizabeth Lopez Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Instrument Number 200900121413, Official Public Records, Dallas County, Texas, a distance of 5.00 feet to a point for corner on the east line of said 5 foot utility easement;

Thence, South 00°20'07" East, along the east line of said 5 foot utility easement, a distance of 104.78 feet to the Point of Beginning and containing 524 square feet or 0.0120 acres of land.




| (For SPRG use only) | |
|---|---|
| Reviewed by: | JL |
| Date: | 4-30-19 |
| SPRG No. | 4826 |

Bearings based on the west line of deed recorded in Instrument No. 201700080219, Official Public Records, Dallas County, Texas. (N00°20'10"W)



JAMES BARTON CARROLL, R.P.L.S. 5129

CARROLL CONSULTING GROUP, INC.
P.O. BOX 11 PHONE: (972) 742-4411
LAVON, TEXAS 75166 TEXAS FIRM REGISTRATION NO.: 10007200

| JOB No. | SCALE: | DATE | DRAWN BY: |
|---|---|---|---|
| 2407-17 | 1"=50' | FEBRUARY 18, 2019 | CP |

# UTILITY EASEMENT ABANDONMENT
# REVISED PLAT OF ROSELAWN ADDITION
# LOTS 6, 7, 32 & 33, BLOCK 2/6451
# JAMES S. SHELLEY SURVEY, ABSTRACT NO. 1354
# CITY OF DALLAS, DALLAS COUNTY, TEXAS

**LEGEND**

| | |
|---|---|
| I.P.F. | – IRON PIN FOUND |
| (C.M.) | – CONTROL MONUMENT |
| D.R.D.C.T. | – DEED RECORDS DALLAS COUNTY TEXAS |
| O.P.R.D.C.T | – OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS |
| M.R.D.C.T | – MAP RECORDS DALLAS COUNTY TEXAS |
| R.O.W. | – RIGHT-OF-WAY |
| INST. NO. | – INSTRUMENT NUMBER |
| ℄ | – CENTERLINE |

ROSELAWN ADDITION
LOT 32, BLOCK 2/6451
VOL. 3, PG. 171
M.R.D.C.T.

9722 REAL ESTATE HOLDINGS, LP
INST. NO. 200600440002
O.P.R.D.C.T.

5' U.E. VOL. 3, PG. 171, M.R.D.C.T.

RAMIRO AND ELIZABETH LOPEZ ADDITION
LOT 7A, BLOCK 2/6451
INST. NO. 200900121413
O.P.R.D.C.T.

N89°15'00"E 5.00'

(C.M.)
"X" CUT FND.
IN CONCRETE

1/2" I.P.F.

25.00'

LOT 7

LOT 6

33.0'

JOSE R. CONTRERAS
INST.NO. 201500253121
O.P.R.D.C.T.

JOSE CONTRERAS &
RAUL ALEXANDER CONTRERAS
INST.NO. 201300065625
O.P.R.D.C.T.

ROSELAWN ADDITION
LOT 33, BLOCK 2/6451
VOL. 3, PG. 171
M.R.D.C.T.

9722 REAL ESTATE HOLDINGS, LP
0.438 ACRES
INST. NO. 200600440001
O.P.R.D.C.T.

JAMES S. SHELLEY SURVEY
ABSTRACT NO. 1354

LOT 33

N00°20'07"W 104.78'

S00°20'07"E 104.78'

LOT 6
BLOCK
2/6451

LOPEZ REALTY LIMITED LIABILITY COMPANY
INST. NO. 201700080219
O.P.R.D.C.T.

UTILITY EASEMENT
ABANDONMENT
0.0120 AC.
(524 SQ.FT.)

33' R.O.W. PER INST. NO.
200900072924, O.P.R.D.C.T.

BROCKBANK DRIVE
(66' R.O.W.)

(A.K.A. ROSELAWN AVENUE)
(53.3' R.O.W. PER VOL. 3, PG. 171, D.R.D.C.T.)

CLYDE L. GARLAND, JR.
VOL. 98054, PG. 416
D.R.D.C.T.

25.00'

1/2" I.P.F. W/YELLOW
CAP STAMPED
(C.M.) "BISON CREEK"

S89°15'00"W 204.68'

1/2" I.P.F.

33.0'

POINT OF
BEGINNING

POINT OF
COMMENCING

S89°15'00"W 5.00'

5' U.E. VOL. 3, PG. 171, M.R.D.C.T.

ROSELAWN ADDITION
LOT 5, BLOCK 2/6451
VOL. 3, PG. 171
M.R.D.C.T.

ALDRICH SUBDIVISION
LOT 5-C, BLOCK 1/6451
VOL. 18, PG. 203
M.R.D.C.T.

ROSELAWN ADDITION
LOT 34, BLOCK 2/6451
VOL. 3, PG. 171
M.R.D.C.T.

LOT 34

KOREAN SENIOR CITIZEN'S ASSOCIATION OF DALLAS
VOL. 93200, PG. 684
D.R.D.C.T.

LITTLE FISHERMAN, CO.
0.37 ACRES
INST. NO. 201100178555
O.P.R.D.C.T.

ALDRICH SUBDIVISION
LOT 5-D, BLOCK 1/6451
VOL. 18, PG. 203
M.R.D.C.T.

℄

| (For SPRG use only) | |
|---|---|
| Reviewed by: | JL |
| Date: | 4-30-19 |
| SPRG No. | 4826 |

N

0' 50'

GRAPHIC SCALE:
1 INCH = 50 FEET

STATE OF TEXAS
REGISTERED
JAMES BART CARROLL
5129
PROFESSIONAL
LAND SURVEYOR

4/25/19

JAMES BARTON CARROLL, R.P.L.S. 5129

Bearings based on the west line of deed recorded in Instrument No. 201700080219, Official Public Records, Dallas County, Texas. (N00°20'10"W)



CARROLL CONSULTING GROUP, INC.
P.O. BOX 11 PHONE: (972) 742-4411
LAVON, TEXAS 75166 TEXAS FIRM REGISTRATION NO.: 10007200

| JOB No. | SCALE: | DATE | DRAWN BY: |
|---|---|---|---|
| 2407-17 | 1"=50' | FEBRUARY 18, 2019 | CP |

Exhibit A

Agenda Information Sheet

**File #:** 18-1014 **Item #:** 24.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

An ordinance abandoning a portion of Akard Street to KDP Akard Development Partners, LP, the abutting owner, containing approximately 560 square feet of land, located near the intersection of Akard and Olive Streets; and authorizing the quitclaim - Revenue: $190,400.00, plus the $20.00 ordinance publication fee

## BACKGROUND

This item authorizes the abandonment of a portion of Akard Street to KDP Akard Development Partners, LP, the abutting owner. The area will be included with the property of the abutting owner for the construction of an office building. A prior abandonment was passed by Ordinance No. 29104 and became null and void and no longer effective due to unmet timeline to replat. The abandonment fee is based on an independent appraisal.

Notices were sent to 57 property owners located within 300 feet of the proposed abandonment area. There were no responses in opposition to this request.

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

On August 28, 2013, City Council authorized the abandonment of a portion of Akard Street to Triton 2422, LLC, the abutting owner, containing approximately 560 square feet of land, located near the intersection of Akard and Olive Streets, authorizing the quitclaim and providing for the dedication of approximately 42 square feet of land needed for right-of-way by Resolution No. 13-1456; Ordinance No. 29104.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Revenue: $190,400.00, plus the $20.00 ordinance publication fee

## OWNER

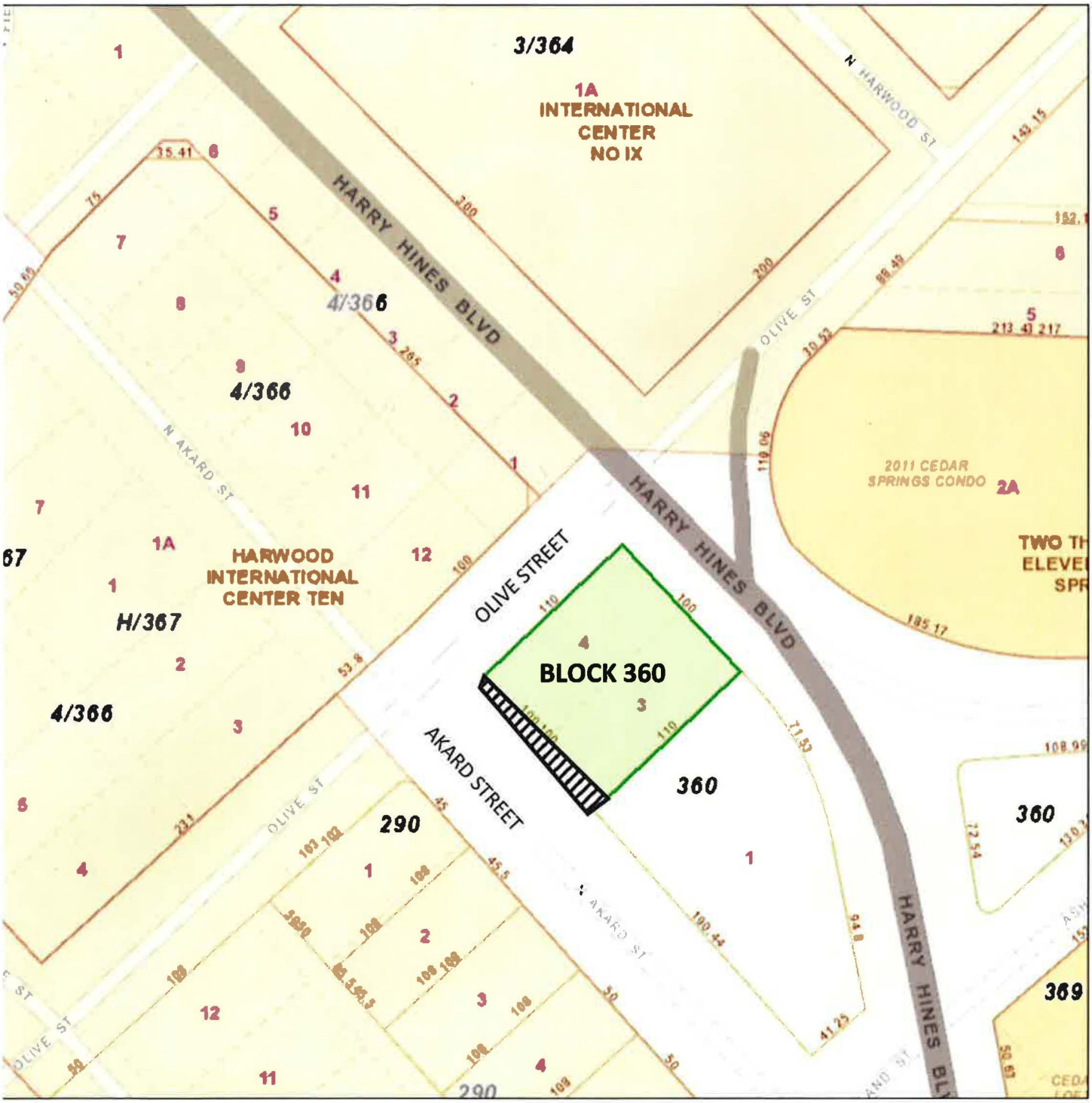
**KDP Akard Development Partners, LP**

Kaizan Development Partners, LLC

Lee A. White Manager

## MAP

Attached




N

**Abandonment Area**

**ORDINANCE NO. _____**

An ordinance providing for the abandonment of a portion of Akard Street located adjacent to City Block 360 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to KDP Akard Development Partners, LP; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS,** City Council of the City of Dallas passed Ordinance No. 29104 on August 28, 2013 to abandon a portion of Akard Street, due to untimely action to file final replat within one year of the effective date of the ordinance, the ordinance became null and void and of no further effect.

**WHEREAS,** the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of KDP Akard Development Partners, LP, a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of Akard Street is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

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

**Now, Therefore,**

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

**SECTION 1.** That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the reverter and conditions and future effective date hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **ONE HUNDRED NINETY THOUSAND FOUR HUNDRED AND NO/100 DOLLARS ($190,400.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 11, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, the reverter, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. Provided however, that if **GRANTEE,** its successors and assigns, fails to file a final replat of the adjoining properties as required in Section 9 of this ordinance, but no later than the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

> "(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator's action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005";

or (ii) the date that is the sixth anniversary of the passage of this ordinance; THEN this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **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**.

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

**SECTION 4.** That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

**SECTION 5.** That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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

**SECTION 7.** That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

**SECTION 8.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to 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 area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**,

**SECTION 8.** (continued)

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

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

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

**SECTION 10.** (continued)

(a) per the City of Dallas Complete Streets Vision, adopted by City Council in January 2016, ensure six feet to eight feet of unobstructed pedestrian walkable space along Akard Street.

(b) not amend the sidewalk requirement in Planned Development 193 (PD 193) SECTION 51P-193.126. Landscape, Streetscape, Screening and Fencing Standards, under Section (4) Sidewalks. Additionally, **GRANTEE** will not seek a sidewalk waiver in the future as per this condition.

**SECTION 11.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 12.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment areas are located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 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: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, subject to a reverter interest, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 13.** That this ordinance is also designated for City purposes as Contract No. DEV-2019-00009826.

**SECTION 14.** 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:
CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.



LW/46323

# Exhibit A

ABANDONMENT OF PART OF AKARD STREET
ADJACENT TO BLOCK 360
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 560 square feet tract of land situated in the John Grisgby Survey, Abstract No. 495 and being part of N. Akard Street right of way adjacent to City Block 360 as dedicated by the map of Ervin's Addition recorded in Volume 64, Page 403, Deed Records of Dallas County, Texas, said right of way being adjacent to a called 0.253 acre tract of land conveyed to Triton 2422 LLC by Special Warranty Deed recorded under County Clerk Instrument Number 201200203126, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a found "x" cut on pavement at the intersection of the northeast line of N. Akard Street (a variable width right of way) with the southeast line of Olive Street (a 50 foot right of way as dedicated by the map of Cole Addition recorded in Volume 84, Page 195, Deed Records of Dallas County, Texas), said point being the north corner of the said 0.253 acre tract;

THENCE, S 44°48'00" E, with the northeast line of N. Akard Street and the southwest line of the said 0.253 acre tract, a distance of 100.00 feet to a found "x" cut on concrete pavement for a corner in the northwest line of Lot 1, Block 2/360 of Downtown Joint Venture Addition, an addition to the City of Dallas, Texas according to the map thereof recorded in Volume 85027, Page 2140, Deed Records of Dallas County, Texas;

THENCE, S 45°23'00" W, with the northeast line of N. Akard Street and the northwest line of said Lot 1, Block 2/360, a distance of 8.00 feet to a found ½ inch iron rod for a corner, said point being the west corner of said Lot 1, Block 2/360;

REVIEWED BY
JZ 4-23-13
SPAC 2069

THENCE, N 42°03'00" W, a distance of 100.10 feet to a set mag nail with washer stamped "Block 360" "No. 3952" for a corner in the projected southeast line of said Olive Street;

THENCE, N 45°23'00" E, with the projected southeast line of Olive Street, a distance of 3.20 feet to the Point of Beginning and Containing 560 square feet or 0.013 acres, more or less.

Date: March 11, 2013

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
3952
PROFESSIONAL
LAND SURVEYOR

Basis of Bearing:
The bearing basis for this survey is a bearing of S 44°48'00" E for the southwest line of Harry Hines Boulevard as shown on the map of Downtown Joint Venture Addition, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 85027, Page 2140, Deed Records of Dallas County, Texas.

# ABANDONMENT OF PART OF AKARD STREET ADJACENT TO CITY BLOCK 360 CITY OF DALLAS, DALLAS COUNTY, TEXAS

## Exhibit A

| NUM | BEARING | DISTANCE |
|---|---|---|
| L1 | N45°23'00"E | 3.20' |

SCALE: 1"=40'

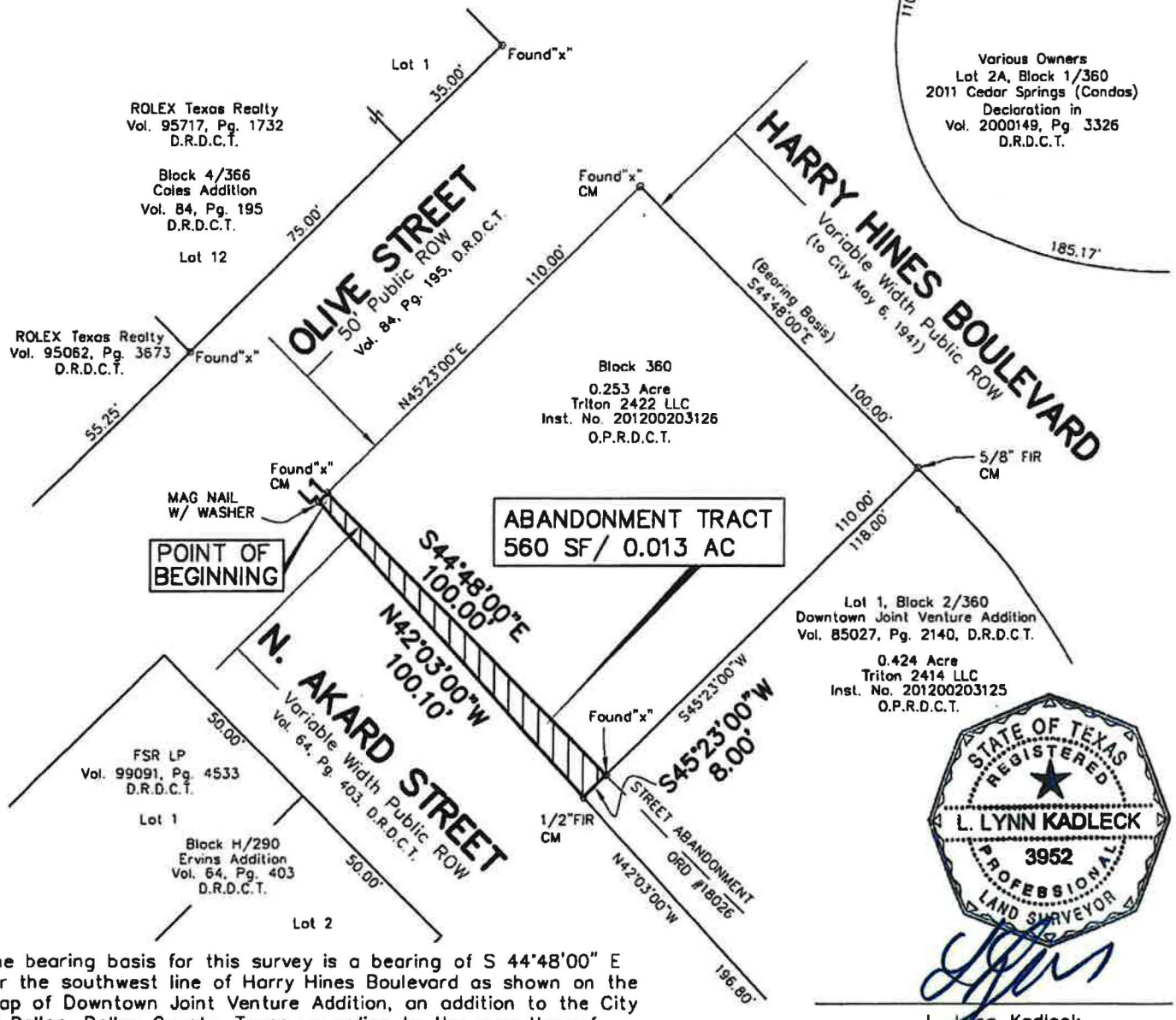
0 20 40

Date: March 11, 2013
K&A Job 3088

(For SPRG use only)
Reviewed by: JL
Date: 4-23-13
SPRG No. 2619

## LEGEND

| | |
|---|---|
| CM | Controlling Monument |
| ROW | Right of Way |
| FIR | Found Iron Rod |
| MON | Monument |
| D.R.D.C.T. | Deed Records Dallas County, Texas |
| O.P.R.D.C.T. | Official Public Records Dallas County, Texas |




The bearing basis for this survey is a bearing of S 44°48'00" E for the southwest line of Harry Hines Boulevard as shown on the map of Downtown Joint Venture Addition, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 85027, Page 2140, Deed Records of Dallas County, Texas.

STATE OF TEXAS
REGISTERED
L. LYNN KADLECK
3952
PROFESSIONAL
LAND SURVEYOR

L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952

# EXHIBIT B

## ADDITIONAL ABANDONMENT PROVISIONS

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

# City of Dallas

1500 Marilla Street
Dallas, Texas 75201

## Agenda Information Sheet

**File #:** 19-542 **Item #:** 25.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 9

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

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## SUBJECT

An ordinance abandoning a portion of a floodway easement to Knott Holdings, LLC, the abutting owner, containing approximately 5,631 square feet of land, located near the intersection of Frontier Lane and Bob-O-Link Drive - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

## BACKGROUND

This item authorizes the abandonment of a floodway easement to Knott Holdings, LLC, the abutting owner. The area will be included with the property of the abutting owner for construction of a single family residence. 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)

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Revenue: $5,400.00, plus the $20.00 ordinance publication fee

## OWNER

**Knott Holdings, LLC**

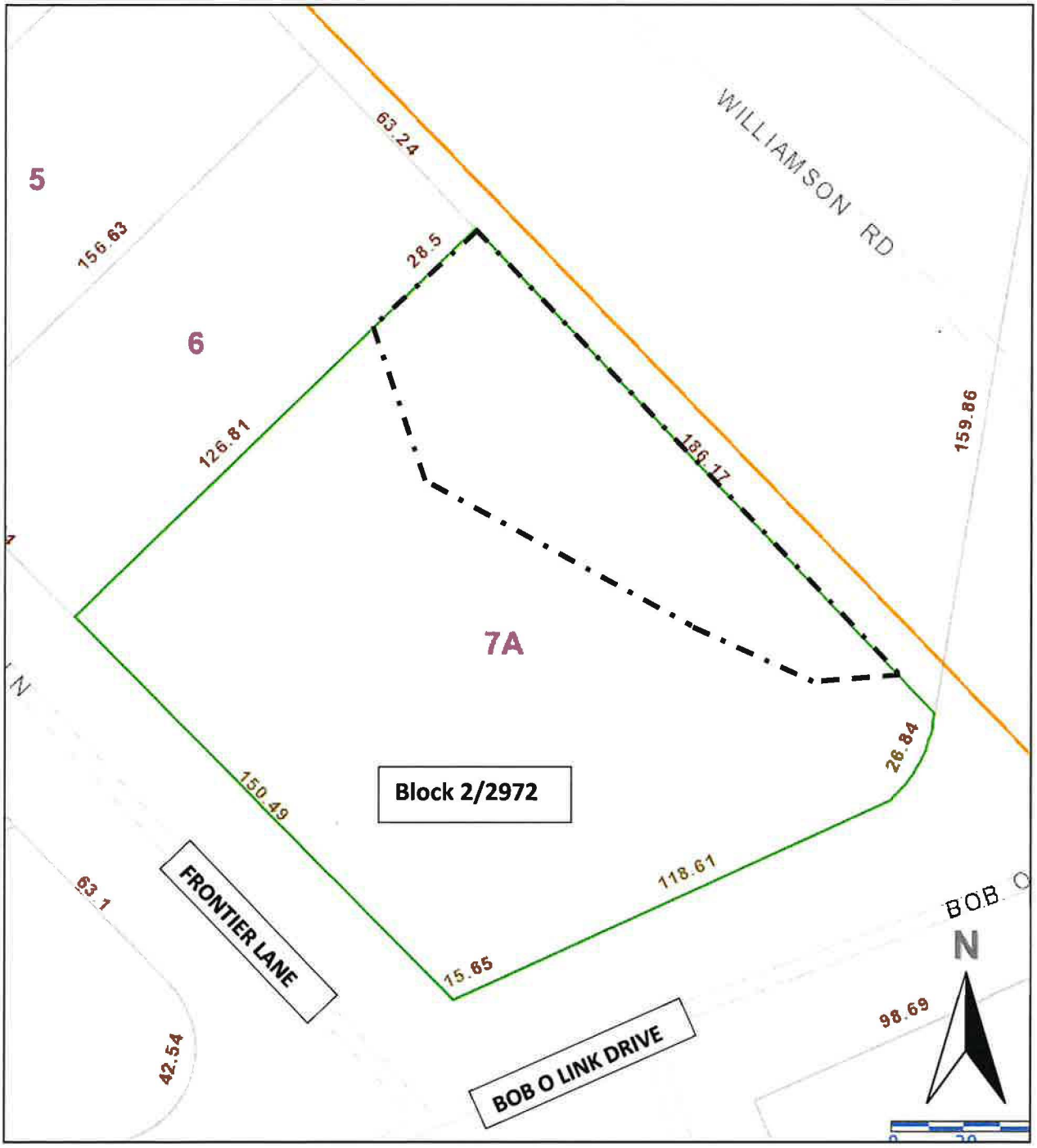
Brennan Knott, Manager

## MAP

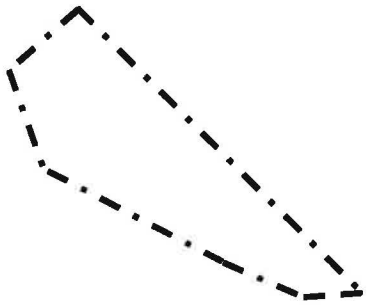
Attached



powered by Legistar™




**Floodway Easement**



**ORDINANCE NO. _____**

An ordinance providing for the abandonment and relinquishment of a portion of a floodway easement, located in City Block 2/2972 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Knott Holdings, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

**ooo0ooo**

**WHEREAS,** the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Knott Holdings, 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 tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

**Now, Therefore,**

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

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

**SECTION 2.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS ($5,400.00)** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, 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 the certain tract or parcel of land hereinabove described in Exhibit A . **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

**SECTION 4.** That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 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 harmless the City of Dallas as to 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 area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

**SECTION 9.** That as a condition of this abandonment and as part of the consideration **GRANTEE** shall provide proof of receipt of a Letter of Map Revision (LOMR) from Federal Emergency Management Agency (FEMA) which removes abandonment area from floodplain zone. The abandonment area must be modeled, and the hydraulic model must meet the city's criteria; the area must be filled two feet above the base flood elevation; and a LOMR must be obtained from FEMA.

**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 is also designated for City purposes as Contract No. DEV-2019-00009087.

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.



MG/47040

# FLOODWAY EASEMENT ABANDONMENT

SHEET 1 OF 2

LOT 7A, BLOCK 2/2972 OF CALLEJO ADDITION - BOB-O-LINKS DOWNS
AG HYDE SURVEY, ABSTRACT NO. 552
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**Exhibit A**

Being 5,631 square feet or 0.129 of an acre of land located in the AG HYDE SURVEY, Abstract No. 552, City of Dallas, Dallas County, Texas, and being a portion of Lot 7A, Block 2/2972 of Callejo Addition - Bob O- Links Downs, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 94196, Page 1410, Deed Records, Dallas County, Texas and being a portion of the land described in Warranty Deed with Vendor's Lien to Knott Holdings, LLC - 3810 Frontier Series, recorded in Instrument No. 201700300333, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found in the Northeast line of Frontier Lane, a 50' wide public right-of-way, as dedicated by plat of and being the South corner of Lot 6, Block 2/2972 of Bob-O-Links Downs, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 15, Page 185, Map Records, Dallas County, Texas, at the West corner of said Lot 7A, from which a 1/2" iron rod found bears North 44°49'37" West, a distance of 129.95' at the South common corner of Lots 4 and 5 of said Block 2/2972 and from which a 1/2" iron rod found in the Northwest line of Bob-O-Links Drive, a 60' wide public right-of-way dedicated by said Bob-O-Links addition bears South 44°46'52" East, a distance of 152.13' and South 64°47'50" West, a distance of 276.13' at the South common corner of Lots 19 and 20, Block 1/2972;

Thence North 44°44'42" East, along the common line of said Lots 6 and 7A, a distance of 122.66' to a 1/2" iron rod with a 3-1/4" aluminum disk stamped "FLOODWAY" found for corner and being the PLACE OF BEGINNING of the herein described tract of land;

Thence North 44°44'42" East, a distance of 35.49' to a point for corner in Williamson Branch, at the East corner of said Lot 6 and the North corner of said Lot 7A;

Thence South 45°45'58" East, along the Northeast line of said Lot 7A, a distance of 167.39' to a 1/2" iron rod with a 3-1/4" aluminum disk stamped "FLOODWAY" found for corner;

Thence passing through said Lot 7A, the following four courses:

1. South 87°19'13" West, a distance of 23.60' to a point for corner;
2. North 66°08'50" West, a distance of 41.48' to a 1/2" iron rod with a 3-1/4" aluminum disk stamped "FLOODWAY" found for corner;
3. North 56°45'32" West, a distance of 85.73' to a 1/2" iron rod with a 3-1/4" aluminum disk stamped "FLOODWAY" found for corner;
4. North 22°02'28" West, a distance of 31.18' to the PLACE OF BEGINNING and containing 5,631 square feet or 0.129 of an acre of land.

ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983. (2011)

CITY PLAN FILE NO. S178-083

(FOR SPRG USE ONLY)
REVIEWED BY: G.S.
DATE: 2-13-19
SPRG NO.: 4732

John S. Turner, R.P.L.S. #5310

2-7-19
Date

STATE OF TEXAS
REGISTERED
JOHN S. TURNER
#5310
PROFESSIONAL
LAND SURVEYOR


**A&W SURVEYORS, INC.**
*Professional Land Surveyors*
TEXAS REGISTRATION NO. 100174-00
P.O. BOX 870029, MESQUITE, TX. 75187
PHONE: (972) 681-4975 FAX: (972) 681-4954
WWW.AWSURVEY.COM


Job Number: 18-2392 Date: 11-14-2018 Drafter: 543

**"A professional company operating in your best interest"**

# FLOODWAY EASEMENT ABANDONMENT

SHEET 2 OF 2

LOT 7A, BLOCK 2/2972 OF CALLEJO ADDITION - BOB-O-LINKS DOWNS
AG HYDE SURVEY, ABSTRACT NO. 552
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A

CITY PLAN FILE NO. S178-083

(FOR SPRG USE ONLY)
REVIEWED BY: G.S.
DATE: 2-13-19
SPRG NO.: 4732

APPROXIMATE LOCATION AG HYDE SURVEY ABSTRACT NO. 552

APPROXIMATE LOCATION AA NELSON SURVEY ABSTRACT NO. 1073

| LINE TABLE | | | | | |
|---|---|---|---|---|---|
| LINE | LENGTH | BEARING | LINE | LENGTH | BEARING |
| L1 | 122.66' | N44°44'42"E | L5 | 41.48' | N66°08'50"W |
| L2 | 35.49' | N44°44'42"E | L6 | 85.73' | N56°45'32"W |
| L3 | 167.39' | S45°45'58"E | L7 | 31.18' | N22°02'28"W |
| L4 | 23.60' | S87°19'13"W | | | |

65.00'

CORNER

35.30'

1/2" IRF w/ 3-1/4" ALUMINUM DISK STAMPED "FLOODWAY"

PLACE OF BEGINNING

FLOODWAY EASEMENT
VOLUME 94196, PAGE 1410
D.R.D.C.T.

FLOODWAY EASEMENT ABANDONMENT
5,631 SQUARE FEET OR 0.129 OF AN ACRE

LOT 5

LOT 6
BLOCK 2/2972
BOB-O-LINKS DOWNS
VOLUME 15, PAGE 185
M.R.D.C.T.

156.21'

JOHN CARLTON PETTEWAY, III AND KIMBERLY PATRICE KINSEL
VOLUME 2001047, PAGE 3841
D.R.D.C.T.

1/2" IRF w/ 3-1/4" ALUMINUM DISK STAMPED "FLOODWAY"

L1 L2 L3 L4 L5 L6 L7

Williamson Branch

KNOTT HOLDINGS, LLC-
3810 FRONTIER SERIES
INSTRUMENT NO.
201700300333
O.P.R.D.C.T.

N44°49'37"W 129.95' TO 1/2" IRF CONTROLLING MONUMENT

1/2" IRF

PLACE OF COMMENCING

LOT 7A
BLOCK 2/2972
CALLEJO ADDITION
BOB-O-LINKS DOWNS
VOLUME 94196, PAGE 1410
D.R.D.C.T.

1/2" IRF w/ 3-1/4" ALUMINUM DISK STAMPED "FLOODWAY"

1/2" IRF w/ 3-1/4" ALUMINUM DISK STAMPED "FLOODWAY"

CORNER

ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983. (2011)

FRONTIER LANE
(FORMERLY ANITA STREET)
50' WIDE PUBLIC RIGHT-OF-WAY
VOLUME 15, PAGE 185 - M.R.D.C.T.

S 44°46'52" E 152.13'

50.0'

25.0'

25.0'

64.40'

30' BUILDING LINE
VOLUME 15, PAGE 185
M.R.D.C.T.

30.0'

60.0'

30.0'

98.58'

BLOCK 1/2972
NORTH RIDGE ESTATES NO.6
VOLUME 15, PAGE 185
M.R.D.C.T.

LOT 18

30' BUILDING LINE
VOLUME 15, PAGE 185
M.R.D.C.T.

R=25.00'
L=47.92'

S 64°47'50" W 276.13'
TO 1/2" IRON ROD FOUND
CONTROLLING MONUMENT

BOB-O-LINK DRIVE
60' WIDE PUBLIC RIGHT-OF-WAY
VOLUME 15, PAGE 185 - M.R.D.C.T.

20' BUILDING LINE
VOLUME 34, PAGE 103
M.R.D.C.T.

BLOCK 2/2984
NORTH RIDGE ESTATES NO.6
VOLUME 34, PAGE 103
M.R.D.C.T.

50' WIDE PUBLIC RIGHT-OF-WAY
VOLUME 30, PAGE 239
M.R.D.C.T.

FRONTIER LANE

46.74'

30' BUILDING LINE
VOLUME 34, PAGE 103
M.R.D.C.T.

LOT 1

84.40'

60.00'

46.74'

BLOCK 1/2984
H.D.LEWIS SUBDIVISION
VOLUME 18, PAGE 83
M.R.D.C.T.

LOT 10

| LEGEND | |
|---|---|
| ● 1/2" IRF | 1/2" IRON ROD FOUND |
| ≙ CORNER | NO MONUMENT SET OR FOUND |
| D.R.D.C.T. | DEED RECORDS, DALLAS COUNTY, TEXAS |
| M.R.D.C.T. | MAP RECORDS, DALLAS COUNTY, TEXAS |
| O.P.R.D.C.T. | OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS |
| SQ. FT. | SQUARE FEET |

N

0 40'

GRAPHIC SCALE
1-INCH = 40 FEET

John S. Turner, R.P.L.S. #5310

2-7-19
Date

STATE OF TEXAS
REGISTERED
JOHN S. TURNER
#5310
PROFESSIONAL LAND SURVEYOR


A&W SURVEYORS, INC.
*Professional Land Surveyors*
TEXAS REGISTRATION NO. 100174-00
P.O. BOX 870029, MESQUITE, TX. 75187
PHONE: (972) 681-4975 FAX: (972) 681-4954
WWW.AWSURVEY.COM


Job Number: 18-2392 Date: 11-14-2018 Drafter: 543

"A professional company operating in your best interest"

SHEET 1 OF 2

# FLOODWAY EASEMENT ABANDONMENT

LOT 7A, BLOCK 2/2972 OF CALLEJO ADDITION - BOB-O-LINKS DOWNS
AG HYDE SURVEY, ABSTRACT NO. 552
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A

Being 5,631 square feet or 0.129 of an acre of land located in the AG HYDE SURVEY, Abstract No. 552, City of Dallas, Dallas County, Texas, and being a portion of Lot 7A, Block 2/2972 of Callejo Addition - Bob O- Links Downs, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 94196, Page 1410, Deed Records, Dallas County, Texas and being a portion of the land described in Warranty Deed with Vendor's Lien to Knott Holdings, LLC - 3810 Frontier Series, recorded in Instrument No. 201700300333, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found in the Northeast line of Frontier Lane, a 50' wide public right-of-way, as dedicated by plat of and being the South corner of Lot 6, Block 2/2972 of Bob-O-Links Downs, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 15, Page 185, Map Records, Dallas County, Texas, at the West corner of said Lot 7A, from which a 1/2" iron rod found bears North 44°49'37" West, a distance of 129.95' at the South common corner of Lots 4 and 5 of said Block 2/2972 and from which a 1/2" iron rod found in the Northwest line of Bob-O-Links Drive, a 60' wide public right-of-way dedicated by said Bob-O-Links addition bears South 44°46'52" East, a distance of 152.13' and South 64°47'50" West, a distance of 276.13' at the South common corner of Lots 19 and 20, Block 1/2972;

Thence North 44°44'42" East, along the common line of said Lots 6 and 7A, a distance of 122.66' to a 1/2" iron rod with a 3-1/4" aluminum disk stamped "FLOODWAY" found for corner and being the PLACE OF BEGINNING of the herein described tract of land;

Thence North 44°44'42" East, a distance of 35.49' to a point for corner in Williamson Branch, at the East corner of said Lot 6 and the North corner of said Lot 7A;

Thence South 45°45'58" East, along the Northeast line of said Lot 7A, a distance of 167.39' to a 1/2" iron rod with a 3-1/4" aluminum disk stamped "FLOODWAY" found for corner;

Thence passing through said Lot 7A, the following four courses:

1. South 87°19'13" West, a distance of 23.60' to a point for corner;
2. North 66°08'50" West, a distance of 41.48' to a 1/2" iron rod with a 3-1/4" aluminum disk stamped "FLOODWAY" found for corner;
3. North 56°45'32" West, a distance of 85.73' to a 1/2" iron rod with a 3-1/4" aluminum disk stamped "FLOODWAY" found for corner;
4. North 22°02'28" West, a distance of 31.18' to the PLACE OF BEGINNING and containing 5,631 square feet or 0.129 of an acre of land.

ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983. (2011)

CITY PLAN FILE NO. S178-083

(FOR SPRG USE ONLY)
REVIEWED BY: G.S.
DATE: 2-13-19
SPRG NO.: 4732

John S. Turner, R.P.L.S. #5310

2-7-19
Date

STATE OF TEXAS
REGISTERED
JOHN S. TURNER
#5310
PROFESSIONAL
LAND SURVEYOR


**A&W SURVEYORS, INC.**
*Professional Land Surveyors*
TEXAS REGISTRATION NO. 100174-00
P.O. BOX 870029, MESQUITE, TX. 75187
PHONE: (972) 681-4975 FAX: (972) 681-4954
WWW.AWSURVEY.COM


Job Number: 18-2392 Date: 11-14-2018 Drafter: 543

**"A professional company operating in your best interest"**

# FLOODWAY EASEMENT ABANDONMENT

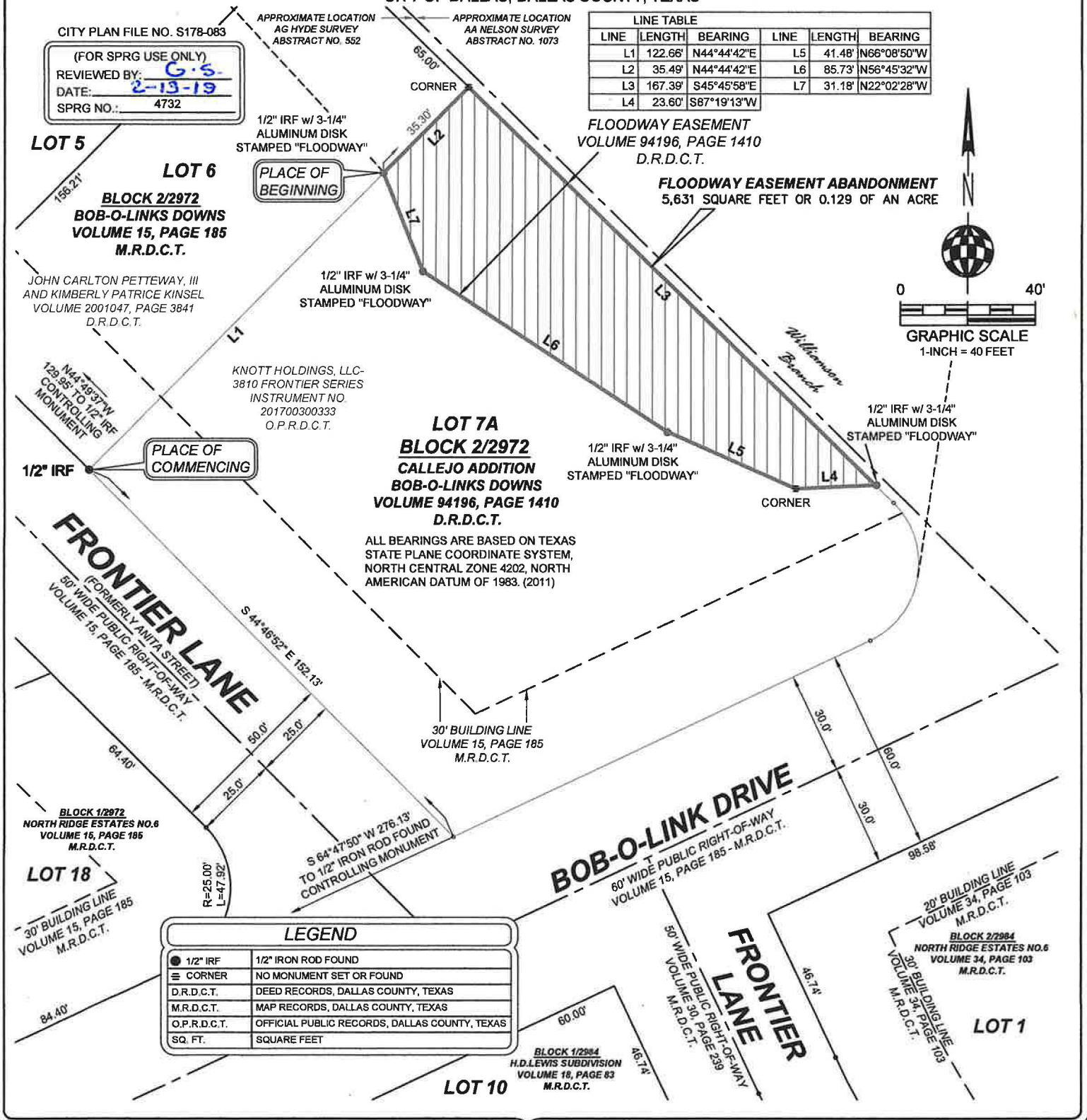
EXHIBIT A

SHEET 2 OF 2

LOT 7A, BLOCK 2/2972 OF CALLEJO ADDITION - BOB-O-LINKS DOWNS
AG HYDE SURVEY, ABSTRACT NO. 552
CITY OF DALLAS, DALLAS COUNTY, TEXAS

CITY PLAN FILE NO. S178-083

(FOR SPRG USE ONLY)
REVIEWED BY: G.S.
DATE: 2-13-19
SPRG NO.: 4732




| LINE TABLE | | | | | |
|---|---|---|---|---|---|
| LINE | LENGTH | BEARING | LINE | LENGTH | BEARING |
| L1 | 122.66' | N44°44'42"E | L5 | 41.48' | N66°08'50"W |
| L2 | 35.49' | N44°44'42"E | L6 | 85.73' | N56°45'32"W |
| L3 | 167.39' | S45°45'58"E | L7 | 31.18' | N22°02'28"W |
| L4 | 23.60' | S87°19'13"W | | | |

## LEGEND

| | |
|---|---|
| ● 1/2" IRF | 1/2" IRON ROD FOUND |
| ≡ CORNER | NO MONUMENT SET OR FOUND |
| D.R.D.C.T. | DEED RECORDS, DALLAS COUNTY, TEXAS |
| M.R.D.C.T. | MAP RECORDS, DALLAS COUNTY, TEXAS |
| O.P.R.D.C.T. | OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS |
| SQ. FT. | SQUARE FEET |

John S. Turner, R.P.L.S. #5310

2-7-19
Date

STATE OF TEXAS
REGISTERED
JOHN S. TURNER
#5310
PROFESSIONAL LAND SURVEYOR


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Job Number: 18-2392 Date: 11-14-2018 Drafter: 543

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# Agenda Information Sheet

**File #:** 19-598 **Item #:** 26.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 1

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

An ordinance abandoning portions of a sanitary sewer easement to Angel 11:11, LLC, the abutting owner, containing a total of approximately 1,711 square feet of land, located near the intersection of Davis Street and Vernon Avenue - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

## BACKGROUND

This item authorizes the abandonment of portions of a sanitary sewer easement to Angel 11:11, LLC, the abutting owner. The area will be included with the property of the abutting owner for the construction of a one-story retail 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)

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Revenue: $5,400.00, plus the $20.00 ordinance publication fee

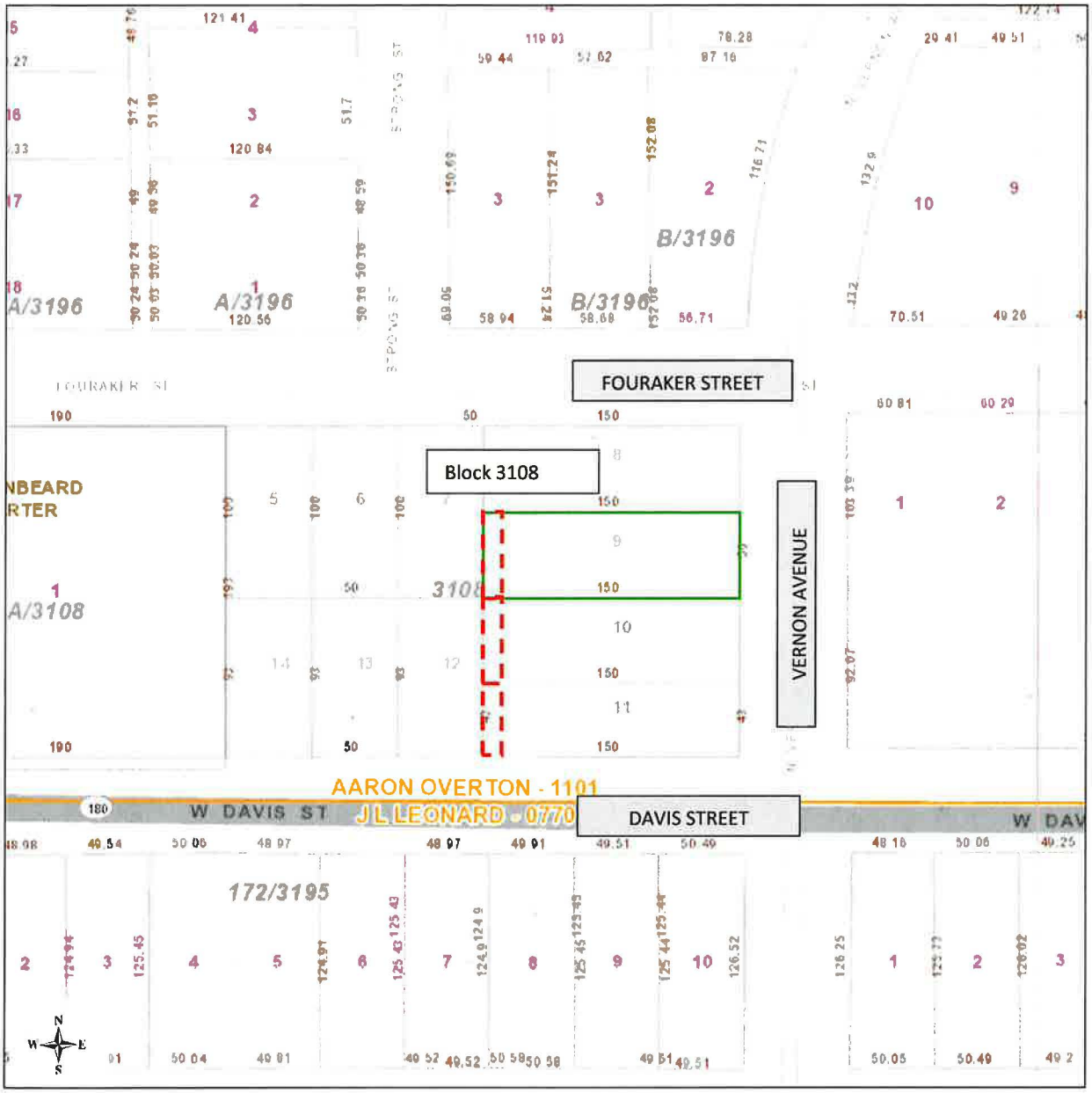
## OWNER

**Angel 11:11, LLC**

David Eitches, Managing Member

## MAP

Attached




Abandonment Areas:

**ORDINANCE NO. _____**

An ordinance providing for the abandonment and relinquishment of portions of a sanitary sewer easement, located in City Block 3108 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Angel 11:11, 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 Angel 11:11, LLC, an Arizona 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 DOLLARS ($5,400.00)** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, 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 the 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 Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 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 harmless the City of Dallas as to 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 areas 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 as a condition of this abandonment and relinquishment and as a part of the consideration for the quitclaim made herein, **GRANTEE** must execute a P-Contract and complete plans associated with Project Number PID 8480 as approved by City Sustainable Development and Construction Department-Water and Wastewater Division.

**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 is also designated for City purposes as Contract No. DEV-2019-00010100.

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

Exhibit A – Tract 1

# EASEMENT ABANDONMENT
## 12 FOOT SANITARY SEWER CITY OF DALLAS EASEMENT
## BEING IN 0.148 ACRE TRACT 1
## SITUATED IN DALLAS CITY BLOCK 3108
## AARON OVERTON SURVEY, ABSTRACT NO. 1101
## CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 515 square foot (0.0118 acre) 12 foot wide sanitary sewer easement situated in the Aaron Overton Survey, Abstract No. 1101, being a tract situated in Dallas City Block 3108 of the City of Dallas, Dallas County, Texas, and being a portion of called 0.148 acre Tract 1 conveyed to ANGEL 11:11, LLC, by Warranty Deed with Vendor's Lien recorded in Instrument No. 201500035040, Official Public Records, Dallas County, Texas, being created by Volume 3636, Page 294, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a PK Nail found at the intersection of the North right-of-way line of Davis Street (formerly State Highway No. 180)(60 foot public right-of-way), City of Dallas, Volume 911, Page 238, Deed Records, Dallas County, Texas, and the West right-of-way line of Vernon Avenue (60 foot public right-of-way), Volume 389, Page 564, Deed Records, Dallas County, Texas, and being the Southeast corner of the herein described tract;

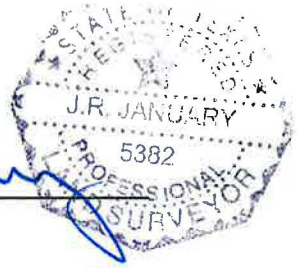
Thence South 89 degrees 18 minutes 00 seconds West, along the North right-of-way line of said Davis Street, a distance of 137.94 feet to a point at the Southeast corner of the herein described easement abandonment and being the POINT OF BEGINNING;

Thence South 89 degrees 18 minutes 00 seconds West, along the North right-of-way line of said Davis Street, a distance of 12.00 feet to a point for corner at the Southwest corner of said Tract 1 and the Southeast corner of Tract 3 recorded in said Instrument No. 201500035040, Official Public Records, Dallas County, Texas, and being the Northwest corner of City of Dallas, Volume 911, Page 238, Deed Records, Dallas County, Texas, and the Northeast corner of street easement recorded in Volume 913, Page 24, Deed Records, Dallas County, Texas;

Thence North 00 degrees 37 minutes 29 seconds West, along the West line of said Tract 1 and the East line of said Tract 3, a distance of 42.96 feet to a point at the Northwest corner of said Tract 1 and being the Southwest corner of Tract 2 recorded in Instrument No. 201500035040, Official Public Records, Dallas County, Texas;

Thence North 89 degrees 21 minutes 01 seconds East, along the North line of said Tract 1 and the South line of said Tract 2, a distance of 12.00 feet to a point for corner;

Thence South 00 degrees 37 minutes 29 seconds East, over and across said Tract 1, a distance of 42.95 feet to the POINT OF BEGINNING and containing 515 square feet or 0.0118 acre of land.




J.R. January, R.P.L.S.# 5382

(For SPRG use only)
Reviewed by:
Date: 08.12.2016
SPRG No. 3662

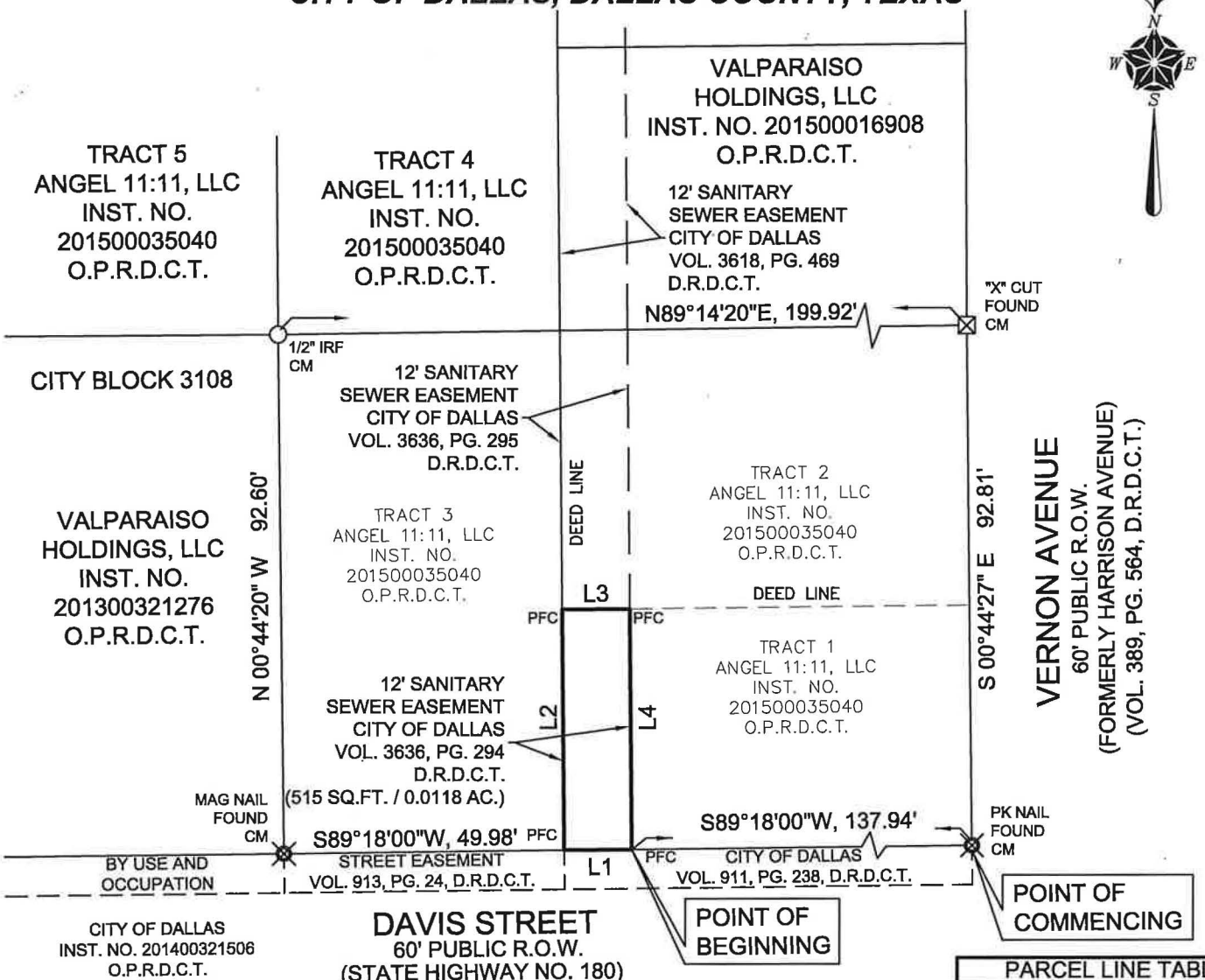
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10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm #10169300

Bearings are based on Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

Job# 1504520-5
Drawn: CN
Date: 08/01/2016

# EASEMENT ABANDONMENT Exhibit A – Tract 1

## 12 FOOT SANITARY SEWER CITY OF DALLAS EASEMENT
## BEING IN 0.148 ACRE TRACT 1
## SITUATED IN DALLAS CITY BLOCK 3108
## AARON OVERTON SURVEY, ABSTRACT NO. 1101
## CITY OF DALLAS, DALLAS COUNTY, TEXAS




| PARCEL LINE TABLE | | |
|---|---|---|
| LINE # | LENGTH | DIRECTION |
| L1 | 12.00' | S89°18'00"W |
| L2 | 42.96' | N0°37'29"W |
| L3 | 12.00' | N89°21'01"E |
| L4 | 42.95' | S0°37'29"E |

J.R. January, R.P.L.S.# 5382

STATE OF TEXAS J.R. JANUARY 5382 PROFESSIONAL LAND SURVEYOR

45 30 15 0 15 30 45

SCALE 1"=30'

LEGEND:

| | |
|---|---|
| CM | CONTROLLING MONUMENT |
| IRF | IRON ROD FOUND |
| SQ.FT | SQUARE FEET |
| R.O.W. | RIGHT-OF-WAY |
| D.R.D.C.T | DEED RECORDS, DALLAS COUNTY, TEXAS |
| PFC | POINT FOR CORNER |
| VOL., PG. | VOLUME, PAGE |
| INST. NO. | INSTRUMENT NUMBER |
| O.P.R.D.C.T. | OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS |

(For SPRG use only)
Reviewed by:
Date: 08.12.2016
SPRG No. 3662


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Job# 1504520-5
Scale: 1" - 30'
Drawn: CN
Date: 08/01/2016

Exhibit A – Tract 2

# EASEMENT ABANDONMENT
## 12 FOOT SANITARY SEWER CITY OF DALLAS EASEMENT
## BEING IN TRACT 2
## SITUATED IN DALLAS CITY BLOCK 3108
## AARON OVERTON SURVEY, ABSTRACT NO. 1101
## CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 596 square foot (0.0137 acre) 12 foot wide sanitary sewer easement situated in the Aaron Overton Survey, Abstract No. 1101, being a tract situated in Dallas City Block 3108 of the City of Dallas, Dallas County, Texas, and being a portion of called Tract 2 conveyed to ANGEL 11:11, LLC, by Warranty Deed with Vendor's Lien recorded in Instrument No. 201500035040, Official Public Records, Dallas County, Texas, being created by Volume 3636, Page 295, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a PK Nail found at the intersection of the North right-of-way line of Davis Street (formerly State Highway No. 180)(60 foot public right-of-way), City of Dallas, Volume 911, Page 238, Deed Records, Dallas County, Texas, and the West right-of-way line of Vernon Avenue (60 foot public right-of-way), Volume 389, Page 564, Deed Records, Dallas County, Texas, and being the Southeast corner of Tract 1, recorded in said Instrument No. 201500035040, Official Public Records, Dallas County, Texas;

Thence South 89 degrees 18 minutes 00 seconds West, along the North right-of-way line of said Davis Street, a distance of 149.94 feet to a point at the Southwest corner of Tract 1 recorded in said Instrument No. 201500035040, and the Southeast corner of Tract 3 recorded in said Instrument No. 201500035040, Official Public Records, Dallas County, Texas, and being the Northwest corner of City of Dallas, Volume 911, Page 238, Deed Records, Dallas County, Texas, and the Northeast corner of street easement recorded in Volume 913, Page 24, Deed Records, Dallas County, Texas;

Thence North 00 degrees 37 minutes 29 seconds West, along the West line of said Tract 1 and the East line of said Tract 3, a distance of 42.96 feet to a point at the Northwest corner of said Tract 1 and being the Southwest corner of said Tract 2 recorded in Instrument No. 201500035040, Official Public Records, Dallas County, Texas, and being the POINT OF BEGINNING;

Thence North 00 degrees 37 minutes 29 seconds West, along the West line of said Tract 2 and the East line of said Tract 3, a distance of 49.69 feet to a point for corner at the Northwest corner of said Tract 2 and the Northeast corner of said Tract 3 and the Southeast corner of Tract 4 recorded in said Instrument No. 201500035040, Official Public Records, Dallas County, Texas, and being the Southwest corner of a tract of land conveyed to Valparaiso Holdings, LLC, by Deed recorded in Instrument No. 201500016908, Official Public Records, Dallas County, Texas;

Thence North 89 degrees 14 minutes 20 seconds East, along the North line of said Tract 2 and South line of said Valparaiso Holdings tract, a distance of 12.00 feet to a point for corner lying in said North line of said Tract 2 and South line of said Valparaiso Holdings tract;

Thence South 00 degrees 37 minutes 29 seconds East, over and across said Tract 2, a distance of 49.72 to a point for corner lying in the South line of said Tract 2 and the North line of said Tract 1;

Thence South 89 degrees 21 minutes 01 seconds West, along the South line of said Tract 2 and the North line of said Tract 1, a distance of 12.00 feet to the POINT OF BEGINNING and containing 596 square feet or 0.0137 acre of land.

J.R. JANUARY 5382

J.R. January, R.P.L.S.# 5382

(For SPRG use only)
Reviewed by:
Date: 08.12.2016
SPRG No. 3804

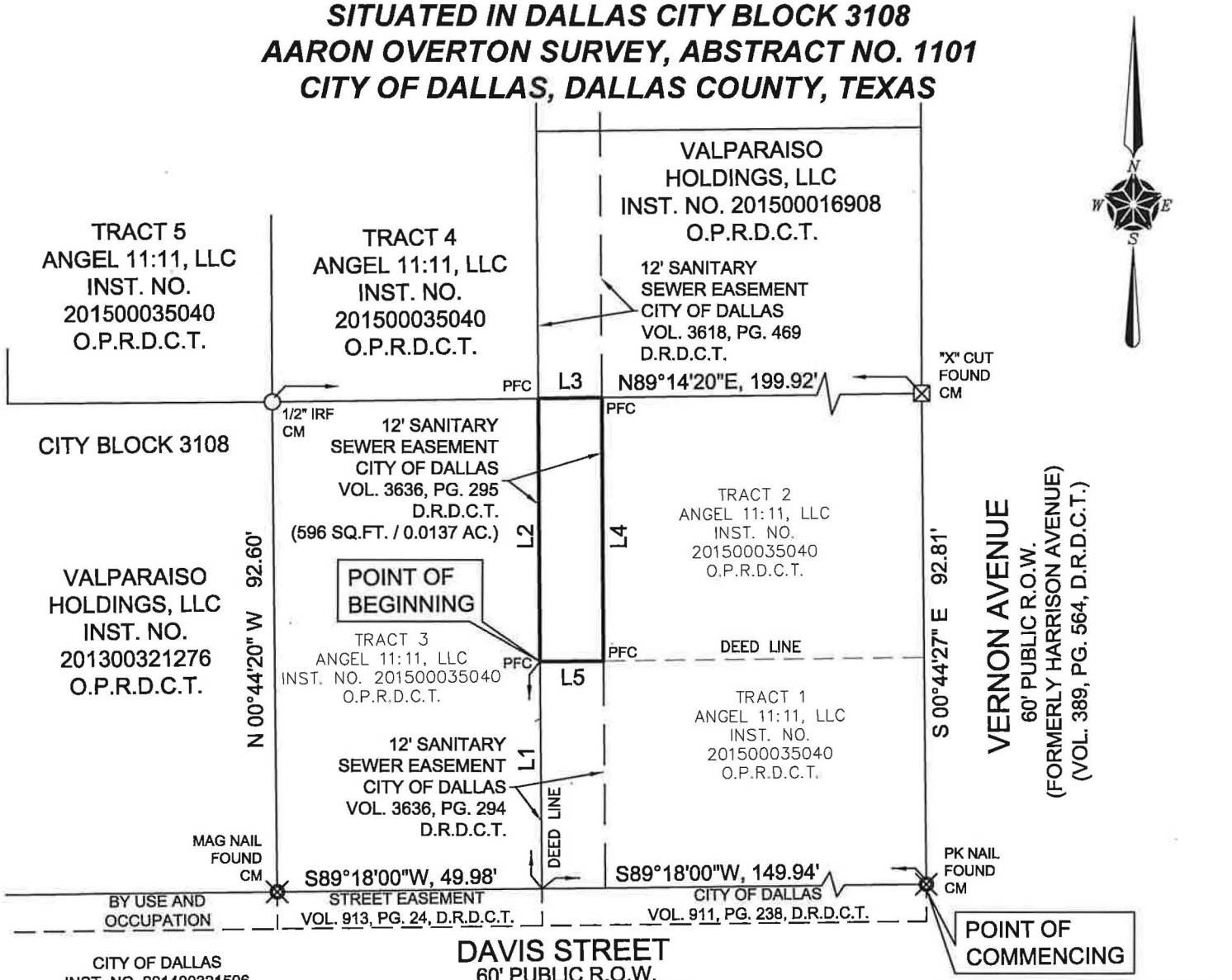
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txheritage.com
Firm #10169300

Bearings are based on Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

Job# 1504520-5
Drawn: CN
Date: 03/03/2016

# Exhibit A – Tract 2

## EASEMENT ABANDONMENT
## 12 FOOT SANITARY SEWER CITY OF DALLAS EASEMENT
## BEING IN TRACT 2
## SITUATED IN DALLAS CITY BLOCK 3108
## AARON OVERTON SURVEY, ABSTRACT NO. 1101
## CITY OF DALLAS, DALLAS COUNTY, TEXAS




| PARCEL LINE TABLE | | |
|---|---|---|
| LINE # | LENGTH | DIRECTION |
| L1 | 42.96' | N0°37'29"W |
| L2 | 49.69' | N0°37'29"W |
| L3 | 12.00' | N89°14'20"E |
| L4 | 49.72' | S0°37'29"E |
| L5 | 12.00' | S89°21'01"W |

AARON OVERTON SURVEY, ABSTRACT NO. 1101
GEORGE L. LEONARD SURVEY, ABSTRACT NO. 770

APPROXIMATE SURVEY LINE LOCATION

J.R. January, R.P.L.S.# 5382

STATE OF TEXAS J.R. JANUARY 5382 PROFESSIONAL LAND SURVEYOR

LEGEND:

| | |
|---|---|
| CM | CONTROLLING MONUMENT |
| IRF | IRON ROD FOUND |
| SQ.FT | SQUARE FEET |
| R.O.W. | RIGHT-OF-WAY |
| D.R.D.C.T | DEED RECORDS, DALLAS COUNTY, TEXAS |
| PFC | POINT FOR CORNER |
| VOL., PG. | VOLUME, PAGE |
| INST. NO. | INSTRUMENT NUMBER |
| O.P.R.D.C.T. | OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS |

45 30 15 0 15 30 45

SCALE 1"=30'

(For SPRG use only)
Reviewed by:
Date: 08.12.2016
SPRG No. 3804


TEXAS HERITAGE SURVEYING, INC.
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Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm #10169300


Bearings are based on Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

Job# 1504520-5
Scale: 1" - 30'
Drawn: CN
Date: 03/03/2016

# Exhibit A – Tract 3

**Sanitary Sewer Easement Abandonment**
**Being in 0.172 Acres**
**Block 3108**
**Aaron Overton Survey, Abstract No. 1101**
**City of Dallas, Dallas County, Texas**

**BEING** a 600 square feet or 0.013 acre tract of land situated in the Sanitary Sewer Easement to the City of Dallas recorded in Volume 3618, Page 469 of the Deed Records of Dallas County Texas (D.R.D.C.T.), being a part of Tract 9 of Angel 11;11, LLC, a 0.172 acre tract recorded in, General Warranty Deed, Instrument Number 201700153589 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T) and being part of City Block 3108 in the Aaron Overton Survey, Abstract Number 1101, City of Dallas, Dallas County, Texas, and being more particularly described as follows:

**COMMENCING** at the intersection of the North line of Davis Street (60' Right-Of-Way recorded in Volume 389, Page 564 of the D.R.D.C.T) and the West line of Vernon Avenue (60' Right-Of-Way recorded in Volume 389, Page 564 of the D.R.D.C.T), same being the Southeast corner of a tract of land of Angel 11:11, LLC, recorded in Instrument Number 201500035040 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and same point being South 89 deg. 38 min. 41 sec. East a distance of 10 feet from a found "x" cut used as a control monument;

Thence North 00 deg. 38 min. 53 sec. West a distance of 143 feet along the West line of Vernon Avenue (60' Right-Of-Way) to the Northeast corner of said Tract 9;

Thence South 89 deg. 21 min. 07 sec. West a distance of 138 feet along the North line of said Tract 9, to a 1/2" Iron Rod with a yellow cap stamped "SGI RPLS 6715", set for the **POINT OF BEGINNING;**

THENCE South 00 deg. 38 min. 53 sec. East a distance of 50.00 feet to a 1/2" Iron Rod with a yellow cap stamped "SGI RPLS 6715", set for a corner, and being the North line of Tract 10 of Angel 11:11, LLC, recorded in Instrument Number 201500035040 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T);

THENCE South 89 deg. 21 min. 07 sec. West a distance of 12.00 feet to a 1/2" Iron Rod with a yellow cap stamped "SGI RPLS 6715", set for a corner, same being the Southwest corner of said Tract 9;

THENCE North 00 deg. 38 min. 53 sec. West a distance of 50.00 feet along the East line of Tract 7 of Angel 11:11, LLC, recorded in Instrument Number 201500035040 (O.P.R.D.C.T.) to a 1/2" Iron Rod with a yellow cap stamped "SGI RPLS 6715", set for a corner, same being the Northwest corner of said Tract 9;

THENCE North 89 deg. 21 min. 07 sec. East a distance of 12.00 feet along the North line of said Tract 9 to **POINT OF BEGINNING,** containing 600.00 square feet of land or 0.013 acres of land, more or less.

**BASIS OF BEARING**: The basis of bearing is the State Plane coordinate system, Texas North Central - Zone 4202, North American Datum of 1983 (2011). Geodetic Bearing established by G.P.S. measurements taken on October 26, 2017.

Signed this 12th

Day of April 2019 by:

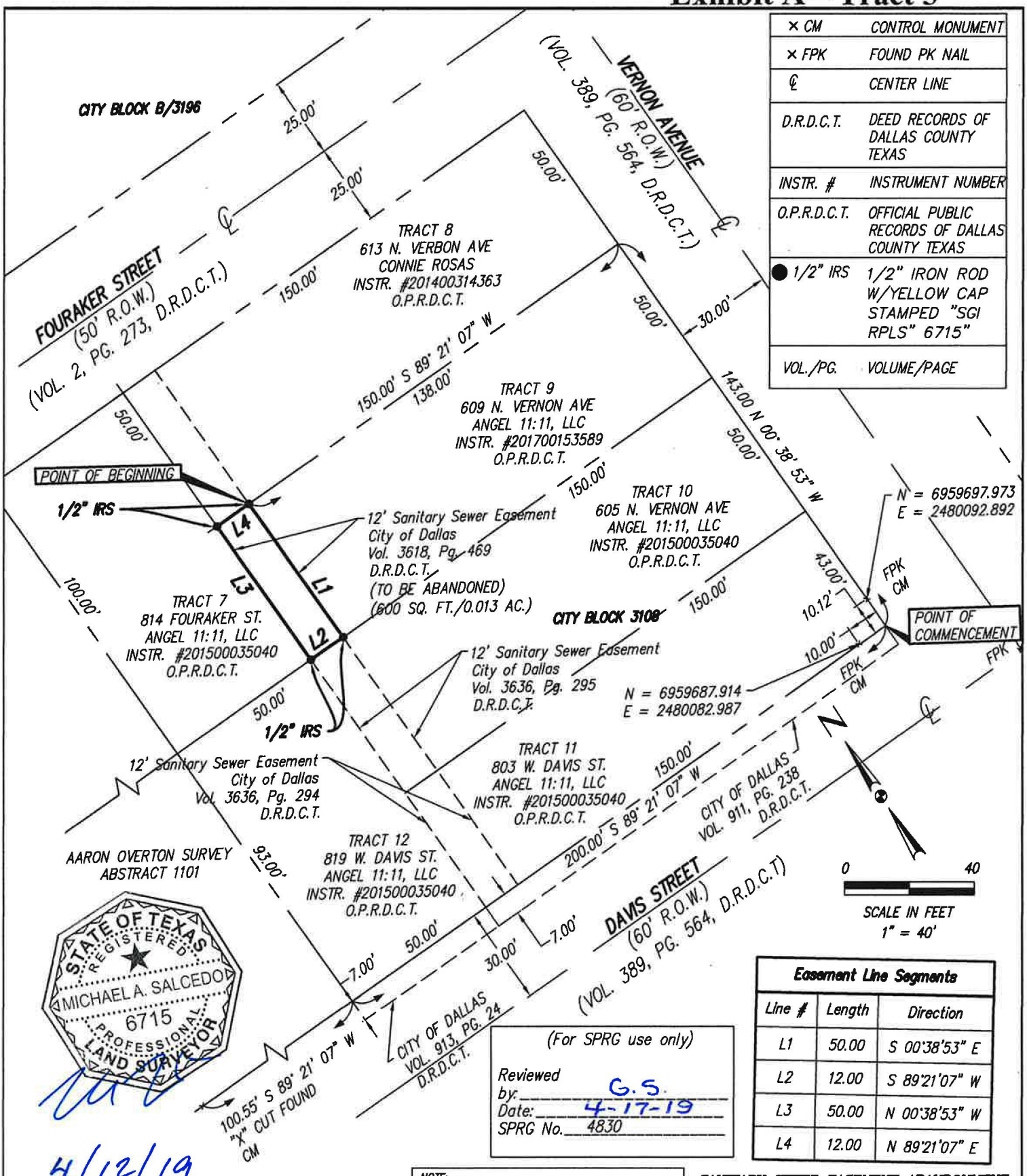



4/12/19

Michael Salcedo, RPLS No. 6715

(For SPRG use only)
Reviewed by: G.S.
Date: 4-17-19
SPR No. 4830

# Exhibit A – Tract 3




| | |
|---|---|
| × CM | CONTROL MONUMENT |
| × FPK | FOUND PK NAIL |
| ℄ | CENTER LINE |
| D.R.D.C.T. | DEED RECORDS OF DALLAS COUNTY TEXAS |
| INSTR. # | INSTRUMENT NUMBER |
| O.P.R.D.C.T. | OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY TEXAS |
| ● 1/2" IRS | 1/2" IRON ROD W/YELLOW CAP STAMPED "SGI RPLS" 6715" |
| VOL./PG. | VOLUME/PAGE |

**Easement Line Segments**

| Line # | Length | Direction |
|---|---|---|
| L1 | 50.00 | S 00°38'53" E |
| L2 | 12.00 | S 89°21'07" W |
| L3 | 50.00 | N 00°38'53" W |
| L4 | 12.00 | N 89°21'07" E |

STATE OF TEXAS
REGISTERED
MICHAEL A. SALCEDO
6715
PROFESSIONAL
LAND SURVEYOR

4/12/19

Michael Salcedo, RPLS
Registered Professional Land Surveyor No. 6715
TBPLS Firm License No. 10070800

(For SPRG use only)
Reviewed by: G.S.
Date: 4-17-19
SPRG No. 4830

NOTE:
1. Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, (2011)
2. Elements denoted "Controlling Monument" indicate a Boundary Control Monument only.
3. Abandoned easement is marked with 1/2" Iron Rods w/Yellow Cap Stamped "SGI RPLS 6715"

**SANITARY SEWER EASEMENT ABANDONMENT**
**BEING IN 0.172 ACRES**
**BLOCK 3108**
**AARON OVERTON SURVEY, ABSTRACT NO. 1101**
**CITY OF DALLAS, DALLAS COUNTY, TX**


SGI Salcedo Group, Inc.
Salcedo Group, Incorporated
401 College Street, Grand Prairie, TX 75050
Phone: (214) 412-3122


Date: 04-12-19

# Agenda Information Sheet

**File #:** 19-872 **Item #:** 27.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

An ordinance granting an MU-1 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, on the northwest corner of Duluth Street and Chicago Street - Z178-368 - Financing: No cost consideration to the City

## BACKGROUND

On May 22, 2019, City Council held a public hearing and approved an application for an MU-1 Mixed Use District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District with the ordinance and deed restrictions to return on a future Council date.

The existing zoning prohibits single family uses and therefore, the existing residence is nonconforming and cannot be reconstructed or enlarged. The applicant requests to allow single family uses on the subject property. The deed restrictions prohibit certain uses and limit height to a maximum of 90 feet and seven stories.

On February 21, 2019, the City Plan Commission recommended approval, subject to deed restrictions volunteered by the applicant.

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

On February 21, 2019, the City Plan Commission recommended approval, subject to deed restrictions volunteered by the applicant.

On May 22, 2019, City Council held a public hearing and approved an application for an MU-1 Mixed Use District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District with the ordinance and deed restrictions to return on a future Council date.

## FISCAL INFORMATION

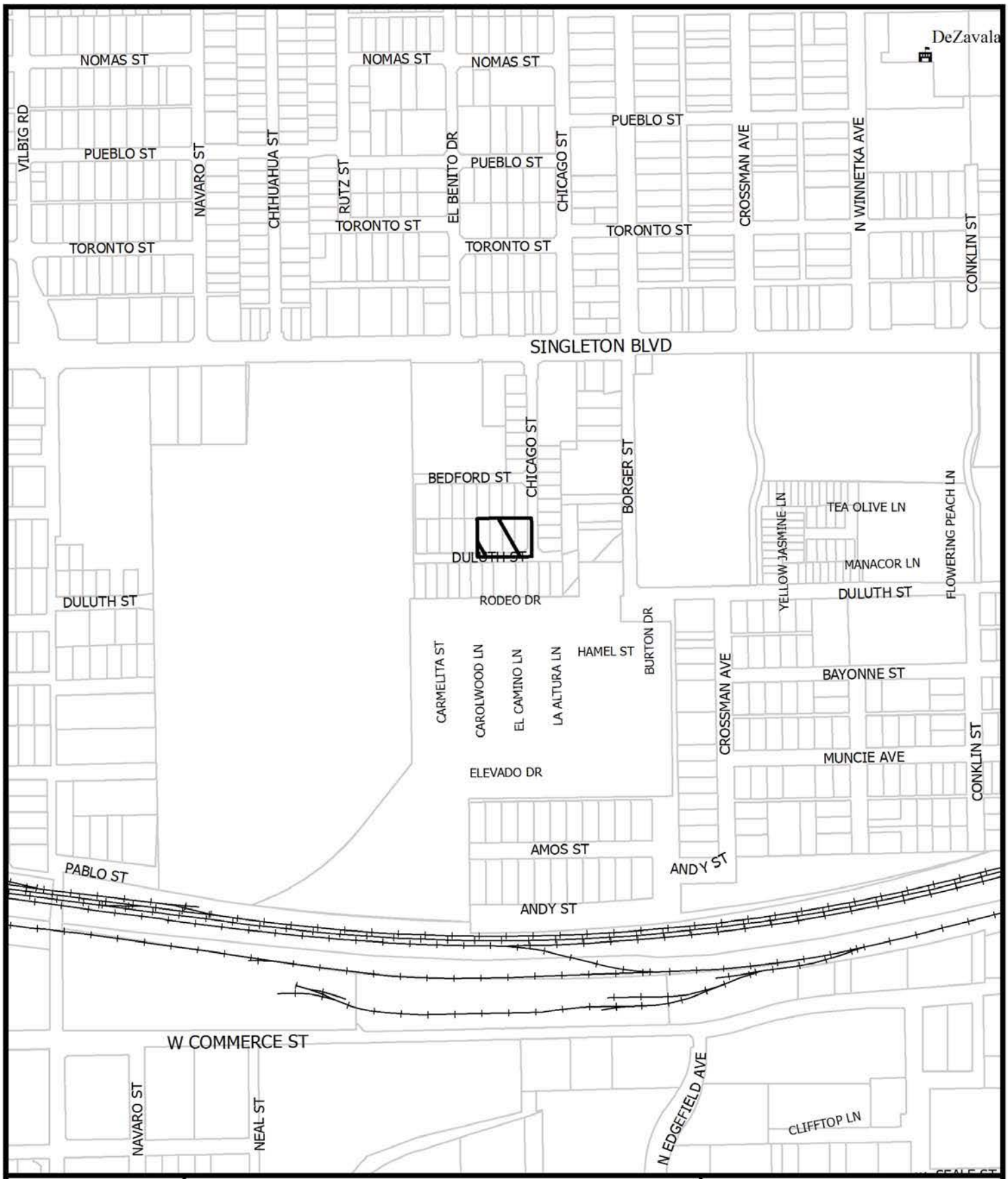
No cost consideration to the City.

## MAP

Attached



powered by Legistar™




1:4,800

# VICINITY MAP

Case no: Z178-368

Date: 10/30/2018

**HONORABLE MAYOR & CITY COUNCIL** **WEDNESDAY, MAY 22, 2019**

**ACM: Michael Mendoza**

**FILE NUMBER:** Z178-368(SM) **DATE FILED:** September 11, 2018

**LOCATION:** Northwest corner of Duluth Street and Chicago Street

**COUNCIL DISTRICT:** 6 **MAPSCO:** 69A L

**SIZE OF REQUEST:** Approx. 0.38 acre. **CENSUS TRACT:** 171.02

**APPLICANT/OWNER:** Irma and Rodrigo Saez

**REPRESENTATIVE:** Lindsay Kramer, Masterplan and Santos Martinez

**REQUEST:** An application for an MU-1 Mixed Use District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District.

**SUMMARY:** The existing zoning prohibits single family uses and therefore, the existing residence is nonconforming and cannot be reconstructed or enlarged. The applicant requests to allow single family uses on the subject property. The deed restrictions prohibit certain uses and limit height to a maximum of 90 feet and seven stories.

**CPC RECOMMENDATION:** **Approval**, subject to deed restrictions volunteered by the applicant.

**STAFF RECOMMENDATION:** **Approval**, subject to deed restrictions volunteered by the applicant.

**BACKGROUND INFORMATION:**

- The area of request consists of four lots that are used as one nonconforming single family premises. According to Dallas Central Appraisal District records, the house was built in 1948 and contains 2,904 square feet.

- The older structures in the vicinity are a disparate mix of industrial, warehouse, and single-family uses. The single family uses were originally lawfully constructed because, prior to the city-wide transition from Chapter 51 to Chapter 51A in the 1980's, industrial zoning districts allowed any use that ranged in intensity from single family to industrial – this zoning practice is also known as cumulative zoning. When the City transitioned from cumulative zoning to our current zoning districts in the 1980's, single family uses became prohibited uses in the IR Industrial Research District and therefore, the existing single family uses became nonconforming[1]. Nonconforming single family uses are granted the following provisions to allow remodel, enlargement, and the right to rebuild in the event of a natural disaster or other unintentional act; however, a nonconforming single family structure may not be intentionally demolished and rebuilt in an IR Industrial Research district. Therefore, the applicant has requested a zoning change to allow a single family use as a permitted main use.

    - Pursuant to Section 51A-4.704(a)(2), the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

    - Pursuant to Section 51A-4.704(a)(4), the right to operate a nonconforming use ceases when the use becomes a conforming use.

    - Pursuant to Section 51A-4.704(a)(5), the right to operate a nonconforming use ceases when the structure housing the use is destroyed by the intentional act of the owner or his agent. If a structure housing a nonconforming use is damaged or destroyed other than by the intentional act of the owner or his agent, a person may restore or reconstruct the structure without board approval. The structure must be restored or reconstructed so as to have the same approximate height, floor area, and location that it had immediately prior to the damage or destruction. A

[1] Pursuant to Section 51A-2.102(90), NONCONFORMING USE means a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

restoration or reconstruction in violation of this paragraph immediately terminates the right to operate the nonconforming use.

- Pursuant to Section 51A-4.704(b)(2), a person may renovate, remodel, or repair a structure housing a nonconforming use if the work does not enlarge the nonconforming use.

- Pursuant to Section 51A-4.704(b)(3), an accessory structure for a nonconforming residential use may be constructed, enlarged, or remodeled in accordance with the requirements of Sections 51A-4.209(b)(6)(E)(vii) and 51A-4.217(a) without board approval.

- Pursuant to Section 51A-4.704(b)(5), structures housing a nonconforming single family or duplex use may be enlarged without board approval.

**Zoning History**: There have been four recent zoning changes requested in the area in the last five years.

1. **Z178-366**: On February 21, 2019, the City Plan Commission will consider an application for an MU-1 Mixed Use District on property zoned an IR Industrial Research District on the east line of Chicago Street, north of Duluth Street.

2. **Z178-367**: On February 21, 2019, the City Plan Commission will consider an application for an MU-1 Mixed Use District on property zoned an IR Industrial Research District on the south line of Duluth Street, at the terminus of Chicago Street.

3. **Z178-369**: On February 21, 2019, the City Plan Commission will consider an application for an MU-1 Mixed Use District on property zoned an IR Industrial Research District on the south line of Duluth Street, east of Chicago Street.

4. **Z145-185:** On June 17, 2015, City Council approved PDD No. 944 for single family uses on property zoned an IM Industrial Manufacturing District located south of the intersection of Duluth Street and Borger Street.

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

**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 proposed zoning request meets the following goals and objectives of the comprehensive plan.

**Land Use Element**

Goal 1.1 Align land use strategies with economic development priorities

> Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

**Economic Element**

Goal 2.1 Promote balanced growth

> Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**Neighborhood Plus**

> Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety
>
> Policy 5.1 Encourage a wider range of well-designed and affordable housing types as a response to emerging homeownership preferences.

**Area Plans:** The request site is within the *West Dallas Comprehensive Land Use Study* and primarily complies with the intent of this study, adopted May 1999. The Study identifies the request site as being in the Western Heights/La Loma subarea. The Study's future land use recommendation indicates that, "Land use in general is in conformance with the zoning district regulations. No change in zoning is recommended at this time." Further, the Study notes, "Future rezoning considerations should support office and mixed uses along the Ft. Worth Avenue corridor that complement the adjacent neighborhoods" (page 3-9).

**STAFF ANALYSIS:**

**Surrounding Land Uses:**

| | Zoning | Land Use |
|---|---|---|
| **Site** | IR | Undeveloped, Single Family |
| **North** | IR | Commercial, Single Family |
| **East** | IR | Undeveloped, Single Family |
| **South** | IR | Single Family |
| **West** | IR | Church, Single Family |

**Land Use Compatibility:**

The site consists of four lots that are used as one nonconforming single family premises developed with a nonconforming single family structure. The applicant proposes an MU-1 Mixed Use District to allow single family uses, whereas single family uses are currently prohibited. The nearby surrounding properties are developed with a mix of nonconforming single family uses, undeveloped land, and commercial uses on the north and south lines of Bedford Street. A church is also located on the south line of Duluth Street, west of Chicago Street. The surrounding properties located farther away include a mix of light industrial/office uses that front on Singleton Boulevard to the north, multifamily and townhouses to the east and a large shared access neighborhood to the south. A zoning application to develop another shared access development to the west is currently under staff review.

Although a comprehensive list to compare how permitted land uses would change in the existing and proposed zoning districts is available in Section 51A-4.104 of the Dallas Development Code, a summarized comparison is listed below. The following paragraphs 1) indicate how the deed restrictions volunteered by the applicant prohibit certain uses that would otherwise be allowed in the proposed zoning change by "~~strike out~~" and 2) the following paragraphs exclude uses that require a Specific Use Permit (SUP) in the proposed zoning district because an SUP requires two public hearings and consideration by CPC and Council.

The following residential uses are prohibited in the existing zoning district [IR Industrial Research District] and are allowed in the proposed zoning district [MU-1 Mixed Use District].

- ~~College dormitory, fraternity, or sorority house.~~
- Duplex.
- Handicapped group dwelling unit.
- Multifamily.
- ~~Residential hotel.~~
- Retirement housing.
- Single family.

The following institutional and community service uses are prohibited in the existing zoning district [IR Industrial Research District] and are allowed in the proposed zoning district [MU-1 Mixed Use District]:

- Convalescent and nursing homes, hospice care, and related institutions.
- ~~Foster home~~.
- Library, art gallery, or museum.

The following two retail uses are prohibited in the existing zoning district [IR Industrial Research District] and are allowed in the proposed zoning district [MU-1 Mixed Use District].

- General merchandise or food store greater than 3,500 square feet.
- ~~Mortuary, funeral home, or commercial wedding chapel~~.

Staff supports the request because it allows nonconforming single family uses the ability to redevelop the site as single family, thus remaining generally consistent with surrounding development patterns in the vicinity. Additionally, the request eliminates many uses that may be incompatible with surrounding uses as indicated in the remainder of this section.

The following uses are allowed without an SUP in the existing zoning district [IR Industrial Research District]; however, they will require an SUP or will be prohibited in the proposed zoning district [MU-1 Mixed Use District].

Commercial and business service uses.

- Building repair and maintenance shop.
- Bus or rail transit vehicle maintenance or storage facility.
- Commercial cleaning or laundry plant.
- Custom business services.
- 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.

Industrial uses.

- ~~Alcoholic beverage manufacturing.~~
- ~~Industrial (inside).~~
- ~~Industrial (inside) for light manufacturing.~~
- ~~Industrial (outside).~~

Institutional and community service uses.

- Community service center.
- ~~Hospital.~~
- ~~Public school.~~

Lodging uses.

- ~~Lodging or boarding house.~~

Miscellaneous uses.

- ~~Hazardous waste management facility. [Except when operated as a hazardous waste incinerator.]~~

Retail and personal service uses.

- Home improvement center, lumber, brick or building materials sales yard.
- Household equipment and appliance repair.
- Pawn shop.
- Taxidermist.
- Vehicle display, sales, and service.

Transportation uses.

- Commercial bus station and terminal.
- Heliport.
- Helistop.

Utility and public service uses.

- ~~Radio, television, or microwave tower.~~

Wholesale, distribution, and storage uses.

- ~~Freight terminal.~~
- ~~Manufactured building sales lot.~~
- ~~Mini-warehouse.~~
- ~~Office showroom/warehouse.~~
- ~~Outside storage.~~
- ~~Trade center.~~
- ~~Warehouse.~~

**Development Standards**:

| DISTRICT | SETBACKS | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|---|---|---|---|---|---|---|---|
| | Front | Side/Rear | | | | | |
| IR - Existing Industrial Research | 15' | 30' adjacent to residential OTHER: No Min. | 2.0 FAR overall 0.75 office/ retail 0.5 retail | 200' 15 stories | 80% | Proximity Slope Visual Intrusion | Industrial, wholesale distribution & storage, supporting office & retail |
| MU-1 - Proposed Mixed Use-1 With deed restrictions volunteered by the applicant (in ~~strikethroughs~~) | 15' | 20' adjacent to residential OTHER: No Min. | 0.8 FAR base 1.0 FAR maximum + bonus for residential | 36' 3 stories ~~120' 9 stories with retail~~ | 80% | Proximity Slope U-form setback Tower spacing Visual Intrusion | Office, retail & personal service, lodging, residential |

Staff supports the applicant's request for an MU-1 Mixed Use District in lieu of a residential district because the proposed MU-1 District would not cause the adjacent IR-zoned properties to be nonconforming to side and rear yard setbacks.

**Parking**: Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

**Landscaping:** Landscaping must be provided in accordance with Article X, as amended.

**Market Value Analysis:** Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is within an "E" MVA cluster.

**CPC Action**
**November 15, 2018**

**Motion:** In considering an application for for an MU-1 Mixed Use District on property zoned an IR Industrial Research District, on the northwest corner of Duluth Street and Chicago Street, it was moved to **hold** this case under advisement until January 17, 2019.

Maker: Carpenter
Second: Rieves
Result: Carried: 12 to 0

For: 12 - Rieves, Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley
Against: 0
Absent: 1 - West
Vacancy: 2 - District 3, District 7

**Notices:** Area: 200 Mailed: 32
**Replies:** For: 5 Against: 0

**Speakers**: For: None
For (Did not speak): Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

**CPC Action**
**January 17, 2019**

**Motion:** In considering an application for an MU-1 Mixed Use District on property zoned an IR Industrial Research District, on the northwest corner of Duluth Street and Chicago Street, it was moved to **hold** this case under advisement until February 21, 2019.

Maker: Carpenter
Second: Housewright
Result: Carried: 10 to 0

For: 10 - MacGregor, Davis*, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Murphy, Tarpley

Against: 0
Absent: 1 - Ridley
Vacancy: 4 - District 2, District 3, District 7, District 12

*out of the room, shown voting in favor

**Notices:** Area: 200 Mailed: 32
**Replies:** For: 6 Against: 0

**Speakers**: None

**CPC Action**
**February 21, 2019**

**Motion:** It was moved to recommend **approval** of MU-1 Mixed Use District, subject to revised deed restrictions volunteered by the applicant (as briefed) to include Clerestory provision limited to a height of four feet on property zoned an IR Industrial Research District, on the northwest corner of Duluth Street and Chicago Street.

Maker: Carpenter
Second: Lewis
Result: Carried: 11 to 0

For: 11 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Jung, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 3 - District 4, District 7, District 12

**Notices:** Area: 200 Mailed: 32
**Replies:** For: 6 Against: 0

**Speakers**: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

## Proposed Deed Restrictions

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

1. The following uses are prohibited:

    a. Labor hall
    b. Medical or scientific laboratory
    c. All Industrial uses
    d. Cemetery or mausoleum
    e. College, university or seminary
    f. Convent or monastery
    g. Foster home
    h. Hospital
    i. Open enrollment charter school or private school
    j. Public school other than an open enrollment charter school
    k. All Lodging uses
    l. All Miscellaneous uses
    m. Financial institution with drive in window.
    n. College dormitory, fraternity, or sorority house.
    o. Residential hotel.
    p. Alcoholic beverage establishments
    q. Animal shelter or clinic without outside runs.
    r. Auto service center.
    s. Bail bonds office. (means an office for the issuance, brokerage, or procurement of bail bonds as a main use)
    t. Body piercing studio (a facility in which body piercing is performed. BODY PIERCING means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.)
    u. Car wash
    v. Commercial amusement (inside)
    w. Commercial amusement (outside)
    x. Commercial parking lot or garage.
    y. Dry cleaning or laundry store.

z. Furniture store.

aa. General merchandise or food store 3500 square feet or more.

bb. General merchandise or food store 100,000 square feet or more.

cc. Massage establishment. (means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bathhouses. This term does not include, however, duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operated only under such physician's direction. "MASSAGE" means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

dd. Mortuary, funeral home, or commercial wedding chapel.

ee. Motor vehicle fueling station.

ff. Paraphernalia shop.

gg. Restaurant with drive in or drive through service

hh. Swap or buy shop

ii. Tattoo studio (an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment)

jj. Commercial radio or television transmitting station

kk. Electrical substation

ll. Local utilities.

mm. Radio, television, or microwave tower.

nn. Tower/antenna for cellular communication.

oo. All wholesale, distribution, and storage uses

2. Maximum structure height is 36 feet. The following structures may project a maximum of nine feet above the maximum structure height for single family dwelling units:

a. Amateur communications tower.

b. Chimney and vent stacks.

c. Clerestory, limited to a height of four feet.

d. Ornamental cupola or dome.

e. Parapet wall or deck railing, limited to a height of four feet.

f. Skylights.

3. Maximum number of stories is three.


DeZavala
NOMAS ST
NOMAS ST
NOMAS ST
VILBIG RD
PUEBLO ST
PUEBLO ST
PUEBLO ST
NAVARO ST
CHIHUAHUA ST
RUTZ ST
EL BENITO DR
CHICAGO ST
CROSSMAN AVE
N WINNETKA AVE
CONKLIN ST
TORONTO ST
TORONTO ST
TORONTO ST
TORONTO ST
SINGLETON BLVD
BEDFORD ST
CHICAGO ST
BORGER ST
TEA OLIVE LN
YELLOW JASMINE LN
FLOWERING PEACH LN
MANACOR LN
DULUTH ST
DULUTH ST
DULUTH ST
RODEO DR
BURTON DR
HAMEL ST
CARMELITA ST
CAROLWOOD LN
EL CAMINO LN
LA ALTURA LN
CROSSMAN AVE
BAYONNE ST
MUNCIE AVE
CONKLIN ST
ELEVADO DR
AMOS ST
ANDY ST
ANDY ST
PABLO ST
W COMMERCE ST
NAVARO ST
NEAL ST
N EDGEFIELD AVE
CLIFFTOP LN
1:4,800
VICINITY MAP
Case no: Z178-368
Date: 10/30/2018

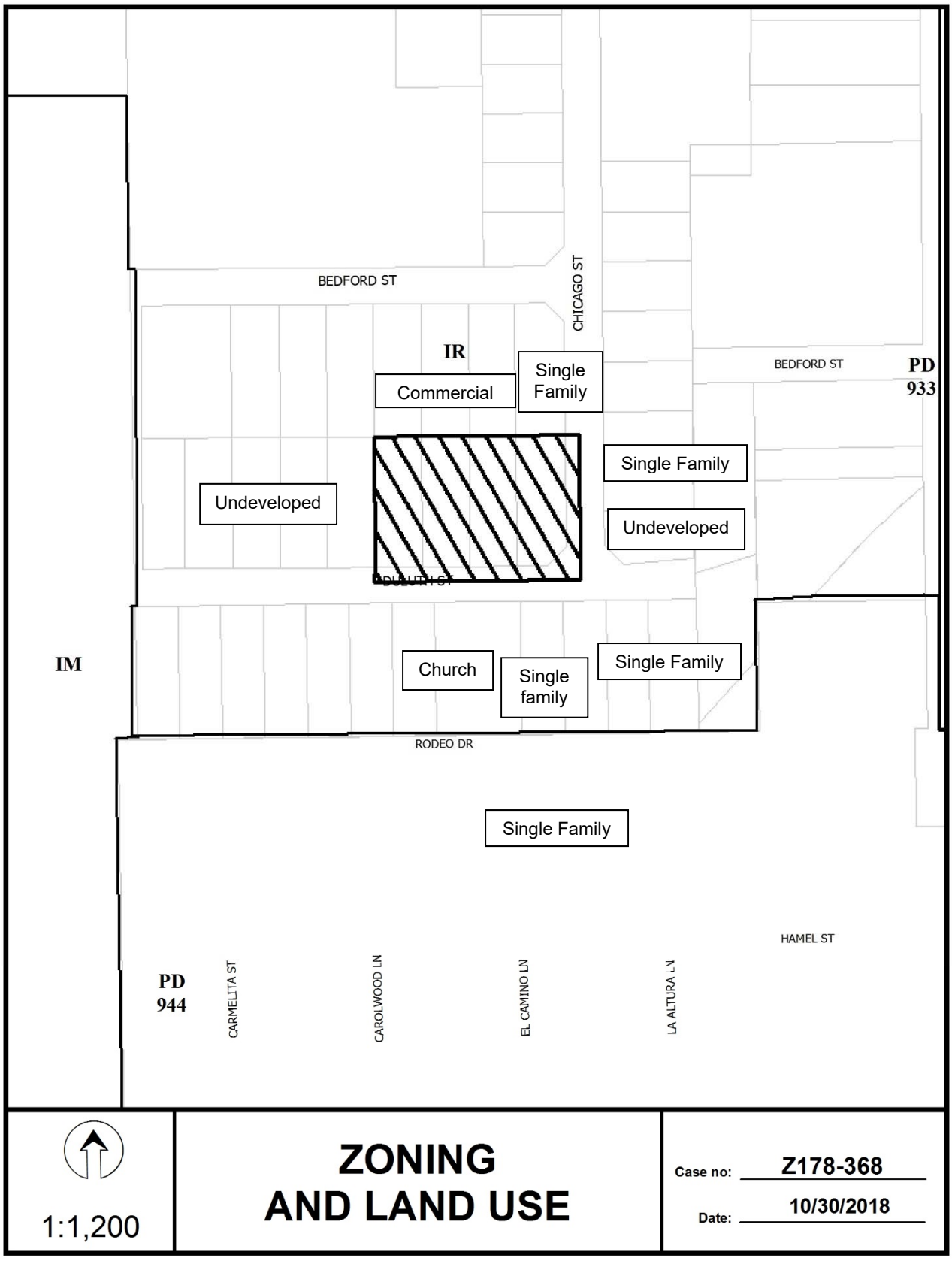


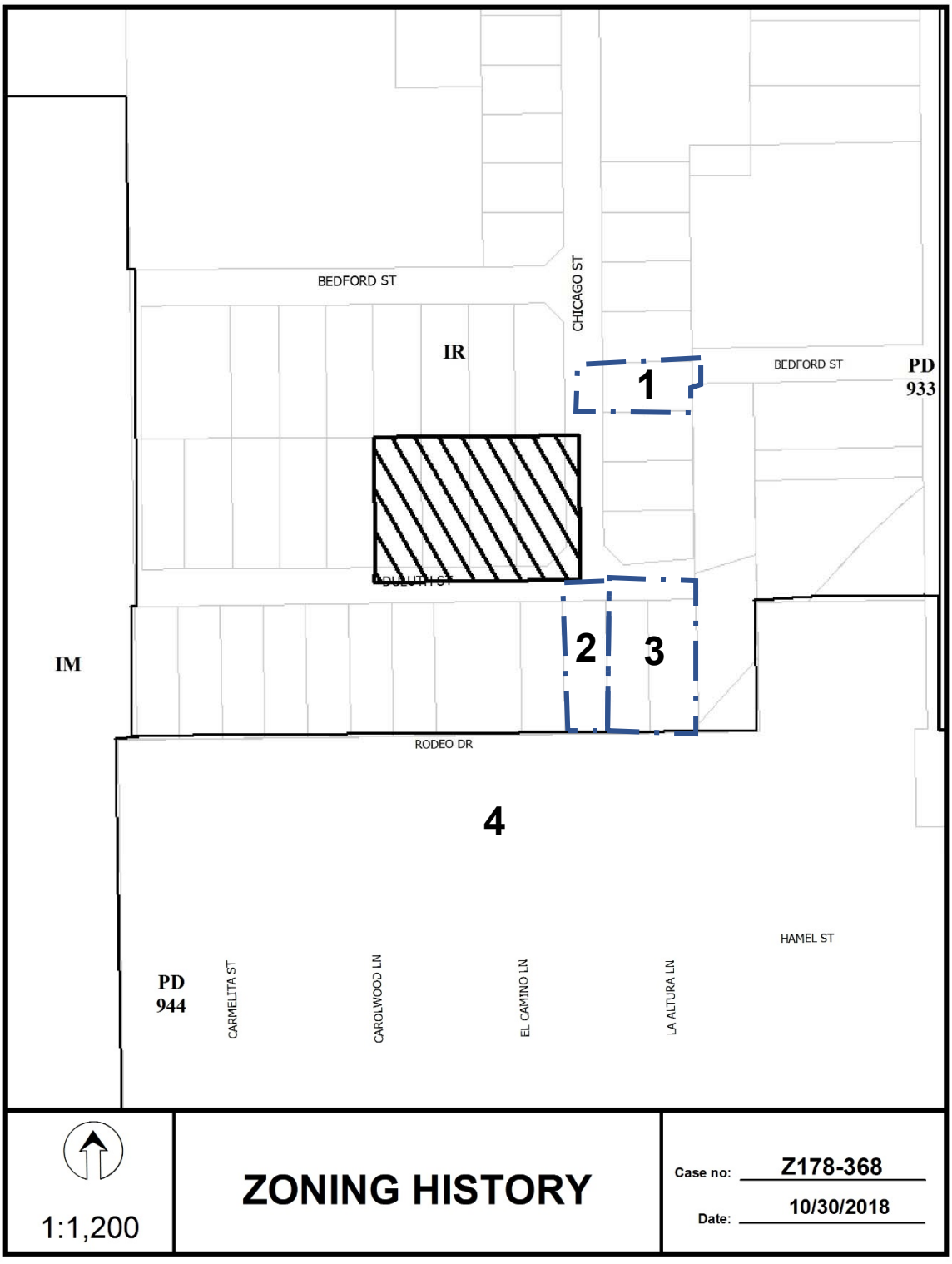

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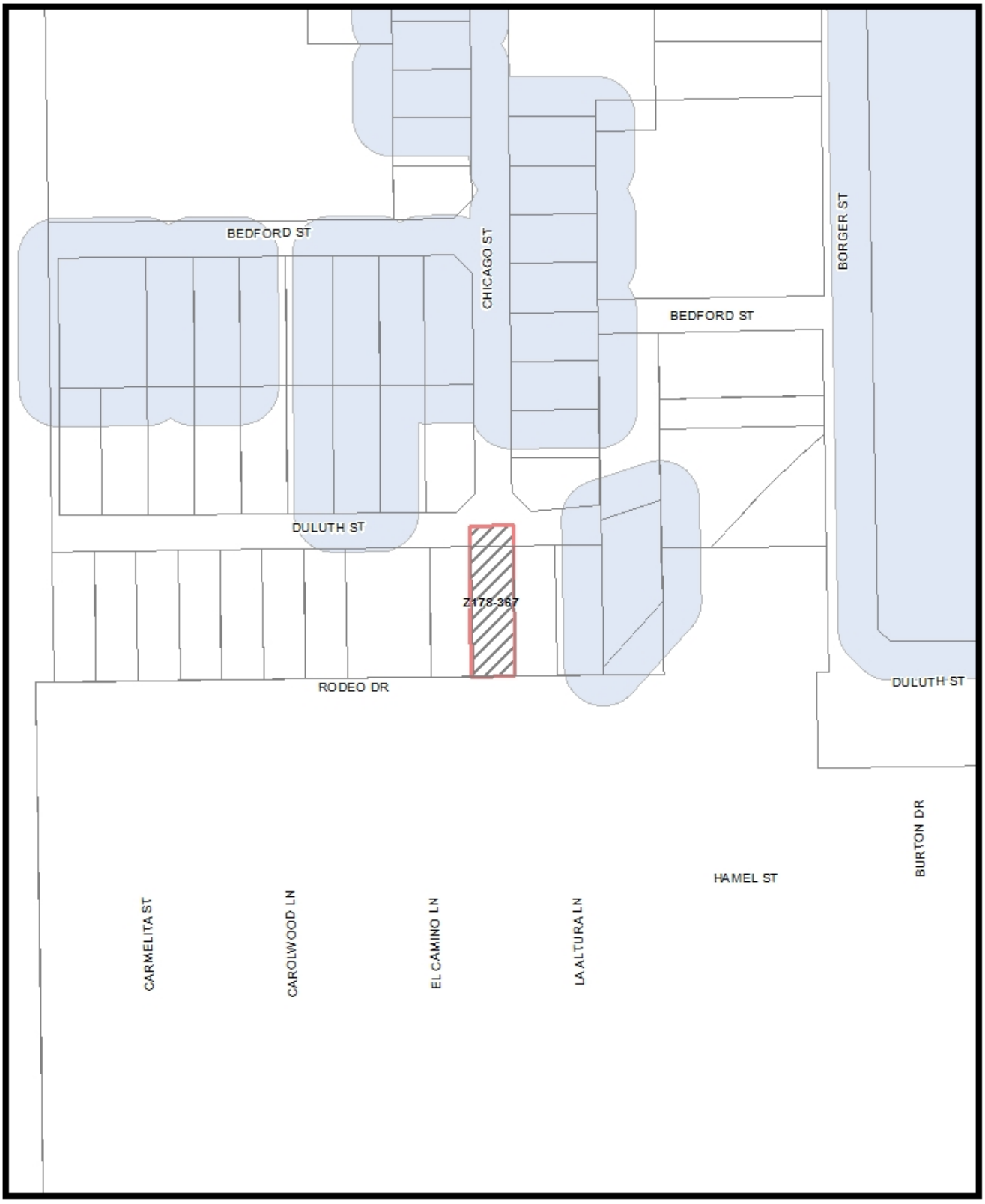
# AERIAL MAP

Case no: Z178-368

Date: 10/30/2018


BEDFORD ST
CHICAGO ST
IR
Commercial
Single Family
BEDFORD ST
PD 933
Single Family
Undeveloped
Undeveloped
DULUTH ST
IM
Church
Single family
Single Family
RODEO DR
Single Family
HAMEL ST
PD 944
CARMELITA ST
CAROLWOOD LN
EL CAMINO LN
LA ALTURA LN
1:1,200
ZONING AND LAND USE
Case no: Z178-368
Date: 10/30/2018


BEDFORD ST
CHICAGO ST
IR
BEDFORD ST
PD
933
1
DULUTH ST
2
3
IM
RODEO DR
4
HAMEL ST
PD
944
CARMELITA ST
CAROLWOOD LN
EL CAMINO LN
LA ALTURA LN
1:1,200
ZONING HISTORY
Case no: Z178-368
Date: 10/30/2018


BEDFORD ST
CHICAGO ST
BORGER ST
BEDFORD ST
DULUTH ST
Z178-367
RODEO DR
DULUTH ST
BURTON DR
HAMEL ST
CARMELITA ST
CAROLWOOD LN
EL CAMINO LN
LA ALTURA LN
MVA Cluster
A
B
C
D
E
F
G
H
I
NA
1:1,200
Market Value Analysis
Printed Date: 10/30/2018


CPC Responses
CHICAGO ST
BEDFORD ST
BORGER ST
DULUTH ST
RODEO DR
CARMELITA ST
CAROLWOOD LN
EL CAMINO LN
LA ALTURA LN
HAMEL ST
6
5
31
32
28
30
29
27
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9
8
7
4
3
2
1
32 Property Owners Notified (49 parcels)
6 Replies in Favor (6 parcels)
0 Replies in Opposition (0 parcels)
200' Area of Notification
2/21/2019 Date
Z178-368
CPC
N
W
E
S
1:1,200

*02/21/2019*

# *Reply List of Property Owners*

## *Z178-368*

***32 Property Owners Notified*** ***6 Property Owners in Favor*** ***0 Property Owners Opposed***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| O | 1 | 1401 | DULUTH ST | SAENZ RODRIGO S & IRMA |
| O | 2 | 1403 | DULUTH ST | SAENZ IRMA HERNANDEZ |
| O | 3 | 1407 | DULUTH ST | SAENZ IRMA |
| O | 4 | 1411 | DULUTH ST | RODRIGO SAUCEDO SAENZ |
| | 5 | 1600 | SINGLETON BLVD | LRG L L C |
| | 6 | 1500 | SINGLETON BLVD | Dallas ISD |
| | 7 | 1314 | DULUTH ST | SUAREZ SILVERIA M |
| O | 8 | 1320 | DULUTH ST | MACIAS JULIA SUAREZ |
| | 9 | 1400 | DULUTH ST | GALINDO JAVIER FLORENTINO L & |
| | 10 | 1404 | DULUTH ST | TEMPLO PENA DE HOREB |
| | 11 | 1412 | DULUTH ST | HMK LTD |
| | 12 | 2819 | CHICAGO ST | LOPEZ FLORENTINO ET AL |
| | 13 | 1404 | BEDFORD ST | HERNANDEZ JENNIFER N |
| | 14 | 1406 | BEDFORD ST | ESCAMILLA FELIX & |
| | 15 | 1410 | BEDFORD ST | ESCAMILLA FELIX & |
| | 16 | 1412 | BEDFORD ST | RODRIGUEZ ALFREDO S |
| | 17 | 1420 | BEDFORD ST | ORTIZ YOLANDA |
| | 18 | 2802 | CHICAGO ST | LOZADA MANUEL |
| | 19 | 2806 | CHICAGO ST | LOZADA MANUEL JR & |
| | 20 | 2810 | CHICAGO ST | LOZADA CONSUELO |
| O | 21 | 2814 | CHICAGO ST | BANDA ELIDIO |
| | 22 | 2818 | CHICAGO ST | WILLIAMS W A ESTATE OF |
| | 23 | 2902 | CHICAGO ST | DILLARD CHARLES E JR & |
| | 24 | 2904 | CHICAGO ST | ELVISARA LLC |
| | 25 | 2903 | CHICAGO ST | LOPEZ SEFERINA |
| | 26 | 2907 | CHICAGO ST | WILCHES MARCELEN A |

***04/05/2019***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 27 | 2823 | BORGER ST | TERRY R H |
| | 28 | 2823 | BORGER ST | SINGLETON TRINITY GROVES LP |
| | 29 | 2819 | BORGER ST | SINGLETON TRINITY GROVES LP |
| | 30 | 1310 | DULUTH ST | SALAZAR RICHARD EST OF |
| | 31 | 1300 | DULUTH ST | MEGATEL TRINITY MEADOWS LLC |
| | 32 | 2901 | BORGER ST | SINGLETON TRINITY GROVES LP |




| | |
|---|---|
| 32 | Property Owners Notified (49 parcels) |
| 7 | Replies in Favor (8 parcels) |
| 0 | Replies in Opposition (0 parcels) |
| 200' | Area of Notification |
| 5/22/2019 | Date |

**Z178-368**
**CC**

N
W E
S

1:1,200

*05/21/2019*

# *Reply List of Property Owners*

## *Z178-368*

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

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| O | 1 | 1401 | DULUTH ST | SAENZ RODRIGO S & IRMA |
| O | 2 | 1403 | DULUTH ST | SAENZ IRMA HERNANDEZ |
| O | 3 | 1407 | DULUTH ST | SAENZ IRMA |
| O | 4 | 1411 | DULUTH ST | RODRIGO SAUCEDO SAENZ |
| | 5 | 1600 | SINGLETON BLVD | LRG L L C |
| | 6 | 1500 | SINGLETON BLVD | Dallas ISD |
| O | 7 | 1314 | DULUTH ST | SUAREZ SILVERIA M |
| O | 8 | 1320 | DULUTH ST | MACIAS JULIA SUAREZ |
| | 9 | 1400 | DULUTH ST | GALINDO JAVIER FLORENTINO L & |
| | 10 | 1404 | DULUTH ST | TEMPLO PENA DE HOREB |
| | 11 | 1412 | DULUTH ST | HMK LTD |
| | 12 | 2819 | CHICAGO ST | LOPEZ FLORENTINO ET AL |
| | 13 | 1404 | BEDFORD ST | HERNANDEZ JENNIFER N |
| | 14 | 1406 | BEDFORD ST | ESCAMILLA FELIX & |
| | 15 | 1410 | BEDFORD ST | ESCAMILLA FELIX & |
| | 16 | 1412 | BEDFORD ST | RODRIGUEZ ALFREDO S |
| | 17 | 1420 | BEDFORD ST | ORTIZ YOLANDA |
| | 18 | 2802 | CHICAGO ST | LOZADA MANUEL |
| | 19 | 2806 | CHICAGO ST | LOZADA MANUEL JR & |
| | 20 | 2810 | CHICAGO ST | LOZADA CONSUELO |
| O | 21 | 2814 | CHICAGO ST | BANDA ELIDIO |
| | 22 | 2818 | CHICAGO ST | WILLIAMS W A ESTATE OF |
| | 23 | 2902 | CHICAGO ST | DILLARD CHARLES E JR & |
| | 24 | 2904 | CHICAGO ST | ELVISARA LLC |
| | 25 | 2903 | CHICAGO ST | LOPEZ SEFERINA |
| | 26 | 2907 | CHICAGO ST | WILCHES MARCELEN A |

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 27 | 2823 | BORGER ST | TERRY R H |
| | 28 | 2823 | BORGER ST | SINGLETON TRINITY GROVES LP |
| | 29 | 2819 | BORGER ST | SINGLETON TRINITY GROVES LP |
| | 30 | 1310 | DULUTH ST | SALAZAR RICHARD EST OF |
| | 31 | 1300 | DULUTH ST | MEGATEL TRINITY MEADOWS LLC |
| | 32 | 2901 | BORGER ST | SINGLETON TRINITY GROVES LP |

# Agenda Information Sheet

**File #:** 19-871 **Item #:** 28.

| | |
|---|---|
| **STRATEGIC PRIORITY:** | Mobility Solutions, Infrastructure, and Sustainability |
| **AGENDA DATE:** | June 26, 2019 |
| **COUNCIL DISTRICT(S):** | Outside City Limits |
| **DEPARTMENT:** | Department of Sustainable Development and Construction |
| **EXECUTIVE:** | Michael Mendoza |

## SUBJECT

Authorize an addition to Kaufman County Fresh Water District No. 1D within the City of Dallas' extraterritorial jurisdiction that would include approximately 41.904 acres on property located in Kaufman County north of West U.S. Highway 80 and southeast of FM 548 Road - Financing: No cost consideration to the City

## BACKGROUND

The City of Dallas has been petitioned (attached hereto) by EQK Windmill Farms, LLC, 130 Windmill Farms, LP, and MM Walden Pond, LLC represented by Ross Martin with Winsted, PC, owners of approximately 41.904 acres north of West U.S. Highway 80 and southeast of FM 548 Road in Kaufman County, for the addition of the 41.904 acres into the Kaufman County Fresh Water District No. 1D (the District). The property lies within the City of Dallas' extraterritorial jurisdiction (ETJ). The District, was created by the Texas State Legislature on June 15, 2017.

City of Dallas consent for an addition to the District is required in accordance with Section 54.0165 of the Texas Water Code and Section 42.0425 of the Texas Local Government Code. The District will provide a water supply for municipal, domestic, and commercial purposes; collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state; and the construction, operation, and maintenance of roads serving the District. The land to be located within the expanded District will have the ability to issue tax exempt bonds to finance public water supply and conveyance, wastewater collection and treatment, and storm drainage facilities in accordance with the rules of the Texas Commission on Environmental Quality. The representative indicates intended compliance with all applicable development regulations of the City of Dallas for all portions of the property within Dallas' ETJ. The applicants are not requesting the City of Dallas to pay for or provide any utility services to the property.

The representative states the expansion of the District "is not supplied with adequate water, sanitary sewer or road facilities, nor is it presently economically feasible for such facilities to be added to said land." The implementation of the District expansion allows the property to be developed without cost consideration to the City of Dallas.

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

Information about this item will be briefed by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

No cost consideration to the City.

## OWNERS

**EQK Windmill Farms, LLC**

Daniel J. Moos, President
Gene S. Bertcher, Vice President and Treasurer
Louis J. Corna, Vice President and Secretary
Steven A. Shelley, Vice President
Melody A. Wofford, Assistant Secretary
Leah L. Williams, Assistant Secretary
Donna Sivley, Assistant Secretary

**130 Windmill Farms, LP**

**General partner - TXC Windmill Farms GP, LLC**

Robert C. Murray, Sr., Manager

**Limited partner - TX Cooley Investments, Inc.**

**MM Walden Pond, LLC**

Mehrdad Moayedi, Manager

## MAP

Attached




Fresh Water Districts

Source: TCEQ webpage

**Proposed Expansion of Kaufman County Fresh Water District 1D**

Expansion area is not drawn by metes and bounds.

WINSTEAD

Austin | Charlotte | Dallas | Fort Worth | Houston | San Antonio | The Woodlands

500 Winstead Building
2728 N. Harwood
Dallas, TX 75201

214.745.5400 OFFICE
214.745.5390 FAX
winstead.com

Ross Martin
direct dial: 214.745.5353

April 26, 2019

VIA COURIER

Attn: Neva Dean
Assistant Director, Current Planning
1500 Marilla St., Room 5BN
Dallas, Texas 75201

Re: Addition of Land to Kaufman County Fresh Water Supply District No. 1-D (the "District") Annexation of 41.904 Acres

Dear Ms. Dean:

The above-captioned District and EQK Windmill Farms LLC, ("EQK"), 130 Windmill Farms, LP ("130 Windmill") and MM Walden Pond, LLC ("MM Walden") collectively referred to as (the "Petitioners") respectfully request that the City consent to the District's annexation of approximately 41.904 acres owned by the Petitioners. In connection with this request, we have enclosed the following:

1. One (1) original of a Petition for Consent to Include Additional Land in the District;

2. One (1) Vicinity Map depicting the acreage to be added; and

3. One (1) draft City Ordinance and Certificate for Ordinance.

In accordance with Sections 42.042 and 42.0425 of the Local Government Code, we respectfully request that the City take official action to consent to said annexation within ninety (90) days of receipt of this letter. Should you have any questions regarding this matter or the enclosed documentation, please do not hesitate to contact me.

Best regards,

Ross S. Martin

Enclosures

**PETITION FOR CONSENT TO INCLUDE ADDITIONAL LAND IN KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 1-D**

STATE OF TEXAS §
§
COUNTY OF KAUFMAN §

TO THE HONORABLE MAYOR AND
CITY COUNCIL OF THE CITY OF DALLAS, TEXAS:

The undersigned, EQK Windmill Farms, LLC, a Nevada limited liability company ("EQK Windmill"), 130 Windmill Farms, LP, a Texas limited partnership ("130 Windmill"), and MM Walden Pond, LLC, a Texas limited liability company ("MM Walden") (collectively the "Petitioners"), being a majority of the persons who hold title to land(s) situated within the area hereinafter described, which represents a total value of more than 50% of the value of all such area, and being a majority in value of the holders of title of the land within said area as indicated by the tax rolls of the Kaufman County Appraisal District, acting pursuant to the applicable provisions of the Texas Water Code as amended, and Section 42.045, Texas Local Government Code, together with all amendments and additions thereto, respectfully petition this Honorable Body for consent to include additional land(s) to Kaufman County Fresh Water Supply District No. 1-D (the "District"), and would show the following:

I.

The District, to which the land hereinafter described is sought to be annexed, exists under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Constitution of Texas and Chapters 49 and 53, Texas Water Code, as amended.

II.

The land sought to be added to the District contains approximately 41.904 acres of land, more or less, and lies wholly within Kaufman County, Texas. No part of said area is within the limits of any incorporated city or town. Under the provisions of Section 42.001, Local Government Code, as amended, said area is within the extraterritorial jurisdiction of the City of Dallas and is not within such jurisdiction of any other city. All of the territory to be annexed may properly be annexed to the District.

III.

EQK Windmill seeks to add approximately 9.885 acres of land to the District (the "EQK Windmill Property"), as described in Exhibit "A", attached hereto and incorporated herein by reference. All of the EQK Windmill Property is located within the extraterritorial jurisdiction of the City. None of the EQK Windmill Property is within the corporate limits or extraterritorial jurisdiction of any other city, town or village.

IV.

MM Walden seeks to add approximately 28.079 acres of land to the District (the "MM Walden Property"), as described in Exhibit "B", attached hereto and incorporated herein by reference. All of the MM Walden Property is located within the extraterritorial jurisdiction of the City. None of the MM Walden Property is within the corporate limits or extraterritorial jurisdiction of any other city, town or village.

V.

130 Windmill seeks to add approximately 3.940 acres of land to the District (the "130 Windmill Property"), as described in Exhibit "C", attached hereto and incorporated herein by reference. All of the 130 Windmill Property is located within the extraterritorial jurisdiction of the City. There are no holders of liens against said land and none of the 130 Windmill Property is within the corporate limits or extraterritorial jurisdiction of any other city, town or village.

VI.

The lienholders for the EQK Windmill Property and MM Walden Property have consented to the addition of lands to the District, as evidenced by the Certificates of Lienholder's Consent, which are attached hereto as Exhibits "D" and "E", respectively, and incorporated herein for all purposes. The undersigned Petitioners hold title to the approximately 41.904 acres of land described in Exhibit "F", to be added to the District, as indicated by the tax rolls of Kaufman County, Texas.

VII.

The general nature of the work proposed to be done in the area sought to be annexed shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

(1) provide a water supply for municipal, domestic and commercial purposes;

(2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state; and

(3) the construction, operation and maintenance of roads serving the District.

VIII.

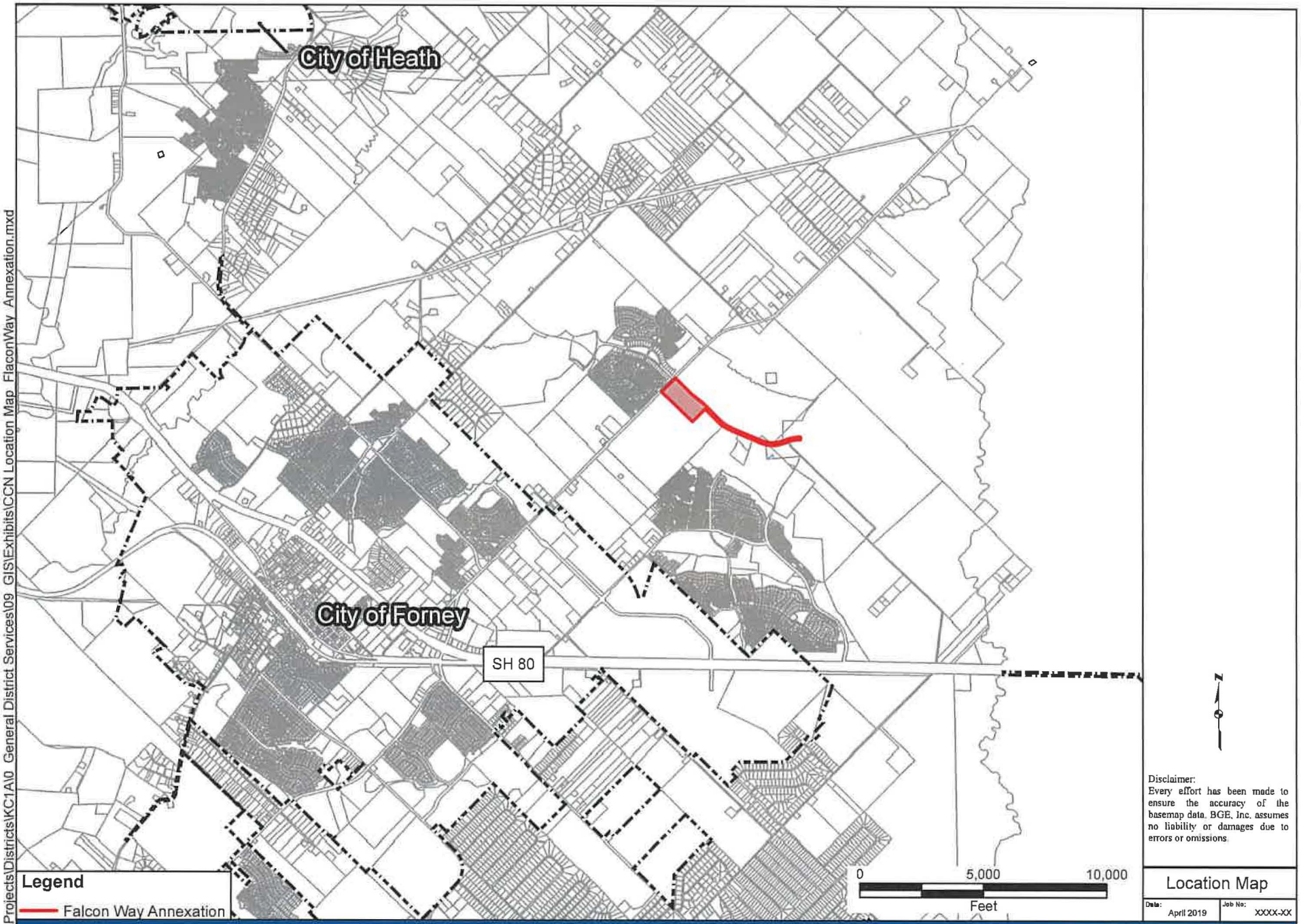
The area of the District is urban in nature and is in close proximity to populous and developed sections of Kaufman County. There is a necessity for the improvements described above because the land sought to be added to the District is not supplied with adequate water, sanitary sewer or road facilities, nor is it presently economically feasible for such facilities to be added to said land. The health and welfare of the present and future inhabitants of the District, the land sought to be added to the District, and of the territories adjacent thereto require the installation and acquisition of adequate water, sanitary sewer and road facilities for the land sought to be added to the District.

X.

A public necessity exists for the addition of said lands to the District to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community, by and through the construction, extension, improvement, maintenance and operation of water, sanitary sewer and road facilities.

WHEREFORE, Petitioners respectfully pray that this petition be granted in all respects and that the City of Dallas give its consent to the annexation of the aforesaid land into said District.

[*Remainder of Page Intentionally Blank*]




Disclaimer:
Every effort has been made to ensure the accuracy of the basemap data. BGE, Inc. assumes no liability or damages due to errors or omissions.

Location Map

Date: April 2019

Job No: XXXX-XX

# Falcon Way Annexation - Location Map

BGE, Inc.
2595 Dallas Parkway, Suite 101
Frisco, TX 75034
Tel: 972-464-4800 Fax: 972-464-4899

G:\TXN\Projects\Districts\KC1A\0 General District Services\09 GIS\Exhibits\CCN Location Map FlaconWay Annexation.mxd

**WHEREAS,** in 1975, the City of Dallas annexed property for the development of Lake Ray Hubbard which expanded the City of Dallas' extraterritorial jurisdiction east and south of the lake property into Rockwall and Kaufman Counties; and

**WHEREAS,** EQK Windmill Farms, LLC, 130 Windmill Farms, LP, and MM Walden Pond, LLC own approximately 41.904 acres within the City of Dallas' extraterritorial jurisdiction in Kaufman County; and

**WHEREAS,** Sections 54.0165 of the Texas Water Code and Section 42.0425 of the Texas Local Government Code require an applicant to request municipal consent to expand Fresh Water Districts within a city's extraterritorial jurisdiction; and

**WHEREAS,** Section 51A-8.105 of the Dallas Development Code extends plat regulations to all applicable development activity within the extraterritorial jurisdiction of the City; and

**WHEREAS**, on April 26, 2019, EQK Windmill Farms, LLC, 130 Windmill Farms, LP, and MM Walden Pond, LLC filed the necessary petition with the City Secretary's Office requesting the city's consent to the expansion of the Kaufman County Fresh Water District No.1D within Dallas' extraterritorial jurisdiction north of U.S. Highway 80 in Kaufman County.

**NOW, THEREFORE,**

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

**SECTION 1.** That the City of Dallas hereby consents to, and the City Manager is instructed to create such documents, if any, as required to evidence the City of Dallas' consent to, the expansion of the Kaufman County Fresh Water District No.1D, as depicted on the attached property descriptions labeled Exhibit A, within the City of Dallas' extraterritorial jurisdiction east and south of Lake Ray Hubbard in Kaufman County.

**SECTION 2.** That consent to the expansion of the Kaufman County Fresh Water District No.1D within the City of Dallas' extraterritorial jurisdiction includes the requirement that all development must comply with Article VIII, "Plat Regulations," of the Dallas Development Code.

**SECTION 3.** That as a condition of the consent given by the City of Dallas, pursuant to Texas Water Code Section 54.016(e) and (g), the Fresh Water District shall be subject to the following terms and provisions:

(a) That the Fresh Water District must construct all facilities in accordance with plans and specifications which have been approved by the City of Dallas.

(b) That the City of Dallas shall have the right to inspect all facilities being constructed by the Fresh Water District.

(c) That the Fresh Water District may only issue bonds for the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

(i) provide a water supply for municipal uses, domestic uses, and commercial purposes;
(ii) collect, transport, process, dispose of, and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state;
(iii) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the district; and
(iv) provide payment of organization expenses, operation expenses during construction, and interest during construction.
(v) provide roadway improvements and for the payment of organization expenses, operation expenses during roadway construction, and interest during roadway construction.

(d) That the City of Dallas shall be entitled to injunctive relief or a writ of mandamus issued by a court of competent jurisdiction restraining, compelling, or requiring the Fresh Water District and its officials to observe and comply with the terms and provisions prescribed by this resolution.

**SECTION 4.** That the City Council further hereby notifies the Fresh Water District, its residents, and property owners that the Texas Local Government Code allows the City of Dallas to annex any portion of the district located within the City of Dallas' extraterritorial jurisdiction, and the City of Dallas hereby requests that the Fresh Water District include a statement in the form required under Section 49.455 of the Texas Water Code reflecting the possibility of annexation by the City of Dallas.

**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:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

## 41.904-ACRE TRACT

J.B Davenport Survey, Abstract No. 132 & Samuel Smith Survey, Abstract No. 450
Kaufman County, Texas

BEING a 41.904-acre tract or parcel of land situated in the Samuel Smith Survey, Abstract No. 450 and the J.B. Davenport Survey, Abstract No. 132, Kaufman County, Texas; said tract being part of a tract of land described in a Deed in Lieu of Foreclosure to Harlan Properties, Inc. as recorded in Volume 3961, Page 248 of the Official Records of Kaufman County, Texas, all of a Street and Utility Easement to EQK Windmill Farms LLC as described in Volume 3426, Page 541 of said Official Public Records, all of a Street and Utility Easement to said EQK as described in Volume 3550, Page 243 of said Official Records, and all of a called 3.940-acre tract of land described as Tract Four in in Special Warranty Deed to 130 Windmill Farms, LP as recorded in Volume 3235, Page 65 of said Official Records; said tract being more particular described by metes and bounds as follows:

BEGINNING at a point for corner at the intersection of the southeast right-of-way line of Farm-to-Market Road 548 (hereinafter FM 548, a 100-foot right-of-way) and the northeast right-of-way line of Falcon Way (a 100-foot right-of-way, said point being the southwest corner of a tract of land described in a Special Warranty Deed to Forney Independent School District (hereinafter Forney ISD) as recorded in Volume 2348, Page 182 of the Deed Records of Kaufman County, Texas;

THENCE with the northeast right-of-way line of said Falcon Way and the southwest line of said Forney ISD tract the following courses and distances:

South 45 degrees 25 minutes 01 seconds East, 975.65 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In a southeasterly direction with said curve to the left, having a central angle of 08 degrees 37 minutes 15 seconds, a radius of 2,400.00 feet, and a chord bearing and distance of South 49 degrees 43 minutes 38 seconds East, 360.77 feet, an arc length of 361.11 feet to a point for corner, said point being the end of said curve to the left and the beginning of a reverse curve to the right;

In a southeasterly direction with said reverse curve to the right, having a central angle of 09 degrees 04 minutes 21 seconds, a radius of 2,600.00 feet, and a chord bearing and distance of South 49 degrees 30 minutes 05 seconds East, 411.27 feet, an arc length of 411.70 feet to a point for corner, said point being the end of said curve to the right;

South 44 degrees 57 minutes 55 seconds East, 777.19 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In a southeasterly direction along said curve to the left, having a central angle of 22 degrees 25 minutes 57 seconds, a radius of 1,321.78 feet, and a chord bearing and distance of South 56 degrees 10 minutes 53 seconds East, 514.21 feet, an arc length of 517.50 feet to a point for corner, said point being the end of said curve to the left;

South 67 degrees 23 minutes 52 seconds East, 973.06 feet to a point for corner, said point being the beginning of a tangent curve to the right;

In a southeasterly direction along said curve to the right, having a central angle of 00 degrees 44 minutes 35 seconds, a radius of 2,049.62 feet, and a chord bearing and

distance of South 67 degrees 01 minutes 34 seconds East, 26.58 feet, an arc length of 26.58 feet to a point for corner, said point being the end of said curve to the right;

South 66 degrees 39 minutes 27 seconds East, 323.30 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In an easterly direction along said curve to the left, having a central angle of 44 degrees 04 minutes 21 seconds, a radius of 1,150.00 feet, and a chord bearing and distance of South 88 degrees 41 minutes 28 seconds East, 862.95 feet, an arc length of 884.59 feet to a point for corner, said point being the end of said curve to the left;

North 69 degrees 16 minutes 23 seconds East, 171.99 feet to a point for corner, said point being the beginning of a tangent curve to the right;

In a northeasterly direction along a tangent curve to the right, having a central angle of 20 degrees 42 minutes 13 seconds,
a radius of 1,550.00 feet, and a chord bearing and distance of North 79 degrees 37 minutes 29 seconds East, 557.04 feet, an arc length of 560.08 feet to a point for corner at the intersection of the northeast right-of-way line of said Falcon Way and the west right-of-way line of Windmill Farms Boulevard (a 120-foot right-of-way) as recorded in Volume 3832, Page 358 of said Official Public Records;

THENCE South 00 degrees 01 minutes 24 seconds East, with the west right-of-way line of said Windmill Farms Boulevard, 100.00 feet to a point for corner at the intersection of the west right-of-way line of said Windmill Farms Boulevard and the southwest line of said Falcon Way;

THENCE departing the west right-of-way line of said Windmill Farms Boulevard and with the southwest right-of-way line of said Falcon Way the following courses and distances:

In a westerly direction along a non-tangent curve to the left, having a central angle of 20 degrees 42 minutes 13 seconds, a radius of 1,450.00 feet, and a chord bearing and distance of South 79 degrees 37 minutes 29 seconds West, 521.10 feet, an arc length of 523.95 feet to a point for corner, said point being the end of said curve to the left;

South 69 degrees 16 minutes 23 seconds West, 171.99 feet to a point for corner, said point being the beginning of a tangent curve to the right;

In a westerly direction with said curve to the right, having a central angle of 44 degrees 04 minutes 21 seconds, a radius of 1,250.00 feet, and a chord bearing and distance of North 88 degrees 41 minutes 28 seconds West, 937.98 feet, an arc length of 961.51 feet to a point for corner, said point being the end of said curve to the right;

THENCE North 66 degrees 39 minutes 27 seconds West, 323.30 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In a southwesterly direction with said curve to the left, having a central angle of 00 degrees 44 minutes 35 seconds, a radius of 1,949.99 feet, and a chord bearing and distance of North 67 degrees 01 minutes 34 seconds West, 25.29 feet, an arc length of 25.29 feet to a point for corner, said point being the end of said curve to the left;

North 67 degrees 23 minutes 52 seconds West, 973.06 feet to a point for corner, said point being the beginning of a tangent curve to the right;

In a northwesterly direction with said curve to the right, having a central angle of 14 degrees 20 minutes 54 seconds, a radius of 1,421.78 feet, and a chord bearing and distance of North 60 degrees 13 minutes 25 seconds West, 355.12 feet, an arc length of 356.05 feet to a point for corner, said point being the northeast corner of the aforementioned Harlan Properties tract and the end of said curve to the right;

THENCE South 45 degrees 44 minutes 45 seconds West, departing the southwest right-of-way line of said Falcon Way and with the southeast line of said Harlan Properties tract, 10.12 feet to a point for corner;

THENCE over and across said Harlan Properties tract the following courses and distances:

In a northwesterly direction along a non-tangent curve to the right, having a central angle of 08 degrees 01 minutes 20 seconds, a radius of 1,431.78 feet, and a chord bearing and distance of North 48 degrees 58 minutes 35 seconds West, 200.31 feet, an arc length of 200.47 feet to a point for corner, said point being the end of said curve to the right;

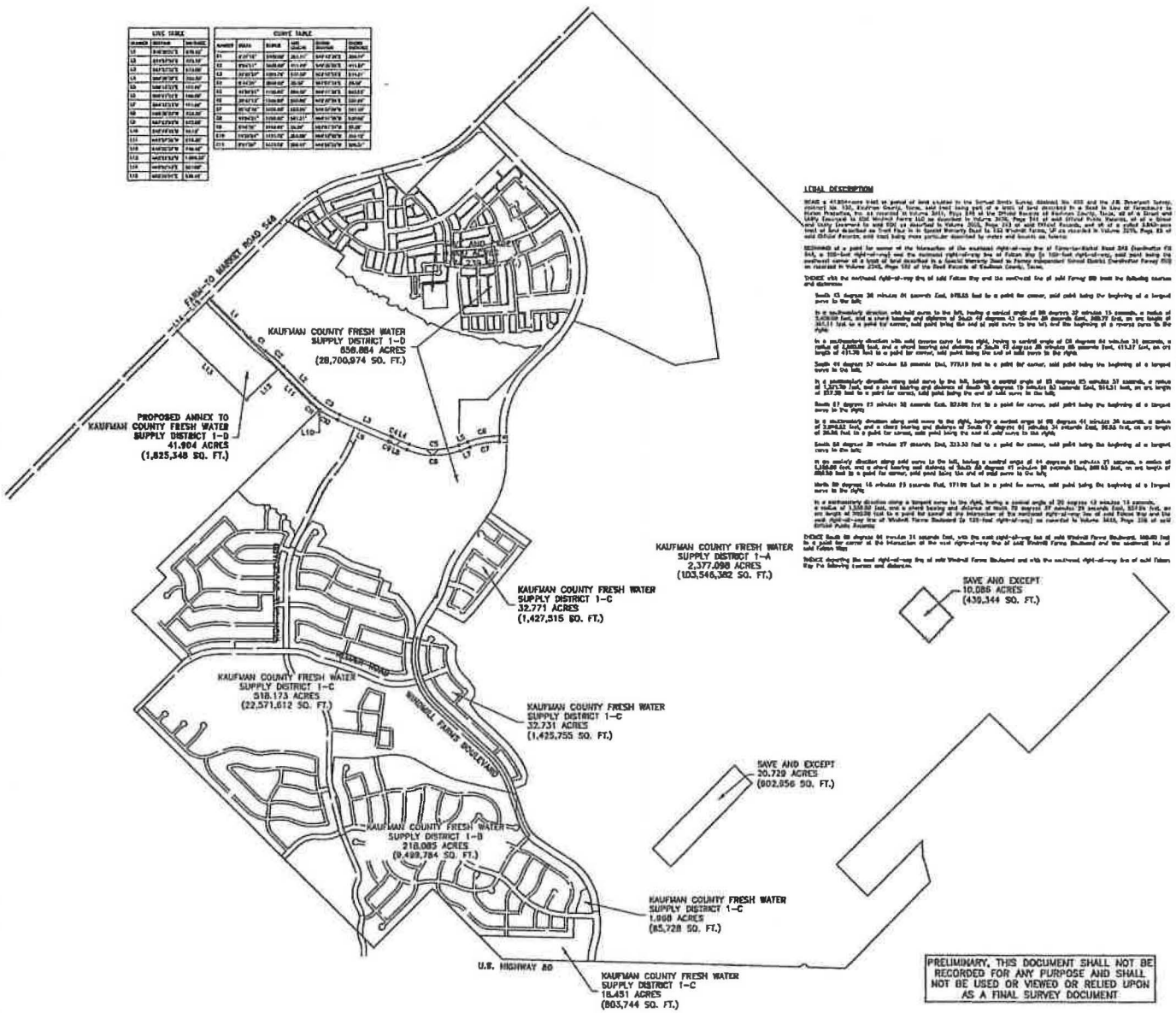
North 44 degrees 57 minutes 55 seconds West, 814.38 feet to a point for corner;

South 45 degrees 55 minutes 27 seconds West, 746.48 feet to a point for corner;

North 45 degrees 26 minutes 53 seconds West, 1,699.34 feet to a point for corner in the southeast right-of-way line of the aforementioned FM 548 and the northwest line of said Harlan Properties tract;

THENCE North 45 degrees 03 minutes 43 seconds East, with the southeast right-of-way line of said FM 548 and the northwest line of said Harlan Properties tract, 261.06 feet to a point for corner;

THENCE North 45 degrees 20 minutes 01 seconds East, with the southeast right-of-way line of said FM 548 and the northwest line of said Harlan Properties tract, 539.49 feet to the POINT OF BEGINNING and containing a total area of 41.904 acres (1,825,348 square feet) of land, more or less.




LEGAL DESCRIPTION

BEING a 41.904+-acre tract of parcel of land situated in the Samuel Smith Survey, Abstract No. 450 and the J.B. Davenport Survey, Abstract No. 132, Kaufman County, Texas, said tract being part of a tract of land described in a Deed in Lieu Of Foreclosure to Horton Properties, Inc. as recorded in Volume 3451, Page 248 of the Official Records of Kaufman County, Texas, all of a Street and Utility Easement to 2242 Windmill Farms LLC as described in Volume 3436, Page 256 of said Official Public Records, all of a Street and Utility Easement to said FSW as described in Volume 3503, Page 253 of said Official Records, and all of a called 3.840-acre tract of land described as Tract Four in to Special Warranty Deed to 132 Windmill Farms, LP as recorded in Volume 3575, Page 83 of said Official Records, said tract being more particular described by metes and bounds as follows:

BEGINNING at a point for corner at the intersection of the southeast right-of-way line of Farm-to-Market Road 548 (variable ROW) and a 100-foot right-of-way) and the northeast right-of-way line of Folsom Way (a 100-foot right-of-way), said point being the northwest corner of a tract of land described in a Special Warranty Deed to Forney Independent School District (hereinafter Forney ISD) as recorded in Volume 2345, Page 132 of the Deed Records of Kaufman County, Texas;

THENCE with the northeast right-of-way line of said Folsom Way and the southwest line of said Forney ISD tract the following courses and distances:

South 43 degrees 36 minutes 01 seconds East, 878.65 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In a southeasterly direction with said curve to the left, having a central angle of 08 degrees 37 minutes 15 seconds, a radius of 5,629.00 feet, and a chord bearing and distance of South 47 degrees 43 minutes 39 seconds East, 358.77 feet, an arc length of 358.11 feet to a point for corner, said point being the end of said curve to the left and the beginning of a reverse curve to the right;

In a southeasterly direction with said reverse curve to the right, having a central angle of 08 degrees 44 minutes 31 seconds, a radius of 1,800.00 feet, and a chord bearing and distance of South 47 degrees 39 minutes 08 seconds East, 413.17 feet, an arc length of 413.78 feet to a point for corner, said point being the end of said curve to the right;

South 04 degrees 57 minutes 53 seconds East, 777.19 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In a southeasterly direction along said curve to the left, having a central angle of 23 degrees 43 minutes 37 seconds, a radius of 1,631.50 feet, and a chord bearing and distance of South 06 degrees 53 minutes 52 seconds East, 515.51 feet, an arc length of 517.99 feet to a point for corner, said point being the end of said curve to the left;

South 27 degrees 13 minutes 38 seconds East, 823.86 feet to a point for corner, said point being the beginning of a tangent curve to the right;

In a southeasterly direction along said curve to the right, having a central angle of 08 degrees 41 minutes 34 seconds, a radius of 2,840.62 feet, and a chord bearing and distance of South 17 degrees 01 minutes 34 seconds East, 86.65 feet, an arc length of 86.66 feet to a point for corner, said point being the end of said curve to the right;

South 68 degrees 39 minutes 27 seconds East, 213.33 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In an easterly direction along said curve to the left, having a central angle of 44 degrees 04 minutes 27 seconds, a radius of 1,168.00 feet, and a chord bearing and distance of North 89 degrees 41 minutes 20 seconds East, 868.65 feet, an arc length of 898.58 feet to a point for corner, said point being the end of said curve to the left;

North 59 degrees 16 minutes 23 seconds East, 171.08 feet to a point for corner, said point being the beginning of a tangent curve to the right;

In a northeasterly direction along a tangent curve to the right, having a central angle of 20 degrees 43 minutes 13 seconds, a radius of 1,330.00 feet, and a chord bearing and distance of North 79 degrees 37 minutes 59 seconds East, 527.04 feet, an arc length of 536.90 feet to a point for corner at the intersection of the northeast right-of-way line of said Folsom Way and the southwest right-of-way line of Windmill Farms Boulevard (a 120-foot right-of-way) as recorded in Volume 3435, Page 256 of said Kaufman County Records;

THENCE South 89 degrees 04 minutes 24 seconds East, with the east right-of-way line of said Windmill Farms Boulevard, 180.60 feet to a point for corner at the intersection of the east right-of-way line of said Windmill Farms Boulevard and the southwest line of said Folsom Way;

THENCE departing the east right-of-way line of said Windmill Farms Boulevard and with the southwest right-of-way line of said Folsom Way the following courses and distances:

In a easterly direction along a non-tangent curve to the left, having a central angle of 30 degrees 42 minutes 12 seconds, a radius of 1,330.00 feet, and a chord bearing and distance of South 74 degrees 37 minutes 21 seconds East, 574.10 feet, an arc length of 593.81 feet to a point for corner, said point being the end of said curve to the left;

South 89 degrees 16 minutes 26 seconds East, 171.08 feet to a point for corner, said point being the beginning of a tangent curve to the right;

In a easterly direction with said curve to the right, having a central angle of 49 degrees 04 minutes 21 seconds, a radius of 1,330.00 feet, and a chord bearing and distance of South 64 degrees 44 minutes 16 seconds East, 637.99 feet, an arc length of 851.31 feet to a point for corner, said point being the end of said curve to the right;

THENCE North 68 degrees 38 minutes 27 seconds East, 213.33 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In a southeasterly direction with said curve to the left, having a central angle of 05 degrees 41 minutes 26 seconds, a radius of 1,838.92 feet, and a chord bearing and distance of South 87 degrees 01 minutes 34 seconds East, 36.25 feet, an arc length of 36.25 feet to a point for corner, said point being the end of said curve to the left;

North 87 degrees 39 minutes 51 seconds East, 823.86 feet to a point for corner, said point being the beginning of a tangent curve to the right;

In a southeasterly direction with said curve to the right, having a central angle of 14 degrees 28 minutes 54 seconds, a radius of 1,631.24 feet, and a chord bearing and distance of South 80 degrees 13 minutes 23 seconds East, 308.12 feet, an arc length of 308.59 feet to a point for corner, said point being the northeast corner of the aforementioned Horton Properties tract and the end of said curve to the right;

THENCE South 43 degrees 44 minutes 15 seconds East, departing the southeast right-of-way line of said Folsom Way and with the northeast line of said Horton Properties tract, 16.13 feet to a point for corner;

THENCE over and across said Horton Properties tract the following courses and distances:

In a northeasterly direction along a non-tangent curve to the right, having a central angle of 05 degrees 04 minutes 28 seconds, a radius of 1,645.92 feet, and a chord bearing and distance of North 43 degrees 36 minutes 30 seconds East, 308.95 feet, an arc length of 309.37 feet to a point for corner, said point being the end of said curve to the right;

North 46 degrees 57 minutes 26 seconds East, 814.38 feet to a point for corner;

South 43 degrees 33 minutes 37 seconds East, 710.48 feet to a point for corner;

North 46 degrees 26 minutes 23 seconds East, 1,699.34 feet to a point for corner in the southeast right-of-way line of the aforementioned FM 548 and the northeast line of said Horton Properties tract;

THENCE North 43 degrees 33 minutes 37 seconds East, with the southeast right-of-way line of said FM 548 and the northeast line of said Horton Properties tract, 1,161.28 feet to a point for corner;

THENCE North 43 degrees 32 minutes 04 seconds East, with the southeast right-of-way line of said FM 548 and the southeast line of said Horton Properties tract, 338.49 feet to the POINT OF BEGINNING and containing a total area of 41.904 acres (1,825,348 square feet) of land, more or less.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

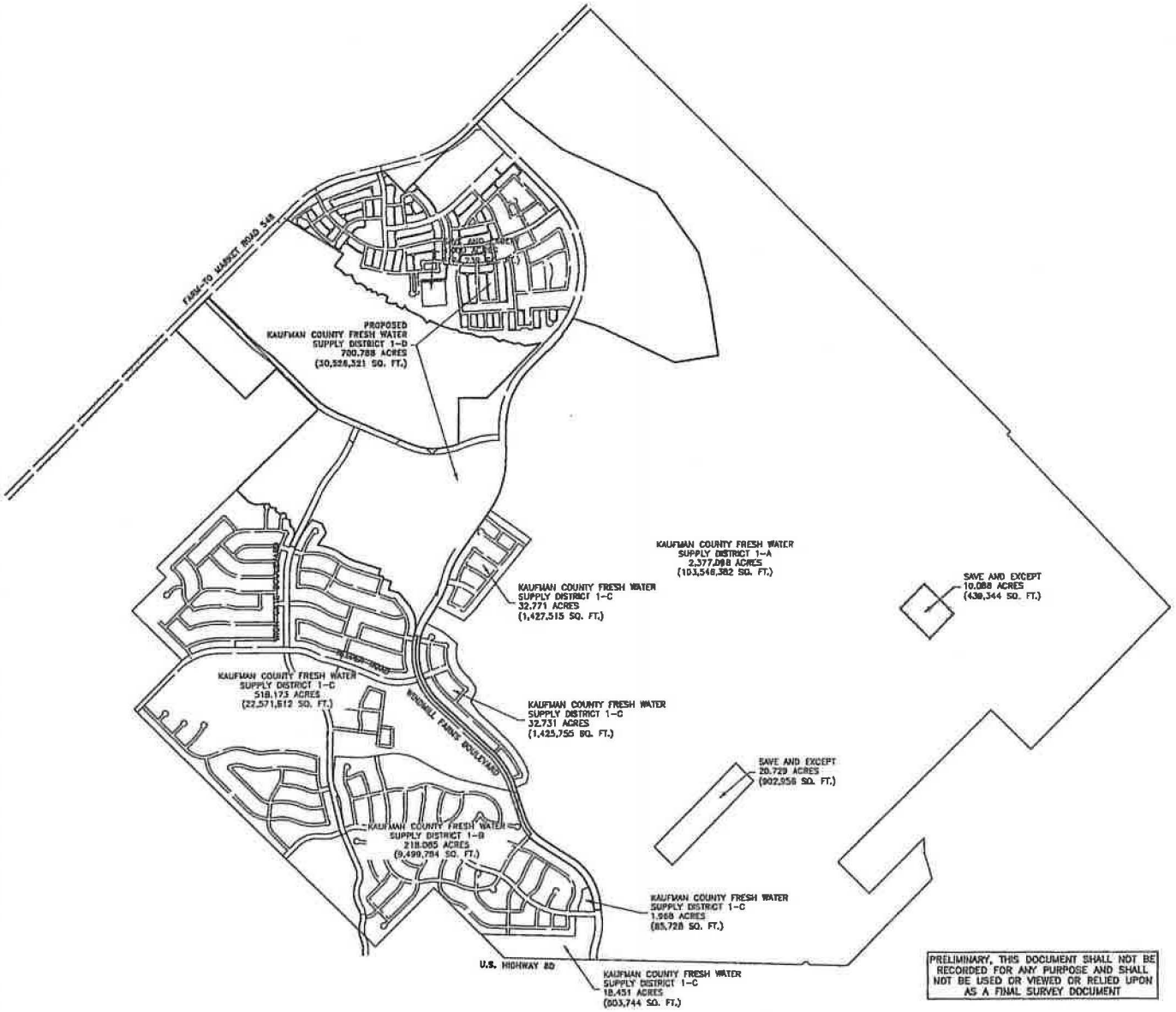
# BOUNDARY EXHIBIT
# KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT 1-D
## PROPOSED ANNEXATION

SITUATED IN THE J.B. DAVENPORT SURVEY, ABSTRACT NUMBER 132 & THE SAMUEL SMITH SURVEY, ABSTRACT NUMBER 450
KAUFMAN COUNTY, TEXAS
April 2019

SURVEYOR/ENGINEER

BGE, Inc.
2501 Oates Parkway, Suite 101, Tyler, TX 75701
Tel 972-464-4000 • www.bgeinc.com
TBPLS Licensed Surveying Firm No. 10193870

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BOUNDARY EXHIBIT

# KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT 1-D

## PROPOSED BOUNDARY

SITUATED IN THE J.B. DAVENPORT SURVEY, ABSTRACT NUMBER 132 & THE SAMUEL SMITH SURVEY, ABSTRACT NUMBER 450
KAUFMAN COUNTY, TEXAS
April 2019

SURVEYOR/ENGINEER

BGE, Inc.
2000 Dallas Parkway, Suite 101, Plano, TX 75024
Tel 972-994-4200 • www.bgeinc.com
TBPLS Licensed Surveying Firm No. 10193959

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KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT 1-D – PROPOSED BOUNDARY

BEING all that certain tot, tract, or parcel of land situated in the S. Smith Survey, Abstract Number 450, the B. Hardy Survey, Abstract Number 132, the J.B. Davenport Survey, Abstract Number 132, the J.B. Wade Survey, Abstract Number 500, and the J. Heath Survey, Abstract Number 227, said land being part of that certain 2670.63-acre tract of land described in a Special Warranty Deed to EDK Bridgeport Plaza, Inc., as recorded in Volume 3046, Page 212 of the Official Public Records of Kaufman County, Texas, part of that certain tract of land described in Special Warranty Deed to 130 Windmill Farms LP as recorded in Volume 3061, Page 278 of said Official Public Records, part of part of a tract of land described in a Deed in Lieu of Foreclosure to Hanks Properties, Inc. as recorded in Volume 2851, Page 288 of said Official Records, all of a tract of land (Parcel 1) described in EDK Windmill Farms LLC as recorded in Volume 2858, Page 341 of said Official Public Records, all of a tract and Utility Easement to said EDK as described in Volume 2350, Page 291 of said Official Records, and all of a called 3.840-acre tract of land dissolved as Tract Four in a Special Warranty Deed to 130 Windmill Farms, LP as recorded in Volume 3033, Page 83 of said Official Records; said tract being more particularly described by metes and bounds as follows:

COMMENCING at a point for corner at the intersection of the North line of U.S. Highway 80 (300' right-of-way) with the East line of Windmill Farms Boulevard (120' right of way), from which a one-half inch capped iron rod found for South 88 degrees 30 minutes 00 seconds East, 1912.32 feet;

THENCE along the East right-of-way line of said Windmill Farms Boulevard the following courses and distances:

North 01 degrees 03 minutes 28 seconds East, 28.03 feet to a point for corner;

In a northwesterly direction along a curve to the right, having a central angle of 16 degrees 36 minutes 43 seconds, a radius of 893.00 feet, a chord bearing of North 09 degrees 22 minutes 39 seconds East, a chord distance of 371.58 feet, an arc length of 372.93 feet to a point for corner;

In a Northeasterly direction along a reverse curve to the left, having a central angle of 23 degrees 32 minutes 43 seconds, a radius of 1,060.00 feet, a chord bearing of North 09 degrees 45 minutes 27 seconds East, a chord distance of 432.87 feet, an arc length of 435.01 feet to a point for corner;

North 04 degrees 17 minutes 24 seconds West, 144.87 feet to the POINT OF BEGINNING;

THENCE South 85 degrees 42 minutes 36 seconds West, departing said East right-of-way line, 130.00 feet to a point for corner in the West right-of-way line of the said curve;

THENCE with the West right-of-way line of said Windmill Farms Boulevard the following courses and distances:

North 04 degrees 17 minutes 24 seconds West, 111.81 feet to a point for corner;

In a Northeasterly direction along a curve to the left, having a central angle of 30 degrees 47 minutes 32 seconds, a radius of 865.00 feet, a chord bearing of North 21 degrees 33 minutes 10 seconds West, a chord distance of 871.23 feet, an arc length of 833.48 feet to a point for corner;

North 36 degrees 56 minutes 56 seconds West, 632.70 feet to a point for corner;

In a Northeasterly direction along a curve to the right, having a central angle of 14 degrees 33 minutes 42 seconds, a radius of 780.00 feet, a chord bearing of North 29 degrees 12 minutes 05 seconds West, a chord distance of 197.63 feet, an arc length of 198.15 feet to a point for corner;

THENCE North 11 degrees 29 minutes 31 seconds East, departing said West right-of-way, 80.01 feet to a point for corner, said point being in the centerline of said Windmill Farms Boulevard;

THENCE with the centerline of said Windmill Farms Boulevard the following courses and distances:

In a Northeasterly direction along a non-tangent curve to the right, having a central angle of 33 degrees 29 minutes 22 seconds, a radius of 700.00 feet, a chord bearing of North 36 degrees 34 minutes 41 seconds West, a chord distance of 384.83 feet, an arc length of 393.88 feet to a point for corner;

North 18 degrees 40 minutes 00 seconds West, 600.00 feet to a point for corner;

In a Northwesterly direction along a curve to the left, having a central angle of 28 degrees 37 minutes 18 seconds, a radius of 1,500.00 feet, a chord bearing of North 32 degrees 58 minutes 39 seconds West, a chord distance of 740.00 feet, an arc length of 748.99 feet to a point for corner;

North 47 degrees 37 minutes 18 seconds West, 1,200.00 feet to a point for corner;

In a northwesterly direction along a curve to the right, having a central angle of 81 degrees 53 minutes 01 seconds, a radius of 1,700.00 feet, a chord bearing of North 10 degrees 41 minutes 18 seconds West, a chord distance of 1,336.70 feet, an arc length of 1,393.71 feet to a point for corner;

THENCE North 75 degrees 45 minutes 17 seconds West, departing the centerline of said Windmill Farms Boulevard, 80.00 feet to a point for corner, said point being in the West right-of-way line of said Windmill Farms Boulevard, said point also being in the easterly line of Amber Fields Windmill Farms, Phase 2B, Section 2, as recorded in Cabinet D, Page 345 of the Plat Records of Kaufman County, Texas;

THENCE in a northeasterly direction along a non-tangent curve to the right, having a central angle of 52 degrees 28 minutes 43 seconds, a radius of 1,250.00 feet, a chord bearing of North 13 degrees 29 minutes 06 seconds East, a chord distance of 34.30 feet, an arc length of 34.30 feet to a one-half inch iron rod found for corner, said point being the Northwest corner of said Phase 2B, said point also being the Southwest corner of Amber Fields Windmill Farms, Phase 2B Section 3, as recorded in Cabinet J, Page 542 of the Plat Records of Kaufman County, Texas;

THENCE in a northeasterly direction along the North line of said Phase 2B, Section 3 the following courses and distances:

North 87 degrees 36 minutes 33 seconds East, 93.38 feet to a point for corner;

North 03 degrees 06 minutes 36 seconds West, 93.75 feet to a one-half inch iron rod found for corner;

North 12 degrees 17 minutes 31 seconds West, 98.73 feet to a one-half inch iron rod found for corner;

North 21 degrees 27 minutes 04 seconds West, 95.75 feet to a one-half inch iron rod found for corner;

North 28 degrees 40 minutes 07 seconds West, 85.81 feet to a one-half inch iron rod found for corner;

North 33 degrees 18 minutes 28 seconds West, 266.56 feet to a one-half inch iron rod found for corner;

North 72 degrees 25 minutes 35 seconds West, 189.92 feet to a one-half inch iron rod found for corner;

North 17 degrees 24 minutes 24 seconds East, 151.99 feet to a one-half inch iron rod found for corner;

North 72 degrees 35 minutes 35 seconds West, 112.07 feet to a one-half inch iron rod found for corner;

In a Northeasterly direction along a non-tangent curve to the left, having a central angle of 107 degrees 00 minutes 33 seconds, a radius of 50.00 feet, a chord bearing of North 53 degrees 57 minutes 37 seconds West, a chord distance of 80.36 feet, an arc length of 83.24 feet to a one-half inch iron rod found for corner;

North 72 degrees 35 minutes 38 seconds West, 25.43 feet to a one-half inch iron rod found for corner;

North 17 degrees 24 minutes 24 seconds East, 125.00 feet to a one-half inch iron rod found for corner;

North 72 degrees 35 minutes 38 seconds West, 390.00 feet to a one-half inch iron rod found for corner;

North 72 degrees 32 minutes 49 seconds West, 131.58 feet to a one-half inch iron rod found for corner;

North 67 degrees 57 minutes 59 seconds West, 76.76 feet to a one-half inch iron rod set found for corner;

North 80 degrees 42 minutes 44 seconds West, 79.27 feet to a one-half inch iron rod found for corner;

THENCE North 54 degrees 19 minutes 47 seconds West, leaving the Northwest corner of said Phase 2B, Section 3 at 20.01 feet, the same being the Northeast corner of Amber Fields Windmill Farms Phase 2B, Section 4, a total of 103.53 feet to a one-half inch iron rod found for corner;

THENCE with the North line of said Phase 2B, Section 4 the following courses and distances:

North 58 degrees 33 minutes 38 seconds West, 99.91 feet to a one-half inch iron rod set for corner;

North 84 degrees 17 minutes 12 seconds West, 29.91 feet to a one-half inch iron rod set for corner;

North 90 degrees 00 minutes 48 seconds West, 80.91 feet to a one-half inch iron rod set for corner;

North 75 degrees 44 minutes 20 seconds West, 29.91 feet to a one-half inch iron rod set for corner;

North 81 degrees 27 minutes 54 seconds West, 99.91 feet to a one-half inch iron rod set for corner;

North 25 degrees 53 minutes 18 seconds East, 853.28 feet to a one-half inch iron rod set for corner;

North 24 degrees 10 minutes 24 seconds West, 178.43 feet to a one-half inch iron rod set for corner;

North 82 degrees 18 minutes 31 seconds West, 103.01 feet to a one-half inch iron rod set for corner;

THENCE in a southeasterly direction along a non-tangent curve to the left, having a central angle of 21 degrees 06 minutes 06 seconds, a radius of 1,237.50 feet, a chord bearing of South 21 degrees 18 minutes 18 seconds East, a chord distance of 356.06 feet, an arc length of 361.23 feet to a point for corner in the East right-of-way line of Iron Gate Boulevard (a 100-foot right-of-way) per Homemade Meadows, Windmill Farms Phase 2A – Section 2, an Addition to Kaufman County, Texas, as recorded in Cabinet J, Page 228 of the Plat Records of Kaufman County, Texas;

THENCE North 58 degrees 43 minutes 15 seconds West, departing said East right-of-way line of Iron Gate Boulevard, 100.00 feet to a point for corner in the West right-of-way line of the same;

THENCE in a northeasterly direction, along the easterly and southerly lines of said Honeysuckle Meadows, Windmill Farms Phase 2A – Section 2 as follows:

In a northeasterly direction along a non-tangent curve to the right, having a central angle of 06 degrees 40 minutes 16 seconds, a radius of 1,237.50 feet, a chord bearing of North 24 degrees 31 minutes 09 seconds East, a chord distance of 150.88 feet, an arc length of 150.97 feet to a point for corner;

North 05 degrees 05 minutes 34 seconds West, 102.07 feet to a point for corner;

North 42 degrees 31 minutes 48 seconds West, 103.20 feet to a point for corner;

North 00 degrees 08 minutes 42 seconds West, 20.58 feet to a point for corner;

North 88 degrees 40 minutes 43 seconds West, 28.87 feet to a point for corner;

In a northeasterly direction along a non-tangent curve to the left, having a central angle of 105 degrees 21 minutes 42 seconds, a radius of 50.00 feet, a chord bearing of North 17 degrees 31 minutes 05 seconds West, a chord distance of 118.18 feet, an arc length of 170.19 feet to a point for corner;

North 56 degrees 00 minutes 18 seconds West, 114.23 feet to a point for corner;

North 11 degrees 00 minutes 31 seconds East, 49.80 feet to a point for corner;

North 81 degrees 01 minutes 28 seconds West, 110.00 feet to a point for corner;

In a northeasterly direction along a non-tangent curve to the left, having a central angle of 102 degrees 23 minutes 12 seconds, a radius of 50.00 feet, a chord bearing of North 42 degrees 14 minutes 05 seconds West, a chord distance of 77.85 feet, an arc length of 89.35 feet to a point for corner to a point for corner, said point being the most northerly northwest corner of a tract of land described as Water Well Site No. 2 in a Deed to EDK Windmill Farms, LLC, as recorded in Volume 3244, Page 63 of the Official Public Records of Kaufman County, Texas, said point also being in the South line of a tract of land described as Tract Two in a Deed to 130 Windmill Farms, LLC, as recorded in Volume 3061, Page 278 of said Official Public Records;

THENCE South 88 degrees 53 minutes 18 seconds West, following the South line of said Tract Two, 1868.81 feet to a point for corner;

THENCE North 58 degrees 35 minutes 04 seconds West, continuing along the South line of said Tract Two, 200.00 feet to a point for corner, said point also being in the Southeasterly line of a tract of land described to Horton Properties, Inc. as recorded in Volume 2851, Page 288 of the Official Public Records of Kaufman County, Texas, said point also being the most westerly southwest corner of said Tract Two;

THENCE North 40 degrees 46 minutes 40 seconds East, following the East line of said Horton Properties tract and the northwesterly line of said Tract Two, passing the most Westerly northwest corner of said Tract Two at 1379.23 feet, the same being the easternmost corner of a tract of land described in a Deed to EDK Windmill Farms, LLC as recorded in Volume 2294, Page 139 of the Official Public Records of Kaufman County, Texas, a total distance of 1,588.88 feet to a point for corner;

THENCE over and across said Horton Properties tract the following courses and distances:

In a northeasterly direction along a non-tangent curve to the right, having a central angle of 06 degrees 01 minutes 20 seconds, a radius of 1,431.78 feet, and a chord bearing and distance of North 48 degrees 58 minutes 33 seconds West, 200.31 feet, an arc length of 200.47 feet to a point for corner, said point being the end of said curve to the right;

North 44 degrees 57 minutes 53 seconds West, 814.38 feet to a point for corner;

South 45 degrees 35 minutes 37 seconds West, 718.48 feet to a point for corner;

North 45 degrees 28 minutes 53 seconds West, 1,882.34 feet to a point for corner in the southeast right-of-way line of the aforementioned FM 548 and the northwest line of said Horton Properties tract;

THENCE North 43 degrees 02 minutes 45 seconds East, with the southeast right-of-way line of said FM 548 and the northwest line of said Horton Properties tract, 261.06 feet to a point for corner;

THENCE North 45 degrees 29 minutes 01 seconds East, with the southeast right-of-way line of said FM 548 and the northwest line of said Horton Properties tract, 350.43 feet to a point for corner in the northwest right-of-way line of Kaufman Hwy (a 100-foot right-of-way), said point being the southwest corner of a tract of land described in a Special Warranty Deed to Former Replacement School District (hereinafter Farney ISD) as recorded in Volume 2345, Page 182 of the Deed Records of Kaufman County, Texas;

THENCE with the northwest right-of-way line of said Kaufman Hwy and the southeast line of said Farney ISD tract the following courses and distances:

South 43 degrees 25 minutes 01 seconds East, 978.63 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In a southeasterly direction with said curve to the left, having a central angle of 08 degrees 27 minutes 15 seconds, a radius of 2,460.00 feet, and a chord bearing and distance of South 47 degrees 38 minutes 38 seconds East, 363.77 feet, an arc length of 364.11 feet to a point for corner, said point being the end of said curve to the left and the beginning of a reverse curve to the right;

In a southeasterly direction with said reverse curve to the right, having a central angle of 09 degrees 04 minutes 21 seconds, a radius of 2,500.00 feet, and a chord bearing and distance of South 47 degrees 30 minutes 05 seconds East, 411.27 feet, an arc length of 411.70 feet to a point for corner, said point being the end of said curve to the right;

South 41 degrees 57 minutes 55 seconds East, 777.18 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In a southeasterly direction along said curve to the left, having a central angle of 28 degrees 25 minutes 27 seconds, a radius of 1,231.78 feet, and a chord bearing and distance of South 58 degrees 10 minutes 53 seconds East, 314.21 feet, an arc length of 317.50 feet to a point for corner, said point being the end of said curve to the left;

South 87 degrees 23 minutes 51 seconds East, 973.05 feet to a point for corner, said point being the beginning of a tangent curve to the right;

In a southeasterly direction along said curve to the right, having a central angle of 00 degrees 16 minutes 33 seconds, a radius of 2,914.81 feet, and a chord bearing and distance of South 87 degrees 01 minutes 24 seconds East, 14.38 feet, an arc length of 14.38 feet to a point for corner, said point being the end of said curve to the right;

South 86 degrees 39 minutes 37 seconds East, 333.30 feet to a point for corner, said point being the beginning of a tangent curve to the left;

In an easterly direction along said curve to the left, having a central angle of 44 degrees 04 minutes 21 seconds, a radius of 1,150.00 feet, and a chord bearing and distance of South 82 degrees 41 minutes 28 seconds East, 862.83 feet, an arc length of 884.93 feet to a point for corner, said point being the end of said curve to the left;

North 69 degrees 18 minutes 33 seconds East, 9.44 feet to a point for corner, said point being the beginning of a tangent curve to the right;

THENCE North 88 degrees 18 minutes 23 seconds East, 9.64 feet to a point for corner, said point being the Southeast corner of a 1,291-acre tract of land described in a Deed to Farney Independent School District as recorded in Volume 3073, Page 99 of the Official Public Records of Kaufman County, Texas;

THENCE North 00 degrees 01 minutes 21 seconds West, departing the North right-of-way line of said Falkon Way and following the East line of said 1,291-acre tract, passing the northeast corner of the same at 552.88 feet, said point being the Southeast corner of a 2.855-acre tract of land described in a Deed to EDK Bridgeport Plaza, Inc. as recorded in Volume 3073, Page 126 of the Official Public Records of Kaufman County, Texas, 782.16 feet to a point for corner;

THENCE North 88 degrees 53 minutes 58 seconds East, following the North line of said 2.855-acre tract, 189.74 feet to a point for corner, said point being the northeast corner of said tract, said point being in the most easterly southeast line of a tract of land described in a Deed to Farney Independent School District as recorded in Volume 2348, Page 183 of the Official Public Records of Kaufman County, Texas;

THENCE North 41 degrees 45 minutes 49 seconds East, following said Farney Independent School District line, 1,323.43 feet to a point for corner said point being in the center of a creek bed, said point also being the most easterly southeast corner of said Farney Independent School District tract;

THENCE in a Northwesterly direction, along the westerly line of said Farney Independent School District tract and along the meanders of said creek the following courses and distances:

South 73 degrees 57 minutes 38 seconds West, 130.75 feet to a point for corner;

South 81 degrees 50 minutes 23 seconds West, 142.73 feet to a point for corner;

North 67 degrees 58 minutes 41 seconds West, 153.13 feet to a point for corner;

South 80 degrees 25 minutes 14 seconds West, 86.91 feet to a point for corner;

North 72 degrees 21 minutes 35 seconds West, 120.20 feet to a point for corner;

South 65 degrees 37 minutes 49 seconds West, 67.18 feet to a point for corner;

North 55 degrees 05 minutes 28 seconds West, 145.13 feet to a point for corner;

South 84 degrees 04 minutes 49 seconds West, 241.78 feet to a point for corner;

North 86 degrees 49 minutes 16 seconds West, 166.78 feet to a point for corner;

North 81 degrees 50 minutes 23 seconds West, 195.83 feet to a point for corner;

North 54 degrees 43 minutes 33 seconds West, 92.43 feet to a point for corner;

North 63 degrees 33 minutes 50 seconds West, 77.87 feet to a point for corner;

North 31 degrees 48 minutes 47 seconds West, 169.77 feet to a point for corner;

North 69 degrees 33 minutes 12 seconds West, 258.18 feet to a point for corner;

South 19 degrees 21 minutes 21 seconds East, 58.24 feet to a point for corner;

South 37 degrees 58 minutes 04 seconds West, 114.23 feet to a point for corner;

South 56 degrees 13 minutes 15 seconds West, 65.49 feet to a point for corner;

North 85 degrees 28 minutes 37 seconds West, 131.90 feet to a point for corner;

North 80 degrees 52 minutes 47 seconds West, 139.80 feet to a point for corner;

North 24 degrees 53 minutes 40 seconds West, 83.43 feet to a point for corner;

South 42 degrees 37 minutes 03 seconds West, 46.76 feet to a point for corner;

South 82 degrees 36 minutes 08 seconds West, 85.58 feet to a point for corner;

North 17 degrees 31 minutes 44 seconds West, 50.58 feet to a point for corner;

South 87 degrees 20 minutes 44 seconds West, 115.31 feet to a point for corner;

North 56 degrees 33 minutes 28 seconds West, 81.83 feet to a point for corner;

North 25 degrees 28 minutes 58 seconds East, 90.15 feet to a point for corner;

North 84 degrees 28 minutes 39 seconds West, 120.53 feet to a point for corner;

South 66 degrees 36 minutes 10 seconds West, 70.30 feet to a point for corner;

North 87 degrees 53 minutes 35 seconds West, 58.98 feet to a point for corner;

South 85 degrees 27 minutes 30 seconds West, 71.31 feet to a point for corner;

North 28 degrees 38 minutes 21 seconds West, 83.98 feet to a point for corner;

South 72 degrees 13 minutes 13 seconds West, 66.27 feet to a point for corner;

North 13 degrees 37 minutes 28 seconds West, 53.30 feet to a point for corner;

North 53 degrees 27 minutes 11 seconds West, 114.48 feet to a point for corner;

North 87 degrees 19 minutes 28 seconds West, 87.08 feet to a point for corner;

North 25 degrees 08 minutes 33 seconds West, 158.73 feet to a point for corner;

South 87 degrees 32 minutes 04 seconds West, 108.21 feet to a point for corner;

North 31 degrees 58 minutes 32 seconds West, 85.34 feet to a point for corner;

North 35 degrees 45 minutes 45 seconds West, 158.87 feet to a point for corner;

THENCE North 37 degrees 12 minutes 01 seconds East, departing said creek and continuing along the Easterly line of said Farney Independent School District tract, 287.41 feet to a point for corner;

THENCE South 34 degrees 53 minutes 06 seconds West, continuing along the Easterly line of said Farney Independent School District tract, 1153.27 feet to a point for corner, said point being in the Southeast right-of-way line of Farm-to-Market Road 548 (a 100-foot right-of-way), said point being the most Northerly northwest corner of said Farney Independent School District tract;

THENCE North 45 degrees 20 minutes 01 seconds East, following the Southeast right-of-way line of said Farm-to-Market Road 548, a distance of 1219.31 feet to a point for corner;

THENCE in a Southeasterly direction, continuing along the Southeast right-of-way line of said Farm-to-Market Road 548 and along a tangent curve to the right, having a central angle of 20 degrees 36 minutes 00 seconds, a radius of 1830.86 feet, and a chord bearing and distance of North 60 degrees 38 minutes 01 seconds East, 851.53 feet, an arc length of 893.89 feet to a point for corner;

THENCE North 13 degrees 58 minutes 01 seconds East, continuing along the Southeast right-of-way line of said Farm-to-Market Road 548, a distance of 250.10 feet to a point for corner, said point being the most Westerly corner of a tract of land described as Tract 3 in a Deed to Rita Sue Hendrickson, as recorded in Volume 2229, Page 105 of the Official Public Records of Kaufman County, Texas;

THENCE South 44 degrees 32 minutes 39 seconds East, following along the Southwest line of said Hendrickson tract, 537.20 feet to a point for corner;

THENCE North 44 degrees 27 minutes 39 seconds East, following the Southeast line of said Hendrickson tract and the Southeast line of a tract of land described in a Deed to Danny R. Anderson, et. al, as recorded in Volume 2943, Page 343 of the Official Public Records of Kaufman County, Texas, a distance of 523.84 feet to a point for corner, said point being the most Easterly corner of said Anderson tract, said point also being the most Southern corner of a tract of land described in a Deed to Kaufman Ranch, Inc. as recorded in Volume 1111, Page 161 of the Deed Records of Kaufman County, Texas;

THENCE North 44 degrees 33 minutes 37 seconds East, following the Southeast line of said Kaufman Ranch tract, 311.13 feet to a point for corner, said point being in the Southeast right-of-way line of the aforesaid Farm-to-Market Road 548;

THENCE in a Northeasterly direction, following the Southeast right-of-way line of said Farm-to-Market Road 548 and along a non-tangent curve to the left, having a central angle of 13 degrees 01 minutes 10 seconds, a radius of 1830.86 feet, and a chord bearing and distance of North 51 degrees 44 minutes 25 seconds East, 414.33 feet, an arc length of 415.34 feet to a point for corner;

THENCE North 45 degrees 24 minutes 01 seconds East, continuing along the Southeast right-of-way line of said Farm-to-Market Road 548, 827.61 feet to a point for corner;

THENCE departing said southeast right-of-way line, and said meets said 2670.63-acre EDK tract the following courses and distances:

South 44 degrees 34 minutes 26 seconds East, 282.95 feet to a point for corner;

South 51 degrees 31 minutes 53 seconds East, 1,089.44 feet to a point for corner;

South 65 degrees 18 minutes 44 seconds East, 1,821.33 feet to a point for corner;

South 34 degrees 48 minutes 21 seconds East, 1,332.20 feet to a point for corner;

South 56 degrees 16 minutes 50 seconds East, 216.26 feet to a point for corner;

South 06 degrees 33 minutes 15 seconds East, 1,643.28 feet to a point for corner;

South 81 degrees 08 minutes 47 seconds West, 778.27 feet to a point for corner;

North 84 degrees 30 minutes 41 seconds West, 1,458.58 feet to a point for corner;

North 72 degrees 33 minutes 58 seconds West, 806.91 feet to a point for corner, said point being in the easterly right-of-way line of said Windmill Farms Boulevard;

THENCE following the easterly right-of-way line of said Windmill Farms Boulevard the following courses and distances:

In a southeasterly direction along a non-tangent curve to the right, having a central angle of 10 degrees 34 minutes 03 seconds, a radius of 1,870.00 feet, a chord bearing of South 35 degrees 10 minutes 41 seconds West, a chord distance of 344.45 feet, an arc length of 344.92 feet to a point for corner;

South 51 degrees 18 minutes 58 seconds East, 10.00 feet to a point for corner;

In a southeasterly direction along a non-tangent curve to the right, having a central angle of 08 degrees 02 minutes 38 seconds, a radius of 1,870.00 feet, a chord bearing of South 41 degrees 45 minutes 28 seconds West, a chord distance of 187.17 feet, an arc length of 187.26 feet to a point for corner;

South 44 degrees 49 minutes 45 seconds West, 181.65 feet to a point for corner;

North 45 degrees 10 minutes 15 seconds West, 10.00 feet to a point for corner;

South 44 degrees 49 minutes 45 seconds West, 418.73 feet to a point for corner;

In a southwesterly direction along a curve to the left, having a central angle of 44 degrees 48 minutes 17 seconds, a radius of 1,440.00 feet, a chord bearing of South 22 degrees 25 minutes 37 seconds West, a chord distance of 1097.24 feet, an arc length of 1,126.09 feet to a point for corner;

South 00 degrees 01 minutes 21 seconds East, 348.43 feet to a point for corner;

In a southeasterly direction along a curve to the right, having a central angle of 34 degrees 44 minutes 38 seconds, a radius of 1,560.00 feet, a chord bearing of South 17 degrees 20 minutes 48 seconds West, a chord distance of 931.56 feet, an arc length of 945.81 feet to a point for corner;

South 34 degrees 43 minutes 08 seconds West, 835.22 feet to a point for corner;

In a southwesterly direction along a curve to the left, having a central angle of 29 degrees 11 minutes 05 seconds, a radius of 1,140.00 feet, a chord bearing of South 24 degrees 37 minutes 35 seconds West, a chord distance of 504.68 feet, an arc length of 507.30 feet to a point for corner;

In a southeasterly direction along a reverse curve to the right, having a central angle of 19 degrees 05 minutes 33 seconds, a radius of 1,560.00 feet, a chord bearing of South 24 degrees 05 minutes 00 seconds West, a chord distance of 517.90 feet, an arc length of 520.00 feet to a point for corner;

South 33 degrees 37 minutes 47 seconds West, 35.01 feet to a point for corner;

South 56 degrees 22 minutes 03 seconds East, 10.00 feet to a point for corner;

South 33 degrees 37 minutes 57 seconds West, 170.00 feet to a point for corner;

In a southwesterly direction along a curve to the left, having a central angle of 26 degrees 48 minutes 10 seconds, a radius of 1,230.00 feet, a chord bearing of South 20 degrees 14 minutes 32 seconds West, a chord distance of 133.43 feet, an arc length of 133.51 feet to a point for corner;

North 83 degrees 04 minutes 28 seconds West, 19.00 feet to a point for corner;

In a southwesterly direction along a non-tangent curve to the left, having a central angle of 74 degrees 12 minutes 13 seconds, a radius of 1,140.00 feet, a chord bearing of South 10 degrees 22 minutes 42 seconds East, a chord distance of 1,319.65 feet, an arc length of 1,477.05 feet to a point for corner;

South 47 degrees 31 minutes 18 seconds East, 1,100.00 feet to a point for corner;

In a southwesterly direction along a curve to the right, having a central angle of 28 degrees 37 minutes 18 seconds, a radius of 1,360.00 feet, a chord bearing of South 33 degrees 08 minutes 30 seconds East, a chord distance of 763.00 feet, an arc length of 768.36 feet;

South 18 degrees 40 minutes 00 seconds East, 599.99 feet to a point for corner;

In a southwesterly direction along a curve to the left, having a central angle of 28 degrees 18 minutes 36 seconds, a radius of 860.00 feet, a chord bearing of South 37 degrees 19 minutes 28 seconds East, a chord distance of 420.68 feet, an arc length of 424.88 feet to a point for corner;

South 56 degrees 58 minutes 56 seconds East, 65.28 feet to a point for corner;

In a southwesterly direction along a curve to the right, having a central angle of 30 degrees 47 minutes 32 seconds, a radius of 1,060.00 feet, a chord bearing of South 31 degrees 35 minutes 10 seconds East, a chord distance of 563.00 feet, an arc length of 569.51 feet to a point for corner;

South 05 degrees 11 minutes 24 seconds East, 111.61 feet to the POINT OF BEGINNING and containing a listed area of 701.765 acres (30,702,561 square feet) of land, more or less.

SAVE AND EXCEPT

BEING A 4.000-acre tract or parcel of land situated in the Heirs of Samuel Smith Survey, Abstract 450, Kaufman County, Texas, the same being a portion of 213.663-acre tract of land conveyed to EDK Bridgeport Plaza, Inc. as recorded in Volume 3046, Page 212, Deed Records, Kaufman County, Texas, the same being the entirety of a tract of land conveyed to Rayburn Country Electric Service, Inc. by Special Warranty Deed recorded in Volume 3336, Page 283 of said Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at a five-eighths inch capped iron rod found for corner, from which a brass monument found for North 45 degrees 20 minutes 01 seconds East, 279.21 feet, being the southeast corner of said EDK Bridgeport Plaza, Inc. land, the same being the northeast corner of a 213.663-acre tract of land conveyed to Forney Independent School District as recorded in Volume 3345, Page 182 of said Deed Records, said point also being in the southeasterly right-of-way line of Farm-to-Market Road 548 (hereafter F.M. 548);

THENCE South 36 degrees 23 minutes 05 seconds East, departing said southeast right-of-way line, passing at 6,152.21 feet an ell corner in said common line, a total distance of 6187.07 feet to a point for corner, said point being the POINT OF BEGINNING;

THENCE South 22 degrees 06 minutes 48 seconds West, 345.40 feet to a point for corner;

THENCE North 87 degrees 04 minutes 36 seconds West, 417.42 feet to a point for corner;

THENCE South 02 degrees 55 minutes 18 seconds East, 117.43 feet to a point for corner;

THENCE South 87 degrees 04 minutes 36 seconds West, 417.42 feet to a point for corner;

THENCE North 02 degrees 34 minutes 49 seconds West, 72.05 feet to the POINT OF BEGINNING and containing 4.000 acres (174,238 square feet) of land.

BOUNDARY EXHIBIT

KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT 1-D

PROPOSED BOUNDARY

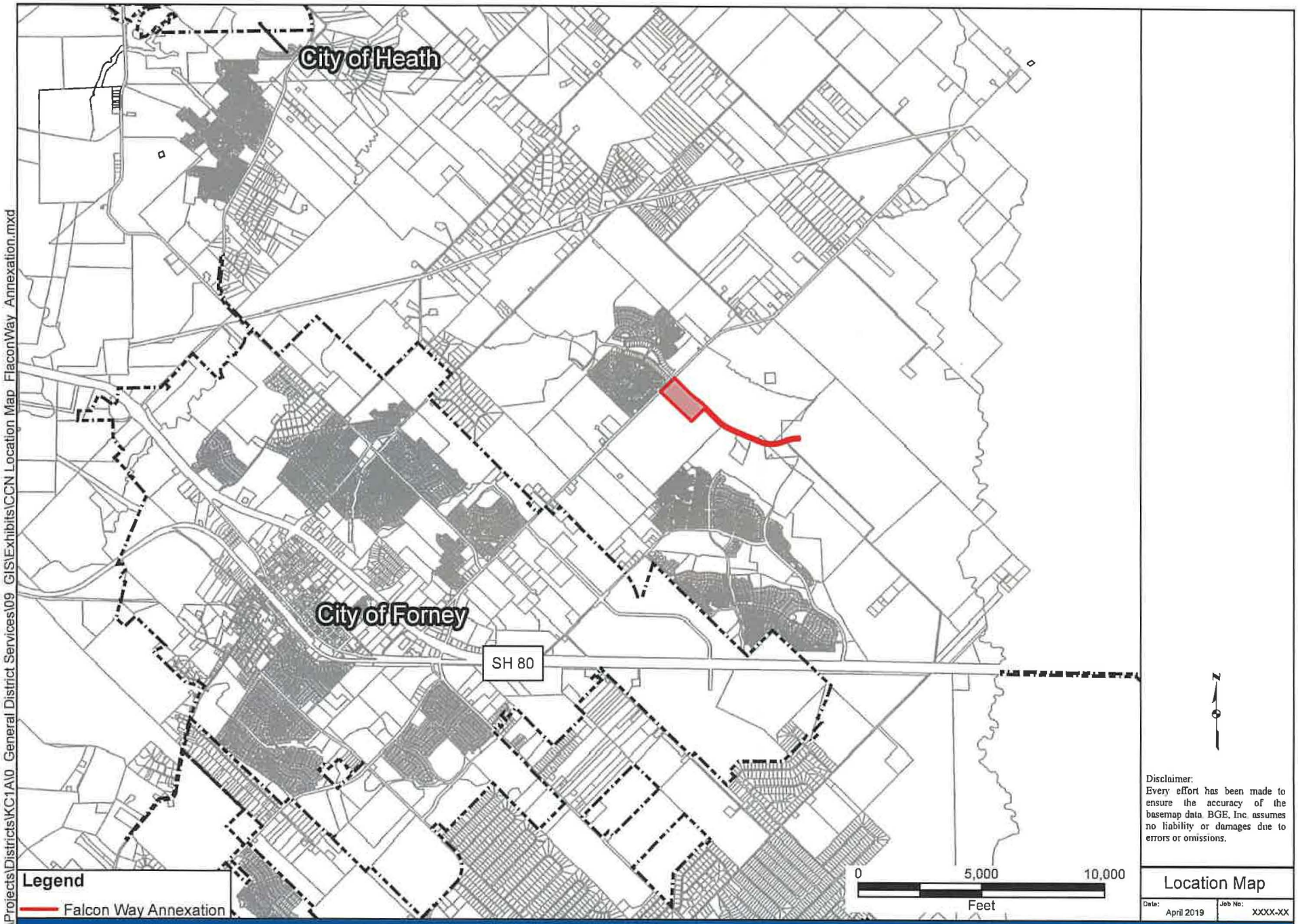
SITUATED IN THE J.B. DAVENPORT SURVEY, ABSTRACT NUMBER 132 & THE SAMUEL SMITH SURVEY, ABSTRACT NUMBER 450 KAUFMAN COUNTY, TEXAS

April 2019

SURVEYOR/ENGINEER


BGE, Inc.
2595 Dallas Parkway, Suite 101, Frisco, TX 75034
Tel 972.424.0022 • www.bgeinc.com
TBPLS Licensed Surveying Firm No. 10193905


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# Falcon Way Annexation - Location Map

BGE, Inc.
2505 Dallas Parkway, Suite 101
Plano, TX 75093
Tel: 972-464-4800 Fax: 972-464-4809

Agenda Information Sheet

**File #:** 19-18 **Item #:** 29.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 1, 2, 3, 4, 5, 6, 7, 8, 9, 11

**DEPARTMENT:** Department of Transportation

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize an Interlocal Agreement with Dallas Area Rapid Transit (DART) for the installation and maintenance of a pilot Transit Signal Priority System Program along four DART bus lines - Financing: No cost consideration to the City

## BACKGROUND

Transit Signal Priority (TSP) is a set of signal improvements that sense the presence of an upcoming bus and reduce wait time at traffic signals for the bus. This will be accomplished by holding green lights longer or shortening red light time. TSP may be implemented at individual intersections or across corridors or entire street systems.

The TSP equipment to be installed will rely on the new Advanced Traffic Controllers the City of Dallas Department of Transportation is already installing as part of the Advanced Transportation Management System (ATMS) Project.

The TSP equipment can communicate with the City's ATMS to request adjustments to traffic signals along bus routes to assist keeping the buses on schedule. As part of the program City staff and DART staff will work together on the programming, configuration and monitoring of the system.

City staff and DART staff will work together on planning for future TSP corridors and on future potential Bus Rapid Transit corridors. This TSP technology can be leveraged in future projects involving Bus Rapid Transit.

This proposed action seeks to authorize the City Manager to sign an agreement with DART for the installation and maintenance of a Transit Signal Priority System along several DART Routes. This includes Beltine Corridor (Routes 402 & 403), Hampton Corridor (Route 453) and Buckner Corridor (Route 467). The cost of installation and maintenance of all equipment will be the responsibility of DART.

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

On October 11, 2016, City Council authorized a resolution endorsing the following immediate priorities of the City of Dallas for improved transit services to be included in the Dallas Area Rapid Transit 2017 20-Year Financial Plan for expedited implementation of expanded bus services targeted toward the transportation needs of low income and transit-dependent riders by Resolution No. 16-1692.

The Mobility Solutions, Infrastructure & Sustainability Committee was briefed regarding this item on June 10, 2019.

## FISCAL INFORMATION

No cost consideration to the City.

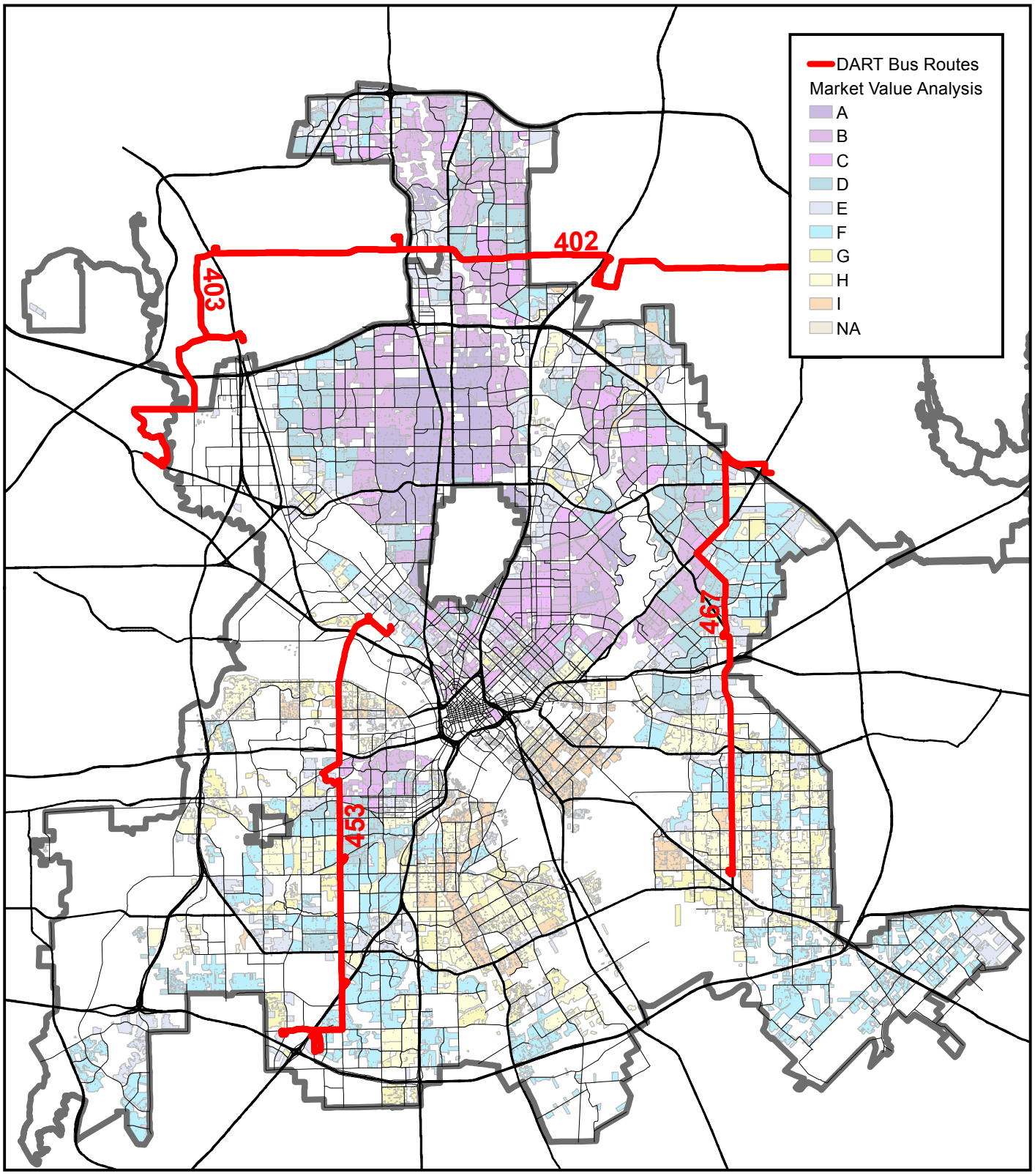
## MAP

Attached



powered by Legistar™

# Transit Signal Priority System
# Interlocal Agreement with Dallas Area Rapid Transit




**Council Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11**

Map by Transportation GIS, December 2018

June 26, 2019

**WHEREAS,** the City of Dallas recognizes the emerging evolution of transportation infrastructure in the City of Dallas and the importance of providing an integrated transportation system that balances the needs of pedestrians, transit, bicycles and automobiles; and

**WHEREAS,** Dallas Area Rapid Transit (DART), as part of its regional transportation system, desires to improve bus travel speeds and ridership within its service area and within the City; and

**WHEREAS,** to improve travel speed, DART desires to implement a Transit Signal Priority (TSP) on Routes 402, 403, 453 and 467 within the City of Dallas. TSP reduces or eliminates unnecessary stops at signalized intersections for certain transit vehicles and provides priority signal changes for emergency vehicles; and

**WHEREAS,** implementation of DART TSP pilot will require the provision and installation of Opticom equipment and software by DART at several of the City's signalized intersections along the identified routes.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute an Interlocal Agreement with Dallas Area Rapid Transit (DART), approved as to form by the City Attorney, for the installation and maintenance of a pilot Transit Signal Priority System program along four DART bus lines. Alignments and schedules at intersections shown in the attached Exhibit 1.

**SECTION 2.** That this contract is designated as Contract No. TRN-2019-00008936.

**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.

**Exhibit 1**
**City Intersections**

**Route 402, 403, 453 and 467 Operating Summary**

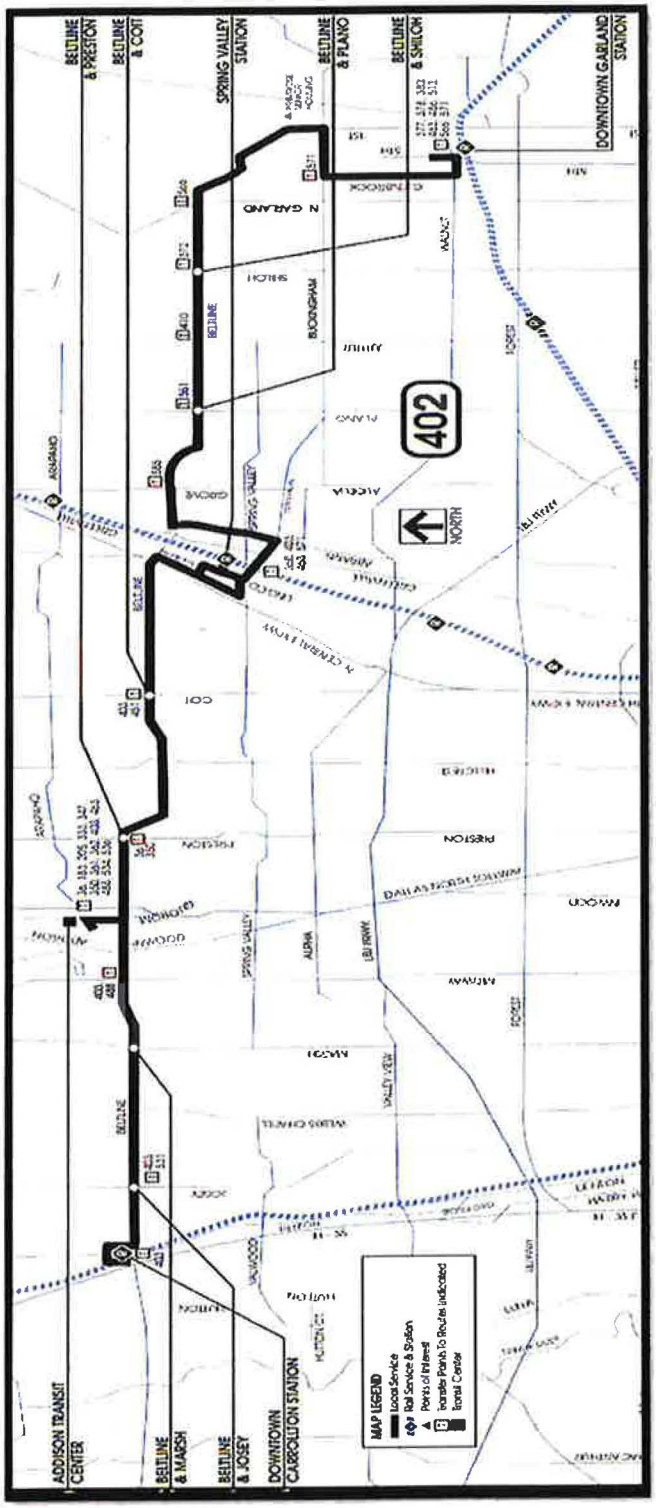
**Route 402 (Map 1)**
- Operates weekday every 30 minutes-60 minutes from 5AM to 11PM
- Operates weekend every 60 minutes from 6AM to 11PM
- Provides service between Downtown Garland and Downtown Carrollton via. Beltline Road

**Route 403 (Map 2)**
- Operates weekday every 30 minutes-60 minutes from 5AM to 11PM
- Operates weekend every 60 minutes from 6AM to 9PM
- Provides service between Spring Valley Station and Irving Convention Center Station via. Beltline Road

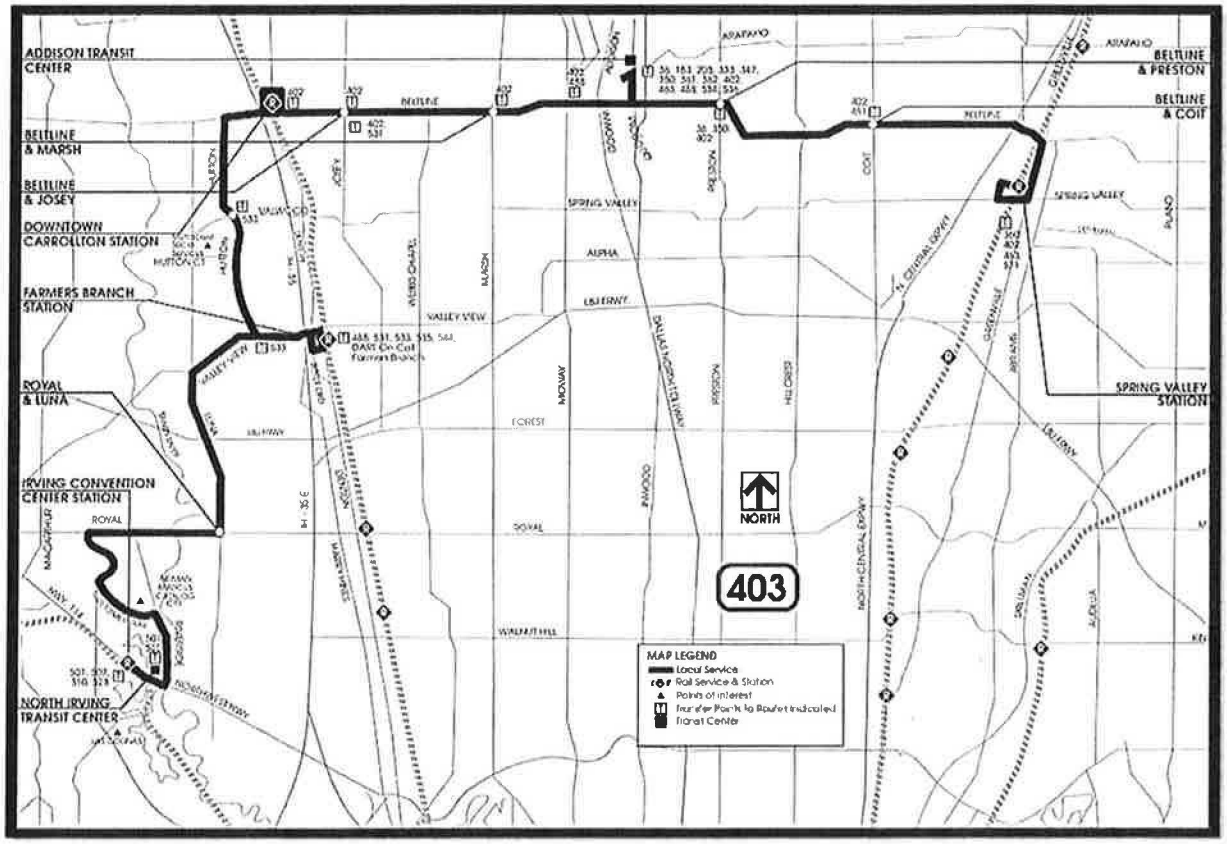
**Route 453 (Map 3)**
- Operates weekday every 20 minutes-30 minutes from 4:20AM to 1AM
- Operates weekend every 30-40 minutes from 5AM to midnight
- Provides service between Southwestern Medical District/Parkland Station and Southwest Center Mall via Hampton Rd.
- Major points of interest on this route include Southwest Medical District, Stone Ridge Business Park, Southwest Center Mall and Red Bird Transit Center

**Route 467 (Map 4)**
- Operates weekday every 20 minutes-30 minutes from 4:30AM to 1AM
- Operates weekend every 30- 40 minutes from 6AM to 12AM
- Provides service between the South Garland Transit Center and Buckner Station via Buckner Blvd, Peavy, Garland and Jupiter.
- Major points of interest on this route include White Rock Market Place, Sky Line High School, Eastfield Pleasant Grove Campus, South Garland Transit Center and Buckner Station.

# Map 1 Route 402



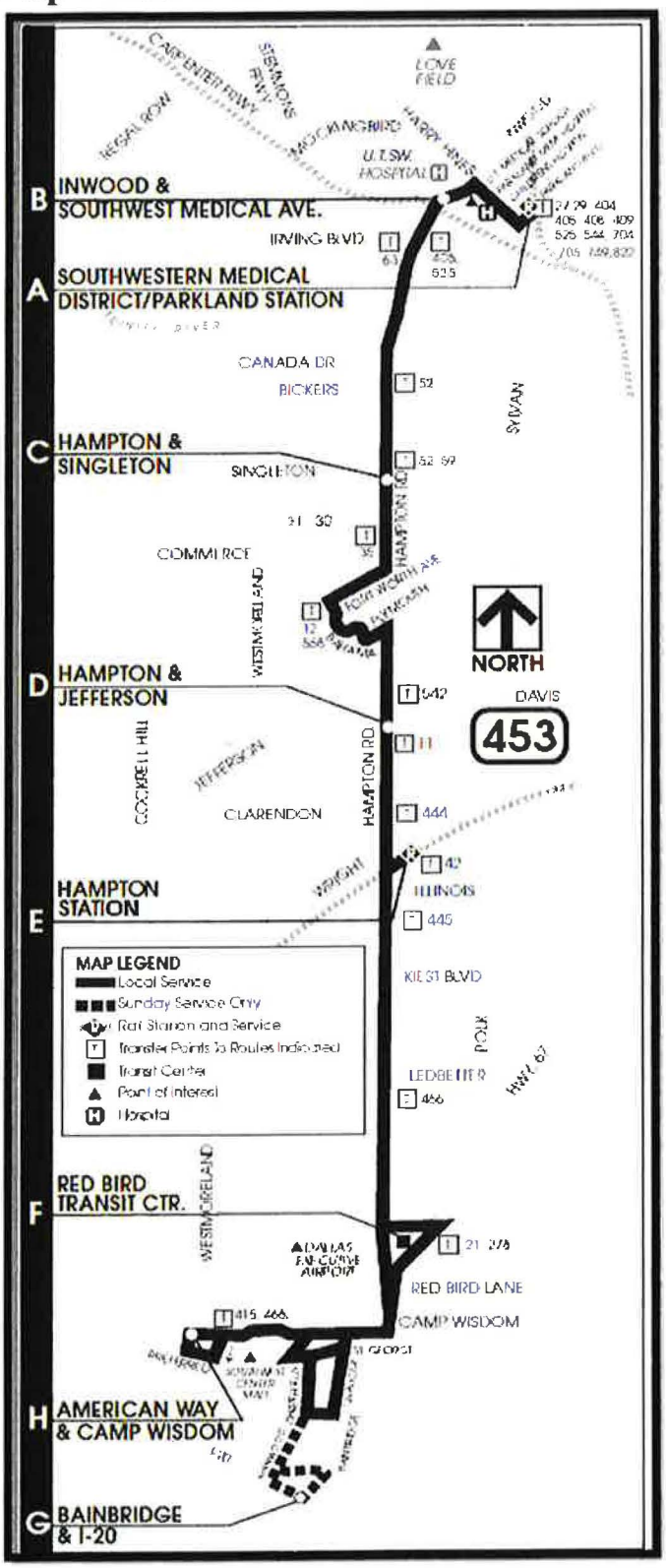
# Map 2 Route 403



## Routes 402 and 403 Intersections

| Intersection | Jurisdiction | Approach E to W | Approach W to E |
|---|---|---|---|
| **Beltline @ Meandering Way** | Dallas | Westbound | Eastbound |
| **Beltline @ Hillcrest** | Dallas | Westbound | Eastbound |
| **Beltline @ Meadowcreek** | Dallas | Westbound | Eastbound |
| **Beltline @ Preston Rd** | Dallas | Westbound | Eastbound |
| **Beltline @ Prestonwood** | Dallas | Westbound | Eastbound |
| **Beltline @ Monfort** | Dallas | Westbound | Eastbound |
| **Beltline @ Dallas Pkwy** | Dallas | Westbound | Eastbound |
| **Luna Rd @ Royal** | Dallas | Southbound | Eastbound |

# Map 3 Route 453



# Route 453 Intersections

| Intersection | Jurisdiction | Approach S to N | Approach N to S |
|---|---|---|---|
| **Bengal @ Medical District Dr** | Dallas | Westbound | N/A |
| **Bengal @ Harry Hines** | Dallas | Westbound | N/A |
| **Harry Hines @ Medical District Dr.** | Dallas | N/A | Eastbound |
| **Harry Hines @ Loftland** | Dallas | Westbound | Eastbound |
| **Harry Hines @ Aston** | Dallas | Westbound | Eastbound |
| **Harry Hines @ Butler St.** | Dallas | Westbound | Eastbound |
| **Inwood @ UT Southwestern Dr** | Dallas | Southbound | Northbound |
| **Inwood @ Southwestern Medical Ave** | Dallas | Southbound | Northbound |
| **Inwood @ N Stemmons Fwy** | Dallas | Southbound | Northbound |
| **Inwood @ Irving Blvd.** | Dallas | Southbound | Northbound |
| **Inwood @ Lupo Dr** | Dallas | Southbound | Northbound |
| **Inwood @ Conveyor Ln.** | Dallas | Southbound | Northbound |
| **Hampton @ Leath** | Dallas | Southbound | Northbound |
| **Hampton @ Bickers** | Dallas | Southbound | Northbound |
| **Hampton @ Dennison St.** | Dallas | Southbound | Northbound |
| **Hampton @ Singleton** | Dallas | Southbound | Northbound |
| **Hampton @ Commerce** | Dallas | Southbound | Northbound |
| **Hampton @ Fort Worth Ave.** | Dallas | Southbound | N/A |
| **Fort Worth @ Hampton** | Dallas | N/A | Northbound |
| **Fort Worth Ave. @ Colorado Blvd.** | Dallas | Southbound | Northbound |
| **Fort Worth Ave. @ Jacqueline Dr.** | Dallas | Southbound | Northbound |
| **N. Plymouth Rd. @ Hampton** | Dallas | N/A | Northbound |
| **Hampton @ Colorado Blvd.** | Dallas | Southbound | Northbound |
| **Fort Worth @ Bahama Dr** | Dallas | Southbound | N/A |
| **Bahama Dr. @ Fort Worth** | Dallas | N/A | Northbound |
| **Hampton @ N. Plymouth Rd** | Dallas | N/A | Northbound |
| **Hampton @ W. Davis St.** | Dallas | Southbound | Northbound |
| **Hampton @ W. Jefferson Blvd.** | Dallas | Southbound | Northbound |
| **Hampton @ 12th St.** | Dallas | Southbound | Northbound |
| **Hampton @ Clarendon Dr.** | Dallas | Southbound | Northbound |
| **Hampton @ Wright St.** | Dallas | Southbound | N/A |
| **Wright St @ Hampton Rd.** | Dallas | n/a | Northbound |
| **Hampton @ Illinois Ave** | Dallas | Southbound | Northbound |
| **Hampton @ Perryton Dr.** | Dallas | Southbound | Northbound |
| **Hampton @ W. Kiest Blvd** | Dallas | Southbound | Northbound |
| **Hampton @ Ledbetter** | Dallas | Southbound | Northbound |
| **US 67 Frontage Rd @ Hampton** | Dallas | Southbound | Northbound |
| **Hampton @ W. Red Bird Ln** | Dallas | Southbound | Northbound |
| **Hampton @ Camp Wisdom Rd** | Dallas | Southbound | N/A |
| **Camp Wisdom Rd @ Hampton** | Dallas | N/A | Eastbound |
| **Camp Wisdom Rd @ Bainbridge Dr** | Dallas | Westbound | Eastbound |
| **Camp Wisdom Rd @ Marvin D. Love Fwy.** | Dallas | Westbound | Eastbound |
| **Camp Wisdom Rd @ Pastor Bailey Dr.** | Dallas | Westbound | Eastbound |
| **Camp Wisdom Rd @ Westmoreland** | Dallas | Westbound | Eastbound |

# Map 4 Route 467



# Routes 467 Intersections

| Intersection | Jurisdiction | Approach S to N | Approach N to S |
|---|---|---|---|
| **Jupiter @ McCree Rd** | Dallas | Southbound | Northbound |
| **Jupiter @ Northwest Highway** | Dallas | Southbound | Northbound |
| **Jupiter @ Garland Rd** | Dallas | Southbound | Northbound |
| **Garland @ Jupiter Rd.** | Dallas | N/A | Northbound |
| **Garland Rd. @ Lockwood** | Dallas | Southbound | Northbound |
| **Garland Rd. @ Centerville Rd.** | Dallas | Southbound | Northbound |
| **Garland Rd. @ Easton Rd.** | Dallas | Southbound | Northbound |
| **Garland @ Peavy Rd.** | Dallas | Southbound | N/A |
| **Peavy Rd. @ Garland Rd.** | Dallas | N/A | Northbound |
| **Peavy Rd. @ Hermosa** | Dallas | Southbound | Northbound |
| **Peavy Rd. @ Estacado** | Dallas | Southbound | Northbound |
| **Peavy Rd. @ Millmar** | Dallas | Southbound | Northbound |
| **Peavy Rd. @ Oates** | Dallas | Southbound | Northbound |
| **Peavy Rd. @ Ferguson** | Dallas | Southbound | Northbound |
| **Peavy Rd. @ Gross** | Dallas | Southbound | Northbound |
| **Peavy Rd. @ Buckner** | Dallas | Southbound | Northbound |
| **John West Rd. @ Buckner** | Dallas | Southbound | Northbound |
| **Buckner @ Chenault** | Dallas | Southbound | Northbound |
| **Buckner @ Samuell** | Dallas | Southbound | Northbound |
| **Buckner @ Charlot** | Dallas | Southbound | N/A |
| **Buckner @ Moberly Ln.** | Dallas | N/A | Northbound |
| **Buckner @ Forney** | Dallas | Southbound | Northbound |
| **Buckner @ Hoyle** | Dallas | Southbound | Northbound |
| **Buckner @ Military Pkwy.** | Dallas | Southbound | Northbound |
| **Buckner @ Scyene** | Dallas | Southbound | Northbound |
| **Buckner @ Buckner Market Place** | Dallas | Southbound | Northbound |
| **Buckner @ Blossom** | Dallas | Southbound | Northbound |
| **Buckner @ Hume** | Dallas | Southbound | Northbound |
| **Buckner @ Bruton** | Dallas | Southbound | Northbound |
| **Buckner @ Stonehurst** | Dallas | Southbound | Northbound |
| **Buckner @ Scco** | Dallas | Southbound | Northbound |
| **Buckner @ Mattison** | Dallas | Southbound | N/A |
| **Buckner @ Grovecrest** | Dallas | N/A | Northbound |
| **Buckner @ Lake June** | Dallas | Southbound | Northbound |
| **Buckner @ Elam** | Dallas | Southbound | Northbound |

# Agenda Information Sheet

**File #:** 19-763 **Item #:** 30.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 1, 3, 4, 5, 8

**DEPARTMENT:** Department of Transportation

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize **(1)** a Local Project Advance Funding Agreement with the Texas Department of Transportation in the amount of $3,001,021.62 for a U.S. Department of Transportation - Federal Highway Administration 2017 Highway Safety Improvement Program Grant (Agreement No. CSJ 0918-47-212, etc., CFDA No. 20.205) in the amount of $2,384,182.40 as Federal participation and $166,042.36 as State participation to design, upgrade, and construct eight traffic signals and associated off-system intersection improvements at: Zang Boulevard at Clarendon Drive, Jefferson Boulevard at Marsalis Avenue, Lake June Road at Masters Drive, Polk Street at Red Bird Lane, Jefferson Boulevard at Crawford Street, Westmoreland Road at Gannon Lane, Camp Wisdom Road at Hampton Road, and Beckley Avenue at Clarendon Drive; **(2)** a required local match in the amount of $304,196.86 to be issued as a warrant check for State construction costs and other State direct costs; and **(3)** an additional required local match identified for design of the traffic signals in the amount of $146,600.00, previously approved on May 23, 2018, by Resolution No. 18-0749 - Total amount of $3,001,021.62 - Financing: Texas Department of Transportation Grant Funds ($2,550,224.76) and General Fund ($304,196.86)

## BACKGROUND

The City of Dallas was awarded a grant of $8.27M from the 2017 Highway Safety Improvement Program (HSIP) administered by the Texas Department of Transportation (TxDOT) to upgrade twenty -five high accident intersections. Upgrades will include removal of existing traffic signals and replacing them with new traffic signals; pedestrian and Americans with Disabilities Act related improvements; and other related construction.

The City is responsible for design of the traffic signals, 10% construction cost match for off-system intersections, and certain administrative fees. TxDOT is responsible for bidding the construction package, 90% construction costs for off-system intersections (100% for on-system intersections), construction engineering and project administration.

The current item is for eight of the twenty-five high accident intersections awarded in 2017:

Off-System Intersections:

- Zang Boulevard at Clarendon Drive (CSJ 0918-47-212), (Upgrade), (CD 1)
- Jefferson Boulevard at Marsalis Avenue (CSJ 0918-47-213), (Upgrade), (CD 1)
- Lake June Road at Masters Drive (CSJ 0918-47-214), (Upgrade), (CD 5)
- Polk Street at Red Bird Lane (CSJ 0918-47-216), (Upgrade), (CD 3, 4)
- Jefferson Boulevard at Crawford Street (CSJ 0918-47-219), (Upgrade), (CD 1)
- Westmoreland Road at Gannon Lane (CSJ 0918-47-220), (Upgrade), (CD 8)
- Camp Wisdom Road at Hampton Road (CSJ 0918-47-223), (Upgrade), (CD 3, 8)
- Beckley Avenue at Clarendon Drive (CSJ 0918-48-002), (Upgrade), (CD 4)

This action will authorize local matching funds in the amount of $304,196.86 to be issued as a warrant check for City of Dallas' match for the $2,384,182.40 grant.

TxDOT will be responsible for all the construction activities of the project and the U. S. Department of Transportation will provide the State with 90% Federal participation in the amount of $2,384,182.40 while the State will be responsible for the indirect State costs in the amount of $166,042.36 for a total amount of $2,550,224.76 in Federal and State funds for construction and associated intersection improvements at eight intersections with a total project cost of $3,001,021.62. Specifically, the City is required to pay State fees in the amount of $39,323.86, professional design services in the amount of $146,600.00 (through a separate contract with Lee Engineering, LLC), and 10% match for direct State engineering and construction costs for off-system intersections, totaling $264,873.00 bringing the City’s portion of the project to $450,796.86.

Any change orders or overruns are the responsibility of the City of Dallas.

The traffic signals will be let for construction in FY 2021 and will be built over a two-year period.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Began Design | June 2018 |
| Complete Design | March 2020 |
| Let for Construction | Spring 2021 |
| Complete Construction | Spring 2023 |

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

On May 23, 2018, City Council authorized a professional services contract with Lee Engineering, LLC to provide traffic signal design services for 20 traffic signals at various intersections and other related tasks by Resolution No. 18-0749.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.



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## FISCAL INFORMATION

General Fund - $304,196.86
Texas Department of Transportation Grant Funds - $2,550,224.76

The total project cost of this funding agreement is $3,001,021.62 with the following components:

Local Match (City of Dallas)

| | |
|---|---|
| 10% match for direct State engineering and construction costs for off-system intersections (this action) | $264,873.00 |
| State Fees (this action) | $ 39,323.86 |
| Design (previously approved by Resolution No. 18-0749) | $146,600.00 |
| | $450,796.86 |
| Federal and State Funds (TxDOT) (this action, for State costs) | $2,550,224.76 |

| Council District | Amount |
|---|---|
| 1 | $1,089,369.86 |
| 3 | $ 495,739.69 |
| 4 | $ 463,467.19 |
| 5 | $ 387,633.95 |
| 8 | $ 564,810.93 |
| Total | $3,001,021.62 |

## MAP

Attached

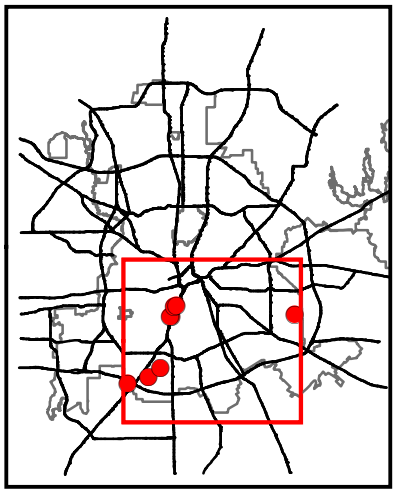
# Highway Safety Improvement Program

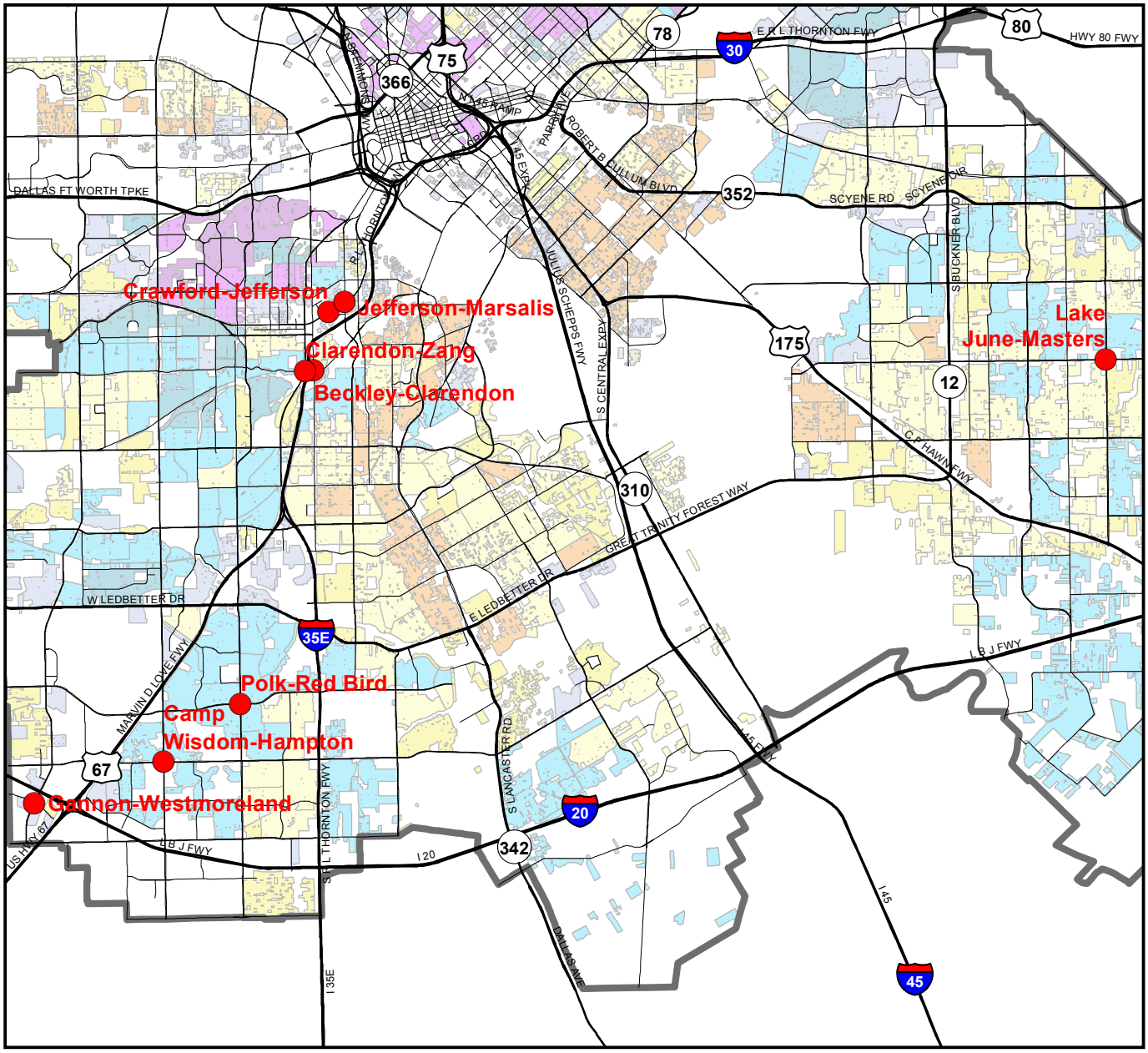
CSJ 0918-47-212, 213, 214, 216, 219, 220, 223
CSJ 0918-48-002

Council Districts 1, 3, 4, 5, 8

1:130,000

Traffic Signal
Market Value Analysis
A
B
C
D
E
F
G
H
I
NA






Map by Transportation GIS, May 2019

June 26, 2019

**WHEREAS,** the City of Dallas desires to enter into a Local Project Advance Funding Agreement (LPAFA) with the Texas Department of Transportation (TxDOT) for a U.S. Department of Transportation - Federal Highway Administration 2017 Highway Safety Improvement Program (HSIP) Project for design, upgrade, and/or construction of eight traffic signals and associated off-system intersection improvements at: Zang Boulevard at Clarendon Drive, Jefferson Boulevard at Marsalis Avenue, Lake June Road at Masters Drive, Polk Street at Red Bird Lane, Jefferson Boulevard at Crawford Street, Westmoreland Road at Gannon Lane, Camp Wisdom Road at Hampton Road, and Beckley Avenue at Clarendon Drive, and

**WHEREAS,** on May 23, 2018, City Council authorized a professional services contract with Lee Engineering, LLC to provide traffic signal design services for 20 traffic signals at various intersections and other related tasks, which includes a portion of the local match for this project, in an amount not to exceed $146,600.00, by Resolution No. 18-0749; and

**WHEREAS,** TxDOT will be responsible for all the construction activities of the project and the U.S. Department of Transportation will provide the State with the 90 percent Federal Participation in the amount of $2,384,182.40; and

**WHEREAS,** the Federal/State portion of the project is $2,550,224.76 and the City of Dallas' local match is $450,796.86 ($264,873.00 as 10% construction match, $39,323.86 for state fees, and $146,600.00 for design), for a total amount of $3,001,021.62; and

**WHEREAS,** the City of Dallas will issue a warrant check at the beginning of the project in the amount of $304,196.86 for the eight off-system locations; and

**WHEREAS,** the City of Dallas will be responsible for any change orders or bid overruns.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a Local Project Advance Funding Agreement with the Texas Department of Transportation in the amount of $3,001,021.62 for a U.S. Department of Transportation - Federal Highway Administration 2017 Highway Safety Improvement Program Grant in the amount of $2,384,182.40 as Federal participation and $166,042.36 as State participation to design, upgrade, and construct eight traffic signals and associated off-system intersection improvements, Agreement Nos. CSJ 0918-47-212 (Zang Boulevard at Clarendon Drive), CSJ 0918-47-213 (Jefferson Boulevard at Marsalis Avenue), CSJ 0918-47-214 (Lake June Road at Masters Drive), CSJ 0918-47-216 (Polk Street at Red Bird Lane), CSJ 0918-47-219 (Jefferson Boulevard at Crawford Street), CSJ 0918-47-220 (Westmoreland Road at Gannon Lane), CSJ 0918-47-223 (Camp Wisdom Road at Hampton Road), CSJ 0918-48-002 (Beckley Avenue at Clarendon Drive), CFDA 20.205, which may be terminated under the conditions as stated in the Master Agreement. This LPAFA may be terminated by the State if the project is inactive for thirty-six months or longer and no expenditures have been charged against federal funds.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to issue a warrant check to TxDOT in the amount of $304,196.86 in accordance with the terms and conditions of the agreement from Fund 0001, Department TRN, Unit 3002, Object 4820, Vendor 020318.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to reclassify the disbursement to a Prepaid Expense, Balance Sheet Account 032B, if required by Generally Accepted Accounting Principles.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to deposit any unused General Fund advanced to TxDOT pertaining to this project into Fund 0001, Department TRN, Balance Sheet Account 032B.

**SECTION 5.** That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and 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 granting agency monitoring reports not later than 30 days after the receipt of the report.

**SECTION 7.** That this contract is designated as Contract No. TRN-2019-00010472.

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

# Agenda Information Sheet

**File #:** 19-784 **Item #:** 31.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Transportation

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize **(1)** the receipt and deposit of funds in an amount not to exceed $242,059.45 in the Capital Projects Reimbursement Fund from Gabriella Tower, LLC for material, equipment and labor provided by the City related to the construction of a new traffic signal at Cantegral and Live Oak Streets; and **(2)** an increase in appropriations in an amount not to exceed $242,059.45 in the Capital Projects Reimbursement Fund - Not to exceed $242,059.45 - Financing: Capital Projects Reimbursement Fund

## BACKGROUND

Gabriella Tower, LLC is the developer who requested to build a new traffic signal at Cantegral and Live Oak Streets. This request was justified from the traffic signal warrant study conducted. The new traffic signal will be constructed by Durable Specialties with the city's price agreement (Contract No. TRN-2019-00008423; Resolution No. 18-1787).

In order to remain consistent with existing traffic signal equipment in the City system, City forces will provide material and equipment for the intersection, as well as the labor to prepare the traffic control cabinet and the timing of the signal. Gabriella Tower, LLC has agreed to pay the full cost for all City material, equipment and labor for the project.

Gabriella Tower, LLC understands that, upon City Council approval of the required funding, funds in the amount of $242,059.45 are to be deposited with the City of Dallas before any signal-related materials or labor can be provided by the City.

It is understood that the final construction cost will be determined by the City upon completion of the project, and that Gabriella Tower, LLC will be billed for any amount over the prepayment amount or refunded any unused funds.

This estimate includes all City of Dallas signal equipment, materials and labor associated with modifications of the signalized location.

| Intersection | Council District |
| --- | --- |
| Cantegral and Live Oak Streets | 14 |

## ESTIMATED SCHEDULE OF PROJECT

| | |
| --- | --- |
| Begin Construction | August 2019 |
| Complete Construction | March 2020 |

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

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Capital Projects Reimbursement Fund - $242,059.45

## MAP

Attached



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# Construction of Traffic Signal

## Cantegral Street and Live Oak Street

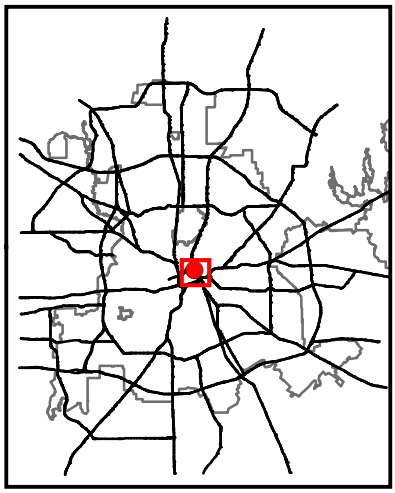
Council District 14

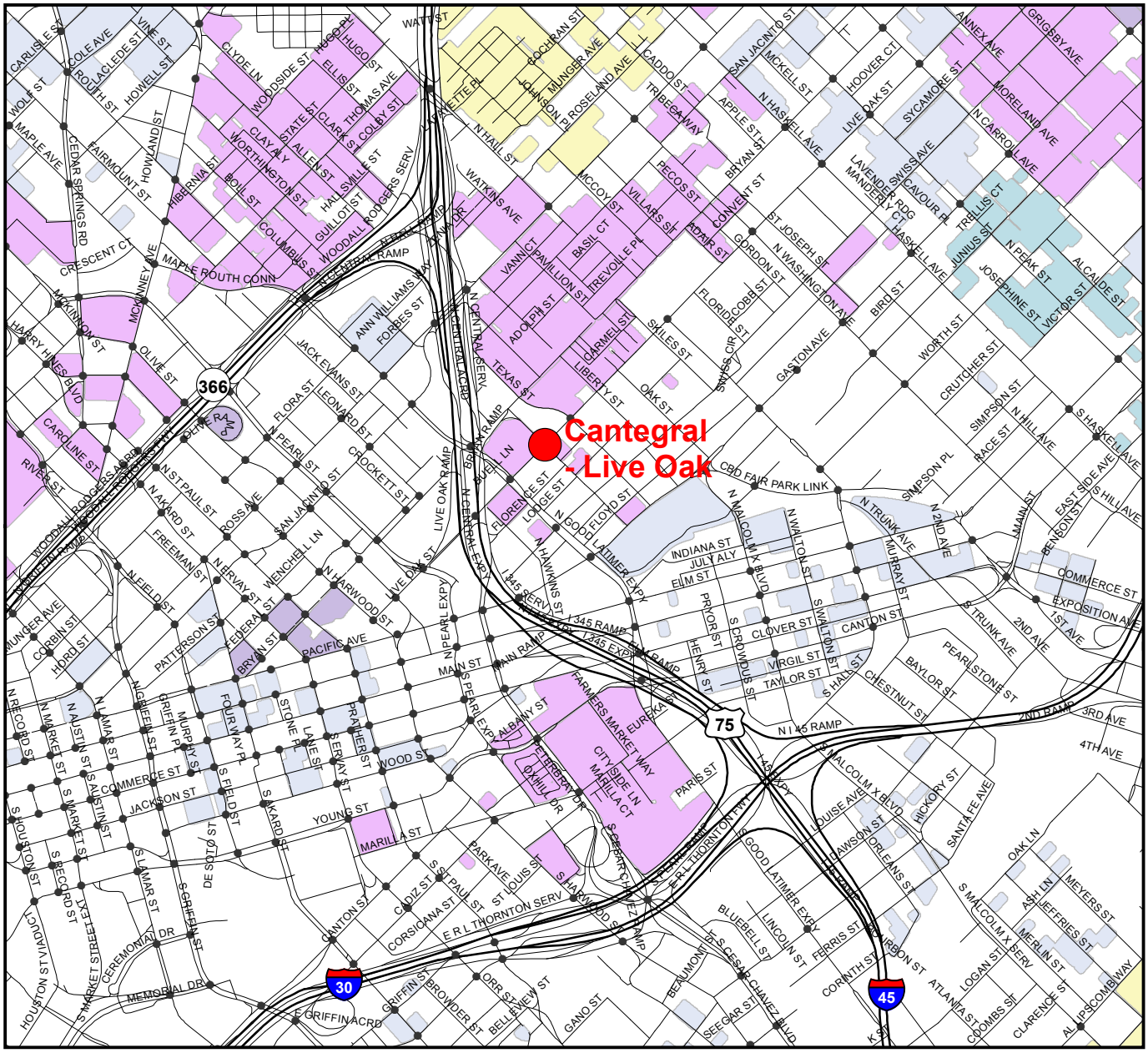
1:20,000

Project Location

Market Value Analysis

- A
- B
- C
- D
- E
- F
- G
- H
- I
- NA






Map by Transportation GIS, May 2019

June 26, 2019

**WHEREAS,** Gabriella Tower, LLC is paying 100 percent of the construction costs for a new traffic signal at Cantegral and Live Oak Streets; and

**WHEREAS,** Gabriella Tower, LLC has agreed to reimburse the City of Dallas for material, equipment and labor costs related to the construction of a new traffic signal at Cantegral and Live Oak Streets, in an amount not to exceed $242,059.45.

**Now, Therefore,**

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

**SECTION 1.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed $242,059.45 from Gabriella Tower, LLC in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W437, Revenue Code 8492.

**SECTION 2.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed $242,059.45 in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W437, Object 4820, Activity THRG, Program TP19W437.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $242,059.45 received from Gabriella Tower, LLC from Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W437, Object 4820, Activity THRG, Program TP19W437 for services related to the construction of a new traffic signal.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to refund Gabriella Tower, LLC any unused funds.

**SECTION 5.** That this contract is designated as Contract No. TRN-2019-00010471.

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

**File #:** 19-865 **Item #:** 32.

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 10, 13

**DEPARTMENT:** Office of Cultural Affairs

**EXECUTIVE:** Joey Zapata

## SUBJECT

Authorize a contract with John Christensen for the fabrication and installation of two site-specific artworks at Vickery Meadow Library located at 8255 Park Lane and at Forest Green Library located at 9619 Greenville Avenue - Not to exceed $163,516.00 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds) ($14,896.00) and Library Facilities (E) Fund (2017 Bond Funds) ($148,620.00)

## BACKGROUND

Dallas voters approved funding for the design and construction of the new Vickery Meadow Branch Library and for the replacement of the Forest Green Branch Library with a new facility in the 2017 Bond Program. A short-list artist selection process was used for the Vickery Meadow Branch Library and Forest Green Branch Library projects so that the public art design could be completed in conjunction with the library facility designs. Three artists were commissioned to develop site-specific proposals for an amphitheater-style gathering space at each library. Artist John Christensen was recommended for this public art project by the Selection Panel composed of representatives from the Public Works Department, the Dallas Public Library, Park and Recreation Department, artist and architect professionals, and community representatives.

Artist Background

John Christensen has more than 20 years of experience meeting thematic and practical challenges with design solutions that are poetic, integrative and surprising in his site-specific artworks across the country. Before 1990, he developed a body of site-sensitive work in rural landscapes of New York, Georgia and Texas. Since 1990, he has focused that sensibility on projects for the theatre and the public place by creating, in collaborations with choreographers, interactive props and theatrical environments for 22 productions presented in the Americas, Europe and Asia. John has also designed and built commercial spaces and furniture. He has worked with others in the development of iconic elements, structures and infrastructure for a municipal park and completed large-scale public and private commissions in Austin, Dallas, Houston, Albuquerque, Miami, Tucson and Fort Worth.

Project Description

The artwork "Pomegranate Pavilion" for the Vickery Meadow Branch Library will have a bandshell-style pavilion with a 10 foot x 25 foot semi-transparent wall and roof panels with motifs based on the pomegranate plant. It will provide an open and inviting place for people to perform for an audience on the lawn to the northeast.

The artwork "Hawthorn Pavilion" for the Forest Green Branch Library has an openwork roof with botanical motifs, benches, and a slatted wall to abate sound from Greenville avenue. The roof panels and slatted wall evoke a tree canopy and tree trunks in a dense forest. The pavilion will provide an inviting, open and intimate space to perform, convene, and meditate.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Contract Award | August 2019 |
| Complete Installation | August 2020 |

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

On February 1, 2018, the Park and Recreation Board authorized the Public Art Projects list for the 2017 Bond Projects.

On May 2, 2019 the Park and Recreation Board authorized a public artwork at Vickery Meadow Library to be located at 8255 Park Lane.

On May 7, 2019, the Arts and Culture Advisory Commission approved a recommendation in support of this item.

City Council will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

Park and Recreation Facilities (B) Fund (2017 Bond Funds) - $14,896.00
Library Facilities (E) Fund (2017 Bond Funds) - $148,620.00

| Council District | Amount |
|---|---|
| 10 | $ 70,680.00 |
| 13 | $ 92,836.00 |
| Total | $163,516.00 |

## OWNER

John Christensen

June 26, 2019

**WHEREAS,** Chapter 2, Article X of the Dallas City Code establishes a Public Art Program to include works of art and design services of artists in certain City capital improvement projects; and

**WHEREAS,** in carrying out the intent of the Public Art Program, the Office of Cultural Affairs, working with the Public Art Committee, has identified two public art projects to complement the Vickery Meadow Branch Library located at 8255 Park Lane and the Forest Green Branch Library located at 9619 Greenville Avenue; and

**WHEREAS,** John Christensen was chosen by the Selection Panel selected for the project and was approved by the Public Art Committee and the Arts and Culture Advisory Commission; and

**WHEREAS,** $163,516.00 is available from the 2017 Bond Funds to support the fabrication and installation of these two site-specific artworks.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a contract with John Christensen, approved as to form by the City Attorney, for the fabrication and installation of two site-specific artworks at the Vickery Meadow Branch Library located at 8255 Park Lane and the Forest Green Branch Library located at 9619 Greenville Avenue, in an amount not to exceed $163,516.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $163,516.00 to John Christensen, as follows:

| | |
|---|---|
| Park and Recreation Facilities (B) Fund | |
| Fund 1V00, Department PKR, Unit PA56, Object 4599 | |
| Program PK17PA56, Activity PUBA | |
| Encumbrance/Contract No. MASC-OCA-2019-00010154 | |
| Vendor VS0000011658 | $ 14,896.00 |
| | |
| Library Facilities (E) Fund | |
| Fund 1V42, Department BSD, Unit PA60, Object 4425 | |
| Program EB17PA60, Activity PUBA | |
| Encumbrance/Contract No. MASC-OCA-2019-00010154 | |
| Vendor VS0000011658 | $148,620.00 |
| | |
| Total amount not to exceed | $163,516.00 |

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

# Agenda Information Sheet

**File #:** 19-897 **Item #:** 33.

**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Economic Development

**EXECUTIVE:** Michael Mendoza

## SUBJECT

Authorize a two-year service contract to administer a Workforce Readiness, Placement and Retention Program to provide career pathways training - City Wide Community Development Corporation, most advantageous proposer of two - Not to exceed $375,000.00 - Financing: Public/Private Partnership Fund

## BACKGROUND

On March 2, 2016, JPMorgan Chase consultants presented to the City Council an overview of the skills gap report, New Skills at Work. According to the report, the City of Dallas (City) has one of the highest concentrations of poverty in the nation. Many residents, especially in high poverty areas throughout the City, are unemployed and/or underemployed, have low skills and lack specific industry skills which prevents them from benefitting from the region's economic growth, and the region has a growing need for middle skilled workers that is not currently being met.

In response to the Chase report, the City's Office of Economic Development developed the Workforce Readiness, Placement and Retention Program.

In May of 2016, and through the Request for Competitive Sealed Proposals (RFCSP) process, the City sought proposals from entities to provide cohort-based, industry certified, career-pathways training, wrap-around support services, and sustainable employment. The intent of this Workforce Program is to fund an integrated continuum of neighborhood organizations, educational institutions, and employers who can train and prepare low income, targeted groups (formerly incarcerated, out-of-school youth, and single parents) for placement in permanent career opportunities in growing industries within the City of Dallas. Identified industries include healthcare, logistics/warehouse distribution, construction, information technology, and advanced manufacturing.

On May 10, 2017, four awards were made under the 2016 RFCSP for a total of $1.5 million; however, only two organizations, CitySquare and Serve West Dallas remain under contract.

Habitat for Humanity never executed a contract and Transformance Inc. defaulted under the terms of the agreement; the funds associated with these contracts have been reprogrammed to support an additional workforce training program cohort.

In September of 2018, the City issued a RFCSP seeking proposals for two additional cohort-based, certificate-earning, career-pathways job training programs ("workforce training program"). The proposals requested a collaborative partnership among workforce systems including employers that enables low-skilled, under-employed and/or unemployed Dallas residents to attain gainful employment. The funds support community-based, non-profit organizations that offer a cohort-based, career pathway training, employment, and retention programs designed to prepare unemployed and under-employed low-income residents for employment/career opportunities in a regional high demand industry. Low income residents are defined as individuals with household incomes at or less than 80% of the City's median household income (qualifying income would be $36,172.00 or less). The City initially awarded one contract to Oak Cliff Empowered, which focused on a general population, on March 27, 2019 and now intends to provide the second award under this solicitation that focuses on a targeted population of the formerly incarcerated.

A six-member committee from the following departments reviewed and evaluated proposals submitted:

- Office of Economic Development (2)
- Office of Budget/Grant Administration (1)
- Office of Equity & Human Rights (1)
- Operations and Performance Administrator (1)
- Office of Procurement Services (1)*

*The Office of Procurement Services only evaluated cost and the Office of Business Diversity evaluated the Business Inclusion and Development Plan.

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

- Capability & Expertise 25%
- Program Budget 30%
- Approach & Methodology 30%
- Business Inclusion & Development Plan 15%

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 2,499 email bid notifications to vendors registered under respective commodities.

To further increase competition, the Office of 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, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

On March 2, 2016, JPMorgan Chase & Co. provided an overview of the skills gap report, New Skills at Work to the City Council.

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

The Economic Development Committee was provided an overview of the proposed Workforce Readiness, Placement and Retention “Continuum of Service” Pilot Program, in response to the Chase Report on June 20, 2016.

The Economic Development Committee was briefed regarding this matter on April 17, 2017.

On May 10, 2017, City Council authorized $1.5 million for four contracts for the Workforce Readiness, Employment, and Retention Pilot Program by Resolution No. 17-0766.

The Economic Development and Housing Committee was briefed on the status of the Workforce Readiness, Placement, and Retention Program and recommendations were made to amend contracts on January 16, 2018.

On February 28, 2018, City Council authorized certain amendments to the contracts for CitySquare and Serve West Dallas for the Workforce Readiness, Placement and Retention Program by Resolution No. 18-0366.

The Economic Development and Housing Committee were briefed on the Workforce Readiness Initiative Update on June 3, 2019.

## FISCAL INFORMATION

Public/Private Partnership Fund - $375,000.00

## M/WBE INFORMATION

In accordance with the City’s Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $375,000.00 | Other Services | N/A | N/A | N/A |
| • The Business Inclusion and Development Plan does not apply to 501C3 Non-Profit contracts. | | | | |



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## PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---|---|
| Request for Proposal | • Utilized for professional, personal, revenue, and planning services<br>• Recommended offeror is the responsible offeror whose proposal most closely meets established criteria for the services advertised, based on demonstrated competence and qualifications at a fair and reasonable price<br>• Always involves the evaluation by committee<br>• Allows for negotiation on contract terms, including price |

The Office of Procurement Services received the following proposals from solicitation number BTZ1825. We opened them on October 19, 2018. We recommend the City Council award this service contract to the most advantageous proposer. Information related to this solicitation is available upon request.

*Denotes successful proposer

**Targeted Population: Formerly Incarcerated**

| Proposer | Address | Score |
|---|---|---|
| *City Wide Community Development Corporation | 3730 S. Lancaster Ave. Suite 100 Dallas, Texas 75216 | 74.20 |
| Metroplex Economic Development Corporation | 6777 W. Kiest Blvd. Dallas, Texas 75236 | 52.60 |

The recommended vendor is City Wide Community Development Corporation (City Wide). City Wide provides a cohort-based, career pathways, Re-entry Workforce Development Program. Program collaborative partners, Dallas County Community College District and PDQ Staffing and Packers Sanitation Services, Inc. will provide an eight-week logistics training course for un-employed/underemployed formerly incarcerated individuals.

Individuals completing the training program are eligible to take the Manufacturing Skill Standards Council's certification for the two logistics courses. Individuals are provided intensive case management during training and post-employment for up to one year, basic skills courses, financial coaching, transportation assistance, clothing, housing and other supportive services. A minimum of 47 individuals will receive comprehensive assessments, will complete certifications training, will obtain and retain permanent employment for one year.

## OWNER

**Citywide Community Development**

Sherman Roberts, President and Chief Executive Officer



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June 26, 2019

**WHEREAS,** on May 10, 2017, City Council authorized a pilot program and funding for four contracts under the Workforce Readiness, Placement, Retention Program (Program) in an amount not to exceed $1.5 million to provide career pathways training for the unemployed and underemployed residents in the City of Dallas by Resolution No. 17-0766; and

**WHEREAS,** on January 16, 2018, the Economic Development and Housing Committee was provided information on the status of the Program and the proposed Program amendments and the Committee recommended approval; and

**WHEREAS,** on February 28, 2018, the recommended amendments were approved by the City Manager and remain consistent with the overall mission of the Program and the purpose is to increase Program effectiveness and increase Program participation; and

**WHEREAS,** Habitat for Humanity declined their contract and Transformance, Inc. contract was terminated, leaving two agencies under contract from the original four awardees; and

**WHEREAS,** the City of Dallas will provide up to $750,000.00 of remaining program city funds to two community-based, non-profit organizations to offer cohort-based, career pathway training, employment, and retention programs designed to prepare unemployed and under-employed low-income residents for employment/career opportunities in regionally high demand industries; and

**WHEREAS,** the City issued a Request for Competitive Sealed Proposals (RFCSP) to solicit up to two additional cohort-based, certificate-earning, career-pathways job training programs (“workforce training program”), one targeting a general population and one targeting the formerly incarcerated; and

**WHEREAS,** on March 27, 2019, City Council authorized a two-year service contract to administer a Workforce Readiness, Placement and Retention Program to provide career pathways training the with Oak Cliff Empowered, Inc., in an amount of $374,493.00 by Resolution No. 19-0433; and

**WHEREAS,** the City now intends to award the contract for the formerly incarcerated population to City Wide Community Development Corporation.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a contract with City Wide Community Development Corporation, approved as to form by the City Attorney, for a two-year service contract to administer a Workforce Readiness, Placement and Retention Program to provide career pathways training as defined in the RFSCP, in an amount not to exceed $375,000.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $375,000.00 to City Wide Community Development Corporation from Public/Private Partnership Fund, Fund 0352, Department ECO, Unit W178, Object 3072, Activity PPPF, Encumbrance/Contract No. ECO-2019-00009252, Vendor VS0000026872.

**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 Information Sheet

**File #:** 19-868 **Item #:** 34.

**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Office of Economic Development

**EXECUTIVE:** Michael Mendoza

## SUBJECT

Authorize a New Markets Tax Credit transaction between the Dallas Development Fund and its subsidiaries, Capital One N.A. and its subsidiaries (Capital One), and Girl Scouts of Northeast Texas, and its affiliates (GSNETX) for improvements to Camp Whispering Cedars (Project) located at 6010 Whispering Cedar Drive, Dallas, Texas 75236 - Financing: No cost consideration to the City

## BACKGROUND

The City of Dallas authorized the creation of the Dallas Development Fund (DDF), a non-profit Community Development Entity (CDE), by Resolution No. 09-0461 on February 11, 2009, to apply for a New Markets Tax Credit (NMTC) allocation from the U.S. Department of Treasury's Community Development Financial Institutions Fund in its 2009 funding cycle. DDF was awarded $55 million in the 2017 allocation cycle, and was previously awarded $130 million in allocation from the 2009, 2012 and 2014 cycles. DDF has closed $148 million in allocation to date.

The NMTC program permits taxpayers to receive a credit against federal income taxes for making qualified equity investments in designated CDEs. These investments must be used by the CDE for projects and investments in low-income communities, as defined by the NMTC program. The credit provided to the investor totals 39% of the cost of the investment and is claimed over a seven-year credit allowance period.

On June 7, 2019, the DDF Board considered and approved a NMTC transaction between DDF, Capital One, and GSNETX. This NMTC allocation will use up to $5.5 million of DDF's $55 million NMTC allocation. Capital One will invest up to $5.5 million in NMTC allocation from DDF which will in turn generate approximately $1.74 million in gross NMTC equity for the benefit of the Project.

The STEM Center of Excellence transforms GSNETX's Camp Whispering Cedars into a year-round facility that supports GSNETX's mission to expand STEM education for girls. The 92-acre camp is GSNETX's oldest facility and had not seen major investment in decades.

The new STEM Center of Excellence has generated significant attention in the Girl Scout community nationwide and was the catalyst for the STEM Pledge, an initiative which aims to add 2.5 million girls to the STEM workforce pipeline by 2025.

In 2016, DDF supported the STEM Center of Excellence with $6 million of NMTC allocation (alongside $2 million of NMTC allocation from Capital One). This first NMTC transaction supported the construction of the project's Welcome Center, Program Center, Leadership Center, Observation Tower, and Aquatics Center. It also included major renovations of 22,000 square feet of existing cabins and other camp facilities, as well as extensive site work and infrastructure development, including new trails, outdoor activity areas, and landscaping.

Upon completion of those projects, GSNTEX has continued to invest approximately $5.5 million of its own funds to further expand and enhance the STEM Center of Excellence. Additional project components that were not supported by the first NMTC transaction include a robotics and innovation center, a STEM-focused Maker's Space, new equipment and technology, and infrastructure and security upgrades to support increased camp usage. These various investments totaling $5.5 million would be supported with DDF allocation in this second NMTC transaction.

The ultimate goal of the STEM Center is to attract more young women to STEM careers and develop the workforce pipeline for future female STEM leaders. The Girl Scout Research Institute found that while 74% of teen girls are interested in STEM fields, only 13% say it is their first career choice and a majority believe they'd have to work harder than men in the field to be taken seriously. GSNETX is actively combatting this stigma and empowering girls, demonstrated by nearly 70% of girls who visited the STEM Center showing a high interest in STEM and more than 60% demonstrating high STEM confidence.

In 2018, the STEM Center of Excellence served nearly 15,000 individuals, far exceeding the original projection of 3,500. Overall, 52% of visitors were from the City of Dallas, 35% lived in Southern Dallas, and 40% came from low-income communities. Field trips represented one of the biggest growth areas for the camp, as the site's urban location and low cost make it an affordable option for local schools. More than half of the students came from Southern Dallas and 55% came from low-income communities. By 2025, the STEM Center of Excellence expects to serve 18,300 individuals annually.

The project site is located at 6010 Whispering Cedars Drive in Southern Dallas and accessible to Interstate (I)-20, I-30, and I-35E. The site is located in a Texas Enterprise Zone and qualifies as highly-distressed with a median family income of 59.6% of the regional median and an unemployment rate of 12.7%.

Additional information on the project can be found in Attachment A attached to the Resolution.

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

On February 11, 2009, City Council authorized the creation of the Dallas Development Fund, a non-profit Community Development Entity by Resolution No. 09-0461.



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On January 13, 2010, City Council authorized the acceptance of the $55 million NMTC allocation by Resolution No. 10-0210.

On January 19, 2010, the Economic Development Committee was briefed on the DDF and the NMTC Program.

On September 21, 2015, the Economic Development Committee was briefed on the DDF and the NMTC Program.

Information about this item was provided to the Economic Development and Housing Committee on June 3, 2019.

On June 7, 2019, the DDF Board was briefed on the Camp Whispering Cedars Project and approved the transaction.

## FISCAL INFORMATION

No cost consideration to the City.

## OWNER

**Girl Scouts of Northeast Texas**

Jennifer K. Bartkowski, Chief Executive Officer

**WHEREAS,** the City is committed to supporting enhanced economic development opportunities for low-income communities within the City and to low-income persons residing within those communities; and

**WHEREAS,** the United States Department of Treasury has established the New Markets Tax Credit (NMTC) program to stimulate investments in predominately low-income communities; and

**WHEREAS,** the goals and purposes of the NMTC Program are consistent with and complementary to the economic development programs previously established by the City to support expanded economic development opportunities for low-income communities within the City and to low-income persons residing within those communities; and

**WHEREAS,** under the NMTC Program, tax credits are competitively awarded annually by the Treasury Department through its Community Development Financial Institutions (CDFI) Fund to qualified Community Development Entities (CDEs) after review and evaluation of applications submitted by CDEs, which are then made available to investors; and

**WHEREAS,** the City of Dallas created the Dallas Development Fund (DDF) as a non-profit Texas corporation in order to apply for an award under the NMTC program; and

**WHEREAS,** DDF was awarded a $55 million NMTC allocation under the 2009 NMTC program; and

**WHEREAS,** DDF was awarded a $30 million NMTC allocation under the 2012 NMTC program; and

**WHEREAS,** DDF was awarded a $45 million NMTC allocation under the 2014 NMTC program; and

**WHEREAS,** DDF was awarded a $55 million NMTC allocation under the 2017 NMTC program; and

**WHEREAS,** the DDF Board has approved awarding of up to $5.5 million in NMTC allocation to Girl Scouts of Northeast Texas for improvements to Camp Whispering Cedars located at 6010 Whispering Cedar Drive.

**Now, Therefore,**

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

**SECTION 1.** That the City Council hereby authorizes a New Markets Tax Credit transaction between the Dallas Development Fund and its subsidiaries, Capital One N.A. and its subsidiaries (Capital One), and Girl Scouts of Northeast Texas, and its affiliates (GSNETX) for improvements to Camp Whispering Cedars (Project) located at 6010 Whispering Cedar Drive, Dallas, Texas 75236, as further described in **Attachment A**.

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

DALLAS
DEVELOPMENT
FUND

**DATE:** June 2019

**SUBJECT:** Girl Scouts of Northeast Texas STEM Center of Excellence

**FROM:** City of Dallas Office of Economic Development

# Project Overview

## Project Sponsor: Girl Scouts of Northeast Texas

The Girl Scouts of Northeast Texas ("GSNETX") provides programming and opportunities for over 26,000 girls across 32 Northeast Texas counties. They operate 5 camps and 8 service centers across northeast Texas, including Southern Sector Service Center (Hampton Road and I-20) and STEM Center of Excellence (the Project site), both of which are located in Southern Dallas. GSNETX focuses on developing girls' self-esteem, practical life skills, and academic engagement through programs that include STEM activities, career exploration, and participation in the cookie program. Nearly 80% of girls come from low- and moderate-income households, and more than 4,000 girls participated in programming for underserved communities such as Girl Scouting in the School Day, Girl Scouts Direct, and Las Mariposas.

## Project Description

The STEM Center of Excellence transformed GSNETX's 92-acre Camp Whispering Cedars, the organization's oldest property, into a year-round facility that supports GSNETX's mission to expand STEM education for girls. GSNETX deliberately chose to create a dedicated STEM facility at this camp — GSNETX's only urban campsite — because of the camp's proximity to businesses, program providers, and low-income girls living in Dallas. The Center's success has generated significant attention in the Girl Scout community nationwide and was the catalyst for the STEM Pledge, an initiative which aims to add 2.5 million girls to the STEM workforce pipeline by 2025.

In 2016, DDF supported the STEM Center of Excellence with $6MM of NMTC allocation (alongside $2MM of NMTC allocation from Capital One). This first NMTC transaction supported the construction of the project's Welcome Center, Program Center, Leadership Center, Observation Tower, and Aquatics Center. It also included major renovations of 22,000 SF of existing cabins and other camp facilities, as well as extensive site work and infrastructure development, including new trails, outdoor activity areas, and landscaping.

Since completing the aforementioned project components, GSNTEX has invested—and continues to invest in—approximately $5.5 million of its own funds to further expand and enhance the STEM Center of Excellence. Additional project components that were not supported by the first NMTC transaction include a robotics and innovation center, a STEM-focused Maker's Space, new equipment and technology, and infrastructure and security upgrades to support increased camp usage. These various investments totaling $5.5 million would be supported with DDF allocation in this second NMTC transaction.

The project site is located at 6010 Whispering Cedars Drive in Southern Dallas and accessible to I-20, I-30, and I-35E. The site is located in a Texas Enterprise Zone and qualifies as highly-distressed with a median family income of 59.6% of the metro median and an unemployment rate of 12.7% (1.53x the national average).

## Related/Sponsoring Entities

The NMTC borrower is GSNETX Stem Center of Excellence, a nonprofit affiliate of GSNETX, which owns and improves the Project site and leases the facility back to GSNETX itself for operation.

# Financing Terms

## NMTC Allocation

Up to $5.5 million in allocation from Dallas Development Fund

## NMTC Investor

Capital One, N.A. ("Capital One")

## Anticipated Closing Costs and Fees

Dallas Development Fund will charge upfront fees totaling 4% of the QEI (estimated at $220,000). In addition, DDF will charge an annual Asset Management Fee of $19,250 per year.

DDF will separately secure reimbursement for costs associated with closing this transaction, as well as audit and tax return preparation costs associated with maintaining the financing structure during the 7-year NMTC compliance period.

## Financing Structure

As NMTC Equity investor, Capital One is anticipated to provide a total of approximately $1.74 million in NMTC Equity ($0.81 pricing) to support the $5.5 million in total allocation from DDF. GSNETX will provide approximately $3.87 million in the form of a "Leverage Loan" for the transaction. The underlying sources for the Leverage Loan will be from a monetization/recapitalization of eligible project expenditures incurred by GSNETX within prior 24 months and paid for by capital campaign proceeds. Capital One will form a special purpose investment fund entity and will be responsible for management of this fund. The equity and leverage debt will be combined to capitalize an investment fund (a subsidiary of Capital One), which in turn will make a Qualified Equity Investment (QEI) of up to $5.5 million into a subsidiary of Dallas Development Fund ("DDF Sub-CDE") and pay a 2% CDE Fee to DDF.

Dallas Development Fund (DDF) through the aforementioned Sub-CDE will in turn make Qualified Low-Income Community Investment (QLICI) loan to the QALICB. Pursuant to DDF's Allocation Agreement, DDF will take a fee of 2% of the QEI in order to finance its activities. The total QLICI loans to the QALICB will be up to approximately $5.39 million

## Closing Timeline

This project financing is expected to close by July 2019.

# Community Benefits and Need for Assistance

## Community Benefits

**Increase the Number of Individuals Served.** By 2025, GSNETX expects the STEM Center of Excellence to serve 18,300 individuals each year. In 2018, the STEM Center of Excellence served nearly 15,000 individuals, far exceeding the original projection of 3,500. In 2018, 52% of visitors were from the City of Dallas, 35% lived in Southern Dallas, and 40% came from low-income communities. Field trips represented one of the biggest growth areas for the STEM Center, as the site's urban location and low cost make it an affordable option for Dallas Independent School District (DISD) and other local schools. Of the 7,200 students who visited on field trips in 2018, more than half came from Southern Dallas and 55% came from low-income communities.

**New and Enhanced STEM Education.** The STEM Center offers year-round opportunities in robotics, coding, engineering, chemistry, and environmental sciences through field trips, STEM workshops, DIY activities, overnight and summer camps, and weekend programs. GSNETX partners with industry and academic leaders such as Texas Instruments, AT&T, the Dallas Zoo, and Southern Methodist University to develop innovative programming. They also partner with nonprofits like the Junior League of Dallas and Camp Intact to offer STEM programming for low-income girls and homeless youth.

The ultimate goal of the STEM Center is to attract more young women to STEM careers and develop the workforce pipeline for future female STEM leaders. The Girl Scout Research Institute found that while 74% of teen girls are interested in STEM fields, only 13% say it is their first career choice and a majority believe they'd have to work harder than men in the field to be taken seriously. GSNETX is actively combatting this stigma and empowering girls, demonstrated by nearly 70% of girls who visited the STEM Center showing a high interest in STEM and more than 60% demonstrating high STEM confidence.

**Quality Jobs.** The STEM Center employed 16 full-time and 14 part-time workers in 2018, including 7 full-time AmeriCorps staff. These numbers exceeded GSNETX's projections, and they anticipate hiring 8 additional full-time positions by the end of 2019. All full-time staff receive benefits including employer-covered health insurance, a 403(b) plan with employer match, and paid vacation time.

**Sustainability.** The STEM Center is Green Business Certified and includes a myriad of eco-friendly features such as solar panels, rainwater collection, a vegetative roof, LED lighting, low-flow plumbing, and drought-resistant landscaping. These features are both sustainable and provide educational opportunities for girls to learn about environmental stewardship and energy efficiency.

## Need For NMTC Assistance

NMTC financing will allow GSNETX to expand its capacity to provide STEM and outdoor learning facilities to girls and youth in the City of Dallas, particularly those living in South Dallas near the camp through their Girl Scout Academy program, community outreach programs, and school field trips. The original base project costs came in higher than anticipated and given the significant interest in the project, additional facilities, security, and infrastructure were required, none of which were anticipated in original capital campaign scope supporting the project. After several years of fundraising for the Center, GSNETX has exhausted local donors for capital expenditures. GSNETX will leverage the NMTC financing to gain new donor support for the project from corporate, foundation and university partners with a focus on supporting the facility's ongoing operations.

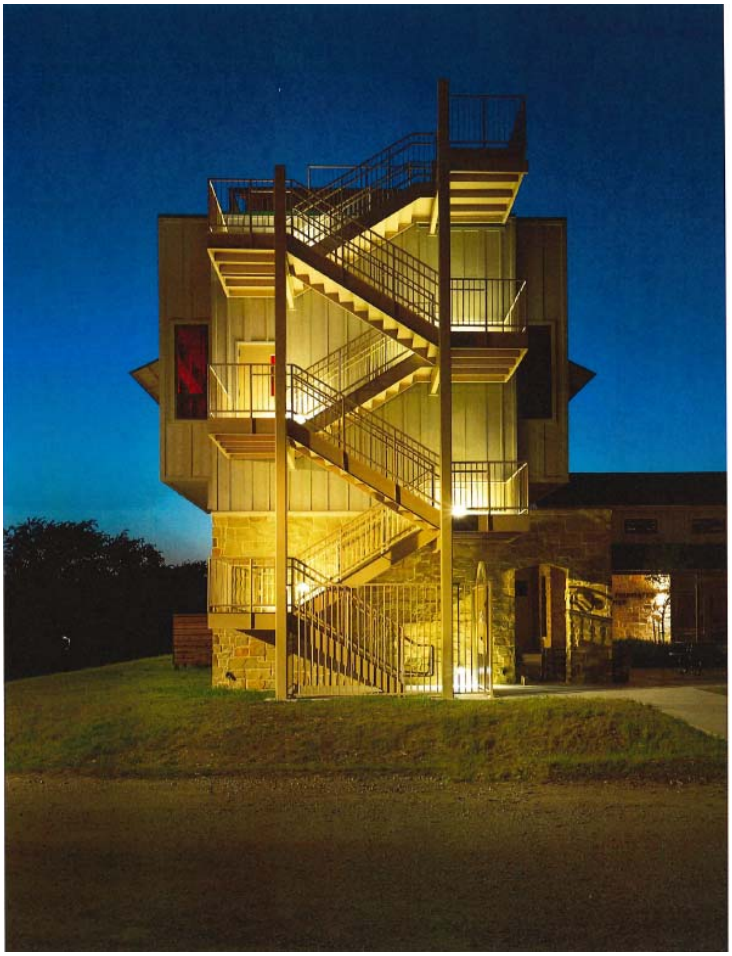
**Exhibit 1: Project Images**



Welcome Center, Program Center, and Observation Tower



Interior of Program Center



Observation Tower



Exploration Center

**Exhibit 2: Project Budget (preliminary - subject to change)**

| **Total Sources** | |
|---|---|
| DDF Gross Subsidy ("B Note") - 2019 deal | $1,517,450 |
| DDF Gross Subsidy ("B Note") - 2016 deal | $1,749,000 |
| Capital One Gross Subsidy ("B Note") - 2016 deal | $663,000 |
| GSNETX Capital Campaign Proceeds | $10,187,932 |
| **Total Sources** | **$14,117,382** |
| | |
| **Total Uses** | |
| Land and Site Work | |
| Land Acquisition | $140,940 |
| Site Infrastructure | $1,447,827 |
| Outdoor Recreation/Educational Infrastructure | $853,421 |
| New Building Construction | |
| Welcome Center and Girl Program Center | $1,778,277 |
| Pool and Aquatic Center | $1,584,216 |
| Observation Tower and Courtyard | $1,382,850 |
| Girl Exploration Center | $1,194,437 |
| Leadership Center/Health Lodge | $1,159,646 |
| Templeton Lodge | $747,669 |
| Innovation Center | $366,293 |
| Pavilion/studio/program spaces | $350,000 |
| Building Renovations | $1,136,654 |
| STEM Equipment | $198,514 |
| P&P Bonds | $49,819 |
| **Estimated Base Project Costs** | **$12,390,562** |
| NMTC Costs (2016 deal) | $1,146,071 |
| Estimated NMTC Closings Costs (2019 deal) | $350,000 |
| Reserve for DDF Ongoing Fees (2019 deal) | $230,750 |
| **Total Uses** | **$14,117,382** |

# Agenda Information Sheet

**File #:** 19-855 **Item #:** 35.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Environmental Quality & Sustainability

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize a Memorandum of Understanding for the Water Conservation Public Awareness Campaign between the City of Dallas and the Tarrant Regional Water District to fund a cooperative agreement to continue a successful regional public awareness campaign that encourages efficient water use, reduces water waste, and reduces water demand in the Dallas-Fort Worth region for the next five years - Not to exceed $3,350,000.00 - Financing: General Fund (subject to annual appropriations) (see Fiscal Information)

## BACKGROUND

As water suppliers for nearly 7.5 million people in the Dallas-Fort Worth Metroplex and surrounding communities, the City of Dallas (City) and Tarrant Regional Water District (TRWD) have a keen interest in the wise and efficient use of the regional water supply.

In 2009, the City and TRWD began working together on the development and funding of a regional campaign. The Water Conservation Public Awareness Campaign goal is to build awareness of the importance of using water wisely and to provide useful tips on efficient water use. The joint campaign launches annually in the summer, as the peak irrigation season begins. Outdoor irrigation is a primary target, since it has the highest potential water savings for water customers and water providers.

Since 2009, the City/TRWD regional campaign has resulted in significant financial savings and other advantages for both entities. By sharing a common message and creative product, each agency has reduced creative development and production costs by half. And by using the same advertising creative, each agency benefits by the other's media purchase, doubling the message exposure per media dollar. Over the last 10 years, the City and TRWD have each saved a total of $1.3 million in creative production costs and gained advertising exposure worth $6.75 million.

As in prior Water Conservation Public Awareness Campaigns, future creative produced for the campaign will include television, radio, on-line advertising, billboards, transit and newspaper

advertising. Additionally, the City and TRWD will share the costs to maintain and update the regional campaign “Water is Awesome” website (http://waterisawesome.com) and the free regional watering advice tool developed as a personalized resource for all customers.

The City and TRWD will also be pooling their regional media buy dollars for the term of this Memorandum of Understanding (MOU). In prior years, Dallas Water Utilities and TRWD coordinated their own media buys. Within each entity’s media buy budget, dollars were committed for regional “borderless” advertising (usually television, radio and digital) and a “local” media buy for advertising specific to our customer base (such as Dallas Area Rapid Transit advertising, Dallas community papers, etc.). By pooling regional advertising dollars, a shared media buyer can negotiate better rates and value for the combined regional media buy.

This MOU requires a campaign steering committee, establishes TRWD as the contracting authority for the creative and media buying contracts, establishes a 50/50 cost share for all expenses. It also references the “City of Dallas-Tarrant Regional Water District Interlocal Cooperation Contract” Article IV Fair Opportunities Purchasing and Contracting. The City and TRWD will strive to ensure that all qualified businesses, regardless of size, economic, social, racial, gender, or ethnic status have a fair opportunity to participate. The City and TRWD have jointly established requirements for prospective consultants to ensure a good faith effort to achieve a subcontracting goal of 25 percent participation by Minority/Women Owned Business Enterprises and Historically Underutilized Businesses.

Upon the execution of this MOU and for the purposes of funding the Water Conservation Public Awareness Campaign, TRWD shall contribute an amount not to exceed $670,000.00 and the City shall contribute an amount not to exceed $670,000.00 on an annual basis (subject to annual appropriations) for five years.

The City and TRWD’s combined annual budget will not exceed $1,340,000.00 and will cover all costs necessary for the regional campaign.

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

On September 26, 2012, City Council authorized the Memorandum of Understanding with the Tarrant Regional Water District to develop and implement regional awareness campaigns to address litter by Resolution No. 12-2429.

The Quality of Life & Environment Committee was briefed on the Memorandum of Understanding with the Tarrant Regional Water District on October 28, 2013.

On November 12, 2013, City Council authorized the Memorandum of Understanding with the Tarrant Regional Water District to develop and implement regional awareness campaigns to address water conservation by Resolution No. 13-1968.

City Council was briefed on the 2016 Water Conservation Five-Year Work Plan on April 20, 2016.

On June 15, 2016, City Council authorized the 2016 Water Conservation Five-Year Work Plan which recommends the continuation of a public awareness campaign to encourage behavioral changes that help lower per capita consumption by Resolution No. 16-0997.



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The Mobility Solutions, Infrastructure, and Sustainability Committee was briefed on the 2019 Water Conservation Plan, required to be submitted every five years to the State by The Texas Administrative Code Title 30, Chapter 288 (30 TAC § 288), which includes the public awareness campaign strategy on April 22, 2019.

On April 24, 2019, City Council adopted the 2019 Water Conservation Plan by Resolution No. 19-0607.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure, and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

General Fund - $3,350,000.00 (subject to annual appropriations)

FY 2018-19 $670,000.00
FY 2019-20 $670,000.00
FY 2020-21 $670,000.00
FY 2021-22 $670,000.00
FY 2022-23 $670,000.00

As this cooperative agreement is budgeted in Dallas Water Utilities FY 2018-19 budget, Dallas Water Utilities will reimburse the Office of Environmental Quality & Sustainability for its services related to the program.

June 26, 2019

**WHEREAS,** the population of the Dallas-Fort Worth Metroplex is approximately 7.5 million and, according to the U.S. Census Bureau, grew faster than any other metropolitan area in 2018; and

**WHEREAS,** the City of Dallas (City) and Tarrant Regional Water District (TRWD) have a keen interest in the wise and efficient use of the regional water supply; and

**WHEREAS,** water conservation is a critical component of managing regional water supplies; and

**WHEREAS,** the City's 2016 Water Conservation Five-Year Work Plan Update sets specific goals and objectives to reach an average 1 percent reduction in per capita consumption each year for FY 2016 through FY 2020; and

**WHEREAS,** the plan recommends the continuation of a public awareness campaign to encourage behavioral changes that help lower per capita consumption; and

**WHEREAS,** on April 24, 2019, City Council adopted the 2019 Water Conservation Plan and includes the continuation of a public awareness campaign as a strategy to continue the reduction in Dallas' per capita consumption by Resolution No. 19-0707; and

**WHEREAS,** the City and TRWD have jointly managed and funded a successful regional water conservation public awareness campaign since 2009; and

**WHEREAS,** the City and TRWD desire to continue to jointly manage and fund the campaign; and

**WHEREAS,** the purpose of this Memorandum of Understanding is to fund a cooperative agreement to allow the City and TRWD to execute a regional public awareness campaign to encourage efficient water use, and reduce water demand in the region for the next five years.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a Memorandum of Understanding for the Water Conservation Public Awareness Campaign with the Tarrant Regional Water District to fund a cooperative agreement to continue a successful regional public awareness campaign that encourages efficient water use, reduces water waste, and reduces water demand in the Dallas-Fort Worth region for the next five years.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $3,350,000.00 (subject to annual appropriations) to the Tarrant Regional Water District from General Fund, Fund 0001, Department MGT, Unit 5605, Object 3320, Encumbrance/Contract No. MASC OEQ-2019-00010635, Vendor 510851.

**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 Information Sheet

**File #:** 19-749 **Item #:** 36.

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Homeless Solutions

**EXECUTIVE:** Nadia Chandler-Hardy

## SUBJECT

Authorize a contract with Shelter Ministries of Dallas dba Austin Street Center for the provision of emergency shelter services, consisting of shelter operations and essential services, for homeless individuals for the period June 26, 2019 through October 18, 2019 - Not to exceed $268,283.00 - Financing: 2017-18 Emergency Solutions Grant Fund

## BACKGROUND

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") Grant Funds by Resolution No. 17-1171. The budget included the Emergency Solutions Grant ("ESG") (Grant No. E-17-MC-48-0009) in the amount of $3,117,540.00. These grant funds are available for the period October 1, 2017 through October 19, 2019.

On January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals ("RFCSP") (#BKZ1909) for Strengthening the Homeless Response System, which included funding for four homeless programs: System Enhancement Program, Emergency Shelter Services, Supportive Housing for Seniors, and Homeless Workforce Sustainability Program. The RFCSP closed on March 14, 2019. Six proposals were received for Emergency Shelter Services. Shelter Ministries of Dallas dba Austin Street Center submitted a proposal to provide Emergency Shelter Services for men and women, and is recommended for award.

The City of Dallas currently has a contract with Austin Street Center to provide emergency shelter services, consisting of shelter operations and essential services to homeless individuals, and Homeless Management Information System ("HMIS") data collection for the period October 1, 2018 through September 30, 2019.

Shelter Ministries of Dallas founded Austin Street Shelter in 1983 as an emergency overnight shelter near downtown Dallas. With a focus on the most vulnerable of the homeless adult population, we served older men, ages 45 and older. Austin Street Center later added services for females, included

were those who are 18 and older, as all female homeless adults face unique risks when unsheltered. Over the years, services and programs have been added to the basic services of food, clothing, showers, and shelter to include support and resources to help our clients transition out of homelessness and into housing. In 1992, the shelter was moved to its current location at 2929 Hickory Street, and was renamed Austin Street Center to better reflect the wide range of services offered to clients.

Under this contract, Austin Street Center will provide shelter services for men and women who are 55 and older, and 85 percent will remain housed six months after obtaining housing.

Austin Street Center staff must input client-level data into the local HMIS system with applicable written consent. Agencies must also submit monthly financial reports (including supporting documentation) and performance reports (including demographic data, outputs, and outcomes). These reports are compiled at year end into the City's annual report to HUD.

PERFORMANCE MEASURES

| | 2018-19 Goal |
|---|---|
| Number of unduplicated persons served | 70 |
| Persons receiving case management | 70 |
| Persons placed on housing priority list | 50 |

OUTCOME MEASURES

The Continuum of Care has established the following outcome measures for grantees and sub-recipients receiving ESG funding for Emergency Shelter:

- Number of unduplicated persons placed into housing 50

MATCH REQUIREMENTS

Austin Street Center must match ESG funding dollar-for-dollar. The match total must equal or exceed the amount of ESG funds awarded. Matching funds may consist of cash, the value of real property, equipment, goods or services, purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

Matching funds must be submitted with the monthly reimbursement report, which will include match source documentation (invoices, cancelled checks, bank/credit card statements, timesheets, commitment letters, etc.). Austin Street Center must ensure the expenses billed for reimbursement do not exceed the approved budgeted amounts.

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

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") Grant Funds by Resolution No. 17-1171.



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Information about this item was provided to the Citizen Homelessness Commission on May 9, 2019.

Information about this item was provided to the Human and Social Needs Committee on May 20, 2019.

Information about this item was provided to the Human and Social Needs Committee on June 3, 2019.

## FISCAL INFORMATION

2017-18 Emergency Solutions Grant Fund - $268,283.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $268,283.00 | Other Services | N/A | N/A | N/A |
| • The Business Inclusion and Development Plan does not apply to 501C3 Non-Profit contracts. | | | | |

## OWNER

**Shelter Ministries of Dallas dba Austin Street Center**

Board of Directors

Nancy Best, Chairman
Dennis J. Grindinger, President
Kenneth Z. Altshuler, Vice President
Megan Burkhart, Vice President
Joe R. Flores, Vice President
Julie Forrester, Vice President
Nancy Ann Hunt, Vice President
Ashlee Kleinert, Vice President
Caroline Mille, Vice President
Gail O. Turner, Vice President
Harry M. Roberts, Jr. Secretary
Frank Mihalopoulos, Treasurer

**WHEREAS,** on August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") Grant Funds, with the Emergency Solutions Grant ("ESG"), in an amount not to exceed $3,117,540.00, by Resolution No. 17-1171; and

**WHEREAS,** on January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals (#BKZ1909) for Strengthening the Homeless Response System, which included funding for four homeless programs: System Enhancement Program, Emergency Shelter Services, Supportive Housing for Seniors, and Homeless Workforce Sustainability Program; and

**WHEREAS,** Shelter Ministries of Dallas dba Austin Street Center submitted a proposal to provide emergency shelter services for homeless men and women, and is recommended for award.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a contract with Shelter Ministries of Dallas dba Austin Street Center, approved as to form by the City Attorney, for the provision of emergency shelter services, consisting of shelter operations and essential services, for homeless individuals for the period June 26, 2019 through October 18, 2019, in an amount not to exceed $268,283.00, and execute any and all documents required by the contract.

**SECTION 2.** That Shelter Ministries of Dallas dba Austin Street Center must provide a dollar-for-dollar match, in the amount of $268,283.00, with matching funds, consisting of cash, the value of real property, equipment, goods or services, purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $268,283.00 to Shelter Ministries of Dallas dba Austin Street Center from the 2017-18 Emergency Solutions Grant Fund, Fund ES17, Department MGT, Unit 281B, Object 3070, Activity EH32, Encumbrance/Contract No. OHS-2019-00010389, Vendor VC0000011655.

**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 Information Sheet

**File #:** 19-746 **Item #:** 37.

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Homeless Solutions

**EXECUTIVE:** Nadia Chandler-Hardy

## SUBJECT

Authorize a contract with Family Gateway, Inc. for the provision of emergency shelter services, consisting of shelter operations and essential services, for homeless families with children for the period June 26, 2019 through October 18, 2019 - Not to exceed $278,019.00 - Financing: 2017-18 Emergency Solutions Grant Fund

## BACKGROUND

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") Grant Funds by Resolution No. 17-1171. The budget included the Emergency Solutions Grant ("ESG") (Grant No. E-17-MC-48-0009) in the amount of $3,117,540.00. These grant funds are available for the period October 1, 2017 through October 19, 2019.

On January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals ("RFCSP") (#BKZ1909) for Strengthening the Homeless Response System, which included funding for four homeless programs: System Enhancement Program, Emergency Shelter Services, Supportive Housing for Seniors, and Homeless Workforce Sustainability Program. The RFCSP closed on March 14, 2019. Six proposals were received for Emergency Shelter Services. Family Gateway, Inc. submitted a proposal to provide Emergency Shelter Services for families with children, and is recommended for award.

The City of Dallas currently has a contract with Family Gateway, Inc. to provide emergency shelter services, consisting of shelter operations and essential services to homeless families, and Homeless Management Information System ("HMIS") data collection for the period October 1, 2018 through September 30, 2019.

Family Gateway, Inc. is a non-profit organization that evolved from a 1985 mayoral task force focused on family homelessness in Dallas. In 1986, then Mayor Pro Tem Annette G. Strauss spearheaded an effort to build a refuge for families living on the streets, victims of the collapsed

Texas economy, where those families could stay together as a family unit. A coalition of congregations responded, and the Family Gateway Center opened its doors in 1986. In September 2000, the shelter was rededicated as the Annette G. Strauss Family Gateway Center, and has been serving homeless families for the past 33 years.

The Annette G. Strauss Family Gateway Center, located at 711 South St. Paul Street, Dallas, Texas 75201, is a low barrier shelter with a focus on transitioning clients to housing as soon as possible, and provides shelter, meals, clothes, and supplies, as well as programming, for homeless families with at least one child under age 18. Clients receive assessment and diversion services, permanent supportive housing placement, case management, training and educational services, as well as on-site day care, afterschool care, and summer camps for children. Family Gateway, Inc. also coordinates resources and services with other Dallas agencies.

Family Gateway, Inc. will expand emergency shelter capacity for the overall homeless response system for families with children experiencing homelessness by fully utilizing available space at the Family Gateway Center and The Salvation Army and by overflowing into hotels when there are significant capacity constraints, particularly during periods of inclement weather. Family Gateway, Inc. will relocate non-shelter staff out of the emergency shelter, which is expected to open space for 20 emergency shelter beds at the emergency shelter for families with children.

Family Gateway, Inc. will contract with The Salvation Army to facilitate the expansion of their existing shelter space by reallocating space designed for a different program to serve families with children. This will increase the available emergency shelter beds at The Salvation Army by a total of 20 beds.

Additional funding will be used to purchase beds and supplies for these 40 new beds for families with children (20 at the Family Gateway Center and 20 at The Salvation Army). Additional funding will be used to provide case management staff in support of those additional clients served, as well as to provide triage and assessment through the Assessment and Diversion team and through calls to the 800 homeless crisis telephone line provided by the local Continuum of Care. Family Gateway, Inc. will also provide short-term hotel/motel stays for up to 120 families.

Family Gateway, Inc.’s staff must input client-level data into the local HMIS with applicable written consent. Agencies must also submit monthly financial reports (including supporting documentation) and performance reports (including demographic data, outputs, and outcomes). These reports are compiled at year end into the City’s annual report to HUD.

PERFORMANCE MEASURES

| | 2018-19 Goal |
|---|---|
| Number of persons served | 230 |

OUTCOME MEASURES

The Continuum of Care has established the following outcome measures for grantees and sub-recipients receiving ESG funding for Emergency Shelter:



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- 70% of persons served will exit to permanent housing destinations or temporary/transitional housing
- 100% of person served will receive case management

MATCH REQUIREMENTS

Family Gateway, Inc. must match ESG funding dollar-for-dollar. The match total must equal or exceed the amount of ESG funds awarded. Matching funds may consist of cash, the value of real property, equipment, goods or services, purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

Matching funds must be submitted with the monthly reimbursement report, which will include match source documentation (invoices, cancelled checks, bank/credit card statements, timesheets, commitment letters, etc.). Family Gateway, Inc. must ensure the expenses billed for reimbursement do not exceed the approved budgeted amounts.

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

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds by Resolution No. 17-1171.

Information about this item was provided to the Citizen Homelessness Commission on May 9, 2019.

Information about this item was provided to the Human and Social Needs Committee on May 20, 2019.

Information about this item was provided to the Human and Social Needs Committee on June 3, 2019.

## FISCAL INFORMATION

2017-18 Emergency Solutions Grant Fund - $278,019.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $278,019.00 | Other Services | N/A | N/A | N/A |
| • The Business Inclusion and Development Plan does not apply to 501C3 Non-Profit contracts. | | | | |



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**OWNER**

**Family Gateway, Inc.**

Board of Directors

Jennifer G. Austin
Justin Bailey
Jennifer Farhenbruch
Michelle Frymire
Juanita Harris
Shanjula Harris
Stephen Hipp
Anne Johnson
Crystal King
Mirjam Kirk
Kamini Mamdani
Mika Manaster
Steve Martin
Paula MIltenberger
Gary Moor
Deanna Reyna Munoz
Doug Ness
Joe Norville
Charles O'Connell
Gretchen Pollam
Selwyn Rayzor
Bryon Romine
Alex Sharma
Amy Warren
Yulise Waters
Paul Wilson

**WHEREAS,** on August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") Grant Funds, with the Emergency Solutions Grant ("ESG"), in the amount of $3,117,540.00, by Resolution No. 17-1171; and

**WHEREAS,** on January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals (#BKZ1909) for Strengthening the Homeless Response System, which included funding for four homeless programs: System Enhancement Program, Emergency Shelter Services, Supportive Housing for Seniors, and Homeless Workforce Sustainability Program; and

**WHEREAS,** Family Gateway, Inc. submitted a proposal to provide emergency shelter services for homeless families with children, and is recommended for award.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a contract with Family Gateway, Inc., approved as to form by the City Attorney, for the provision of emergency shelter services, consisting of shelter operations and essential services, for homeless families with children for the period June 26, 2019 through October 18, 2019, in an amount not to exceed $278,019.00, and execute any and all documents required by the contract.

**SECTION 2.** That Family Gateway, Inc. must provide a dollar-for-dollar match, in the amount of $278,019.00, with matching funds, consisting of cash, the value of real property, equipment, goods or services, purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $278,019.00 to Family Gateway, Inc. from the 2017-18 Emergency Solutions Grant Fund, Fund ES17, Department MGT, Unit 281B, Object 3070, Activity EH32, Encumbrance/Contract No. OHS-2019-00010387, Vendor 244694.

**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 Information Sheet

**File #:** 19-748 **Item #:** 38.

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Homeless Solutions

**EXECUTIVE:** Nadia Chandler-Hardy

## SUBJECT

Authorize a contract with The Family Place for the provision of emergency shelter services, consisting of shelter operations and essential services, for homeless families with children for the period June 26, 2019 through October 18, 2019 - Not to exceed $99,000.00 - Financing: 2017-18 Emergency Solutions Grant Fund

## BACKGROUND

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") Grant Funds by Resolution No. 17-1171. The budget included the Emergency Solutions Grant ("ESG") (Grant No. E-17-MC-48-0009) in the amount of $3,117,540.00. These grant funds are available for the period October 1, 2017 through October 19, 2019.

On January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals ("RFCSP") (#BKZ1909) for Strengthening the Homeless Response System, which included funding for four homeless programs: System Enhancement Program, Emergency Shelter Services, Supportive Housing for Seniors, and Homeless Workforce Sustainability Program. The RFCSP closed on March 14, 2019. Six proposals were received for Emergency Shelter Services. The Family Place submitted a proposal to provide Emergency Shelter Services for families with children, and is recommended for award.

The City of Dallas currently has a contract with The Family Place to provide emergency shelter services, consisting of shelter operations and essential services to homeless families, and Homeless Management Information System ("HMIS") data collection for the period October 1, 2018 through September 30, 2019.

The Family Place is a non-profit organization with the mission to eliminate family violence. It was one of the first shelters for victims of domestic violence in the State of Texas in 1978. Residential services are provided at a confidential location called the Safe Campus, using a trauma-informed care

approach to service delivery. Families are allowed up to a 45-day stay at the shelter location or longer. Services include emergency shelter assistance, healthcare, food, clothing, information and referrals, case management and transportation. In addition, The Family Place offers a Child Development Center that includes licensed child care and early education in a safe location, with emotional support, parent education, and health care.

Under this contract, The Family Place will use additional funds to support Shelter Operations in its three residential service centers.

The Family Place staff must input client-level data into the local HMIS system with applicable written consent. Agencies must also submit monthly financial reports (including supporting documentation) and performance reports (including demographic data, outputs, and outcomes). These reports are compiled at year end into the City's annual report to HUD.

PERFORMANCE MEASURES

| | 2018-19 Goal |
|---|---|
| Homeless persons (children) provided childcare | 250 |
| Homeless women, men, and children served with night shelter | 1,100 |
| Unduplicated homeless persons will be served | 1,100 |

OUTCOME MEASURES

The Continuum of Care has established the following outcome measures for grantees and sub-recipients receiving ESG funding for Emergency Shelter:

- Unduplicated homeless households families will be served 370

MATCH REQUIREMENTS

The Family Place must match ESG funding dollar-for-dollar. The match total must equal or exceed the amount of ESG funds awarded. Matching funds may consist of cash, the value of real property, equipment, goods or services, purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

Matching funds must be submitted with the monthly reimbursement report, which will include match source documentation (invoices, cancelled checks, bank/credit card statements, timesheets, commitment letters, etc.). The Family Place must ensure the expenses billed for reimbursement do not exceed the approved budgeted amounts.

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

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds by Resolution No. 17-1171.



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Information about this item was provided to the Citizen Homelessness Commission on May 9, 2019.

Information about this item was provided to the Human and Social Needs Committee on May 20, 2019.

Information about this item was provided to the Human and Social Needs Committee on June 3, 2019.

## FISCAL INFORMATION

2017-18 Emergency Solutions Grant Fund - $99,000.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $99,000.00 | Other Services | N/A | N/A | N/A |
| • The Business Inclusion and Development Plan does not apply to 501C3 Non-Profit contracts. | | | | |

## OWNER

**The Family Place**

Board of Directors

Emily Maduro, President
Jeannie Barsam, Vice President
Phyllis Cole McKnight, Vice President
Rhonda Green, Vice President
Travis Hollman, Vice President
Delia Jasso, Vice President
Kim Koonce, Vice President
Carol Seay, Vice President
Mike Montgomery, Secretary
Wes McCown, Treasurer
David Allston
Deborah Alves
Marissa Anchia
Mandy Austin
Julie Bosche
Jim Buddrus
Eric Chandler
Kerry Cole
Laura Colhouer

Barbara Durham
Baranda Fermin
Monika Flood
Sara Friedman
Lauran Goldberg
Carlos Gonzalez-Jaime
Kimberli Greer
Jennifer S. Hargrave
LaTanya Harris
Lindsay Jacaman
Stacee Johnson-Williams
Stacy Jordan Rodriquez
Linda Knox
Clarisa Lindenmeyer
Margo McClinton Stoglin
Thomas McCollum
Mary McNulty
Sam Megally
Aaliyah Miranda
Javier Montemayor
Honea Owens
James Pasant
Stephen Peterson
Daniel Pidgeon
Kristin Sanger
Lisa Singleton
Elaine Sit
Jill Tananbaum
Erika Toledo-Mortensen
Radhika Zaveri

**WHEREAS,** on August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") grant funds, with the Emergency Solutions Grant ("ESG") in the amount of $3,117,540.00, by Resolution No. 17-1171; and

**WHEREAS,** on January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals (#BKZ1909) for Strengthening the Homeless Response System, which included funding for four homeless programs: System Enhancement Program, Emergency Shelter Services, Supportive Housing for Seniors, and Homeless Workforce Sustainability Program; and

**WHEREAS,** The Family Place submitted a proposal to provide emergency shelter services for homeless men, women, and children, and is recommended for award.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a contract with The Family Place for the provision of emergency shelter services, consisting of shelter operations and essential services, for homeless families with children for the period June 26, 2019 through October 18, 2019, in an amount not to exceed $99,000.00, and execute any and all documents required by the contract, approved as to form by the City Attorney.

**SECTION 2.** That The Family Place must provide a dollar-for-dollar match, in the amount of $99,000.00, with matching funds, consisting of cash, the value of real property, equipment, goods or services, purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $99,000.00 to The Family Place from the FY 2017-18 Emergency Solutions Grant Fund, Fund ES17, Department MGT, Unit 281B, Object 3070, Activity EH32, Encumbrance/Contract No. OHS-2019-00010385, Vendor 243202.

.

**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 Information Sheet

**File #:** 19-747 **Item #:** 39.

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Homeless Solutions

**EXECUTIVE:** Nadia Chandler-Hardy

## SUBJECT

Authorize a contract with Legal Aid of NorthWest Texas for the provision of emergency shelter essential services, consisting of legal services, for homeless persons for the period June 26, 2019 through October 18, 2019 - Not to exceed $89,687.00 - Financing: 2017-18 Emergency Solutions Grant Fund

## BACKGROUND

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") Grant Funds by Resolution No. 17-1171. The budget included the Emergency Solutions Grant ("ESG") (Grant No. E-17-MC-48-0009) in the amount of $3,117,540.00. These grant funds are available for the period October 1, 2017 through October 19, 2019.

On January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals ("RFCSP") (#BKZ1909) for Strengthening the Homeless Response System, which included funding for four homeless programs: System Enhancement Program, Emergency Shelter Services, Supportive Housing for Seniors, and Homeless Workforce Sustainability Program. The RFCSP closed on March 14, 2019. Six proposals were received for Emergency Shelter Services. Legal Aid submitted a proposal to provide Emergency Shelter Services, consisting of expanded legal services, for homeless persons, and is recommended for award.

The City of Dallas currently has a contract with Legal Aid of Northwest Texas ("Legal Aid") to provide emergency shelter essential services, consisting of legal services, and Homeless Management Information System ("HMIS") data collection for the period October 1, 2018 through September 30, 2019.

Legal Aid will expand its services to reach an additional 108 homeless persons, targeting veterans, chronically homeless, youth, families with children, and seniors. The Homeless Law Project will provide legal services delivered by staff attorneys working in the Dallas Branch Office who will

represent low-income persons at-risk of homelessness or persons who are literally homeless and in urgent need of legal aid in Dallas County. All attorneys employed by Legal Aid are licensed to practice law in Texas and are members in good standing of the State Bar of Texas.

Legal Aid helps homeless people, including victims of domestic violence, sexual assault, and stalking, with a broad-range of civil legal aid. The primary problems to be addressed are to provide protection from harm, solve urgent legal problems, provide access to benefit programs that can help homeless clients redirect their lives so they may obtain or retain housing, employment, access to healthcare, access to child care and other necessary services, and access to education. The project may also obtain protective orders, custody orders, child and spousal support orders, temporary and final orders in divorce cases, resolve landlord-tenant matters, and assist in solving other civil legal issues resulting from homelessness including that caused by domestic violence, sexual assault, or stalking. Regarding domestic violence victims, Legal Aid anticipates that the majority of their issues will focus on divorce and custody matters arising from recent abuse including cases where the abuser files for custody as a means to intimidate the victim, interferes with the employment of the victim, or otherwise harasses the victim. This project will serve the neediest of victims, those living in poverty without the benefit of permanent shelter. With this funding, Legal Aid will expand direct civil legal aid to victims on a broad range of civil law matters, impacting on victims' abilities to provide a safe, secure, and stable living environment for themselves and their children.

Legal Aid's staff must input client-level data into the local HMIS with applicable written consent and subject to legal confidentiality. Agencies must also submit monthly financial reports (including supporting documentation) and performance reports (including demographic data, outputs, and outcomes). These reports are compiled at year end into the City's annual report to HUD.

PERFORMANCE MEASURES

| | 2018-19 Goal |
|---|---|
| Number of persons served | 108 |

OUTCOME MEASURES

The Continuum of Care has established the following outcome measures for grantees and sub-recipients receiving ESG funding for Emergency Shelter:

- 100% of person served will have access to benefits

MATCH REQUIREMENTS

Legal Aid must match ESG funding dollar-for-dollar. The match total must equal or exceed the amount of ESG funds awarded. Matching funds may consist of cash, the value of real property, equipment, goods or services, purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

Matching funds must be submitted with the monthly reimbursement report, which will include match

source documentation (invoices, cancelled checks, bank/credit card statements, timesheets, commitment letters, etc.). Legal Aid must ensure the expenses billed for reimbursement do not exceed the approved budgeted amounts.

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

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") Grant Funds by Resolution No. 17-1171.

Information about this item was provided to the Citizen Homelessness Commission on May 9, 2019.

Information about this item was provided to the Human and Social Needs Committee on May 20, 2019.

Information about this item was provided to the Human and Social Needs Committee on June 3, 2019.

## FISCAL INFORMATION

2017-18 Emergency Solutions Grant Fund - $89,687.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $89,687.00 | Other Services | N/A | N/A | N/A |
| • The Business Inclusion and Development Plan does not apply to 501C3 Non-Profit contracts. | | | | |

## OWNER

### Legal Aid of NorthWest Texas

Board of Directors

Pamela St. John, Chair
Kristin Postell, Vice Chair
Sylvia Ortiz, Secretary
Penny R. Robe, Treasurer
Jean Anderson
Star Carter
Brett A. Christiansen
Marcus Edwards
Celestina L. Flores
Crystal L. Gayden



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Michael W. Johnston
Derbha Jones
Erika Kiser
Angelina La Penotiere
Larry Long
Robin R. Malone
Ruth Lane
Carolyn Moore
Ophelia Perez
Mandy Price
Desiré Robinson
Diane Sumoski
Mary E. Wilson
Tonya Winchester

June 26, 2019

**WHEREAS,** on August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds, with the Emergency Solutions Grant, in an amount not to exceed $3,117,540.00, by Resolution No. 17-1171; and

**WHEREAS,** on January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals (#BKZ1909) for Strengthening the Homeless Response System, which included funding for four homeless programs: System Enhancement Program, Emergency Shelter Services, Supportive Housing for Seniors, and Homeless Workforce Sustainability Program; and

**WHEREAS,** Legal Aid submitted a proposal to provide Emergency Shelter Services, consisting of expanded legal services, for homeless persons, and is recommended for award of a new contract.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a contract with Legal Aid of NorthWest Texas, approved as to form by the City Attorney, for the provision of emergency shelter essential services, consisting of legal services, for homeless persons for the period June 26, 2019 through October 18, 2019, in an amount not to exceed $89,687.00, and execute any and all documents required by the contract.

**SECTION 2.** That Legal Aid of NorthWest Texas must provide a dollar-for-dollar match, in the amount of $89,687.00, with matching funds, consisting of cash, the value of real property, equipment, goods or services, purchase value of donated property, donated materials or building, including a lease time and services of volunteers, salary paid to staff, or professional services at current reasonable and customary rate.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $89,687.00 to Legal Aid of NorthWest Texas from the 2017-18 Emergency Solutions Grant Fund, Fund ES17, Department MGT, Unit 281B, Object 3070, Activity EH32, Encumbrance/Contract No. OHS-2019-00010386, Vendor 511627.

**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 Information Sheet

**File #:** 19-742 **Item #:** 40.

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Homeless Solutions

**EXECUTIVE:** Nadia Chandler-Hardy

## SUBJECT

Authorize a fifteen-month contract, with one twelve-month renewal option, with Community Council of Greater Dallas to provide services under a Homeless Workforce Sustainability Program including but not limited to workforce training, skill development, and job placement opportunities for homeless persons for the period July 1, 2019 through September 30, 2020 - Not to exceed $211,599.00 - Financing: General Fund

## BACKGROUND

On August 9, 2018, the Office of Homeless Solutions ("OHS") briefed the Citizen Homelessness Commission ("Commission") on a homeless workforce initiative titled Clean Up Dallas, modeled after the City of Fort Worth "Clean Slate" Program. OHS re-tooled the proposed workforce program, taking into account feedback from the Commission, as well as challenges created through the use of temporary staffing agencies for the program. On October 15, 2018, OHS briefed the Human and Social Needs Committee on a new and improved Homeless Workforce Sustainability Program.

On January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals ("RFCSP") (#BKZ1909) for Strengthening the Homeless Response System, which included funding for four homeless programs: System Enhancement Program, Emergency Shelter Services, Supportive Housing for Seniors, and Homeless Workforce Sustainability Program. The RFCSP closed on March 14, 2019, with eighteen proposal submissions. Community Council of Greater Dallas ("CCGD") submitted a proposal to provide the Homeless Workforce Sustainability Program ("HWSP"), and is recommended for award.

The HWSP is a pilot program providing funding for an administrative entity to implement a certificate-earning, career-pathways workforce training program for persons experiencing homelessness or at-risk of homelessness. The goal of the program is for participants to positively exit the program with stable housing and full-time employment. The program is intended to support approaches that remove barriers to housing, education, training, and employment opportunities and retention and focus on specialized skills training and workforce opportunities in regional high demand industries.

The program includes five components: (i) participant selection (including outreach and recruitment of individuals who are homeless or at risk of homelessness, in coordination with OHS Outreach and Advocacy staff); (ii) skill development (including job readiness/soft skills and basic skill training and specialized skills training into a career pathway in a high demand industry); (iii) employment and retention (through committed employers providing earn-and-learn opportunities and job placement); (iv) collaboration with a consortium of partners; and (v) client support (including case management, transportation, shelter/housing navigation, and other resources to address employment barriers).

Founded in 1940, CCGD is a non-profit organization dedicated to enhancing quality of life by providing leadership in identifying priority issues and solutions for human services, convening partners to significantly impact service delivery, and increasing awareness and access to services through the incubation of new services and agencies. Consistent with this mission, CCGD has identified a growing skills gap represented by a pervasive need for entry- and mid-level skill workers in the healthcare industry and, in 2018, established a workforce development program under the Opportunity One platform (supported by AdvanceNet Labs).

Under this contract, CCGD will offer persons experiencing homelessness or at-risk of becoming homeless the Opportunity One platform, in conjunction with services provided through partners in the Dallas Area Workforce Collaborative ("Collaborative"), for which CCGD serves as the primary convener and fiscal agent. The Collaborative includes Skill QUEST, Inspiring Tomorrow's Leaders, Harmony Community Development Corporation, FAITH Formula Human Services, Dallas County Community College District ("DCCCD"), Allied Supply Chain Support & Services Inc., and Under 1 Roof.

Through Opportunity One, and in conjunction with employers and collaborative partners, CCGD will provide an entry pathway for HWSP participants into the high growth health care industry, with continuing support for up to six months after employment. The goal is to not only help homeless job-seekers obtain employment, but also to place clients on a career path with entry-level salaries above the living wage and opportunity to advance in a high-demand field.

CCGD will serve 75 homeless or at-risk persons, with three cohorts each year in spring, summer, and fall. Approximately 85% (64 participants) will complete education/training activities under the program, and about 75% (56 participants) are expected to obtain employment.

Once a participant's eligibility has been verified, participants will be registered into the program and the Opportunity One platform. Career counselors/case managers will work with participants to review results from comprehensive needs assessments (including academic and financial assessments), identify the need for services, and develop individualized plans to address barriers. Services include entry-level to middle-skill training assistance and supports, basic needs assistance (like food, housing, transportation, and childcare) and individual coaching and wrap around services to facilitate program completion/graduation and job placement.

Through the Collaborative, led by Skill QUEST and CCGD, participants can complete training at DCCCD, receive licensing or certification in the health care career path chosen, and be placed into middle-skill employment, with continual individual and group coaching sessions (in person and virtual) throughout the process. Clinical externships are required for most of the career paths offered. The Collaborative assists with the job search process, collaborating with employers to match participants with job placement opportunities.

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

The Citizen Homelessness Commission was briefed on a homeless workforce initiative titled Clean Up Dallas on August 9, 2018.

The Human and Social Needs Committee was briefed on a Homeless Workforce Sustainability Program on October 15, 2018.

Information about this item was provided to the Citizen Homelessness Commission on May 9, 2019.

Information about this item was provided to the Human and Social Needs Committee on May 20, 2019.

Information about this item was provided to the Human and Social Needs Committee on June 3, 2019.

## FISCAL INFORMATION

General Fund - $211,599.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $211,599.00 | Other Services | N/A | N/A | N/A |
| • The Business Inclusion and Development Plan does not apply to 501C3 Non-Profit contracts. | | | | |

## OWNER

### Community Council of Greater Dallas

Board of Directors

David Etheridge, Chair
John Cuellar, Vice Chair
Sylvia Garza, Secretary
Rick Illes, Treasurer
Cynthia Dooley
Barbara Glass
Raul Reyes
Veronica Shanklin
Peter Wahl
Myron Watkins



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**WHEREAS,** the 2018 Annual Homeless Point in Time ("PIT") Count reflected a 9% increase in overall homelessness and 24% increase in unsheltered homelessness, and the 2019 PIT Count included an additional 9% increase in overall homelessness and additional 16% increase in unsheltered homelessness; and

**WHEREAS,** these increases in homelessness demonstrate the need to invest in economic opportunities and workforce solutions for homeless persons that promote self-sufficiency and housing stability; and

**WHEREAS,** on January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals (#BKZ1909) for Strengthening the Homeless Response System, which included funding for four homeless programs: System Enhancement Program, Emergency Shelter Services, Supportive Housing for Seniors, and Homeless Workforce Sustainability Program; and

**WHEREAS,** Community Council of Greater Dallas submitted a proposal to provide a Homeless Workforce Sustainability Program, and is recommended for award.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a fifteen-month contract, with one twelve-month renewal option, with Community Council of Greater Dallas, approved as to form by the City Attorney, to provide services under a Homeless Workforce Sustainability Program including but not limited to workforce training, skill development, and job placement opportunities for homeless persons for the period July 1, 2019 through September 30, 2020, in an amount not to exceed $211,599.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $211,599.00 to Community Council of Greater Dallas from General Fund, Fund 0001, Department MGT, Unit 4311, Object 3099, Activity EH50, Encumbrance/Contract No. OHS-2019-00010383, Vendor 227403.

**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 Information Sheet

**File #:** 19-751 **Item #:** 41.

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Homeless Solutions

**EXECUTIVE:** Nadia Chandler-Hardy

## SUBJECT

Authorize a fifteen-month contract, with one twelve-month renewal option, with CitySquare to provide services under a System Enhancement Program including but not limited to case management, transportation, behavioral health services, workforce solutions, diversion, or re-entry services to homeless and at-risk individuals and families for the period July 1, 2019 through September 30, 2020 - Not to exceed $187,500.00 - Financing: General Fund

## BACKGROUND

On August 9, 2018, the Office of Homeless Solutions ("OHS") briefed the Citizen Homelessness Commission on a Systems Enhancement Program.

On October 15, 2018, OHS briefed the Human and Social Needs Committee on a Systems Enhancement Program.

On January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals ("RFCSP") (#BKZ1909) soliciting proposals for four programs to provide supportive services to homeless and at-risk individuals and families.

The RFCSP closed on March 14, 2019, with 18 proposal submissions, 8 of which were for the System Enhancement Program. CitySquare, located at 1610 South Malcolm X Boulevard, Dallas, Texas 75226, submitted a proposal to provide the System Enhancement Program, and is recommended for funding.

CitySquare was originally founded in 1988 by Dallas businessman Jim Sowell. At the time, CitySquare was operating as a small food pantry (Central Dallas Food Pantry D/B/A Central Dallas Ministries) for the working poor in East and South Dallas communities. In 2010, Central Dallas Ministries changed its name to CitySquare, to better reflect its mission to bring the community together to fight poverty.

From a small food pantry, CitySquare has since grown into one of the largest, most effective poverty-fighting organizations in Texas. CitySquare' s social service programs annually serve over 50,000 neighbors in North Texas as well as in Austin, Houston, Abilene (TX), Paris (TX), and Denver, Colorado. Programs focus on four key areas: Hunger, Health, Housing, and Hope.

Under this contract, CitySquare will administer a System Enhancement Program that provides services including but not limited to case management, transportation, behavioral health services, workforce solutions, diversion, or re-entry services. The System Enhancement Program is intended to benefit individuals or families who are homeless (sheltered or unsheltered), formerly homeless (now housed), or at risk of becoming homeless.

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

The Citizen Homelessness Commission was briefed on System Enhancement Program on August 9, 2018.

The Human and Social Needs Committee was briefed on a System Enhancement Program on October 15, 2018.

Information about this item was provided to the Citizen Homelessness Commission on May 9, 2019.

Information about this item was provided to the Human and Social Needs Committee on May 20, 2019.

Information about this item was provided to the Human and Social Needs Committee on June 3, 2019.

## FISCAL INFORMATION

General Fund - $187,500.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $187,500.00 | Other Services | N/A | N/A | N/A |
| • The Business Inclusion and Development Plan does not apply to 501C3 Non-Profit contracts. | | | | |

## OWNER

**CitySquare**

Board of Directors



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Mark Anthony
Britton Banowsky
Robin Blakeley
Elizabeth Caudill
Edie Diaz
Robbie Frazier
Jon Halbert
Marquis Hawkins
Dr. Gene Henderson
Tonia A. Howard
Valerie Keener
Wendy Messmann
Nken Okafor
Glenn Owen
Tarik Rodgers
Byron Sanders
Dave Shipley
Anthony Shoemaker
Craig Spaulding
Lisa Stewart
Kevin Thomason
Mindy Ward

**WHEREAS,** the 2018 Annual Homeless Point in Time Count ("PIT Count") reflected a 9% increase in overall homelessness and 24% increase in unsheltered homelessness, and the 2019 PIT Count included an additional 9% increase in overall homelessness and an additional 16% increase in unsheltered homelessness; and

**WHEREAS,** these increases in homelessness demonstrate the need to invest in system enhancement solutions for homeless persons to promote self-sufficiency and housing stability; and

**WHEREAS,** on January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals (#BKZ1909) for programs to strengthen the homeless response system, which included funding for four homeless programs: System Enhancement Program, Emergency Shelter Services, Supportive Housing for Seniors, and Homeless Workforce Sustainability Program; and

**WHEREAS,** CitySquare submitted a proposal to provide services under the System Enhancement Program, and is recommended for award.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a fifteen-month contract, with one twelve-month renewal option, with CitySquare, approved as to form by the City Attorney, to provide services under a System Enhancement Program including but not limited to case management, transportation, behavioral health services, workforce solutions, diversion, or re-entry services to homeless and at-risk individuals and families for the period July 1, 2019 through September 30, 2020, in an amount not to exceed $187,500.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to encumber and disburse funds in an amount not to exceed $187,500.00 to CitySquare from General Fund, Fund 0001, Department MGT, Unit 4311, Object 3070, Activity EH32, Encumbrance/Contract No. OHS-2019-00010379, Vendor VS0000000497.

**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 Information Sheet

**File #:** 19-750 **Item #:** 42.

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Homeless Solutions

**EXECUTIVE:** Nadia Chandler-Hardy

## SUBJECT

Authorize a fifteen-month contract, with one twelve-month renewal option, with The Family Place to provide services under a System Enhancement Program including but not limited to case management, transportation, behavioral health services, workforce solutions, diversion, or re-entry services to homeless and at-risk families for the period July 1, 2019 through September 30, 2020 - Not to exceed $62,500.00 - Financing: General Fund

## BACKGROUND

On August 9, 2018, the Office of Homeless Solutions ("OHS") briefed the Citizen Homelessness Commission on a Systems Enhancement Program.

On October 15, 2018, OHS briefed the Human and Social Needs Committee on a Systems Enhancement Program.

On January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals ("RFCSP") (#BKZ1909) for Strengthening the Homeless Response System, which included funding for four homeless programs. The RFCSP closed on March 14, 2019, with 18 proposal submissions, as follows: System Enhancement Program (8 proposals), Emergency Shelter Services (6 proposals), Supportive Housing for seniors (3 proposals), and Homeless Workforce Sustainability Program (1 proposal). The Family Place submitted a proposal to provide the System Enhancement Program, and is recommended for award.

This program invests in services that strengthen the effectiveness of the homeless response system. System enhancements include, but are not limited to, case management, transportation, behavioral health services, workforce solutions, diversion, or re-entry services. This program is intended to benefit homeless (sheltered or unsheltered), formerly homeless (now housed), or those at risk of becoming homeless. This program may serve individuals and/or families.

The Family Place empowers victims of family violence by providing safe housing, counseling and skills that create independence while building community engagement and advocating for social change to stop family violence. In 1978, a group of community volunteers organized The Family Place as one of the first family violence shelters in the state. Today, The Family Place is the largest family violence service providers in North Texas, with three emergency shelters providing 177 shelter beds each night, including the state's only shelter for men and children.

The Family Place Men's Emergency Shelter serves men and their children who are homeless due to fleeing domestic violence. Services are provided without barriers or program entry qualifications. Program participation receive crisis intervention, safety planning, case management, access to child care, transportation assistance, medical and dental care, legal assistance, employment assistance, individual and group therapy and incest recovery services as needed. All services are provided free of charge. The goal of the program is to provide a safe, family friendly, therapeutic environment to men and children impacted by domestic violence. Through classes, training and individual case management sessions, men and children can begin to heal from trauma and establish goals towards self- sufficiency.

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

The Citizen Homelessness Commission was briefed on a System Enhancement Program on August 9, 2018.

The Human and Social Needs Committee was briefed on a System Enhancement Program on October 15, 2018.

Information about this item was provided to the Citizen Homelessness Commission on May 9, 2019.

Information about this item was provided to the Human and Social Needs Committee on May 20, 2019.

Information about this item was provided to the Human and Social Needs Committee on June 3, 2019.

## FISCAL INFORMATION

General Fund - $62,500.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $62,500.00 | Other Services | N/A | N/A | N/A |
| • The Business Inclusion and Development Plan does not apply to 501C3 Non-Profit contracts. | | | | |



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**OWNER**

**The Family Place**

Board of Directors

Emily Maduro, President
Jeannie Barsam, Vice President
Phyllis Cole McKnight, Vice President
Rhonda Green, Vice President
Travis Hollman, Vice President
Delia Jasso, Vice President
Kim Koonce, Vice President
Carol Seay, Vice President
Mike Montgomery, Secretary
Wes McCown, Treasurer
David Allston
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Monika Flood
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Lauran Goldberg
Carlos Gonzalez-Jaime
Kimberli Greer
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LaTanya Harris
Lindsay Jacaman
Stacee Johnson-Williams
Stacy Jordan Rodriquez
Linda Knox
Clarisa Lindenmeyer
Margo McClinton Stoglin
Thomas McCollum
Mary McNulty
Sam Megally
Aaliyah Miranda
Javier Montemayor
Honea Owens
James Pasant
Stephen Peterson

Daniel Pidgeon
Kristin Sanger
Lisa Singleton
Elaine Sit
Jill Tananbaum
Erika Toledo-Mortensen
Radhika Zaveri

**WHEREAS,** the 2018 Annual Homeless Point in Time ("PIT") Count reflected a 9% increase in overall homelessness and 24% increase in unsheltered homelessness, and the 2019 PIT Count included an additional 9% increase in overall homelessness and additional 16% increase in unsheltered homelessness; and

**WHEREAS,** these increases in homelessness demonstrate the need to invest in system enhancement solutions for homeless persons that promote self-sufficiency and housing stability; and

**WHEREAS,** on January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals (#BKZ1909) for Strengthening the Homeless Response System, which included funding for four homeless programs: System Enhancement Program, Emergency Shelter Services, Supportive Housing for Seniors, and Homeless Workforce Sustainability Program; and

**WHEREAS,** The Family Place submitted a proposal to provide a System Enhancement Program, and is recommended for award.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a fifteen-month contract, with one twelve-month renewal option, with The Family Place, approved as to form by the City Attorney, to provide services under a System Enhancement Program including but not limited to case management, transportation, behavioral health services, workforce solutions, diversion, or re-entry services to homeless and at-risk families for the period July 1, 2019 through September 30, 2020, in an amount not to exceed $62,500.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $62,500.00 to The Family Place from General Fund, Fund 0001, Department MGT, Unit 4311, Object 3070, Activity EH32, Encumbrance/Contract No. OHS-2019-00010378, Vendor 243202.

**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 Information Sheet

**File #:** 19-752 **Item #:** 43.

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Homeless Solutions

**EXECUTIVE:** Nadia Chandler-Hardy

## SUBJECT

Authorize a fifteen-month contract, with one twelve-month renewal option, with Catholic Charities of Dallas, Inc. to provide services under a Supportive Housing for Seniors Program including but not limited to housing rental subsidies for transition into permanent supportive housing, case management, and wrap-around stabilization services for homeless seniors for the period July 1, 2019 through September 30, 2020 - Not to exceed $250,000.00 - Financing: General Fund

## BACKGROUND

On August 9, 2018, the Office of Homeless Solutions ("OHS") briefed the Citizen Homelessness Commission on a Supportive Housing for Seniors Program.

On October 15, 2018, OHS briefed the Human and Social Needs Committee on a Supportive Housing for Seniors Program.

On January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals ("RFCSP") (#BKZ1909) soliciting proposals for four programs to provide supportive services to homeless and at-risk individuals and families.

The RFCSP closed on March 14, 2019, with 18 proposal submissions, 3 of which were for the Supportive Housing for Seniors Program. Catholic Charities of Dallas, Inc. ("CCD"), located at 1421 West Mockingbird Lane, Dallas, Texas 75247, submitted a proposal to provide the Supportive Housing for Seniors Program, and is recommended for award.

CCD has provided services to the poor and elderly for more than 125 years. It originated as the St. Joseph Home Orphanage in 1891 and was formally established in 1941 when it combined with the Diocesan orphanages. In 1997, CCD was incorporated as a separate entity and has since evolved into a nationally accredited, leading social service provider in Dallas. Preventing homelessness, alleviating hunger and strengthening families are among the core focus are of CCD. Annually, CCD helps over 35,000 individuals achieve stability and self-sufficiency through adult and childhood

education, employment services, financial literacy programs, food and prepared meal distribution, disaster preparedness and relief services, immigration legal services, refugee resettlement services, pregnancy, adoption and parenting counselling and services, and permanent supportive housing for homeless seniors.

Under this contract, CCD will transition chronically homeless seniors into permanent supportive housing and put them on a path to success through effective case management and wrap-around stabilization services. CCD will work in conjunction with its partners in the provision of case management and supportive services.

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

The Citizen Homelessness Commission was briefed on a Supportive Housing for Seniors Program called St. Jude Center on August 9, 2018.

The Human and Social Needs Committee was briefed on St. Jude Center on October 15, 2018.

Information about this item was provided to the Citizen Homelessness Commission on May 9, 2019.

Information about this item was provided to the Human and Social Needs Committee on May 20, 2019.

Information about this item was provided to the Human and Social Needs Committee on June 3, 2019.

## FISCAL INFORMATION

General Fund - $250,000.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $250,000.00 | Other Services | N/A | N/A | N/A |
| • The Business Inclusion and Development Plan does not apply to 501C3 Non-Profit contracts. | | | | |

## OWNER

**Catholic Charities of Dallas, Inc.**

Board of Directors

Mary Lynn Bangs, Chair



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Steve Suellentrop, Vice Chair
Mary T. Manning, Secretary
Paul Koch, Treasurer
James Bradley
Tim Bray
Ray Chavez
Thomas W. Codd
Craig Cowels
Raul Estrada
Gerard Heeley
Joe Hogan
Shauna King
Doug Latter
Megan Martinez
Tom McCarthy
Bob McDermott
Brian O'Boyle, Sr.
Marie Quintana
Janice Schliem
Rick Schomack
Joanie Stephens
John Stephens
Mark Taken
Monica Valazquez
Robert Wright

**WHEREAS,** the 2018 Annual Homeless Point in Time Count ("PIT Count") reflected a 9% increase in overall homelessness and 24% increase in unsheltered homelessness, and the 2019 PIT Count included an additional 9% increase in overall homelessness and an additional 16% increase in unsheltered homelessness; and

**WHEREAS,** these increases in homelessness demonstrate the need to invest in supportive housing solutions for the growing senior homeless population that will promote self-sufficiency and housing stability; and

**WHEREAS,** on January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals (#BKZ1909) for programs to strengthen the homeless response system, which included funding for four homeless programs: System Enhancement Program, Emergency Shelter Services, Supportive Housing for Seniors, and Homeless Workforce Sustainability Program; and

**WHEREAS,** Catholic Charities of Dallas, Inc. submitted a proposal to provide services under the Supportive Housing for Seniors Program, and is recommended for award.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a fifteen-month contract, with one twelve-month renewal option, with Catholic Charities of Dallas, Inc., approved as to form by the City Attorney, to provide services under a Supportive Housing for Seniors Program including but not limited to housing rental subsidies for transition into permanent supportive housing, case management, and wrap-around stabilization services for homeless seniors for the period July 1, 2019 through September 30, 2020, in an amount not to exceed $250,000.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $250,000.00 to Catholic Charities of Dallas, Inc. from General Fund, Fund 0001, Department MGT, Unit 4311, Object 3070, Activity EH32, Encumbrance/Contract No. OHS-2019-00010384, Vendor VC0000007486.

**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 Information Sheet

**File #:** 19-753 **Item #:** 44.

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Homeless Solutions

**EXECUTIVE:** Nadia Chandler-Hardy

## SUBJECT

Authorize a fifteen-month contract, with one twelve-month renewal option, with CitySquare to implement a Landlord Subsidized Leasing Program under Track 3 of the Homeless Solutions Strategy by providing move-in and rental assistance for eligible individuals and families in need of temporary assistance and risk mitigation funds to landlords that reserve units for eligible individuals and families experiencing homelessness for the period July 1, 2019 through September 30, 2020 - Not to exceed $1,300,000.00 - Financing: General Fund

## BACKGROUND

The local 2018 Homeless Point In Time Count revealed that 3,506 persons were experiencing homelessness in the City of Dallas, an almost 9% increase from the 2017 count. Similarly, 1,098 unsheltered persons experiencing homelessness were identified, a 24% increase from the 2017 results. The increase of both total and unsheltered homelessness in the City of Dallas has trended for several years. Numerous factors contribute to these devastating results including decreased shelter capacity; a lack of available and affordable housing units; and an uncoordinated and underutilized homeless response system to name a few.

On August 1, 2018, the Office of Homeless Solutions briefed City Council on its proposed Four-Track Homeless Solutions Strategy to address homelessness in the City of Dallas. Track 3: Master Lease and Landlord Incentives, includes security deposits, rent, utilities, and incentives to tenants as well as incentives and risk mitigation to participating landlords, which aims to expand capacity of existing providers through contracted pay-to-stay shelter beds.

On January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals (“RFCSP”) (#BPZ1905) to provide financial assistance for eligible homeless persons and risk mitigation funds for landlords, to address challenges faced by persons experiencing homelessness as they navigate the rental market. The RFCSP closed on March 14, 2019, with two proposal submissions. CitySquare submitted a proposal to provide a Landlord Subsidized Leasing Program, and is recommended for award.

CitySquare was originally founded in 1988 by Dallas businessman Jim Sowell. At the time, CitySquare was operating as a small food pantry (Central Dallas Food Pantry dba Central Dallas Ministries) for the working poor in East and South Dallas communities. In 2010, Central Dallas Ministries changed its name to CitySquare, to better reflect their commitment to equality inclusiveness and their recognition that fighting poverty involves bringing the entire community together in the heart of the city.

From a small food pantry, CitySquare has since grown into one of the largest, most effective poverty-fighting organizations in Texas. CitySquare's social service programs annually serve over 50,000 neighbors in North Texas as well as in Austin, Houston, Abilene (TX), Paris (TX), and Denver, Colorado. Programs focus on four key areas: Hunger, Health, Housing, and Hope.

In partnership with Family Gateway, Inc., CitySquare will provide rental assistance and supportive services to 25 homeless individuals and 50 homeless families, while engaging and encouraging landlords to provide units through risk mitigation funds.

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

The Citizen Homelessness Commission was briefed on the Track 3 of the Homeless Solutions Strategy on March 14, 2018.

City Council was briefed on the Office of Homeless Solutions proposed Four-Track Homeless Solutions Strategy to address homelessness in the City of Dallas on August 1, 2018.

The Human and Social Needs Committee was briefed on the Landlord Subsidized Leasing Program on September 17, 2018.

Information about this item was provided to the Citizen Homelessness Commission on May 9, 2019.

Information about this item was provided to the Human and Social Needs Committee on May 20, 2019.

Information about this item was provided to the Human and Social Needs Committee on June 3, 2019.

## FISCAL INFORMATION

General Fund - $1,300,000.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:



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| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $1,300,000.00 | Other Services | N/A | N/A | N/A |
| • The Business Inclusion and Development Plan does not apply to 501C3 Non-Profit contracts. | | | | |

**OWNER**

**CitySquare**

Board of Directors

Mark Anthony
Britton Banowsky
Robin Blakeley
Elizabeth Caudill
Edie Diaz
Robbie Frazier
Jon Halbert
Marquis Hawkins
Dr. Gene Henderson
Tonia A. Howard
Valerie Keener
Wendy Messmann
Nken Okafor
Glenn Owen
Tarik Rodgers
Byron Sanders
Dave Shipley
Anthony Shoemaker
Craig Spaulding
Lisa Stewart
Kevin Thomason
Mindy Ward

**WHEREAS,** according to the local Homeless Point in Time Count, overall homelessness increased by 9% in 2018 and 2019 and unsheltered homelessness increased by 24% and 16% in 2018 and 2019 respectively; and

**WHEREAS,** these increases in homelessness demonstrate the need to invest in subsidized housing solutions for homeless persons that promote self-sufficiency and housing stability; and

**WHEREAS,** on January 31, 2019, the Office of Procurement Services advertised a Request for Competitive Sealed Proposals ("RFCSP") (#BPZ1905) to provide a Landlord Subsidized Leasing Program with financial assistance for eligible homeless persons and risk mitigation funds for landlords, to address challenges faced by persons experiencing homelessness as they navigate the rental market; and

**WHEREAS,** CitySquare submitted a proposal to provide a Landlord Subsidized Leasing Program, and is recommended for award.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a fifteen-month contract, with one twelve-month renewal option, with CitySquare, approved as to form by the City Attorney, to implement a Landlord Subsidized Leasing Program under Track 3 of the Homeless Solutions Strategy by providing move-in and rental assistance for eligible individuals and families in need of temporary assistance and risk mitigation funds to landlords that reserve units for eligible individuals and families experiencing homelessness for the period July 1, 2019 through September 30, 2020 in an amount not to exceed $1,300,000.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,300,000.00 to CitySquare from General Fund, Fund, 0001, Department MGT, Unit 4311, Object 3070, Service Contract No. OHS-2019-00010380, Vendor VS0000000497.

**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 Information Sheet

**File #:** 19-790 **Item #:** 45.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

## SUBJECT

Authorize a two-year service price agreement **(1)** for citywide hazardous and non-hazardous waste disposal services with Green Planet, Inc. through an interlocal agreement with Dallas/Fort Worth International Airport in an estimated amount of $1,744,066.15; and **(2)** citywide bio-hazardous decontamination and spill clean-up services with The Cleaning Guys, LLC dba CG Environmental through an interlocal agreement with the Texas Department of Transportation in an estimated amount of $1,486,388.88 - Total estimated amount of $3,230,455.03 - Financing: General Fund ($2,545,300.00), Equipment and Fleet Management Fund ($220,000.00), Aviation Fund ($200,000.00), Dallas Water Utilities Fund ($161,050.00), Sanitation Operation Fund ($102,770.03), and Convention and Event Services Fund ($1,335.00)

## BACKGROUND

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This service price agreement will provide citywide disposal of confiscated, biologically hazardous, environmentally hazardous and non-hazardous materials such as:

- Blood
- Body fluids
- Corrosive/flammable materials
- Liquor, beer, and wine
- Ammunition and fireworks
- Automobile and equipment solid batteries

Disposal services also include the collection and disposing of used and spilled cleaning materials, paints and pesticides to avoid City employee exposure to such materials and to ensure compliance with the Environmental Management Program. These products need to be disposed in accordance with specifications for toxic hazardous substances separately from the City's regular solid waste pickup and materials recycling. Bio-hazardous decontamination and spill clean-up service contract provides the City with decontamination services for incidents involving hazardous substance spills and areas of the City affected by homeless encampments.

The Dallas/Fort Worth International Airport and the Texas Department of Transportation interlocal agreements are authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendors meet this requirement.

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

On April 27, 2016, City Council authorized a two-year service contract for hazardous and non-hazardous waste disposal services with Green Planet, Inc. through Dallas/Fort Worth International Airport contract using the Interlocal Purchasing Agreement; and bio-hazardous decontamination and spill clean-up services with Protect Environmental Services, Inc. through the City of Richardson contract using the Interlocal Purchasing Agreement by Resolution No. 16-0685.

City Council will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

General Fund - $2,545,300.00
Equipment and Fleet Management Fund - $220,000.00
Aviation Fund - $200,000.00
Dallas Water Utilities Fund - $161,050.00
Sanitation Operation Fund - $102,770.03
Convention and Event Services Fund - $1,335.00

| Fund | FY 2019 | FY 2020 | FY 2021 |
|---|---|---|---|
| General Fund | $282,110.00 | $1,135,720.00 | $1,127,470.00 |
| Equipment and Fleet Management Fund | $15,000.00 | $140,000.00 | $65,000.00 |
| Aviation Fund | $100,000.00 | $100,000.00 | $0 |
| Dallas Water Utilities Fund | $20,131.28 | $140,918.72 | $0 |
| Sanitation Operation Fund | $25,000.00 | $50,000.00 | $27,770.03 |
| Convention and Event Services Fund | $667.50 | $667.50 | $0 |

| | | | |
|---|---|---|---|
| Total | $442,908.78 | $1,567,306.22 | $1,220,240.03 |

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $3,230,455.03 | Interlocal Agreement | N/A | N/A | N/A |
| • The Business Inclusion and Development Plan does not apply to Interlocal Agreements | | | | |

## PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---|---|
| Interlocal Agreement/Intergovernmental Agreement | • Interlocal Agreements/Intergovernmental Agreements allow the City to take advantage of competitively bid contracts by a State agency or local government and enable the City to purchase goods or services at lower prices<br>• Interlocal Agreements/Intergovernmental Agreements are an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement |

## OWNERS

### Green Planet, Inc.

Virginia Belmore, President
Hassan Aicha, Vice President

### The Cleaning Guys, LLC dba CG Environmental

Erick McCallum, President
William Haan, Vice President

**WHEREAS,** on April 27, 2016, City Council authorized a two-year service contract for hazardous and non-hazardous waste disposal services with Green Planet, Inc. in the amount of $3,188,960.00 through Dallas/Fort Worth International Airport contract using the Interlocal Purchasing Agreement; and bio-hazardous decontamination and spill clean-up services with Protect Environmental Services, Inc. in the amount of $261,200.00 through the City of Richardson contract using the Interlocal Purchasing Agreement, in a total not to exceed $3,450,160.00, by Resolution No. 16-0685.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service price agreement with **(1)** Green Planet, Inc. (357112) through an interlocal agreement with Dallas/Fort Worth International Airport, approved as to form by the City Attorney, for citywide hazardous and non-hazardous waste disposal services in an estimated amount of $1,744,066.15; and **(2)** The Cleaning Guys, LLC dba CG Environmental (VS0000055324) through an interlocal agreement with the Texas Department of Transportation, approved as to form by the City Attorney, for citywide bio-hazardous decontamination and spill clean-up services in an estimated amount of $1,486,388.88, for a term of two years in an estimated total amount of $3,230,455.03. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Green Planet, Inc. and The Cleaning Guys, LLC dba CG Environmental shall be based only on the amount of the services directed to be performed by the City and properly performed by Green Planet, Inc. and The Cleaning Guys, LLC dba CG Environmental under the contract. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least $3,230,455.03, but not more than the amount of budgetary appropriations for this service price agreement during its term to Green Planet, Inc. and The Cleaning Guys, LLC dba CG Environmental from Service Price Agreement No. POM-2019-00010458.

**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 Information Sheet

**File #:** 19-739 **Item #:** 46.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

## SUBJECT

Authorize a three-year service price agreement for new recruit medical exams, wellness-fitness exams, and hazardous material medical surveillance program for the Fire-Rescue Department - HealthTexas Provider Network dba Baylor Scott & White MedProvider, most advantageous proposer of two - Estimated amount of $2,409,005 - Financing: General Fund

## BACKGROUND

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This service price agreement will provide new recruit medical exams, wellness-fitness exams, and hazardous material medical surveillance program for the Fire-Rescue Department. Under the established service areas, new recruit pre-placement physical and controlled substance testing will account for approximately 130 new recruits to be hired annually, wellness-fitness examinations for approximately 510 firefighters annually, and medical surveillance program for 70 specialized employees who are assigned to the Hazardous Materials Response Team.

A six member committee from the following departments reviewed and evaluated the qualifications:

- Department of Communication and Information Services (1)
- Fire-Rescue Department (2)
- Water Utilities Department (1)
- Office of Business Diversity (1)*
- Office of Procurement Services (1)*

*The Office of Procurement Services only evaluated cost and the Office of Business Diversity only evaluated the Business Inclusion and Development Plan.

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

| | |
|---|---|
| • Capabilities and resources | 15 points |
| • Approach to project | 5 points |
| • Experience in serving entities or cities the size of the City | 10 points |
| • Knowledge of firefighter's job risk | 7 points |
| • Number of board certified physicians | 10 points |
| • Customer service | 8 points |
| • Business Inclusion and Development Plan | 15 points |
| • Cost | 30 points |

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 7 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of 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, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

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

On May 14, 2014, City Council authorized a three-year service contract, with two one-year renewal options, for medical testing for Fire-Rescue new recruits and uniformed employees with HealthTexas Provider Network dba MedProvider and Occupational Health Centers of the Southwest PA dba Concentra Medical Centers by Resolution No. 14-0737.

City Council will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

General Fund - $2,409,005.00 (Estimated amount)

FY 2018-19 $ 324,270.00
FY 2019-20 $1,042,368.00
FY 2020-21 $1,042,367.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $2,409,005.00 | Other Services | N/A | N/A | N/A |
| • M/WBE goal waived due to no M/WBE availability | | | | |

## PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---|---|
| Request for Competitive Sealed Proposal | • Utilized for high technology procurements, insurance procurements, and other goods and services<br>• Recommended offeror whose proposal is most advantageous to the City, considering the relative importance of price, and other evaluation factors stated in the specifications<br>• Always involves a team evaluation<br>• Allows for negotiation on contract terms, including price |

The Office of Procurement Services received the following proposals from solicitation number BDZ1901. We opened them on March 15, 2019. We recommend the City Council award this service price agreement in its entirety to the most advantageous proposer.

*Denotes successful proposer

| Proposers | Address | Score | Amount |
|---|---|---|---|
| *HealthTexas Provider Network dba Baylor Scott & White MedProvider | 8080 North Central Expy.<br>Dallas, TX 75206 | 89.00 | $2,409,005.00 |
| Occupational Health Centers of the Southwest, P.A. dba Concentra Medical Centers | 5601 Greenville Ave.<br>Dallas, TX 75206 | 35.98 | $2,500,935.00 |

## OWNER

**HealthTexas Provider Network dba Baylor Scott & White MedProvider**

Sarah Gahm, President
Doug Smith, Chief Administrative Officer
Pam Peiffer, Chief Financial Officer

**WHEREAS,** on May 14, 2014, City Council authorized a three-year service contract, with two one-year renewal options, for medical testing for Fire-Rescue new recruits and uniformed employees with HealthTexas Provider Network dba MedProvider in the amount of $3,443,655 and Occupational Health Centers of the Southwest PA dba Concentra Medical Centers in the amount of $154,950, in a total amount not to exceed $3,598,605, by Resolution No. 14-0737; and

**WHEREAS,** on April 20, 2017, Administrative Action No. 17-5918 authorized to extend the service contract for one year for medical testing for Fire-Rescue new recruits and uniformed employees with Occupational Health Centers of the Southwest PA dba Concentra Medical Centers from May 14, 2017 to May 13, 2018, with zero cost, having no effect on the contract amount; and

**WHEREAS,** on April 20, 2017, Administrative Action No. 17-5919 authorized to extend the service contract for one year for medical testing for Fire-Rescue new recruits and uniformed employees with HealthTexas Provider Network dba MedProvider from May 14, 2017 to May 13, 2018, with zero cost, having no effect on the contract amount; and

**WHEREAS,** on April 18, 2018, Administrative Action No. 18-5666 authorized to extend the service contract for one year for medical testing for Fire-Rescue new recruits and uniformed employees with Occupational Health Centers of the Southwest PA dba Concentra Medical Centers from May 13, 2018 to May 13, 2019, with zero cost, having no effect on the contract amount; and

**WHEREAS,** on April 18, 2018, Administrative Action No. 18-5667 authorized to extend the service contract for one year for medical testing for Fire-Rescue new recruits and uniformed employees with HealthTexas Provider Network dba Baylor Scott & White MedProvider from May 13, 2018 to May 13, 2019, with zero cost, having no effect on the contract amount.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service price agreement with HealthTexas Provider Network dba Baylor Scott & White MedProvider (VC16002), approved as to form by the City Attorney, for new recruit medical exams, wellness-fitness exams, and hazardous material medical surveillance program for the Fire-Rescue Department for a term of three years, in the estimated amount of $2,409,005. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to HealthTexas Provider Network dba Baylor Scott & White MedProvider shall be based only on the amount of the services directed to be performed by the City and properly performed by HealthTexas Provider Network dba Baylor Scott & White MedProvider under the contract. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least $2,409,005, but not more than the amount of budgetary appropriations for this service price agreement during its term to HealthTexas Provider Network dba Baylor Scott & White MedProvider from Service Contract No. POM-2019-00010377.

**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 Information Sheet

**File #:** 19-837 **Item #:** 47.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

## SUBJECT

Authorize a three-year service price agreement for grounds maintenance for parks and other City owned properties - Good Earth Corporation in an estimated amount of $4,519,022 and V.L. & I, Inc. dba Urban Landscaping & Irrigation in an estimated amount of $1,868,076, lowest responsible bidders of two - Total estimated amount of $6,387,098 - Financing: General Fund ($6,247,778), Sanitation Operation Fund ($117,000), and Equipment and Fleet Management Fund ($22,320)

## BACKGROUND

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement. We anticipate the following City departments will use this agreement:

- Park and Recreation Department
- Department of Sanitation Services
- Building Services Department
- Equipment and Fleet Management

This service price agreement will provide grounds maintenance for parks and other City owned properties to include mowing, edging, and trimming. Services under the agreement are based on a predetermined maintenance schedule established by the City however, the agreement also includes a provision for emergency response services.

This service price agreement will provide grounds maintenance service in 130 parks located in all six park maintenance districts, Bahama Beach Water Park, Sanitation, Building Services, and Equipment and Fleet Management locations. Equipment and Fleet Management and the Building Services Department locations are serviced on an as needed basis. Maintenance frequencies vary for each

property based on the type of turf area and the time of year. Adjustments to the schedule can be made based on variable needs, such as special events and weather conditions.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 509 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of 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, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendors meet this requirement.

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

On January 27, 2016, City Council authorized a three-year service contract for grounds maintenance services at parks, airports, and other City owned properties with Good Earth Corporation and Urban Landscaping & Irrigation by Resolution No. 16-0160.

City Council will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

General Fund - $6,247,778.00 (Estimated amount)
Sanitation Operation Fund - $117,000.00 (Estimated amount)
Equipment and Fleet Management Fund - $22,320.00 (Estimated amount)

| Fund | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
|---|---|---|---|---|
| General Fund | $750,797.03 | $2,082,592.67 | $2,082,592.67 | $1,331,795.63 |
| Sanitation Operation Fund | $20,000.00 | $40,000.00 | $40,000.00 | $17,000.00 |
| Equipment and Fleet Management Fund | $5,320.00 | $8,500.00 | $8,500.00 | $0.00 |
| Total | $776,117.03 | $2,131,092.67 | $2,131,092.67 | $1,348,795.63 |

## M/WBE INFORMATION

In accordance with the City’s Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $6,387,098.00 | Other Services | 23.80% | 36.32% | $2,319,978.20 |
| • This contract exceeds the M/WBE goal. | | | | |



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## PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---|---|
| Low Bid | • Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements<br>• Negotiations are not allowed |

The Office of Procurement Services received the following bids from solicitation number BK1900009791. We opened them on May 3, 2019. We recommend the City Council award this service price agreement to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

*Denotes successful bidders

| Bidders | Address | Amount |
|---|---|---|
| *Good Earth Corporation | 7922 Forney Rd.<br>Dallas, TX 75227 | Multiple Groups |
| *V.L. & I, Inc. dba Urban Landscaping & Irrigation | 700 S. Dallas Ave.<br>Lancaster, TX 75146 | Multiple Groups |

## OWNERS

### Good Earth Corporation

George Belk, Chief Operating Officer

### Urban Landscaping & Irrigation

Dexter Payne, President



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**WHEREAS,** on January 27, 2016, City Council authorized a three-year service contract for grounds maintenance services at parks, airports and other City owned properties with Good Earth Corporation in the amount of $2,403,441.00 and Urban Landscaping & Irrigation, in the total amount of $774,907.56, by Resolution No. 16-0160; and

**WHEREAS,** on March 7, 2019, Administrative Action No. 19-5624 authorized Supplemental Agreement No. 1 to the service contract with Good Earth Corporation for grounds maintenance services at parks, airports, and other City owned properties, in an amount not to exceed $37,809.58, from $2,403,441.00 to $2,441,250.58, and extending the term of the contract for four months from January 27, 2019 to May 26, 2019; and

**WHEREAS,** on May 23, 2019, Administrative Action No. 19-5997 authorized Supplemental Agreement No. 2 to the service contract with Good Earth Corporation for grounds maintenance services at parks, airports, and other City owned properties extending the term of the contract for one month from May 27, 2019 to June 26, 2019.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service price agreement with Good Earth Corporation (510006) in the estimated amount of $4,519,022.00 and V.L. & I., Inc. dba Urban Landscaping & Irrigation (514920) in the estimated amount of $1,868,076.00, approved as to form by the City Attorney, for grounds maintenance for parks and other City owned properties for a term of three years in a total estimated amount of $6,387,098.00. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Good Earth Corporation and V.L.& I., Inc. dba Urban Landscaping & Irrigation shall be based only on the amount of the services directed to be performed by the City and properly performed by Good Earth Corporation and V.L. & I., Inc. dba Urban Landscaping & Irrigation under the contract. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least $6,387,098.00, but not more than the amount of budgetary appropriations for this service price agreement during its term to Good Earth Corporation and V.L. & I., Inc. dba Urban Landscaping & Irrigation from Service Contract No. POM-2019-00009791.

**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 Information Sheet

**File #:** 19-847 **Item #:** 48.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

## SUBJECT

Authorize a five-year turnkey acquisition and service price agreement for the purchase of a radio frequency identification system for the Library - mk Library Solutions, Inc., most advantageous proposer of six - Estimated amount of $1,678,538 - Financing: General Fund

## BACKGROUND

This action does not encumber funds; the purpose of a turnkey acquisition contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This turnkey acquisition and service price agreement will allow for the purchase of a radio frequency identification (RFID) system consisting of hardware and software for all required functions, training, and maintenance and support for the Library.

On September 18, 2018, City Council approved an enhancement to the Library's budget by funding an RFID system for all 29 existing and future library locations. RFID is the latest technology in theft detection, inventory, and circulation of library materials. This technology will provide an automated and efficient method of processing library materials throughout the Library system.

The Library anticipates installation of all RFID equipment to begin late summer 2019 while simultaneously implementing RFID tags to existing library materials with minimal interruption to patrons. All new materials ordered will arrive with RFID tags already embedded and will be immediately available for circulation.

A seven member committee from the following departments reviewed and evaluated the qualifications:

- Library (2)
- Park and Recreation Department (1)
- Department of Communication and Information Services (1)
- Office of Community Care (1)
- Office of Business Diversity (1)*
- Office of Procurement Services (1)*

*The Office of Procurement Services only evaluated cost and the Office of Business Diversity only evaluated the Business Inclusion and Development Plan.

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

- Cost 30 points
- Technical match 30 points
- Functional match 20 points
- Capabilities, expertise, and training 5 points
- Business Inclusion and Development Plan 15 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 27 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of 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, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

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

City Council will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

General Fund - $1,678,538.00 (Estimated amount)

FY 2019-20 $1,462,518.00
FY 2020-21 $ 52,000.00
FY 2021-22 $ 53,340.00
FY 2022-23 $ 54,650.00
FY 2023-24 $ 56,030.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $1,678,538.00 | Other Services | 23.80% | 4.68% | $78,538.00 |
| • This contract does not meet the M/WBE goal, but complies with good faith efforts. | | | | |

## PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---|---|
| Request for Competitive Sealed Proposal | • Utilized for high technology procurements, insurance procurements, and other goods and services<br>• Recommended offeror whose proposal is most advantageous to the City, considering the relative importance of price, and other evaluation factors stated in the specifications<br>• Always involves a team evaluation<br>• Allows for negotiation on contract terms, including price |

The Office of Procurement Services received the following proposals from solicitation number BTZ1910. We opened them on April 19, 2019. We recommend the City Council award this turnkey acquisition contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

| Proposers | Address | Score | Amount |
|---|---|---|---|
| *mk Library Solutions, Inc. | 75 Acco Dr.<br>Suite A-3<br>York, PA 17402 | 68.25 | $1,678,538.00 |
| EnvisionWare, Inc. | 2855 Premiere Pkwy.<br>Suite A<br>Duluth, GA 30097 | 62.69 | $1,648,010.60 |
| Invengo Technology Corporation | 2700 Summer Blvd.<br>Suite 160<br>Raleigh, NC 27616 | 61.52 | $1,975,487.72 |
| Tech Logic Solutions Corporation | 835 Hale Ave. N<br>Oakdale, MN 55128 | 58.40 | $1,904,286.43 |

| | | | |
|---|---|---|---|
| Bibliotheca, LLC | 3169 Holcomb Bridge Rd.<br>Norcross, GA 30071 | 50.20 | $2,046,350.66 |
| P.V. Supa, Inc. | 2600 Technology Dr.<br>Suite 200<br>Plano, TX 75074 | 34.95 | $2,662,632.24 |

**OWNER**

**mk Library Solutions, Inc.**

Markus Flory, President



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June 26, 2019

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

**SECTION 1.** That the City Manager is hereby authorized to execute a turnkey acquisition contract with mk Library Solutions, Inc. (VS87188), approved as to form by the City Attorney, for the purchase and maintenance of a radio frequency identification system for the Library for a term of five years, in the estimated amount of $1,678,538.00. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to mk Library Solutions, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by mk Library Solutions, Inc. under the contract. The amount payable pursuant to this turnkey acquisition contract may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this turnkey acquisition contract during its term.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least $1,678,538.00, but not more than the amount of budgetary appropriations for this turnkey acquisition contract during its term to mk Library Solutions, Inc. from Turnkey Acquisition Contract No. LIB-2019-00010605.

**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.

**File #:** 19-721 **Item #:** 49.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

## SUBJECT

Authorize **(1)** a three-year service contract for printing and mailing of certified notices for the Police Department Auto Pound - Statement Systems, Inc. most advantageous proposer of four in the amount of $786,240; and **(2)** the ratification of $130,000 to pay outstanding invoices associated with the current contract with Statement Systems, Inc. for printing and mailing of certified notices for the Police Department Auto Pound - Total not to exceed $916,240 - Financing: General Fund (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 service contract will provide for the printing and mailing of certified notices to registered owners and lien holders of vehicles that have been impounded at the Police Department Auto Pound. Auto pounds are required by the State Transportation Code 683.012 to notify registered owners and lien holders by certified mail within 10 days after a vehicle has been taken into custody. The Police Department Auto Pound currently sends out approximately 3,000 notices monthly and issues a notification to the registered owner/lien holders 24 hours after the vehicle has been impounded.

A six member committee from the following departments reviewed and evaluated the qualifications:

- Police Department (2)
- Water Utilities Department (1)
- Office of Management Services (1)
- Office of Procurement Services (1)*
- Office of Business Diversity (1)*

*Office of Procurement Services only evaluated cost and the Office of Business Diversity only evaluated the Business Inclusion and Development Plan.

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

- Cost to the City 30 points
- Experience and capabilities 30 points
- Proposed approach 25 points
- Business Inclusion and Development Plan 15 points

As part of the solicitation process and in an effort to increase competition the Office of Procurement Services used its procurement system to send out 2,622 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of 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, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups, to ensure maximum vendor outreach.

The ratification of funds is needed to pay outstanding invoices that exceed the current funding of the contract. This is due to an increase in the number of certified notices sent by the Auto Pound. While historical actuals were used to develop the funding needs in the current contract, the number of certified notices required to be sent, per the State Transportation Code, outpaced the original estimates used.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

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

On August 24, 2016, City Council authorized a three-year service contract for printing and mailing of certified notices for Dallas Police Department Auto Pound by Resolution No. 16-1306.

City Council will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

General Fund - $916,240.00 (subject to annual appropriations)

FY2019-20 $180,520.00 (subject to annual appropriations)
FY2020-21 $367,860.00 (subject to annual appropriations)
FY2021-22 $367,860.00 (subject to annual appropriations)

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $786,240.00 | Other Services | 23.80% | 0.14% | $1,080.00 |
| • This contract does not meet the M/WBE goal, but complies with good faith efforts. | | | | |

## PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---|---|
| Request for Competitive Sealed Proposal | • Utilized for high technology procurements, insurance procurements, and other goods and services<br>• Recommended offeror whose proposal is most advantageous to the City, considering the relative importance of price, and other evaluation factors stated in the specifications<br>• Always involves a team evaluation<br>• Allows for negotiation on contract terms, including price |

The Office of Procurement Services received the following proposals from solicitation number BXZ1830. We opened them on February 21, 2019. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

| Proposers | Address | Score | Amount |
|---|---|---|---|
| *Statement Systems, Incorporated | 1900 Diplomat Dr.<br>Dallas, TX 75234 | 77.89 | $786,240.00 |
| DataMax Incorporated | 3146 Northeast Expy.<br>Atlanta, GA 30341 | 73.75 | $652,240.80 |
| Certified Mailing, Solutions, Inc. | 100 Cahaba Valley Pkwy.<br>Plano, TX 75093 | 73.39 | $ 734,400.00 |
| UR International, Inc. | 12551 Emily Ct.<br>Sugar Land, TX 77478 | 71.52 | $731,040.00 |



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**OWNER**

**Statement Systems, Inc.**

Chris Mitchell, President
Virginia Jackson, Vice President

**WHEREAS,** on August 24, 2016, City Council authorized a three-year service contract for printing and mailing of certified notices for Dallas Police Department Auto Pound with Statement System, Inc. in the amount of $612,900, by Resolution No. 16-1306; and

**WHEREAS,** on February 24, 2017, Administrative Action No. 17-5590 authorized an increase of pricing to the service contract for printing and mailing of certified notices, with zero cost, having no effect on the contract amount; and

**WHEREAS,** on February 7, 2018, Administrative Action No. 18-5229 authorized an increase of USPS pricing to the service contract for printing and mailing of certified notices, with zero cost, having no effect on the contract amount; and

**WHEREAS,** on September 20, 2018, Administrative Action No. 18-6518 authorized an increase to the service contract for printing and mailing of certified notices, in the amount of $50,000, increasing the contract from $612,900 to $662,900.

**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 **(1)** a service contract with Statement Systems, Inc. (VC0000011145), approved as to form by the City Attorney, for printing and mailing of certified notices for the Police Department Auto Pound for a term of three years in an amount to exceed $786,240; and **(2)** the ratification of $130,000 to pay outstanding invoices associated with the current contract with Statement Systems, Inc. for printing and mailing of certified notices for the Police Department Auto Pound in an amount not to exceed $916,240. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Statement Systems, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Statement Systems, Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in a total amount not to exceed $916,240 (subject to annual appropriations) to Statement Systems, Inc. from Service Contract No. DPD-2019-00010433.

**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 Information Sheet

**File #:** 19-815 **Item #:** 50.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

## SUBJECT

Authorize a three-year service contract, with two one-year renewal options, for marketing services for the Dallas Executive Airport for the Department of Aviation - Alpha Business Images, LLC, most advantageous proposer of ten - Not to exceed $411,405 - Financing: Aviation Fund (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 service contract will provide the Department of Aviation (AVI) with continued business recruitment and retention marketing services for the Dallas Executive Airport. The contract will allow AVI to collaborate with the awarded vendor to create an innovative and unique brand that will differentiate Dallas Executive Airport from other regional competitors. Through the creation of this unique brand it is expected that increased recognition of Dallas Executive Airport will be achieved on a national level, thus positioning the Airport as the primary general aviation destination in North Texas.

In addition to creating a unique brand, a plan will be developed and used to promote the airport at national conventions such as the National Business Aircraft Association (NBAA) and Mechanical Repair and Overhaul (MRO) Aviation Week Expo. To enhance public awareness, this contract also includes services to update the airport's website to increase the efficiency in searching and disseminating information related to construction and development such as the final phase III of the runway 13/31 development that was completed in 2018.

Additionally, services under this contract also includes, but not limited to, a media campaign, community awareness/public outreach and special event coordination for Dallas Executive Airport. With the re-opening of runway 13/31 this contract will be used to promote a plan for economic development for Southern Dallas.

A six member committee from the following departments reviewed and evaluated the qualifications:

- Department of Aviation (1)
- Department of Convention and Event Services (1)
- Public Affairs and Outreach (2)
- Office of Business Diversity (1)*
- Office of Procurement Services (1)*

*The Office of Procurement Services only evaluated cost and the Office of Business Diversity only evaluated the Business Inclusion and Development Plan.

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

- Cost 30 points
- Capability and expertise 20 points
- Technical capabilities 20 points
- Overall approach and methodology 15 points
- Business Inclusion & Development Plan 15 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 2,510 email proposal notifications to vendors registered under respective commodities. To further increase competition, the Office of 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 Office of Business Diversity to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

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

On May 22, 2013, City Council authorized a one-year service contract, with two two-year renewal options, for marketing services for the Dallas Executive Airport, with Rocket Red, Ltd. by Resolution No. 13-0796.

On August 24, 2016, City Council authorized the first two-year renewal option to the service contract with Rocket Red, Ltd. for business recruitment and retention services for Dallas Executive Airport by Resolution No. 16-1304.

City Council will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

Aviation Fund - $411,405.00 (subject to annual appropriations)

FY 2019-20 $ 68,567.00
FY 2020-21 $137,135.00
FY 2021-22 $137,135.00
FY 2022-23 $ 68,568.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $411,405.00 | Other Services | 23.80% | 100.00% | $411,405.00 |
| • This contract exceeds the M/WBE goal. | | | | |

## PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---|---|
| Request for Competitive Sealed Proposal | • Utilized for high technology procurements, insurance procurements, and other goods and services |
| | • Recommended offeror whose proposal is most advantageous to the City, considering the relative importance of price, and other evaluation factors stated in the specifications<br>• Always involves a team evaluation<br>• Allows for negotiation on contract terms, including price |

The Office of Procurement Services received the following proposals from solicitation number BKZ1812. We opened them on October 19, 2018. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

| Proposers | Address | Score | Amount |
|---|---|---|---|
| *Alpha Business Images, LLC | 2030 Main St.<br>Suite 410<br>Dallas, TX 75201 | 91.51 | $411,405.00 |
| Connective Agency TX, LLC | 1356 Chemical St.<br>Dallas, TX 75207 | 88.84 | $332,592.00 |

| | | | |
|---|---|---|---|
| Dickie & Associates | 3984 Davila Dr.<br>Dallas, TX 75220 | 85.00 | $308,665.00 |
| Simmons Design Associates, LLC | 300 N. Akard<br>Suite 1311<br>Dallas, TX 75201 | 79.23 | $386,100.00 |
| El Creative, Inc. | 13154 Coit Rd.<br>Suite 206<br>Dallas, TX 75240 | 76.05 | $406,125.00 |
| K Strategies Group, LLC | 2777 N. Stemmons Frwy.<br>Suite 1540<br>Dallas, TX 75207 | 73.11 | $466,350.00 |

**The vendors listed below were scored and eliminated from further consideration.**

| | |
|---|---|
| CLVR Agency | 12088 Forestgate Dr.<br>Dallas, TX 75243 |
| 1265 Films, LLC | 300 E. Royal Ln.<br>Suite 101<br>Irving, TX 75039 |
| HCK2 Relations LLC | 3875 Ponte Ave.<br>Suite 420<br>Addison, TX 75001 |
| Focus Public Relations, Inc. dba Focus Communications | 1412 Main St.<br>Suite 1000<br>Dallas, TX 75202 |

**OWNER**

**Alpha Business Images, LLC**

Sophia Johnson, President
Dawn Mann, Vice President

**WHEREAS,** on May 22, 2013, City Council authorized a one-year service contract, with two two-year renewal options, for marketing services for the Dallas Executive Airport, with Rocket Red, Ltd., in an amount not to exceed $248,845.00, by Resolution No. 13-0796; and

**WHEREAS,** on June 6, 2014, Administrative Action No. 14-6310 authorized Supplemental Agreement No. 1 to extend the service contract for one year from June 14, 2014 to June 13, 2015, with a zero cost, having no effect on the contract amount; and

**WHEREAS,** on May 20, 2015, Administrative Action No. 15-6175 authorized Supplemental Agreement No. 2 to extend the service contract for one year from June 14, 2015 to June 13, 2016, with a zero cost, having no effect on the contract amount; and

**WHEREAS,** on October 20, 2015, Administrative Action No. 15-7029 authorized Supplemental Agreement No. 3 to increase the service contract in an amount not to exceed $62,211.25, increasing the contract amount from $248,845.00 to $311,056.25; and

**WHEREAS,** on June 9, 2016, Administrative Action No. 16-6221 authorized Supplemental Agreement No. 4 to extend the service contract for three months from June 13, 2016 to September 13, 2016, with a zero cost, having no effect on the contract amount; and

**WHEREAS,** on August 24, 2016, City Council authorized the first two-year renewal option to the service contract with Rocket Red, Ltd. for business recruitment and retention services for Dallas Executive Airport, in an amount not to exceed $240,000.00, by Resolution No. 16-1304.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service contract with Alpha Business Images, LLC (VS0000016252), approved as to form by the City Attorney, for marketing services for the Dallas Executive Airport for the Department of Aviation for a term of three years, with two one-year renewal options, in an amount not to exceed $411,405.00. If the service was bid or proposed on an as needed basis, unit price basis for performance of specified tasks, payment to Alpha Business Images, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Alpha Business Images, LLC under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $411,405.00 (subject to annual appropriations) to Alpha Business Images, LLC from Service Contract No. AVI-2019-00009846.

**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 Information Sheet

**File #:** 19-576 **Item #:** 51.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

## SUBJECT

Authorize a five-year service contract for hosting, maintenance, and support of ESO Fire software for the Fire-Rescue Department - ESO Solutions, Inc., sole source - Not to exceed $841,115 - Financing: Data Services Fund (subject to annual appropriations)

## BACKGROUND

This service contract will provide hosting, maintenance, and support of ESO Fire software that links to the Fire Record Management System (FRMS) utilized by the Fire-Rescue Department (DFR) to the National Fire Incident Reporting System (NFIRS). This software supports built-in data validation tools that assist DFR with ensuring fire incident reports are correctly filled in accordance with the NFIRS standards.

DFR is required by federal law to report specific information on all fire incidents. In FY 2017-18, DFR responded to approximately 259,332 fire and EMS related incidents. ESO Fire complies with the reporting standard utilized by fire departments to uniformly report on a full range of activities, which helps the U.S. Fire Administration analyze the severity of the nation's fire problem, such as: developing national public education campaigns, recommendations for national codes and standards, determine consumer product failures, identify the focus for research efforts, and support federal legislation.

Maintenance and support include remote access support, live technical support, software updates, and minor modifications.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

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

On August 10, 2016, City Council authorize a two-year service contract, with a one-year renewal option, for maintenance and support of Visual Fire software with ESO Solutions, Inc. by Resolution No. 16-1167.

On November 8, 2017, City Council authorize Supplemental Agreement No.1 to exercise renewal options to the service contract for maintenance and support of Visual Fire software with ESO Solutions, Inc. by Resolution No. 17-1744.

City Council will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

Data Services Fund - $841,115.00 (subject to annual appropriations)

FY 2019-20 $168,223.00
FY 2020 $168,223.00 (subject to annual appropriations)
FY 2021 $168,223.00 (subject to annual appropriations)
FY 2022 $168,223.00 (subject to annual appropriations)
FY 2023 $168,223.00 (subject to annual appropriations)

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $841,115.00 | Sole Source | N/A | N/A | N/A |
| • The Business Inclusion and Development Plan does not apply to Sole Source Agreements | | | | |
| • ESO Solutions, Inc. is providing a five-year service contract for hosting, maintenance and su ESO fire software for Fire-Rescue Department and is the sole source provider. No sub-contra opportunities are available. | | | | |

## PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---|---|
| Sole Source | • Utilized for procurements where functional requirements can only be satisfied by one vendor, such as those where patents, copyrights or monopolies exists<br>• Exempted from competitive bidding process<br>• Reviewed by Procurement Services to ensure the procurement meets at least one general exception as stated in the Texas Local Government Code |


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| **Proposer** | **Address** | **Amount** |
|---|---|---|
| ESO Solutions, Inc. | 11500 Alterra Parkway<br>Suite 100<br>Austin, TX 78758 | $841,115.00 |

Note: The Office of Procurement Services conducted a sole source review and found no exceptions.

**OWNER**

**ESO Solutions, Inc.**

Chris Dillie, President
Matt Walker, Chief Operating Officer

**WHEREAS,** on August 10, 2016, City Council authorized a two-year service contract, with a one-year renewal option, for maintenance and support of Visual Fire software with ESQ Solutions, Inc., in an amount not to exceed $312,797.00, by Resolution No. 16-1167; and

**WHEREAS,** on November 8, 2017, City Council authorize Supplemental Agreement No. 1 to exercise renewal options to the service contract for maintenance and support of Visual Fire software with ESO Solutions, Inc., in an amount not to exceed $168,223.00, from $312,797.00 to $481,020.00, by Resolution No. 17-1744; and

**WHEREAS,** on August 17, 2018, Administrative Action No. 18-6358 authorized Supplemental Agreement No. 2 to upgrade the Visual fire computer-aided dispatch software to ESO Fire software with ESO Solutions, Inc., with zero cost, having no effect on the contract amount; and

**WHEREAS,** on January 4, 2019, Administrative Action No. 19-5077 authorized Supplemental Agreement No. 3 to extend maintenance and support for ESO Fire computer-aided dispatch with ESO Solutions, Inc., in an amount not to exceed $26,270.44, from $481,020.00 to $507,290.44, by Resolution No. 17-1744.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service contract with ESO Solutions, Inc. (VC14899), approved as to form by the City Attorney, for hosting, maintenance, and support of ESO Fire software for the Fire-Rescue Department for a term of five years, in an amount not to exceed $841,115.00. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to ESO Solutions, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by ESO Solutions, Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $841,115.00 (subject to annual appropriations) to ESO Solutions, Inc. from Master Agreement Service Contract No. DSV-2018-00006473.

**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 Information Sheet

**File #:** 18-1100 **Item #:** 52.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

## SUBJECT

Authorize a five-year service contract for maintenance and support of a flight information display system for the Department of Aviation - Amadeus Airport IT Americas, Inc., sole source - Not to exceed $336,634 - Financing: Aviation Fund (subject to annual appropriations)

## BACKGROUND

This service contract will provide maintenance and support of a flight information display system (FIDS) at Dallas Love Field for the Department of Aviation. Maintenance and support under this agreement includes upgrades to current software releases, hardware warranty, and technical support for installation of software and hardware.

The FIDS provides information on flights, gates, and baggage location for passengers of Dallas Love Field. The system also provides a visual paging function for the hearing impaired to meet requirements of the Texas Department of Licensing and Regulation and the Americans with Disabilities Act. Additionally, the system is utilized to display advertisements and public service announcements.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

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

On May 28, 2014, City Council authorized a five-year service contract for maintenance and support for an information display management system by Resolution No. 14-0815.

City Council will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

Aviation Fund - $336,634.00 (subject to annual appropriations)

FY 2018-19 $54,073.00
FY 2019-20 $68,394.00 (subject to annual appropriations)
FY 2020-21 $69,884.00 (subject to annual appropriations)
FY 2021-22 $71,381.00 (subject to annual appropriations)
FY 2022-23 $72,902.00 (subject to annual appropriations)

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $336,634.00 | Sole Source | N/A | N/A | N/A |
| • The Business Inclusion and Development Program does not apply to Sole Source Agreements. | | | | |
| • Amadeus Airport IT Americas, Inc. is providing a five-year service contract for the maintenance and support for the Flight Information Display System at Dallas Love Field and is the sole source provider. No sub-contracting opportunities are available. | | | | |

## PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---|---|
| Sole Source | • Utilized for procurements where functional requirements can only be satisfied by one vendor, such as those where patents, copyrights or monopolies exists<br>• Exempted from competitive bidding process<br>• Reviewed by Procurement Services to ensure the procurement meets at least one general exception as stated in the Texas Local Government Code |

| Bidder | Address | Amount |
|---|---|---|
| Amadeus Airport IT Americas, Inc. | 5950 Hazeltine National Dr. Suite 210 Orlando, FL 32822 | $336,634.00 |

Note: The Office of Procurement Services conducted a sole source review and found no exceptions.

**OWNER**

**Amadeus Airport IT Americas, Inc.**

Christopher B. Keller, President



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**WHEREAS,** on May 28, 2014, City Council authorized a five-year service contract with Amadeus Airport IT Americas, Inc. for maintenance and support for an information display management system at Dallas Love Field, in an amount not to exceed $260,224, by Resolution No. 14-0815; and

**WHEREAS,** on October 8, 2015, Administrative Action No. 15-7078 authorized Supplemental Agreement No. 1 to the service contract with Amadeus Airport IT Americas, Inc. to provide system engineering services in connection with the Baggage Information Display System functionality at Dallas Love Field, in an amount not to exceed $8,000, from $260,224 to $268,224; and

**WHEREAS,** on May 19, 2016, Administrative Action No. 16-6125 authorized Supplemental Agreement No. 2 to the service contract with Amadeus Airport IT Americas, Inc. to provide custom development services in connection with the Baggage Information Display System at Dallas Love Field, in an amount not to exceed $40,000, from $268,224 to $308,224.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service contract with Amadeus Airport IT Americas, Inc. (VS0000083733), approved as to form by the City Attorney, for maintenance and support of a flight information display system for the Department of Aviation for a term of five years, in an amount not to exceed $336,634. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Amadeus Airport IT Americas, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Amadeus Airport IT Americas, Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $336,634 (subject to annual appropriations) to Amadeus Airport IT Americas, Inc. from the Aviation Fund, Fund 0130, Department AVI, Unit 7754, Object 3099, Activity AAIP, Encumbrance/Contract No. MASC AVI-2019-00008244, Commodity 91843.

**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 Information Sheet

**File #:** 19-100 **Item #:** 53.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

## SUBJECT

Authorize a five-year service contract for maintenance and support of the existing court case and content management system - Tyler Technologies, Inc., sole source - Not to exceed $3,858,968 - Financing: Technology Fund ($2,051,227) and Data Services Fund ($1,807,741) (subject to annual appropriations)

## BACKGROUND

This service contract will provide for maintenance and support of the existing court case and content management system. We anticipate the following City departments will use this agreement:

- Court and Detention Services
- City Attorney's Office
- Judiciary
- Police Department
- Fire-Rescue Department
- Water Utilities Department
- Department of Code Compliance
- Department of Dallas Animal Services
- Department of Transportation

The court case and content management system is utilized to manage all aspects of a case's life cycle in the municipal court system and automates court scheduling. The system offers electronic case review for judges and prosecutors to electronically process cases, improving workflow efficiency, and document management.

The system enhances customer service capabilities and allows residents to pay citations and other court-related fees via the online customer portal. Additionally, this new contract will provide enhanced integration with other integral software, including the court notify system, and AMS Advantage Financial Management System.

The agreement will provide:

- Application management services and system support
- Routinely scheduled performance monitoring of the system
- A dedicated support team to handle issue resolution, assists with routine software updates, patches, security changes, application configuration changes, and user-requested small-scope enhancements

Maintenance and support services include technical support, troubleshooting/diagnostics, and upgrades.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

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

On October 24, 2012, City Council authorized an acquisition contract for the purchase and implementation of software and hardware for a new court case management system for Court & Detention Services, Police, and the City Attorney’s Office; a five-year service contract for maintenance and support of the court case management system; and a five-year master agreement for additional hardware, software and professional services for future expansion of the court case management system with Tyler Technologies, Inc. by Resolution No. 12-2690.

On February 25, 2015, City Council authorized supplemental agreement no. 1 to the service contract for maintenance and support of the INCODE Court Case Management System acquisition contract with Tyler Technologies, Inc. to authorize forty-three months of application and account management services for the court case management system by Resolution No. 15-0341.

City Council will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

Technology Fund - $2,051,227.00 (subject to annual appropriations)
Data Services Fund - $1,807,741.00 (subject to annual appropriations)

| Fund | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 |
|---|---|---|---|---|---|
| Technology Fund | $355,783.00 | $834,231.00 | $861,213.00 | $0.00 | $0.00 |
| Data Services Fund | $0.00 | $0.00 | $0.00 | $889,275.00 | $918,466.00 |
| Total | $355,783.00 | $834,231.00 | $861,213.00 | $889,275.00 | $918,466.00 |

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $3,858,968.00 | Sole Source | N/A | N/A | N/A |
| • The Business Inclusion and Development Program does not apply to Sole Source Agreements. | | | | |
| Tyler Technologies, Inc. is providing a five-year services contract for maintenance and support of the existing court case and content management system and is the sole source provider. No sub-contracting opportunities are available. | | | | |

## PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---|---|
| Sole Source | • Utilized for procurements where functional requirements can only be satisfied by one vendor, such as those where patents, copyrights or monopolies exists<br>• Exempted from competitive bidding process<br>• Reviewed by Procurement Services to ensure the procurement meets at least one general exception as stated in the Texas Local Government Code |

| Proposer | Address | Amount |
|---|---|---|
| Tyler Technologies, Inc. | 5101 Tennyson Parkway<br>Plano, TX 75024 | $3,858,968.00 |

Note: The Office of Procurement Services conducted a sole source review and found no exceptions.

## OWNER

**Tyler Technologies, Inc.**

H. Lynn Moore, Jr., President
Brian K. Miller, Vice President



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**WHEREAS,** on October 24, 2012, City Council authorized an acquisition contract for the purchase and implementation of software and hardware for a new court case management system for Court & Detention Services, Police, and the City Attorney's Office; a five-year service contract for maintenance and support of the court case management system; and a five-year master agreement for additional hardware, software and professional services for future expansion of the court case management system with Tyler Technologies, Inc., in an amount not to exceed $5,282,395, by Resolution No. 12-2690; and

**WHEREAS,** on June 2, 2014, Administrative Action No. 14-5971 authorized supplemental agreement No. 1 to the acquisition contract to enhance the Court Case Management System for request court dates online, digital docket signage, 30 conversion services for civil cases, and content management with Tyler Technologies, Inc.; and

**WHEREAS,** on February 25, 2015, City Council authorized supplemental agreement no. 1 to the service contract for maintenance and support of the INCODE Court Case Management System acquisition contract with Tyler Technologies, Inc. to authorize forty-three months of application and account management services for the court case management system, in an amount not to exceed $927,723, from $5,282,395 to $6,210,118, by Resolution No. 15-0341; and

**WHEREAS,** on February 18, 2015, Administrative Action No. 15-5395 authorized supplemental agreement No. 2 to the acquisition contract to enhance the Court Case Management System by allowing citizens to pay various types of municipal court fees via the internet with Tyler Technologies, Inc.; and

**WHEREAS,** on February 26, 2015, Administrative Action No. 15-5441 authorized supplemental agreement No. 3 to the acquisition contract to assign a Tyler Technologies onsite implementation specialist to City of Dallas locations with Tyler Technologies, Inc.; and

**WHEREAS,** on June 24, 2015, Administrative Action No. 15-6211 authorized supplemental agreement No. 4 to the acquisition contract to purchase INCODE system devices with Tyler Technologies, Inc.; and

**WHEREAS,** on September 25, 2017, Administrative Action No. 17-6734 authorized supplemental agreement No. 5 to the acquisition contract to add the Online Jury module to the Court Case Management System with Tyler Technologies, Inc., in an amount not to exceed $15,000, from $2,766,308 to $2,781,308; and

**WHEREAS,** on January 8, 2018, Administrative Action No. 18-5085 authorized supplemental agreement No. 6 to the acquisition contract to add an INCODE web services API interface to the Court Case Management System with Tyler Technologies, Inc. in an amount not to exceed $18,750, from $2,766,308 to $2,800,058; and

**WHEREAS,** on October 9, 2018, Administrative Action No. 18-6612 authorized supplemental agreement No. 7 to the acquisition contract to extend the term of the City's Court Case Management System contract with Tyler Technologies, Inc. from October 1, 2018 to December 31, 2018.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service contract with Tyler Technologies, Inc. (VS0000052675), approved as to form by the City Attorney, for maintenance and support of the existing court case and content management system for a term of five years, in an amount not to exceed $3,858,968. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Tyler Technologies, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Tyler Technologies, Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $3,858,968 (subject to annual appropriations) to Tyler Technologies, Inc. from Master Agreement Service Contract No. DSV-2018-00008160.

**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 Information Sheet

**File #:** 19-816 **Item #:** 54.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

## SUBJECT

Authorize a six-month insurance contract, with two one-year renewal options to provide individual stop loss insurance coverage for the City's self-insured health and pharmacy benefit plans for covered expenses for all claims over $1,000,000 for the Department of Human Resources - Cigna Health and Life Insurance Company, most advantageous proposer of three - Not to exceed $352,763 - Financing: Benefit Fund (subject to annual appropriations)

## BACKGROUND

This insurance contract will allow the awarded vendor to administer stop loss insurance services on behalf of the City. Stop loss insurance (also known as excess insurance) is a product that provides protection against catastrophic or unpredictable losses with paid covered expenses over $1,000,000. This type of coverage is purchased by employers who have decided to self-fund their employee benefit plans, but do not want to assume 100 percent of the liability for catastrophic losses arising from the plans.

Many companies are seeing an increase in claims with high losses due to increased healthcare expenses. Stop loss insurance provides the City with protection against potential multi-million dollar medical and pharmacy claims. In 2018, the City was faced with one claim over $1,000,000.00 and in 2017 there were two such claims. This insurance coverage is for six-months, with two one-year renewal options. The initial contract period will be from July 1, 2019 through December 31, 2019. The next two years will be based on calendar year. Staff will present the renewal option to City Council later this year, which renewal will be necessary for continued coverage.

A six member committee from the following departments reviewed and evaluated the qualifications:

- City Controller's Office (1)
- Department of Human Resources (2)
- Office of Risk Management (1)
- Office of Procurement Services (1)*

- Office of Business Diversity (1)*

*The Office of Procurement Services only evaluated the cost and the Office of Business Diversity only evaluated the Business Inclusion and Development Plan.

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

- Cost 50 points
- Capability and expertise 35 points
- Business Inclusion and Development Plan 15 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 909 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of 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, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement

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

City Council will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

Benefit Fund - $352,763.00 (subject to annual appropriations)

FY2018-19 $176,381.50
FY2019-20 $176,381.50

## M/WBE INFORMATION

In accordance with the City’s Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $352,763.00 | Other Services | 23.80% | 5.00% | $17,638.00 |
| • This contract does not meet the M/WBE goal, but complies with good faith efforts. | | | | |

## PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---|---|
| Request for Competitive Sealed Proposal | • Utilized for high technology procurements, insurance procurements, and other goods and services<br><br>• Recommended offeror whose proposal is most advantageous to the City, considering the relative importance of price, and other evaluation factors stated in the specifications<br>• Always involves a team evaluation<br>• Allows for negotiation on contract terms, including price |

The Office of Procurement Services received the following proposals from solicitation number BKZ1904. We opened them on February 15, 2019. This insurance contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

| Proposers | Address | Score |
|---|---|---|
| *Cigna Health and Life Insurance Company | 900 Cottage Grove Rd.<br>Bloomfield, CT 06002 | 94.25 |
| stHealth Benefit Solutions, LLC dba Stealth Partner Group | 18940 North Pima Dr.<br>Suite 210<br>Scottsdale, AZ 85255 | 63.54 |
| Stop Loss Insurance Services, Inc. | 6575 West Loop South<br>Suite 230<br>Bellaire, TX 77401 | 62.39 |

## OWNER

**Cigna Health and Life Insurance Company**

David M.Cordani, President
Anna Krushtel, Secretary
Scott Lambert, Treasurer

June 26, 2019

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

**SECTION 1.** That the City Manager is hereby authorized to execute an insurance contract with Cigna Health and Life Insurance Company (VC15730), approved as to form by the City Attorney, for individual stop loss insurance coverage for the City's self-insured health and pharmacy benefit plans for covered expenses for all claims over $1,000,000 for the Department of Human Resources for a term of six months, with two one-year renewal options in an amount not to exceed $352,763. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Cigna Health and Life Insurance Company shall be based only on the amount of the services directed to be performed by the City and properly performed by Cigna Health and Life Insurance Company under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $352,763 (subject to annual appropriations) to Cigna Health and Life Insurance Company from Service Contract No. PER-2019-00010507.

**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 Information Sheet

**File #:** 19-566 **Item #:** 55.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

## SUBJECT

Authorize a five-year master agreement for traffic signal parts and equipment for the Department of Transportation - Mobotrex, Inc. in an estimated amount of $1,471,560.00, Paradigm Traffic Systems, Inc. in an estimated amount of $893,640.00, Consolidated Traffic Controls, Inc. in an estimated amount of $569,967.00, Traffic Parts, Inc. in an estimated amount of $202,731.25, and Dynamic Vision Co., Inc. in an estimated amount of $182,780.00, lowest responsible bidders of six - Estimated total amount of $3,320,678.25 - Financing: General Fund

## BACKGROUND

This action does not encumber funds; the purpose of this master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis according to budgetary appropriations. The estimated amount is intended as guidance rather than a cop on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This master agreement allows for the purchase of traffic signal parts and equipment such as traffic signal heads, pedestrian signal heads, and related hardware and supplies for the Department of Transportation. These parts and equipment will be used in the construction of new traffic intersections and to upgrade or repair existing intersections. Light emitting diodes will be used on traffic signal heads, for special pedestrian lighting and for lane designation signs where needed.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 1,356 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of 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, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

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

City Council will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

General Fund - $3,320,678.25 (Estimated amount)

FY2019-20 $166,033.91
FY2020-21 $664,135.65
FY2021-22 $664,135.65
FY2022-23 $664,135.65
FY2023-24 $664,135.65
FY2024-25 $498,101.74

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $3,320,678.25 | Goods | 18.00% | 6.06% | $201,380.00 |
| • This contract does not meet the M/WBE goal, but complies with good faith efforts. | | | | |

## PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---|---|
| Low Bid | • Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements<br>• Negotiations are not allowed |

The Office of Procurement Services received the following bids from solicitation number BA1902. We opened them on February 1, 2019. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

*Denotes successful bidders

| Bidders | Address | Amount |
|---|---|---|
| *MoboTrex, Inc. | 109 West 55th St.<br>Davenport, IA 52806 | Multiple Groups |


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| | | |
|---|---|---|
| *Paradigm Traffic Systems, Inc. | 2201 East Division St.<br>Arlington, TX 76011 | Multiple Groups |
| *Consolidated Traffic Controls, Inc. | 1016 Enterprise Pl.<br>Arlington, TX 76001 | Multiple Groups |
| *Traffic Parts, Inc. | 27895 Robinson Rd.<br>Conroe, TX 77385-7521 | Multiple Groups |
| *Dynamic Vision Co., Inc. | 2100 North Hwy. 360<br>Suite #2107<br>Grand Prairie, TX 75050 | Multiple Groups |
| TraStar | 860 North Dorothy Dr.<br>Suite #600<br>Richardson, TX 75081 | Multiple Groups |

Note: The City has received a protest from General Traffic Equipment Corp. regarding this procurement which has been addressed. Please find attached the vendor protest letter and the City's response.

**OWNERS**

**MoboTrex, Inc.**

Joel Wright, President

**Paradigm Traffic Systems, Inc.**

Jerry Priester President
Ryan Zenzen, Vice President

**Consolidated Traffic Controls, Inc.**

Bryan Jones, Senior Vice President

**Traffic Parts, Inc.**

Tom Niemeyer, President
Ken Hollock, Vice President

**Dynamic Vision Co., Inc.**

Veronica Lopez, President

**WHEREAS,** on April 8, 2015, City Council authorized a three-year master agreement for the purchase of traffic signal heads, pedestrian signal heads, related hardware and supplies with Dynamic Vision Co., Inc. in the amount of $1,363,560.00, General Traffic Equipment Corp. in the amount of $655,642.50, Consolidated Traffic Controllers, Inc. in the amount of $385,074.30, and Iteris, Inc. in the amount of $213,120.00, in a total amount of $2,617,396.80, by Resolution No. 15-0652.

**Now, Therefore,**

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

**SECTION 1.** That a master agreement for the purchase of traffic signal parts and equipment for the Department of Transportation is authorized with Mobotrex, Inc. (VS0000085010) in an estimated amount of $1,471,560.00, Paradigm Traffic Systems, Inc. (344177) in an estimated amount of $893,640.00, Consolidated Traffic Controls, Inc. (050249) in an estimated amount of $569,967.00, Traffic Parts, Inc. (254147) in an estimated amount of $202,731.25, and Dynamic Vision Co., Inc. (520729) in an estimated amount of $182,780.00, approved as to form by the City Attorney, for a term of five years, in a total estimated amount of $3,320,678.25. The amount payable pursuant to this master agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this master agreement during its term.

**SECTION 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for traffic signal parts and equipment for the Department of Transportation. If a written contract is required or requested for any or all purchases of traffic signal parts and equipment for the Department of Transportation under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved as to form by the City Attorney.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least $3,320,678.25, but not more than the amount of budgetary appropriations for this master agreement during its term to MoboTrex, Inc., Paradigm Traffic Systems, Inc., Consolidated Traffic Controls, Inc., Traffic Parts, Inc., and Dynamic Vision Co., Inc. from Master Agreement Contract No. POM-2019-00009155.

**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.

**GENERAL TRAFFIC EQUIPMENT CORP.**

SINCE 1978

259 Broadway • Newburgh, NY 12550 **(845) 569 - 9000**

February 8th, 2019

Ms. Stephanie Mullen / Senior Buyer
City of Dallas
Procurement Division
Re: Bid Protest
Project : Bid # BA1902 Traffic Signal Maintenance
Stephanie Mullen / Senior Buyer

Dear Stephanie,

In regard to the above listed bid # BA1902 for Traffic Signal Maintenance that was due and opened on 1/31/19, General Traffic Equipment Corp is protesting this bid .

The reason for this is due to inconsistencies with submission of bids on the City of Dallas website. The options that were offered were to either respond online or print for mail submittal .

We chose to respond online and when you clicked on the response it allowed you to continue to process the requested attachments but it would not upload the items . As a result , procurement support was contacted and we were then informed that the bid had to be submitted by paper only.

We therefore feel, in the best interests of the City and all bidders, that the bid results be discarded and the bid be re-tendered to all interested parties.
Sincerely yours,

Raymond G. Staffon

President

CITY OF DALLAS

**Office of Procurement Services**
1500 Marilla Street, Room 3FS
Dallas, Texas 75201-6390

May 21, 2019

Mr. Raymond G. Staffon, President
General Traffic Equipment Corp.
259 Broadway
Newburgh, NY 12550
(845) 569-9000

**RE: Protest of RFB BA1902 – Traffic Signal Maintenance**

Dear Mr. Staffon:

The Office of Procurement Services (OPS) of the City of Dallas is in receipt of your letter dated February 8, 2019, where you formally protested the award of BA1902 for Traffic Signal Maintenance. Your protest letter alleges, in summary, that there were inconsistencies with submission of bids on the City of Dallas website, which options at that time were to either respond online or print for mail submittal.

You have requested that the bid results for BA1902 be discarded and the bid be re-tendered. The City has carefully reviewed your allegations and the bid process. In response, the City's position is that the acceptable submission methods were clearly stated in the solicitation documents as described below:

1. The Bidders Instructions state on Page 2, Item Number 1, "The solicitation response must be submitted in person or by mail to the address listed above no later than the due date and time indicated in the solicitation; late submissions will not be accepted." See attached.

2. The Specifications state on Page 1, Section labeled BID SUBMISSIONS "Bids shall be sealed and delivered in person or by mail to Dallas City Hall, (1500 Marilla St. #3FN, Dallas, TX 75201) by 2:00 p.m. on the bid due date." See attached.

After careful review of the concerns submitted in your protest, we find no reason for the City to reconsider the award. Your protest letter and the City's response will be made available to the City Council during award consideration on June 26, 2019. This response does not prevent you from addressing your concern to the City Council at the time the item is considered for award or from submitting bids on any future solicitations.

I would also like to make you aware that effective March 1, 2019, we launched a new solicitation portal which does allow vendors to submit their proposals electronically. If you have not yet registered, I encourage you to do so at https://dallascityhall.bonfirehub.com/login, for future solicitations of those commodities you select during your registration process. We look forward to your continued participation in the City of Dallas's procurement process.

Respectfully,

Chhunny Chhean, Interim Director
Office of Procurement Services

C: Barbara McAninch, City Attorney's Office
Juanita Ortiz, Assistant Director, Office of Procurement Services
Michael T. Rogers, Director, Transportation

# Agenda Information Sheet

**File #:** 19-405 **Item #:** 56.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

## SUBJECT

Authorize Supplemental Agreement No. 2 to exercise the second three-year renewal option to the service contract with Bradford Airport Logistics, LTD for dock master services at Dallas Love Field for the Department of Aviation - Not to exceed $2,850,302 - Financing: Aviation Fund (subject to annual appropriations)

## BACKGROUND

Supplemental Agreement No. 2 will allow for the continuation of dock master services to the sally port located at Dallas Love Field. The sally port is a structure located on airport grounds and serves as the host to security inspections of all concession items entering the airport except the United States Postal Service. In order to safely and efficiently supply concessionaires with products and merchandise, the Department of Aviation engaged a contractor to provide dock master services to manage its sally port operations. The dock master schedules and coordinates all concession deliveries, screens/inspects all products, and merchandise in accordance with the airport's policies and procedures and in compliance with the Transportation Security Administration guidelines. They also deliver products from the sally port to the airside dock, then to the terminal locations for pick up by the concessionaires. Delivery services include the utilization of a refrigerated/freezer truck to deliver all food items that require refrigeration and frozen products.

This renewal option term will provide enhancements to current services by (1) expanding the hours of operation from 3:00 a.m. to 3:00 p.m. to 3:00 a.m. to 5:00 p.m.; (2) upgrading the current software and hardware that will improve scheduling, inspection and monitoring; (3) increasing the minimum wage to improve retention; (4) adding two additional positions; and (5) replacing the refrigerated vehicle used to deliver refrigerated and frozen product to the terminal.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

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

On February 27, 2013, City Council authorized a three-year service contract, with two three-year renewal options, for dock master services at Dallas Love Field with Bradford Airport Logistics, LTD by Resolution No. 13-0377.

On March 23, 2016, City Council authorized the first three-year renewal option to the contract for dock master services at Dallas Love Field; and an increase in the contract for additional services related to the x-ray inspection system with Bradford Airport Logistics, LTD by Resolution No. 16-0414.

City Council will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

Aviation Fund - $2,850,302.00 (subject to annual appropriations)

FY 2018-19 $342,240.74
FY 2019-20 $950,100.67
FY 2020-21 $950,100.67
FY 2021-22 $607,859.92

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $2,850,302.00 | Other Services | 23.80% | 33.00% | $940,600.00 |
| • This contract exceeds the M/WBE goal | | | | |
| • Supplemental Agreement No. 2 - 24.03% Overall M/WBE participation | | | | |

## OWNER

**Bradford Airport Logistics, LTD**

Benjamin B. Richter, President
Bruce Class, Vice President


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**WHEREAS,** on February 27, 2013, City Council authorized a three-year service contract, with two three-year renewal options, for dock master services at Dallas Love Field with Bradford Airport Logistics, LTD, in an amount not to exceed $2,084,874, by Resolution No. 13-0377; and

**WHEREAS,** on March 23, 2016, City Council authorized the first three-year renewal option to the contract for dock master services at Dallas Love Field in the amount of $2,084,874; and an increase in the contract for additional services related to the x-ray inspection system with Bradford Airport Logistics, LTD in the amount of $191,728, in a total amount not exceed $2,276,602, by Resolution No. 16-0414.

**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. 2 to exercise the second three-year renewal option to the service contract with Bradford Airport Logistics, LTD (VS0000075481), approved as to form by the City Attorney, for dock master services at Dallas Love Field for the Department of Aviation, in an amount not to exceed $2,850,302.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $2,850,302 (subject to annual appropriations) to Bradford Airport Logistics, LTD from Service Contract No. AVI-2019-00010596.

**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 Information Sheet

**File #:** 19-720 **Item #:** 57.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

## SUBJECT

Authorize Supplemental Agreement No. 7 to increase the service contract with Dunbar Armored, Inc. for armored car services for City facilities that conduct monetary transactions and extend the term of the contract from August 30, 2019 to August 30, 2020 - Not to exceed $236,942.88, from $1,147,771.54 to $1,384,714.42 - Financing: General Fund ($170,557.90), Aviation Fund ($29,244.74), Development Services Fund ($11,862.60), Sanitation Fund ($8,280.48), Convention Center Fund ($8,184.00), Water Utilities Fund ($7,164.96), and Express Business Center Fund ($1,648.20)

## BACKGROUND

This Supplemental Agreement provides armored car services for City facilities that conduct monetary transactions as part of their daily operations. These facilities require that money collected as part of daily transactions be accounted for and safely transported to a bank depository on the City's behalf. Currently, the City has approximately 107 locations that require armored car services including the Kay Bailey Hutchison Convention Center, recreation centers, libraries, and police and fire locations.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

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

On August 28, 2013, City Council authorized a three-year service contract, with one two-year renewal option, for armored car services for City facilities that conduct monetary transactions with Dunbar Armored, Inc. by Resolution No. 13-1416.

On April 26, 2017, City Council authorized Supplemental Agreement No. 6 to exercise the two-year renewal option to the service contract with Dunbar Armored, Inc. for armored car services for City facilities that conduct monetary transactions by Resolution No. 17-0681.

City Council will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

General Fund - $170,557.90
Aviation Fund - $29,244.74
Development Services Fund - $11,862.60
Sanitation Fund - $8,280.48
Convention Center Fund - $8,184.00
Water Utilities Fund - $7,164.96
Express Business Center Fund - $1,648.20

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $236,942.88 | Other Services | 23.80% | 0.00% | $0.00 |
| • This contract does not meet the M/WBE goal, but complies with good faith efforts. | | | | |
| • Supplemental Agreement No. 7 - 0.00% Overall M/WBE participation | | | | |

## OWNER

**Dunbar Armored, Inc.**

Kevin R. Dunbar, President
David R. Botzler, Executive Vice President
Vicki L. Thompson, Secretary
Juergen Laue, Treasurer

**WHEREAS,** on August 28, 2013, City Council authorized a three-year service contract, with one two-year renewal option, for armored car services for City facilities that conduct monetary transactions with Dunbar Armored, Inc., in an amount not to exceed $619,020.48, by Resolution No. 13-1416; and

**WHEREAS,** on September 23, 2013, Administrative Action No. 13-6469 authorized Supplemental Agreement No. 1 to increase the service contract with Dunbar Armored, Inc., in an amount not to exceed $36,181.00, from $619,020.48 to $655,201.48; and

**WHEREAS,** on January 29, 2014, Administrative Action No. 14-5481 authorized Supplemental Agreement No. 2 to amend the scope of services and revise the payment provisions; and

**WHEREAS,** on June 19, 2015, Administrative Action No. 15-6170 authorized Supplemental Agreement No. 3 to amend the scope of services and revise the payment provisions; and

**WHEREAS,** on July 22, 2016, Administrative Action No. 16-6375 authorized Supplemental Agreement No. 4 to increase the service contract with Dunbar Armored, Inc. and to extend the term of the contract from August 31, 2016 to August 30, 2017, in an amount not to exceed $13,819.00, from $655,201.48 to $669,020.48; and

**WHEREAS,** on November 29, 2016, Administrative Action No. 16-7088 authorized Supplemental Agreement No. 5 to amend the scope of services; and

**WHEREAS,** on April 26, 2017, City Council authorized Supplemental Agreement No. 6 to exercise the two-year renewal option to the service contract with Dunbar Armored, Inc. for armored car services for City facilities that conduct monetary transactions, in an amount not to exceed $478,751.06, from $669,020.48 to $1,147,771.54, by Resolution No. 17-0681.

**Now, Therefore,**

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

**SECTION 1.** The City Manager is hereby authorized to execute Supplemental Agreement No. 7 to increase the service contract with Dunbar Armored, Inc. (500554), approved as to form by the City Attorney, for armored car services for City facilities that conduct monetary transactions and extend the term of the contract from August 30, 2019 to August 30, 2020, in an amount not to exceed $236,942.88, increasing the service contract amount from $1,147,771.54 to $1,384,714.42.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $236,942.88 to Dunbar Armored, Inc. from Service Contract No. BHZ1303.

**SECTION 3.** That this contract is designated as Contract No. POM-2016-00000986.

**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 Information Sheet

**File #:** 19-860 **Item #:** 58.

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Park & Recreation Department

**EXECUTIVE:** Willis C. Winters

## SUBJECT

Authorize **(1)** an amendment to the Funding Agreement with the Texas Department of Transportation (TxDOT), previously approved on October 24, 2018, by Resolution No. 18-1521 to revise the funding agreement amount from $7,074,496.00 to $7,434,427.00; and **(2)** Amendment No. 1 to the Advance Funding Agreement with TxDOT for the Trinity Strand Trail - Phase II Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) for additional funding for review, inspection and oversight of construction activities - Total amount $160,784.00, from $2,074,496.00 to $2,235,280.00 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds)

## BACKGROUND

On October 24, 2018, City Council authorized an Advance Funding Agreement with the Texas Department of Transportation for a Transportation Alternatives Set-Aside (TASA) Program Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) to accept funding, for construction of the Trinity Strand Trail - Phase II Project, in the amount of $5,000,000.00, by Resolution No. 18-1521.

The total cost of the project has increased by $160,784.00, from $7,434,427.00 to $7,595,211.00 of which $2,235,280.00 is the City's obligation, plus 100 percent of overruns.

This action will authorize Amendment No. 1 to the Advance Funding Agreement with the Texas Department of Transportation for the Trinity Strand Trail - Phase II Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) for additional funding for review, inspection and oversight of construction activities, in the amount of $160,784.00.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Began Design | June 2016 |
| Completed Design | April 2019 |
| Begin Construction | February 2020 |
| Complete Construction | March 2021 |

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

On February 23, 2017, the Park and Recreation Board authorized six transportation alternative project applications.

Information about this item was provided to the Quality of Life & Environment Committee on April 10, 2017.

On April 12, 2017, City Council authorized application of seven candidate projects to the North Central Texas Council of Governments through the Transportation Alternatives Set-Aside Program for cost reimbursement in the Active Transportation Project category for the proposed: Katy Trail Bridges Project, Lake Highlands Trail Northern Extension, Lake Highlands Trail Phase 2A, 2B Project, Ridgewood Trail Lighting Project, Trinity Forest Spine Trail Project, Trinity Strand Trail Phase II Project, and Union Bikeway Connector Project and the Safe Routes to School Project category: Lake Highlands Trail Northern Extension Project; and a required local match by Resolution No. 17-0598.

On August 16, 2018, the Park and Recreation Board remanded this item back to the Planning and Design Committee for further review.

On September 20, 2018, the Park and Recreation Board authorized an Advance Funding Agreement with the Texas Department of Transportation.

Information about this item was provided to the Quality of Life, Arts, and Culture Committee on October 22, 2018.

On October 24, 2018, City Council authorized an Advance Funding Agreement with the Texas Department of Transportation for a Transportation Alternatives Set-Aside (TASA) Program Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) and all terms, conditions, and documents required by the grant agreement and to accept funding in the amount of $5,000,000.00 for construction of the Trinity Strand Trail - Phase II Project by Resolution No. 18-1521.

On June 20, 2019, the Park and Recreation Board authorized Amendment No. 1 to Advance Funding Agreement with the Texas Department of Transportation.

## FISCAL INFORMATION

Street and Transportation Improvements Fund (2012 Bond Funds) - $160,784.00

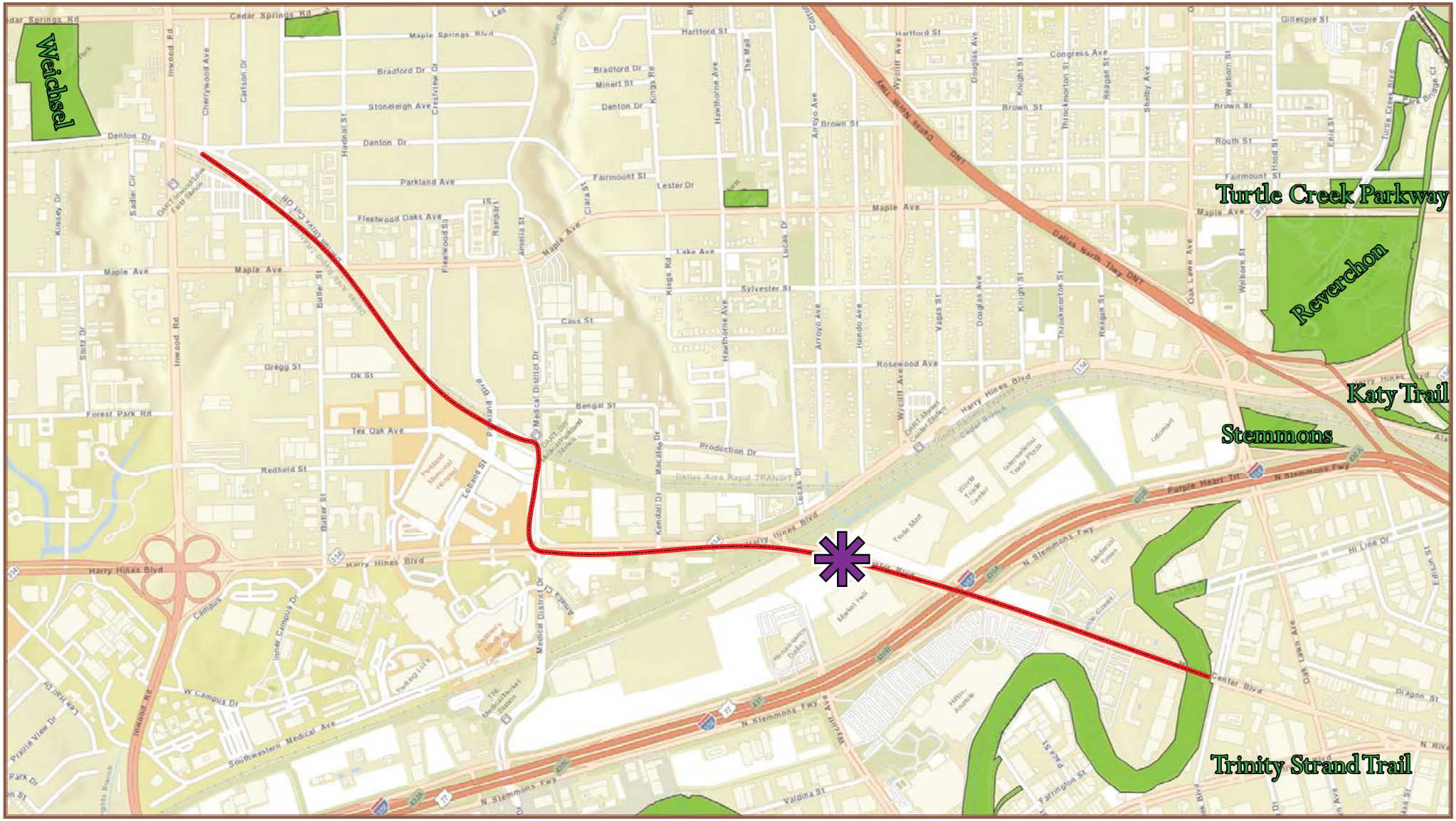
| | |
|---|---|
| Original Funding Agreement | $7,434,427.00 |
| Amendment No. 1 (this action) | $ 160,784.00 |
| Project Total | $7,595,211.00 |

## MAP

Attached



powered by Legistar™




# Trinity Strand Trail Phase 2

Mapsco
34 U,X,Y 44 C,D

District
2

**WHEREAS,** on April 12, 2017, City Council authorized application of seven candidate projects to the North Central Texas Council of Governments through the Transportation Alternatives Set-Aside Program for cost reimbursement in the Active Transportation Project category for the proposed: Katy Trail Bridges Project, Lake Highlands Trail Northern Extension, Lake Highlands Trail Phase 2A, 2B Project, Ridgewood Trail Lighting Project, Trinity Forest Spine Trail Project, Trinity Strand Trail Phase II Project, and Union Bikeway Connector Project and the Safe Routes to School Project category: Lake Highlands Trail Northern Extension Project; and a required local match by Resolution No. 17-0598; and

**WHEREAS,** on October 24, 2018, City Council authorized an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for a Transportation Alternatives Set-Aside Program Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) and all terms, conditions, and documents required by the grant agreement and to accept funding in the amount of $5,000,000.00 for construction of the Trinity Strand Trail - Phase II Project by Resolution No. 18-1521; and

**WHEREAS,** TxDOT is requesting funding from the City of Dallas to pay for additional direct State costs associated with the project; and

**WHEREAS,** the total cost of the project has increased by $160,784.00, from $7,434,427.00 to $7,595,211.00 of which $2,235,280.00 is the City's obligation, plus 100 percent of overruns; and

**WHEREAS,** this action will authorize Amendment No. 1 to the Advance Funding Agreement with TxDOT for the Trinity Strand Trail - Phase II Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) for additional funding for review, inspection and oversight of construction activities in the amount of $160,784.00, from $2,074,496.00 to $2,235,280.00.

**Now, Therefore,**

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

**SECTION 1.** That the Park and Recreation Board and City Manager are hereby authorized to execute **(1)** an amendment to the Funding Agreement with the Texas Department of Transportation (TxDOT), previously approved on October 24, 2018, by Resolution No. 18-1521 to revise the funding agreement amount from $7,074,496.00 to $7,434,427.00; and **(2)** Amendment No. 1 to the Advance Funding Agreement with TxDOT for the Trinity Strand Trail - Phase II Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205), approved as to form by the City Attorney, for additional funding for review, inspection and oversight of construction activities, in the amount of $160,784.00, increasing the City's contribution from $2,074,496.00 to $2,235,280.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to issue a warrant check to the Texas Department of Transportation in the amount of $160,784.00 from the Street and Transportation Improvements Fund, Fund 4U22, Department PBW, Unit S623, Activity HIBT, Object 4599, Program PB12S623, Contract/Encumbrance No. CX-PKR-2018-00007058-2, Vendor 020318.

**SECTION 3.** That the City Manager is hereby authorized to make, when requested by TxDOT, payments in excess of Federal and State funding portion for review, inspection and oversight as described in the Advance Funding Agreement.

**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.

**File #:** 19-861 **Item #:** 59.

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Park & Recreation Department

**EXECUTIVE:** Willis C. Winters

## SUBJECT

Authorize a first amendment to the existing design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail to include match funding in an amount not to exceed $1,000,000.00 from 2017 Bond Funds for construction - Financing: This action has no cost consideration to the City (see Fiscal Information for future cost)

## BACKGROUND

This action will authorize a first amendment to the design and construction agreement with the Friends of the Katy Trail, Inc. (Friends) for a portion of the Katy Trail between Blackburn Street and Armstrong Avenue, for the extension of the soft surface trail, and for resurfacing of the existing soft surface trail.

The amendment will include the following terms:

1. City shall provide match funding in an amount not to exceed $1,000,000.00 for the construction of an extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue.

    a. The $1,000,000.00 will be funded by the Land Acquisition and Partnership Match Funding item in Proposition B of the 2017 Bond Program.

2. The Friends must have raised a minimum of $1,000,000.00 in private or grant funding prior to the City's funds being used.

3. The Friends will be responsible for all other project costs associated with the originally defined project.

4. City will procure the improvements funded by the bond funds through the City's procurement process based on construction documents provided by the Friends.

5. City may assign the construction contract upon City Council award to the Friends to manage.

6. As an alternative, the City can reimburse the Friends 30 percent of their site development costs, in an amount not to exceed $1,000,000.00.

7. All other terms of the original agreement will remain in place.

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

On August 16, 2012, the Park and Recreation Board authorized an operating and maintenance agreement with the Friends of the Katy Trail, Inc. for the Katy Trail.

On September 12, 2012, City Council authorized an agreement with the Friends of Katy Trail for the purpose of operating and maintaining the developed portions of the Katy Trail bounded by Lyte Street on the south end and Airline Road on the north end by Resolution No. 12-2261.

On January 10, 2019, the Park and Recreation Board authorized a design and construction agreement with the Friends of the Katy Trail, Inc. and the first amendment to the existing operations and maintenance agreement for the Katy Trail.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on February 11, 2019.

On February 13, 2019, City Council authorized a design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail; and the first amendment to the existing operations and maintenance agreement with the Friends of the Katy Trail, Inc. for the developed portions of the Katy Trail bounded by Lyte Street on the south end and Airline Road on the north end to include, but not limited to maintenance of the extension of the soft surface trail on the portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and the existing soft surface trail; extension options to allow for one ten-year extension option and two additional five-year extension options; and updating the agreement to current City Standards by Resolution No. 19-0275.

On June 20, 2019, the Park and Recreation Board authorized a first amendment to the existing design and construction agreement with the Friends of the Katy Trail, Inc.

## FISCAL INFORMATION

This action has no cost consideration to the City. Future cost includes match funding in an amount not to exceed $1,000,000.00 from 2017 Bond Funds for construction. Friends will be responsible for maintenance.

## OWNER

**Friends of the Katy Trail, Inc.**

Robin Baldock, Executive Director

## MAPS

Attached



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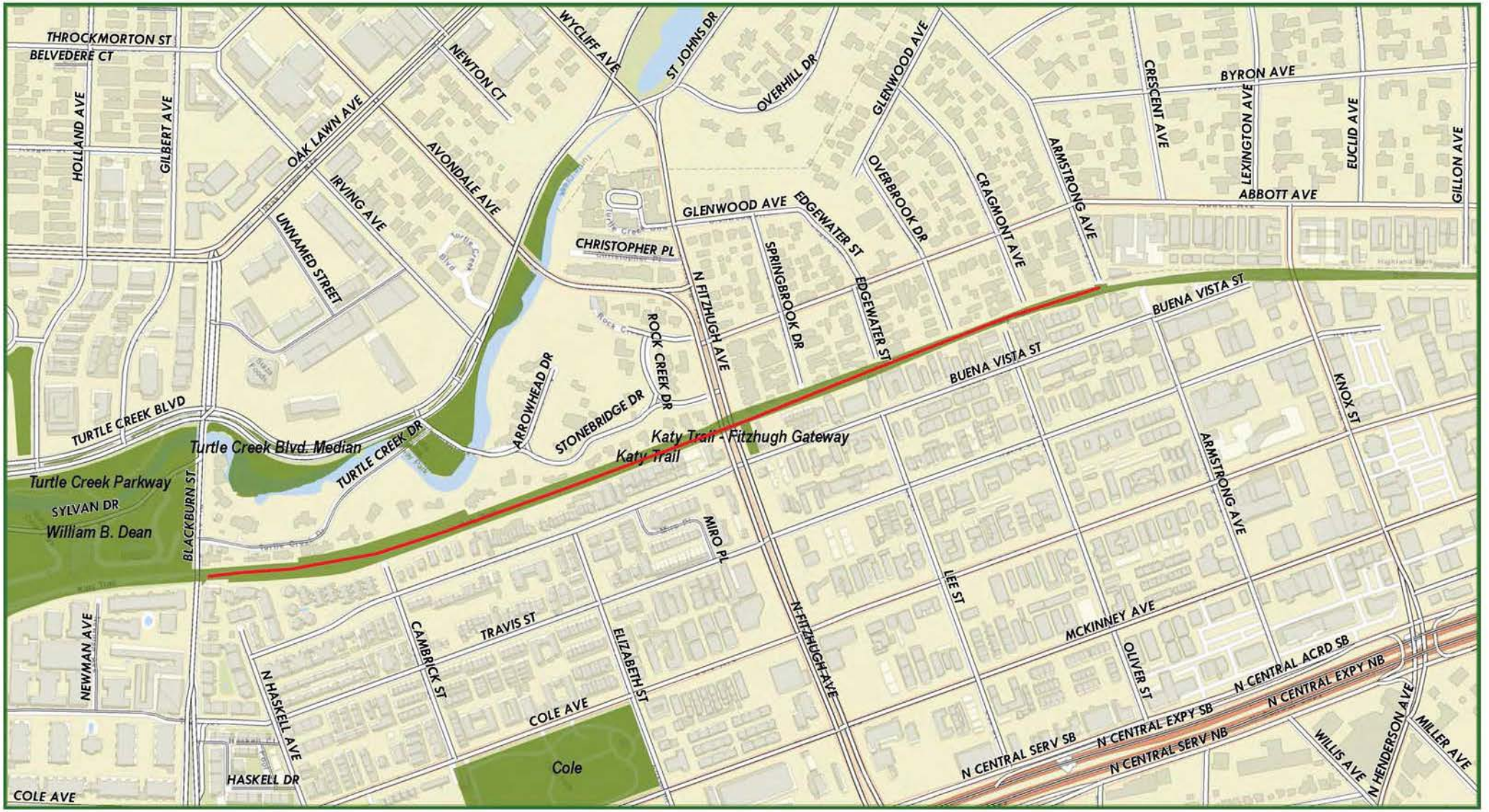



Dallas Park & Recreation

0 450 900 1,800 2,700 3,600 Feet

# Katy Trail
# Lyte Street to Airline Rd

Mapsco CD
35 M Q R U X Y 14
45 A B E




Dallas Park & Recreation

0 180 360 720 1,080 1,440 Feet

# Katy Trail
# Proposed Soft Surface Trail
# Blackburn St to Armstrong Ave

CD 14

June 26, 2019

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

**WHEREAS,** on February 13, 2019, City Council authorized a design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail; and the first amendment to the existing operations and maintenance agreement with the Friends of the Katy Trail, Inc. for the developed portions of the Katy Trail bounded by Lyte Street on the south end and Airline Road on the north end to include, but not limited to maintenance of the extension of the soft surface trail on the portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and the existing soft surface trail; extension options to allow for one ten-year extension option and two additional five-year extension options; and updating the agreement to current City Standards by Resolution No. 19-0275; and

**WHEREAS,** this action will authorize a first amendment to the existing design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail to include match funding, in an amount not to exceed $1,000,000.00 from 2017 Bond Funds for construction.

**Now, Therefore,**

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

**SECTION 1.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a first amendment to the existing design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail, approved as to form by the City Attorney, to include match funding, in an amount not to exceed $1,000,000.00 from 2017 Bond Funds for construction.

**SECTION 2.** That the existing design and construction agreement with the Friends of the Katy Trail, Inc. (Friends) shall be amended to include the following terms:

1. City shall provide match funding in an amount not to exceed $1,000,000.00 for the construction of an extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue.

    a. The $1,000,000.00 will be funded by the Land Acquisition and Partnership Match Funding item in Proposition B of the 2017 Bond Program.

2. The Friends must have raised a minimum of $1,000,000.00 in private or grant funding prior to the City's funds being used.

3. The Friends will be responsible for all other project costs associated with the originally defined project.

4. City will procure the improvements funded by the bond funds through the City's procurement process based on construction documents provided by the Friends.

5. City may assign the construction contract upon City Council award to the Friends to manage.

6. As an alternative, the City can reimburse the Friends 30 percent of their site development costs, in an amount not to exceed $1,000,000.00.

7. All other terms of the original agreement will remain in place.

**SECTION 3.** That this contract is designated as Contract No. PKR-2019-00008966.

**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 Information Sheet

**File #:** 19-713 **Item #:** 60.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** Outside City Limits

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize Interlocal Agreements with the City of Carrollton and the City of Farmers Branch to allow the City of Dallas to construct, own, operate and maintain a 72-inch diameter water transmission main within the corporate limits of Carrollton and Farmers Branch - Financing: No cost consideration to the City

## BACKGROUND

The Dallas Water Utilities Department has a current project to install a 72-inch water transmission main between the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant. The pipeline was identified in long-range supply planning efforts as a critical priority for the utility to increase capacity, hydraulic flexibility and redundancy of the overall water delivery system. Various sections of the pipeline have already been constructed, and the southern connection from Cullum Lane to Walnut Hill Lane is currently under construction. The northern section of the pipeline from Farmers Branch to the Elm Fork Treatment Plant is scheduled for construction award in two phases, with the first phase planned for Summer 2019 and the second phase in late 2020.

This action will authorize the City of Dallas to enter into interlocal agreements for the construction, ownership, operation and maintenance of a 72-inch water transmission main within the corporate limits of the City of Carrollton and the City of Farmers Branch. The agreements include provisions for the design and construction administration of the main, separation requirements for crossing and parallel utilities, as well as notification and coordination requirements for the construction, operation and future maintenance of the main.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Begin Construction | September 2019 |
| Complete Construction | December 2022 |

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

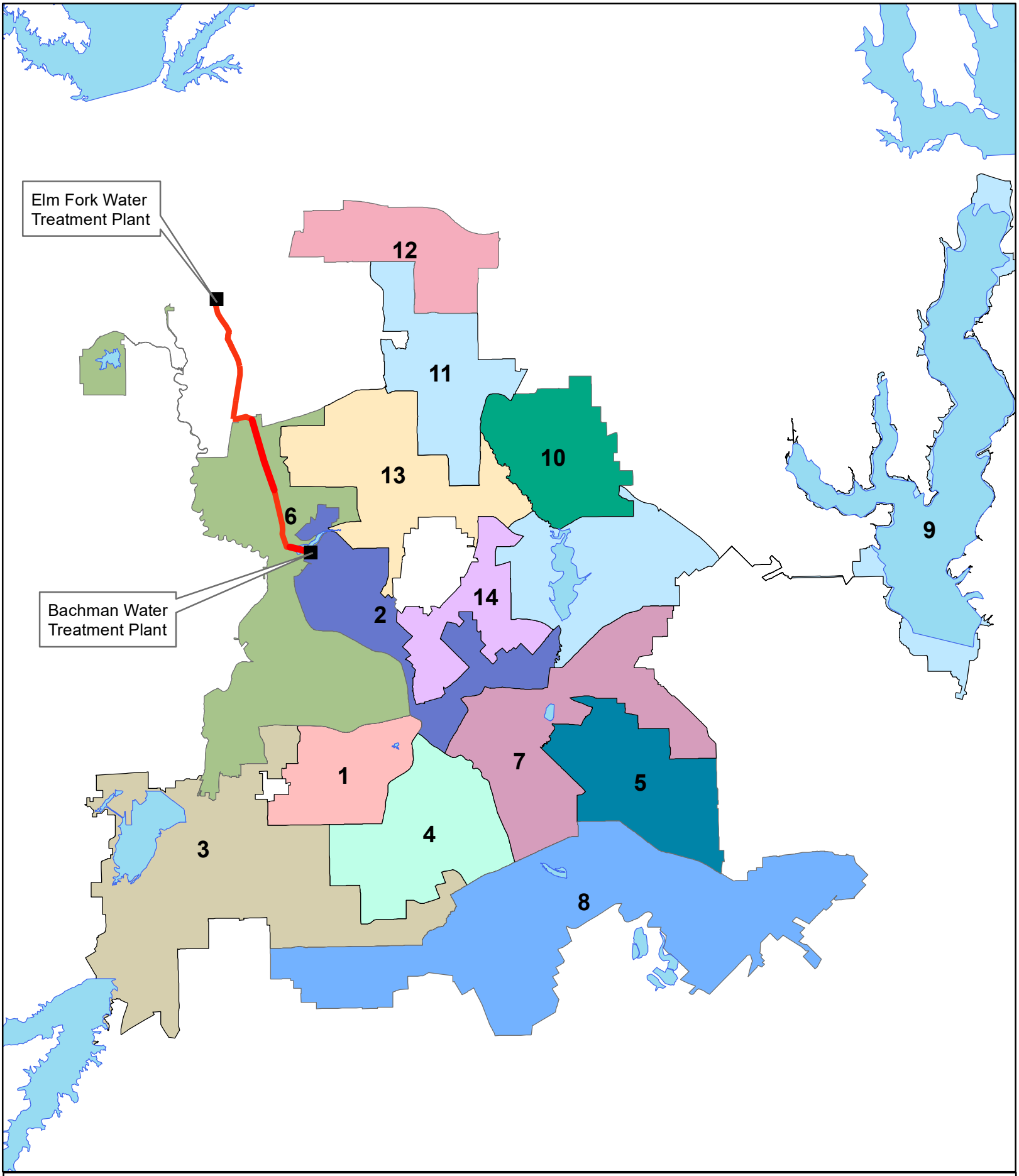
Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

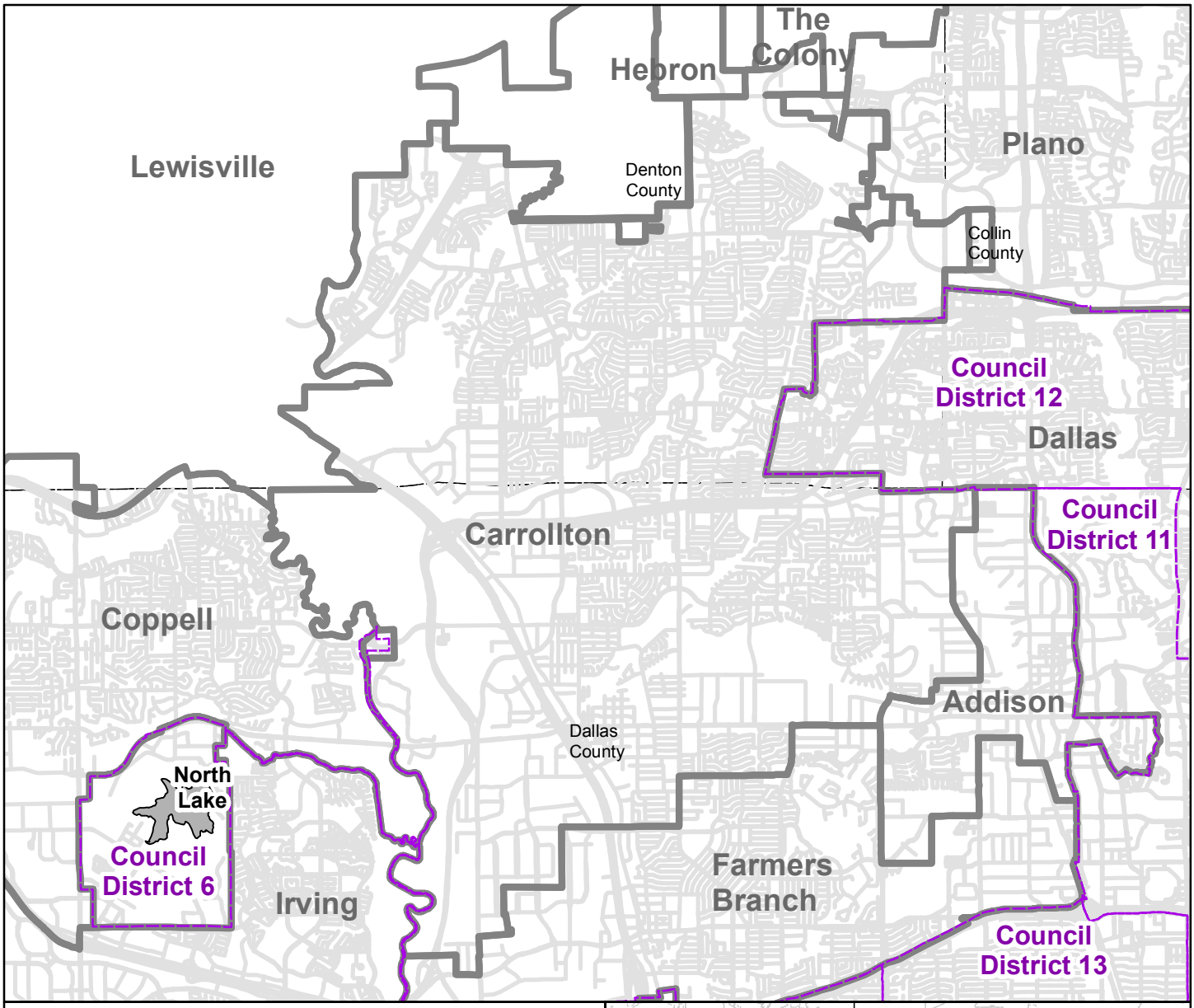
No cost consideration to the City.

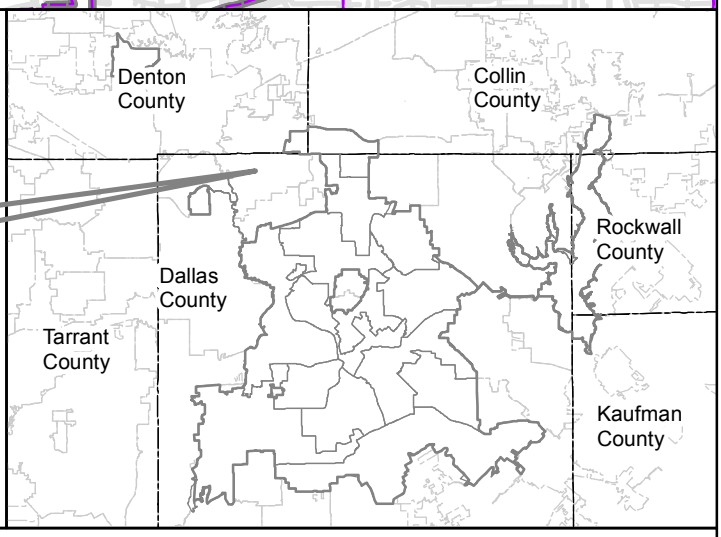
## MAPS

Attached




Dallas Water Utilities
Interlocal Agreement/License for the Elm Fork
72-inch Water Transmission Main Project



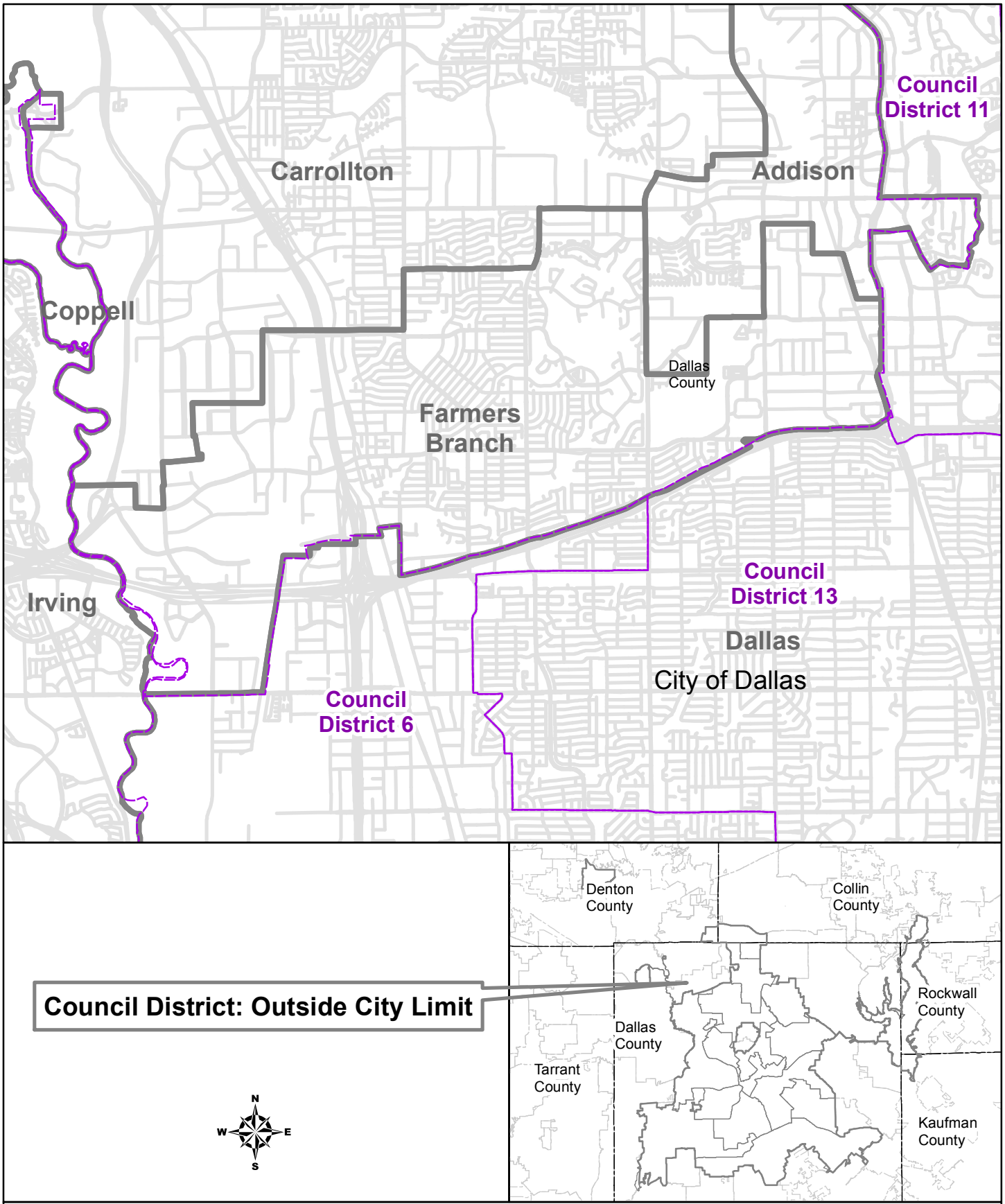




Council District: Outside City Limit




**Dallas Water Utilities**

**INTERLOCAL AGREEMENT/LICENSE FOR THE ELM FORK 72-INCH WATER TRANSMISSION MAIN PROJECT**




# Dallas Water Utilities

## INTERLOCAL AGREEMENT/LICENSE FOR THE ELM FORK 72-INCH WATER TRANSMISSION MAIN PROJECT

June 26, 2019

**WHEREAS,** the Dallas Water Utilities Department plans to construct a 72-inch water transmission main between the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant; and

**WHEREAS,** the 72-inch water transmission main is necessary to increase capacity, hydraulic flexibility and redundancy of the overall water delivery system; and

**WHEREAS,** the City of Dallas desires to enter into Interlocal Agreements with the City of Carrollton and the City of Farmers Branch to allow the City of Dallas to construct, own, operate and maintain a 72-inch water transmission main within the corporate limits of Carrollton and Farmers Branch; and

**WHEREAS,** there is no cost consideration to the City of Dallas associated with this agreement.

**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 Interlocal Agreements with the City of Carrollton and the City of Farmers Branch, approved as to form by the City Attorney, to construct, own, operate and maintain a 72-inch diameter water transmission main within the corporate limits of Carrollton and Farmers Branch.

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

Agenda Information Sheet

**File #:** 19-690 **Item #:** 61.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize **(1)** a second amendment to the Advanced Funding Agreement with Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District for a one-year extension; and **(2)** an increase in funding for the Advanced Funding Agreement with Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District in the amount of $76,588.00 - Not to exceed $76,588.00, from $1,935,660.00 to $2,012,248.00 - Financing: Water Construction Fund

## BACKGROUND

The Sulphur River Basin has been identified as an alternate water management strategy in the City's 2014 Long Range Water Supply Plan, as well as the 2016 Region C Water Plan and the 2017 State Water Plan to meet future needs of Dallas and other area water providers.

In 2013, City Council authorized the Dallas Water Utilities Department to participate with the Sulphur River Basin Authority (SRBA), North Texas Municipal Water District, Tarrant Regional Water District, Upper Trinity Regional Water District, and the City of Irving to determine the feasibility of obtaining water from the Sulphur River Basin. The purpose of the feasibility study is to evaluate multiple water supply alternatives within the Sulphur River Basin based on several criteria including potential yield, capital and life cycle costs, environmental and social effects, and arrive at the tentatively selected plan (TSP) milestone. SRBA's estimated schedule to reach the TSP milestone was delayed and is now scheduled to be reached in 2019. Once the TSP milestone is reached the decisions by the participating water providers will be made whether or not to proceed and if necessary, when and how to proceed. Dallas' original pro-rated cost share and planning cost for this work totaled an amount not to exceed of $1,800,000.00.

This item will authorize additional funding in the amount of $76,588.00 necessary to cover Dallas' share of additional project costs that have exceeded 2013 estimates and are required to bring the Sulphur River Basin Study to the TSP milestone. Dallas' cost share percentage of 29.197 percent is

defined in the “Advanced Funding Agreement for Water Resources Planning in the Sulphur River Basin” (Advanced Funding Agreement). This item also extends the term of the Advanced Funding Agreement from September 1, 2018 to August 31, 2019 to coincide with the Sulphur River Basin Authority’s fiscal year.

The City benefits from this regional cooperation by leveraging its financial contributions with the other regional water providers to develop more detailed data and analysis of potential regional water supply options. It is important that Dallas continues to be a part of the regional process to determine the availability of water resources from the Sulphur River Basin, to determine the feasibility of developing water supplies in this basin to meet our future needs, and also to continue the opportunity to achieve significant cost savings through the joint development of a water supply project including pipelines, infrastructure and facilities with other area water providers.

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

On April 13, 2005, City Council authorized the Dallas Water Utilities in cooperation with the North Texas Municipal Water District, the City of Irving, the Tarrant Regional Water District and the Upper Trinity Regional Water District to participate in Phase I of the Sulphur River Basin Feasibility Study that included studying the availability of water from Wright Patman Lake through flood pool reallocation by Resolution No. 05-1222.

City Council was briefed on Dallas' Long Range Water Supply Plan to determine the water needs of Dallas and its customers to the year 2070 and beyond on November 2, 2011.

On September 26, 2012, City Council authorized a professional services contract with HDR Engineering, Inc. to prepare the City's Long Range Water Supply Plan Study to the Year 2070 and beyond; authorized acceptance of a grant from the United States Bureau of Reclamation to evaluate additional reuse opportunities to the Dallas downtown and surrounding areas by Resolution No. 12-2383.

The Transportation and Environment Committee was briefed on the Long Range Water Supply Plan Progress on March 25, 2013.

On April 10, 2013, City Council authorized the Dallas Water Utilities Department to participate with other area water providers to determine the feasibility of obtaining water from the Sulphur River Basin by Resolution No. 13-0634.

On October 8, 2014, City Council authorized adoption of Recommended Strategies, Alternate Strategies and the Infrastructure Recommendations identified in the Dallas 2014 Long Range Water Supply Plan and authorized the City Manager to submit the adopted strategies and infrastructure recommendations to the Region C Planning Group in accordance with State law for the State's 2017 Water Plan by Resolution No. 14-1696.

Information regarding the contract extension and increase in funding was provided to the Mobility Solutions, Infrastructure and Sustainability Committee on May 14, 2018.

On May 23, 2018, City Council Authorize a first amendment to the advanced funding agreement with Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District to extend the term of the agreement from May 28, 2018 to August 31, 2018 and an increase in funding for the advanced funding agreement with Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District by Resolution No. 18-0766.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Water Construction Fund - $76,588.00



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**WHEREAS,** the City needs to obtain and connect additional water supply in order to meet the future needs of the citizens and customers of Dallas; and

**WHEREAS,** the Sulphur River Basin has been identified as an alternate water management strategy in Dallas' 2014 Long Range Water Supply Plan and the 2017 State Water Plan; and

**WHEREAS,** the water planning process costs are to be shared by all participants on a pro-rated basis; and

**WHEREAS,** the City Council previously authorized the City Manager to enter into any necessary agreements with the appropriate agencies in order to participate in Phase I of the Sulphur River Basin Feasibility, and to pay Dallas' share of costs that had been incurred as part of the Sulphur River Basin water planning process; and

**WHEREAS,** additional costs exceeding the 2018 estimates have occurred since entering the "First Amendment to 2013 Advanced Funding Agreement" and Dallas now needs to pay an additional amount of approximately $76,588.00 to continue the water planning process in the Sulphur River Basin; and

**WHEREAS,** the "Advanced Funding Agreement for Water Resources Planning in the Sulphur River Basin" expired August 31, 2018 and needs to be extended to August 31, 2019.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a second amendment to the Advance Funding Agreement with the Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District, approved as to form by the City Attorney, to extend the term of the agreement from September 1, 2018 to August 31, 2019.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to increase funding for the Advance Funding Agreement in an amount not to exceed $76,588.00 from the Water Construction Fund, Fund 0102, Department DWU, Unit CW01, Activity STMP, Object 3070, Program 7A1238X, Reporting W3CW, Encumbrance CT-DWU1A1238EN, Vendor 513510.

**SECTION 3.** That this contract is designated as Contract No. DWU-2018-00006422.

**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 Information Sheet

**File #:** 19-504 **Item #:** 62.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 9

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize a professional services contract with Halff Associates, Inc. for the engineering design of the Vinemont Channel Drainage Diversion Project - Not to exceed $585,288.00 - Financing: Flood Control (D) Fund (2017 Bond Funds)

## BACKGROUND

This action will authorize a professional services contract with Halff Associates, Inc. for the engineering design of the Vinemont Channel Drainage Diversion Project. The contract will provide design improvements to address flood relief for the Dixon Branch and Vinemont Channel area upstream of White Rock Lake.

The purpose of the project is to analyze and design the most cost-effective solution to address the needs identified in the Dixon Branch flood study and reduce flooding in the project area and downstream along Dixon Branch. Halff Associates, Inc. will analyze the Dixon Branch and Vinemont Channel water surface elevations and evaluate the proposed alignment for drainage diversion along Sylvania Avenue and two alternative alignments. The alternative alignments include a Sylvania-Vinemont-Overglen-Dixon Branch route and a Sylvania-Vinemont-Dixon Branch route. Project improvements will provide flood relief to approximately 15 homes.

The services provided for this contract include project management, topographic and boundary surveys, easement identification and legal exhibits, subsurface utility exploration, geotechnical investigations, structural analysis, drainage studies including hydrologic and hydraulic stream and storm drainage system modeling, development of conceptual and preliminary construction plans, and development of construction plans and special specifications. The consulting firm was selected following a qualifications-based selection process in accordance with the City of Dallas Administrative Directive 4-5 procurement guidelines.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Begin Design | July 2019 |
| Complete Design | July 2020 |
| Begin Construction | January 2021 |
| Complete Construction | July 2022 |

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

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Flood Control (D) Fund (2017 Bond Funds) - $585,288.00

Estimated Future Cost - Construction - $5,600,000.00

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $585,288.00 | Architectural & Engineering | 25.66% | 26.06% | $152,530.00 |
| • This contract exceeds the M/WBE goal. | | | | |

## OWNER

**Halff Associates, Inc.**

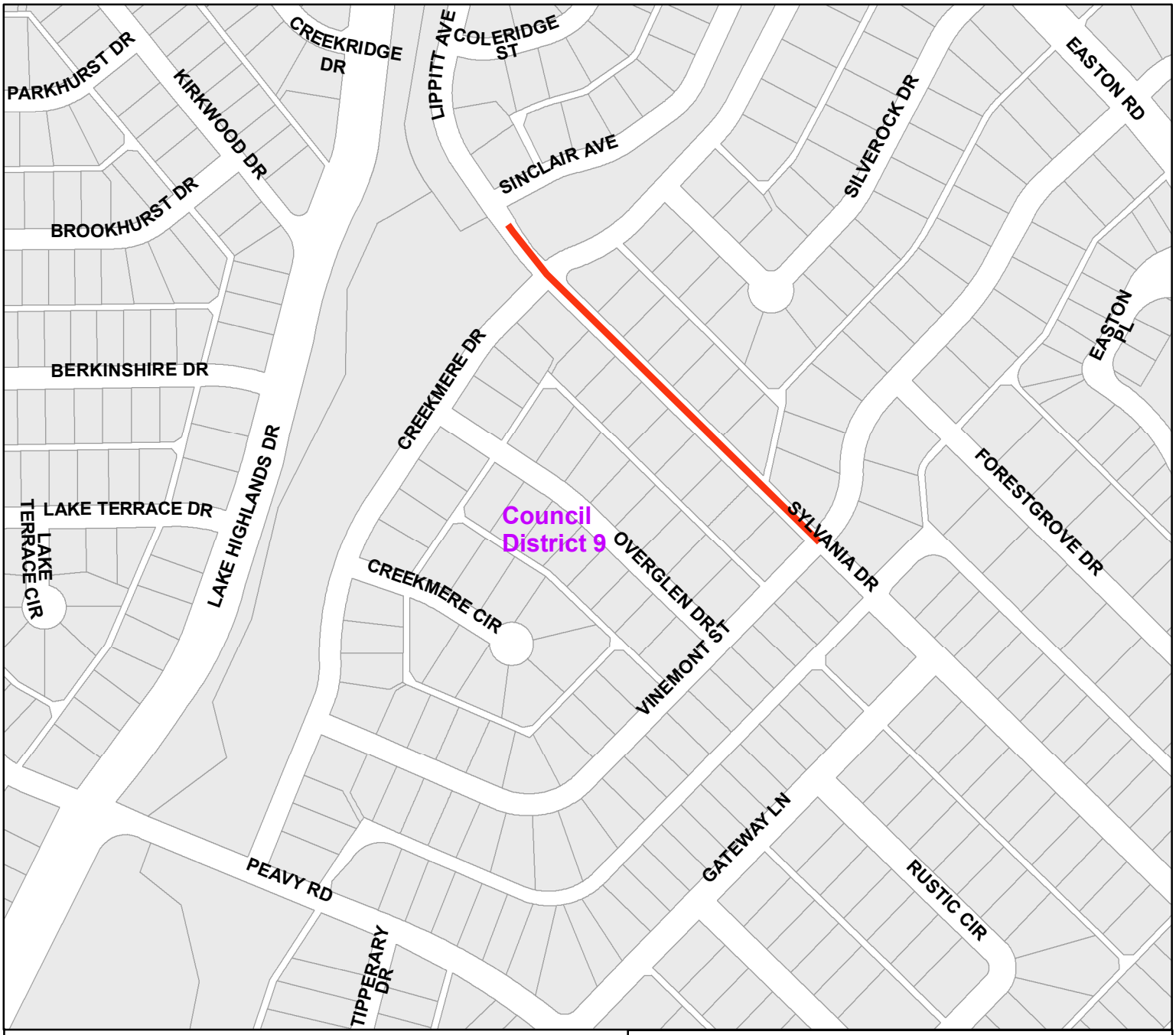
Patrick L. Kunz, P.E., President

## MAP

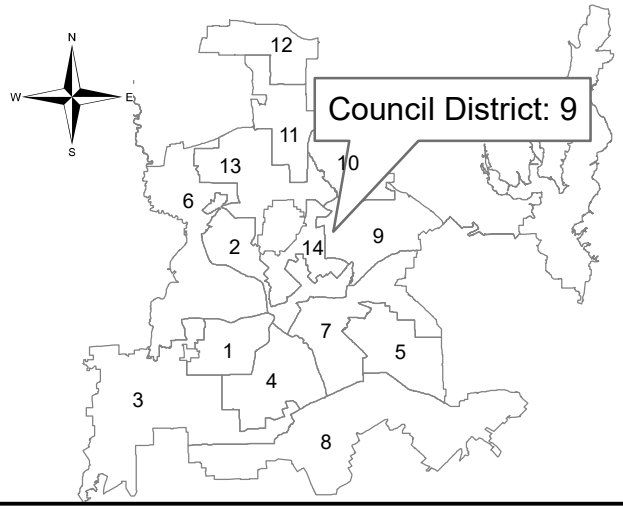
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Vinemont Channel Drainage Diversion




**Dallas Water Utilities**
**Contract No. 19-071E**
**Stormwater Project Management**

June 26, 2019

**WHEREAS,** the City of Dallas has identified needs to address flood protection and storm drain relief for the Dixon Branch and Vinemont Channel area; and

**WHEREAS,** engineering services are required to evaluate, design, and construct drainage relief improvements for the Vinemont Channel Drainage Diversion to Dixon Branch, upstream of White Rock Lake; and

**WHEREAS,** engineering services will include preliminary investigation, surveying, geotechnical investigation, preliminary design, and development of construction plans and specifications; and

**WHEREAS,** Halff Associates, Inc., 1201 North Bowser Road, Richardson, Texas 75081, has submitted an acceptable proposal to provide these engineering services.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a professional services contract with Halff Associates, Inc., approved as to form by the City Attorney, for the engineering design of the Vinemont Channel Drainage Diversion Project, in an amount not to exceed $585,288.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $585,288.00 to Halff Associates, Inc. from the Flood Control (D) Fund, Fund 1V23, Department SDM, Unit VD29, Activity ERCT, Object 4111, Program TW17VD29, Encumbrance/Contract No. DWU-2019-00009205, Vendor 089861.

**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 Information Sheet

**File #:** 19-691 **Item #:** 63.

| | |
|---|---|
| **STRATEGIC PRIORITY:** | Mobility Solutions, Infrastructure, and Sustainability |
| **AGENDA DATE:** | June 26, 2019 |
| **COUNCIL DISTRICT(S):** | Outside City Limits |
| **DEPARTMENT:** | Water Utilities Department |
| **EXECUTIVE:** | Majed Al-Ghafry |

## SUBJECT

Authorize an increase in the construction services contract with Archer Western Construction, LLC for additional work associated with the construction of a new residuals handling facility at the Elm Fork Water Treatment Plant - Not to exceed $1,479,271.62, from $25,486,500.00 to $26,965,771.62 - Financing: Water Construction Fund

## BACKGROUND

The Elm Fork Water Treatment Plant located in Carrollton, Texas, is the second largest of three water treatment plants serving customers of the City of Dallas. On May 10, 2017, City Council authorized a contract for the construction of a new residuals handling facility at the Elm Fork Water Treatment Plant by Resolution No. 17-0764. Residuals are a normal by-product of the drinking water treatment process and consist of solids removed from the source water by the addition of coagulants and a sedimentation process.

The residuals handling facility project includes the construction of a new residuals pump station and transfer lines as well as gravity thickeners, chemical feed systems, mechanical piping, and site grading. The improvements were recommended by the 2010 Water Quality Study and are part of the Elm Fork Water Quality Improvements Program. Upon completion, the project will improve the overall efficiency of the solids handling process, reduce the use of raw water, and allow for the implementation of the remaining water quality projects.

This action will authorize Change Order No. 1 to the contract with Archer Western Construction, LLC for additional work identified during construction of the residuals handling facilities. The major work includes additional chemical feed improvements, the cleaning of a 54-inch diameter pipeline to facilitate rehabilitation, chlorine scrubber improvements and tank repairs, and additional pier drilling due to unforeseen site conditions. Other work associated with this change order includes duct bank, fiber, and gas line relocations due to conflicts, control system modifications, and other miscellaneous improvements necessary for future operation and maintenance of the residual handling facilities.

## ESTIMATED SCHEDULE OF PROJECT

Began Construction June 2017
Complete Construction June 2020

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

On May 10, 2017, City Council authorized a contract with Archer Western Construction, LLC for the construction of a new residuals handling facility at the Elm Fork Water Treatment Plant located at 1440 Whitlock Lane by Resolution No. 17-0764.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Water Construction Fund - $1,479,271.62

| | |
|---|---|
| Construction | $25,486,500.00 |
| Change Order No. 1 (this action) | $ 1,479,271.62 |
| Total Project Cost | $26,965,771.62 |

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $1,479,271.62 | Construction | 25.00% | 25.34% | $374,912.77 |
| • This contract exceeds the M/WBE goal. | | | | |
| • Change Order No. 1 - 11.01% Overall M/WBE participation | | | | |

## OWNER

**Archer Western Construction, LLC**

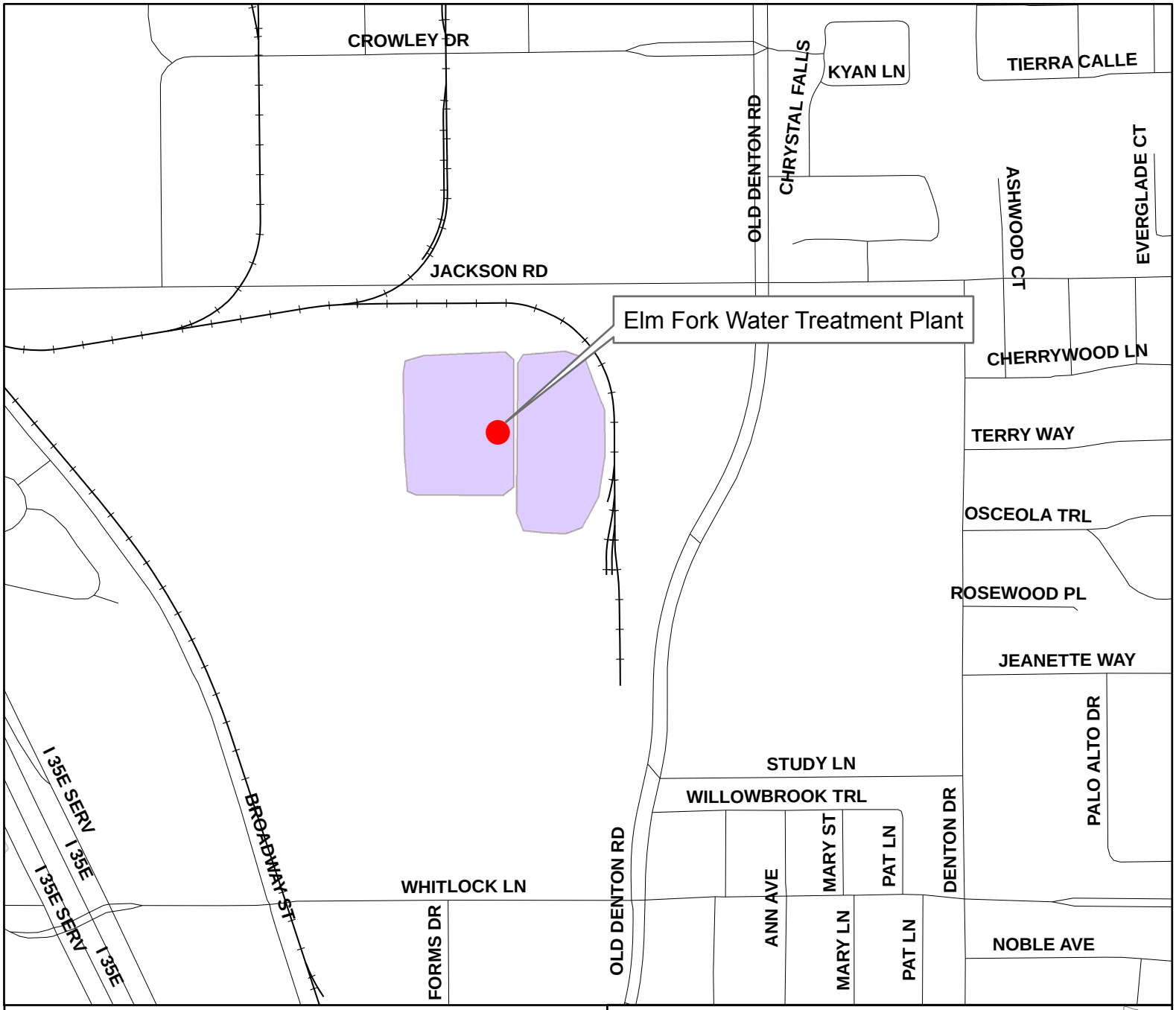
Daniel P. Walsh, President

## MAP

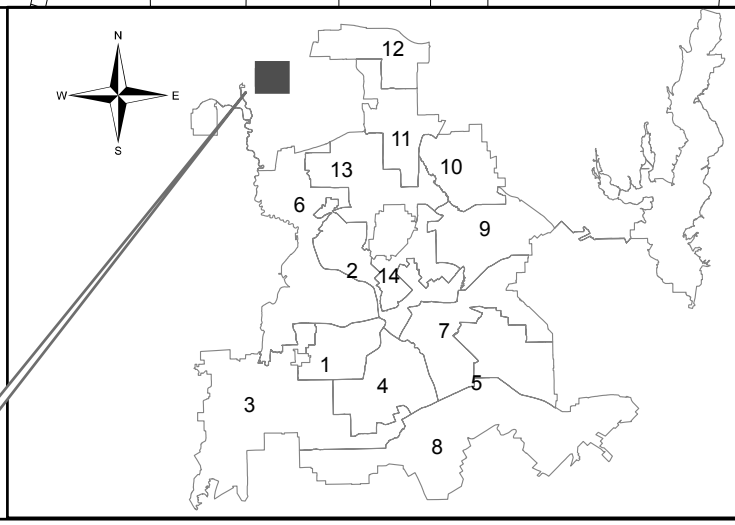
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Council District: Outside City Limits

**Dallas Water Utilities**
**Contract No. 16-035, Change Order No. 1**
**Elm Fork Water Treatment Plant Residuals Handling Facility**

June 26, 2019

**WHEREAS,** on May 10, 2017, City Council authorized a contract with Archer Western Construction, LLC for the construction of a new residuals handling facility at the Elm Fork Water Treatment Plant, in an amount not to exceed $25,486,500.00, by Resolution No. 17-0764; and

**WHEREAS,** additional work is required due to unforeseen site conditions and conflicts identified during construction and to improve the future operation and maintenance of the residuals handling site; and

**WHEREAS,** Archer Western Construction, LLC, 1411 Greenway Drive, Irving, Texas 75038, has submitted an acceptable proposal for this additional work; and

**WHEREAS,** Dallas Water Utilities recommends that Contract No. 16-305 be increased by $1,479,271.62, from $25,486,500.00 to $26,965,771.62.

**Now, Therefore,**

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

**SECTION 1.** That an increase in the construction services contract with Archer Western Construction, LLC (Change Order No. 1) is authorized for additional work associated with the construction of a new residuals handling facility at the Elm Fork Water Treatment Plant, in an amount not to exceed $1,479,271.62, increasing the contract amount from $25,486,500.00 to $26,965,771.62.

**SECTION 2.** That the proposed Change Order No. 1 with Archer Western Construction, LLC be accepted and that Contract No. 16-305 be revised accordingly.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,479,271.62 to Archer Western Construction, LLC from the Water Construction Fund, Fund 0102, Department DWU, Unit CW31, Object 4320 Program 716305, Encumbrance CT-DWU716305CP, Vendor VS0000064407.

**SECTION 4.** That this contract is designated as Contract No. DWU-2017-00001684.

**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 Information Sheet

**File #:** 19-731 **Item #:** 64.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 11

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize an increase in the construction services contract with Webber, LLC for additional work associated with the improvements to the Walcrest Pump Station and reservoir - Not to exceed $1,731,751.71, from $37,409,104.31 to $39,140,856.02 - Financing: Water Construction Fund

## BACKGROUND

The Walcrest Pump Station and reservoir located at the northeast corner of Hillcrest Road and Walnut Hill Lane was constructed and placed in service in 1954. The original facility had a pumping capacity of 85 million gallons per day (MGD) and potable water storage capacity of 20 million gallons. Due to its age, improvements are necessary to address aging infrastructure as well as operational and regulatory deficiencies.

On September 22, 2015, City Council authorized a construction contract with Webber, LLC for improvements to the Walcrest Pump Station and reservoir by Resolution No. 15-1782. The improvements include the demolition of the existing pump station at the Walcrest site and construction of a new 85 MGD pump station. The new pump station will incorporate newer, more efficient technology and provide greater reliability for the distribution system. The work also includes the construction of two 10 million gallon storage reservoirs to replace the existing 20 million gallon reservoir. The individual reservoir cells will increase flexibility and reduce maintenance costs.

On August 23, 2017, City Council authorized Change Order No. 1 to the construction services contract for additional work identified during construction. The additional work included underground excavation to remove and replace unsuitable material to provide a more stable foundation for the reservoir, upgrades to the pump station's control network to meet updated security requirements, and valve improvements to keep the existing pump station in service during construction.

This action will authorize Change Order No. 2 to the construction services contract with Webber, LLC for additional work identified during construction of the Walcrest facility. The major work includes a secondary power supply feed from Oncor required by the Texas Commission on Environmental

Quality, underground modifications to avoid utility conflicts, electrical revisions to accommodate entrance changes and power metering, additional manholes for valve access, and additional paving and drainage improvements. Other work associated with this change order includes miscellaneous improvements necessary for constructability and future operation and maintenance of the pump station and reservoir.

## ESTIMATED SCHEDULE OF PROJECT

Began Construction November 2015
Complete Construction November 2019

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

On September 22, 2015, City Council authorized a contract with Webber, LLC for the construction of improvements to the Walcrest Pump Station and reservoir by Resolution No. 15-1782.

On August 23, 2017, City Council authorized Change Order No. 1 to the construction services contract with Webber, LLC for additional work associated with the improvements to the Walcrest Pump Station and reservoir by Resolution No. 17-1331.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Water Construction Fund - $1,731,751.71

| | |
|---|---|
| Construction Contract | $36,850,500.00 |
| Change Order No. 1 | $ 558,604.31 |
| Change Order No. 2 (this action) | $ 1,731,751.71 |
| Total Project Cost | $39,140,856.02 |

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $1,731,751.71 | Construction | 25.00% | 14.37% | $248,859.95 |
| • This contract does not meet the M/WBE goal, but complies with good faith efforts. | | | | |
| • Change Order No. 2 - 25.64% Overall M/WBE Participation | | | | |

## OWNER

**Webber, LLC**

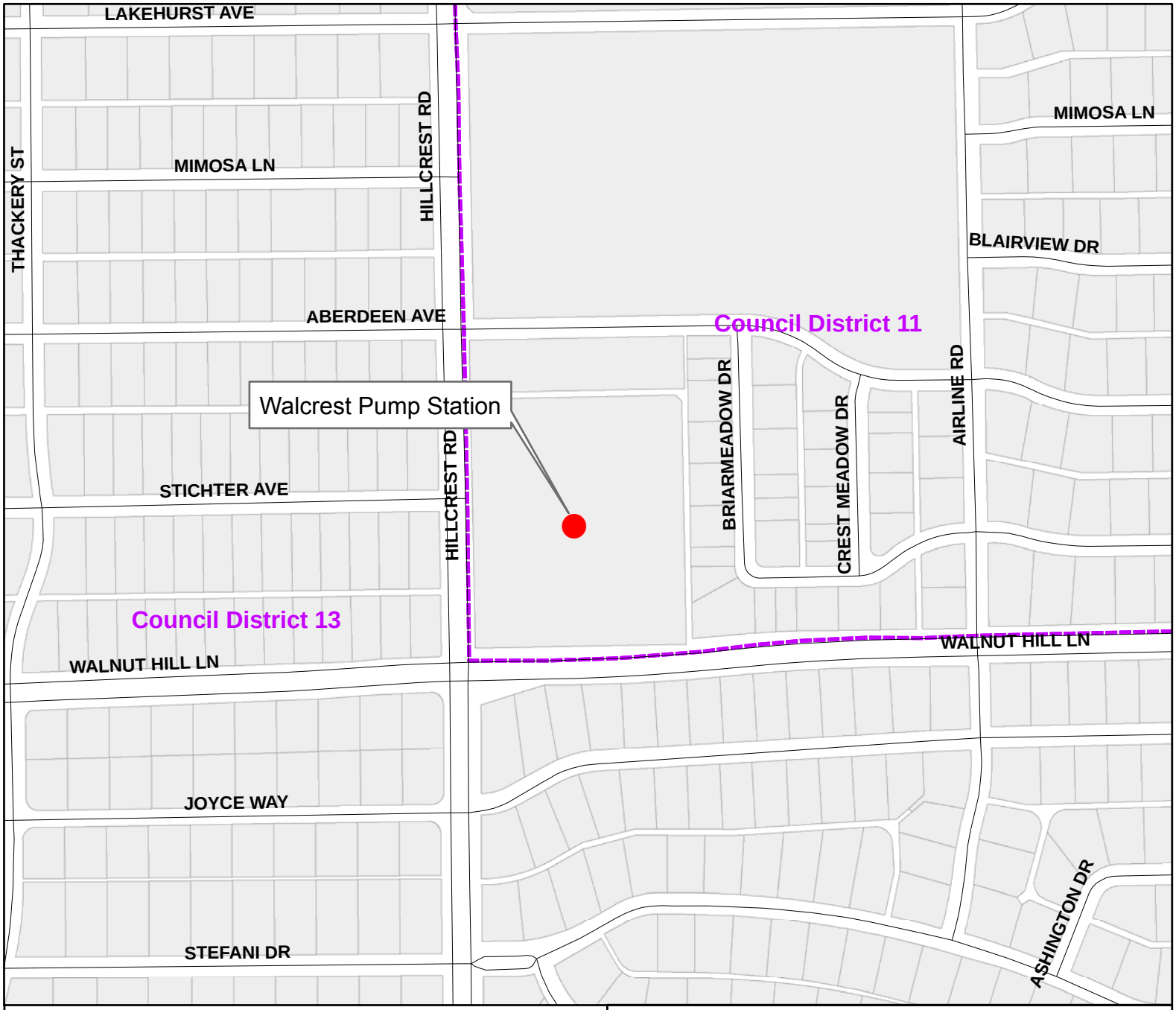
Jose Carlos Esteban, President and Chief Executive Officer

## MAP

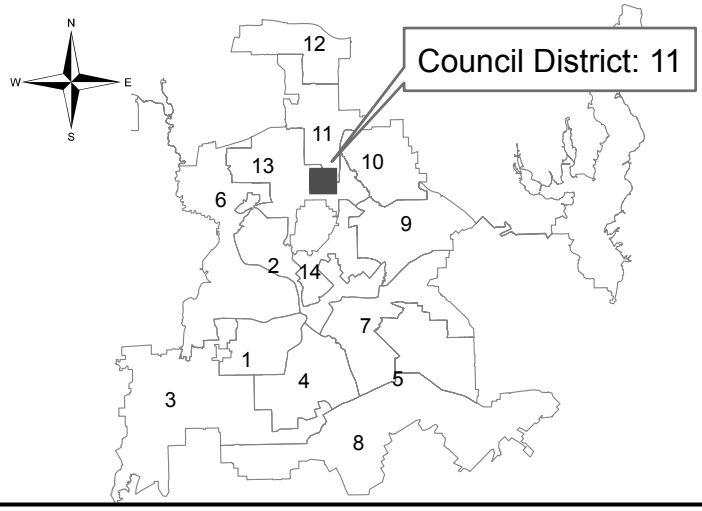
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**Dallas Water Utilities**
**Contract No. 15-299, Change Order No. 2**
**Walcrest Pump Station and Reservoir Improvements**

June 26, 2019

**WHEREAS,** on September 22, 2015, City Council authorized a contract with Webber, LLC for the construction of improvements to the Walcrest Pump Station and reservoir, in an amount not to exceed $36,850,500.00, by Resolution No. 15-1782; and

**WHEREAS,** on August 23, 2017, City Council authorized Change Order No. 1 to the construction services contract with Webber, LLC for additional work associated with the improvements to the Walcrest Pump Station and reservoir, in an amount not to exceed $558,604.31, by Resolution No. 17-1331; and

**WHEREAS,** it is necessary to authorize Change Order No. 2 for additional work due to unforeseen site conditions and conflicts identified during construction and electrical changes required by Oncor for the power supply and metering system; and

**WHEREAS,** Webber, LLC, 1725 Hughes Landing Boulevard, Suite 1200, The Woodlands, Texas 77380, has submitted an acceptable proposal for this additional work; and

**WHEREAS,** Dallas Water Utilities recommends that Contract No. 15-299 be increased by $1,731,751.71, from $37,409,104.31 to $39,140,856.02.

**Now, Therefore,**

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

**SECTION 1.** That an increase to the construction services contract with Webber, LLC (Change Order No. 2) is authorized for additional work associated with the improvements to the Walcrest Pump Station and reservoir, in an amount not to exceed $1,731,751.71, increasing the contract amount from $37,409,104.31 to $39,140,856.02.

**SECTION 2.** That the proposed Change Order No. 2 with Webber, LLC be accepted and that Contract No. 15-299 be revised accordingly.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,731,751.71 to Webber, LLC from the Water Construction Fund, Fund 0102, Department DWU, Unit CW40, Object 4420, Program 715299, Encumbrance CT-DWU715299CP, Vendor VS85843.

**SECTION 4.** That this contract is designated as Contract No. DWU-2017-00002699.

**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 Information Sheet

**File #:** 19-780 **Item #:** 65.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 2, 6

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize an increase in the construction services contract with Muniz Construction, Inc. for additional work associated with the installation of water and wastewater mains at three locations (list attached to the Agenda Information Sheet) - Not to exceed $106,960.00, from $5,763,443.00 to $5,870,403.00 - Financing: Wastewater Capital Improvement Fund

## BACKGROUND

On January 24, 2018, City Council authorized a contract for the installation of water and wastewater mains at 15 locations to Muniz Construction, Inc. by Resolution No. 18-0214. The project includes the replacement and rehabilitation of approximately 19,994 feet of water and wastewater mains at various locations within the City. The existing mains were contributing to an increase in maintenance costs as well as service interruptions, and the new mains will improve capacity and reduce maintenance costs.

This action will authorize Change Order No. 1 to the construction services contract with Muniz Construction, Inc. for additional work identified during construction at three locations. The additional work includes the rehabilitation of a 60-inch wastewater main that was found to be larger than originally shown on record drawings and available records at Wichita Street from Riverfront Boulevard to Slocum Street. In addition, two new manholes were required as part of the wastewater main installations near the Dallas North Tollway and Lemmon Avenue and near Maple Avenue and Manor Way. The additional manholes were necessary due to utility conflicts that necessitated a change in the pipeline alignment.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Began Construction | March 2018 |
| Complete Construction | July 2019 |

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

On January 24, 2018, City Council authorized a contract with Muniz Construction, Inc. for the installation of water and wastewater mains at 15 locations by Resolution No. 18-0214.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Wastewater Capital Improvement Fund - $106,960.00

| | |
|---|---|
| Construction | $5,763,443.00 |
| Change Order No. 1 (this action) | $ 106,960.00 |
| Total Project Cost | $5,870,403.00 |

| Council District | Amount |
|---|---|
| 2 | $ 93,960.00 |
| 6 | $ 13,000.00 |
| Total | $106,960.00 |

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $106,960.00 | Construction | 25.00% | 56.15% | $60,054.40 |
| • This contract exceeds the M/WBE goal. | | | | |
| • Change Order No. 1 - 85.35% Overall M/WBE Participation | | | | |

## OWNER

**Muniz Construction, Inc.**

J. Ramon Muniz, President

## MAPS

Attached



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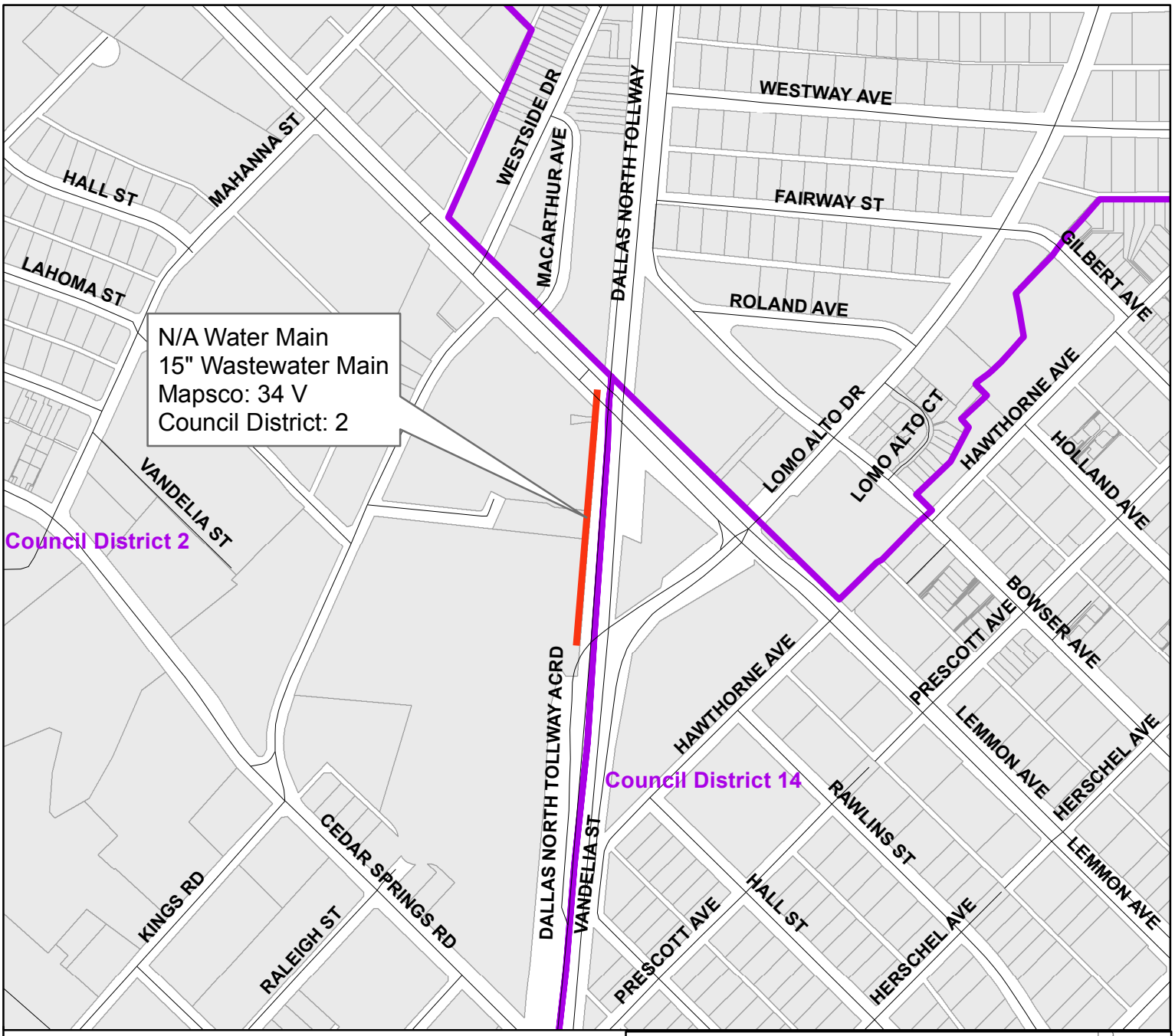
Segment List
Contract No. 17-343/344 Change Order No. 1
**Installation of Water and Wastewater Mains**

**District 2**

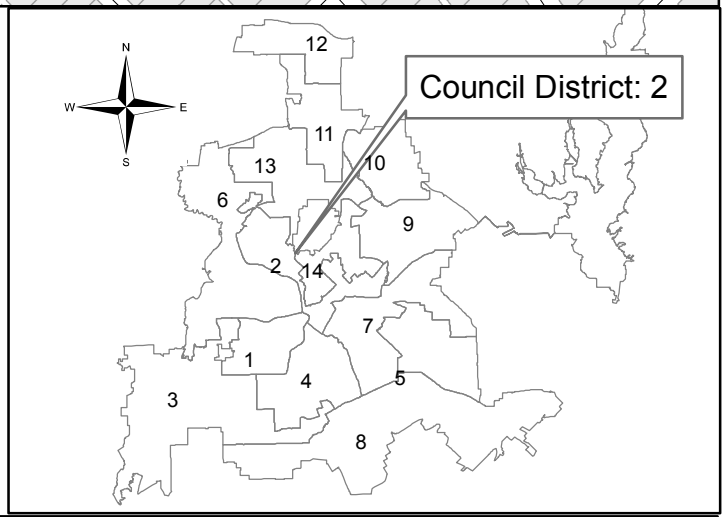
Dallas North Tollway from Lomo Alto Drive to Lemmon Avenue
Maple Avenue from Bomar Avenue northwest

**District 6**

Wichita Street from Riverfront Boulevard to Slocum Street




Dallas North Tollway
from Lomo Alto Drive to Lemmon Avenue



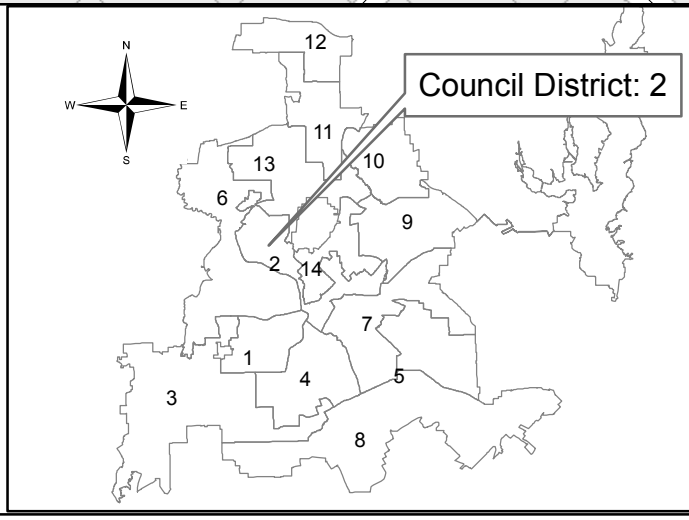

**Dallas Water Utilities**
**Contract No. 17-343/344, Change Order No. 1**
**Water and Wastewater Main Installations at 3 Locations**

PID: 4510

Segment 1 of 3



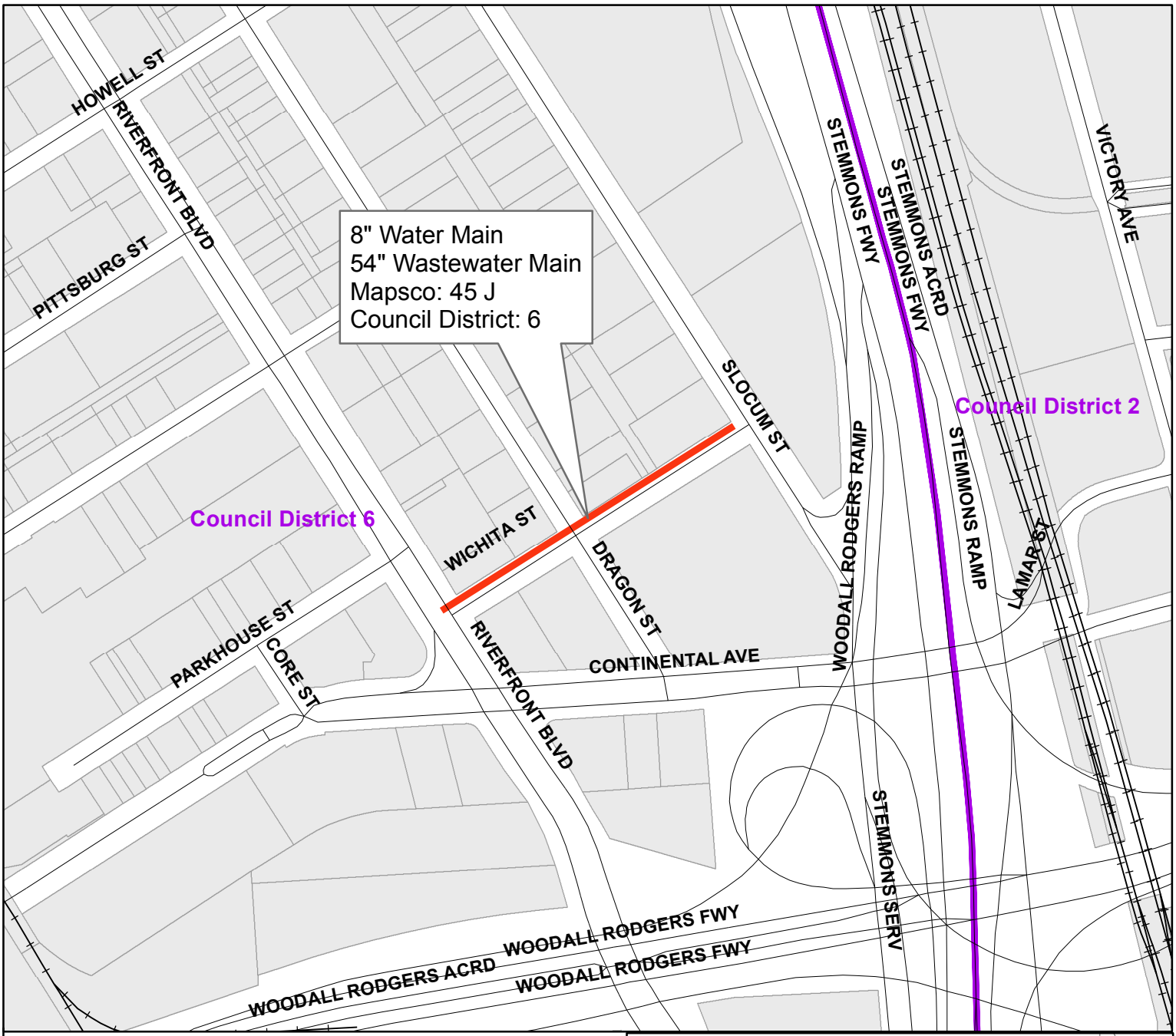

Maple Avenue
from Bomar Avenue northwest



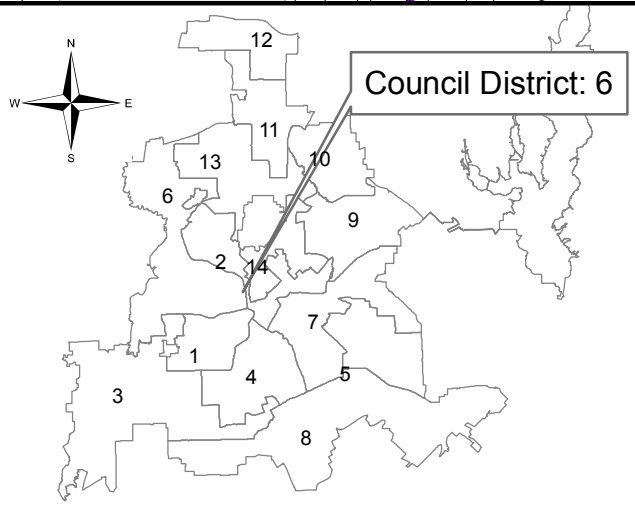

**Dallas Water Utilities**
**Contract No. 17-343/344, Change Order No. 1**
**Water and Wastewater Main Installations at 3 Locations**

PID: 4971

Segment 2 of 3




Wichita Street
from Riverfront Boulevard to Slocum Street




**Dallas Water Utilities**
**Contract No. 17-343/344, Change Order No. 1**
**Water and Wastewater Main Installations at 3 Locations**

PID: 3781

Segment 3 of 3

June 26, 2019

**WHEREAS,** on January 24, 2018, City Council authorized a contract with Muniz Construction, Inc. for the installation of water and wastewater mains at 15 locations, in an amount not to exceed $5,763,443.00, by Resolution No. 18-0214; and

**WHEREAS,** additional work is required for the rehabilitation of a 60-inch diameter wastewater main at Wichita Street and the installation of additional wastewater manholes at two other locations in accordance with City of Dallas standards; and

**WHEREAS,** Muniz Construction, Inc., 1835 Garden Springs Drive, Dallas, Texas 75253, has submitted an acceptable proposal for this additional work; and

**WHEREAS,** Dallas Water Utilities recommends that Contract No. 17-343/344 be increased by $106,960.00, from $5,763,443.00 to $5,870,403.00.

**Now, Therefore,**

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

**SECTION 1.** That an increase in the construction services contract with Muniz Construction, Inc. (Change Order No. 1) is authorized for additional work associated with the installation of water and wastewater mains at three locations, in an amount not to exceed $106,960.00, increasing the contract amount from $5,763,443.00 to $5,870,403.00.

**SECTION 2.** That the proposed Change Order No. 1 with Muniz Construction, Inc. be accepted and that Contract No. 17-343/344 be revised accordingly.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $106,960.00 to Muniz Construction, Inc. from the Wastewater Capital Improvement Fund, Fund 2116, Department DWU, Unit PS40, Object 4560, Program 717344, Encumbrance/Contract No. CX-DWU-2018-00004767, Vendor VS0000016417.

**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 Information Sheet

**File #:** 19-648 **Item #:** 66.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Carollo Engineers, Inc. to provide additional engineering services required to perform a Risk and Resiliency Assessment of the Dallas Water Utilities' water system and prepare an Emergency Response Plan in compliance with the America's Water Infrastructure Act of 2018 - Not to exceed $698,069.00, from $3,989,947.00 to $4,688,016.00 - Financing: Water Capital Improvement Fund

## BACKGROUND

On March 28, 2018, City Council awarded a professional services contract with Carollo Engineers, Inc. to perform a comprehensive assessment of the City of Dallas Water Delivery System. In October 2018, the federal government passed the America's Water Infrastructure Act (AWIA) which requires water systems serving a population of more than 3,300 to conduct a Risk and Resilience Assessment, prepare an Emergency Response Plan and submit a certification of the assessment to the Environmental Protection Agency (EPA). The certification is due to the EPA by March 31, 2020. Both the assessment and response plan must be reviewed and updated on a five-year cycle.

This action will authorize a Supplemental Agreement No. 1 to the professional services contract with Carollo Engineers, Inc. to perform a Risk and Resilience Assessment of the Dallas Water Utilities' water system and prepare an Emergency Response Plan in compliance with the AWIA. Approval of this supplemental agreement will allow the City of Dallas to comply with the AWIA and avoid regulatory fines and penalties. The assessment will include an all hazards evaluation for both malevolent acts and natural hazards. Water system assets from source water to the distribution system will be covered, including electronic, computer, and automated systems. In addition, processes and monitoring practices as well as improvement needs for risk and resilience management will be included. The Emergency Response Plan will cover strategies and resources to improve resilience, and plans, procedures, strategies, and equipment to detect, respond, and lessen the impact of a malevolent act or natural hazard.

## ESTIMATED SCHEDULE OF PROJECT

Begin Assessment August 2019
Complete Assessment February 2020

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

On March 28, 2018, City Council authorized a professional services contract with Carollo Engineers, Inc. to provide engineering services for the City of Dallas Water Delivery Comprehensive System Assessment and Update by Resolution No. 18-0459.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Water Capital Improvement Fund - $698,069.00

| | |
|---|---|
| Design | $3,989,947.00 |
| Supplemental Agreement No. 1 (this action) | $ 698,069.00 |
| Total Project Cost | $4,688,016.00 |

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $698,069.00 | Architectural & Engineering | 25.66% | 25.71% | $179,475.00 |
| • This contract exceeds the M/WBE goal. | | | | |
| • Supplemental Agreement No. 1 - 25.71% Overall M/WBE Participation | | | | |

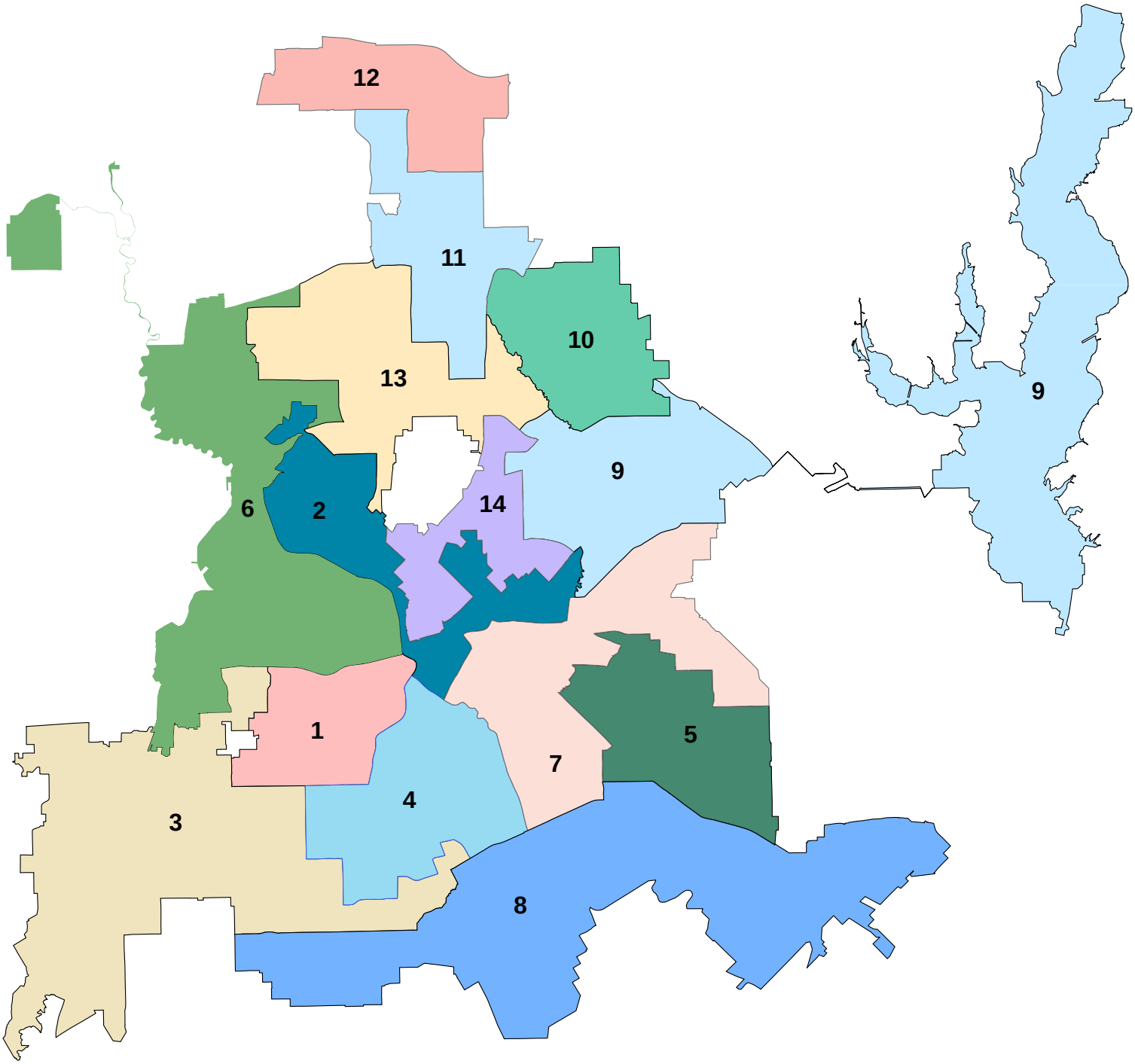
## OWNER

**Carollo Engineers, Inc.**

Balakrishnan Narayanan, President and Chief Executive Officer

## MAP

Attached




**Dallas Water Utilities**
**Contract No. 17-395E SA #1**
**Water Delivery Comprehensive System**
**Assessment and Update**

June 26, 2019

**WHEREAS,** on March 28, 2018, City Council authorized a professional services contract with Carollo Engineers, Inc., to provide engineering services for the City of Dallas Water Delivery Comprehensive System Assessment and Update, in an amount not to exceed $3,989,947.00, by Resolution No. 18-0459; and

**WHEREAS,** additional services are required to perform a Risk and Resiliency Assessment of the Dallas Water Utilities' water system and prepare an Emergency Response Plan in compliance with the America's Water Infrastructure Act of 2018; and

**WHEREAS,** Carollo Engineers, Inc. 14785 Preston Road, Suite 950, Dallas, Texas 75254, has submitted an acceptable proposal to provide these engineering services; and

**WHEREAS,** Dallas Water Utilities recommends that Contract No. 17-395E be increased in an amount not to exceed $698,069.00, from $3,989,947.00 to $4,688,016.00.

**Now, Therefore,**

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

**SECTION 1.** That the proposed Supplemental Agreement No. 1 to the professional services contract be accepted and that Contract No. 17-395E with Carollo Engineers, Inc., be revised accordingly.

**SECTION 2.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the professional services contract with Carollo Engineers, Inc., approved as to form by the City Attorney, to provide additional engineering services required to perform a Risk and Resiliency Assessment of the Dallas Water Utilities' water system and prepare an Emergency Response Plan in compliance with the America's Water Infrastructure Act of 2018, in an amount not to exceed $698,069.00, increasing the contract amount from $3,989,947.00 to $4,688,016.00.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $698,069.00 to Carollo Engineers, Inc. from the Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW01, Object 4111, Program 717395, Encumbrance/Contract No. CX-DWU-2018-00005197, Vendor 339957.

**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 Information Sheet

**File #:** 19-683 **Item #:** 67.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 11

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional construction phase services for the Walcrest Pump Station and reservoir improvements - Not to exceed $266,133.00, from $4,285,230.56 to $4,551,363.56 - Financing: Water Construction Fund

## BACKGROUND

The Walcrest Pump Station and reservoir located at the northeast corner of Hillcrest Road and Walnut Hill Lane was placed in service in 1954 and has reached the end of its useful life. The original scope of services awarded to Nathan D. Maier Consulting Engineers, Inc. included the design of a new pump station and the evaluation of the existing reservoir. Results of the reservoir's evaluation determined that it did not meet regulatory requirements and it would be most economical to replace the reservoir. Supplemental Agreement No. 1 was awarded for the preliminary design of a new reservoir and Supplemental Agreement No. 2 was awarded for the final design and engineering services to meet regulatory and zoning requirements. Supplemental Agreement No. 3 was awarded on February 29, 2018, for the final landscaping design and additional paving and drainage improvements that incorporated feedback from neighborhood and homeowner association groups.

This action will authorize Supplemental Agreement No. 4 to provide additional construction phase services to ensure that improvements are properly implemented and operate in the manner intended by the design. These services include additional construction submittal reviews and on-site inspection on a part time basis to address construction issues and non-conforming work in an efficient manner. Other services include start-up and operations assistance to bring the new pump station and reservoir on-line after construction completion and acceptance. Authorizing the additional services will limit non-conforming work, schedule delays, and impacts to the water delivery system.

## ESTIMATED SCHEDULE OF PROJECT

Begin Services June 2019
Complete Services June 2020

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

On March 25, 2009, City Council authorized a professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide engineering services for design improvements to the Walcrest Pump Station by Resolution No. 09-0842.

On June 13, 2012, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional engineering services for design improvements to the Walcrest Pump Station by Resolution No. 12-1559.

On January 28, 2015, City Council authorized Supplemental Agreement No. 2 to the engineering services contract with Nathan D. Maier Consulting Engineers, Inc. for additional engineering design services related to improvements to the Walcrest Pump Station and reservoir by Resolution No. 15-0193.

On February 28, 2018, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional engineering and construction phase services for the Walcrest Pump Station project by Resolution No. 18-0380.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure and Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Water Construction Fund - $266,133.00

| | |
|---|---|
| Design | $2,051,750.00 |
| Supplemental Agreement No. 1 | $ 379,081.28 |
| Supplemental Agreement No. 2 | $1,234,116.08 |
| Supplemental Agreement No. 3 | $ 620,283.20 |
| Supplemental Agreement No. 4 (this action) | $ 266,133.00 |
| Total Project Cost | $4,551,363.56 |

## M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE $ |
|---|---|---|---|---|
| $266,133.00 | Architectural & Engineering | 25.66% | 98.31% | $261,633.00 |
| • This contract exceeds the M/WBE goal. | | | | |
| • Supplemental Agreement No. 4 - 91.30% Overall M/WBE Participation | | | | |



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## OWNER

**Nathan D. Maier Consulting Engineers, Inc.**

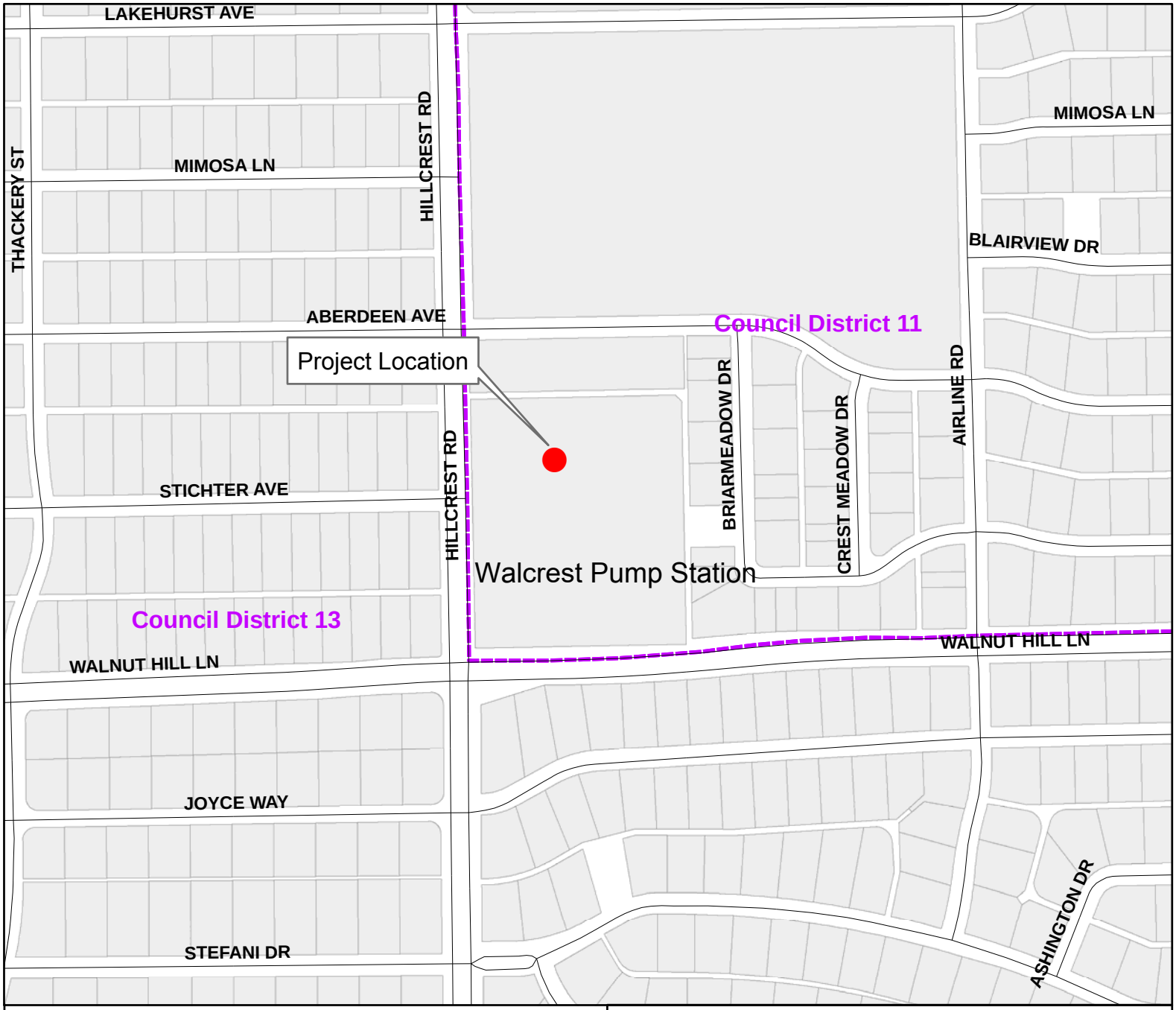
Jean Maier Dean, P.E., President and Chief Executive Officer

## MAP

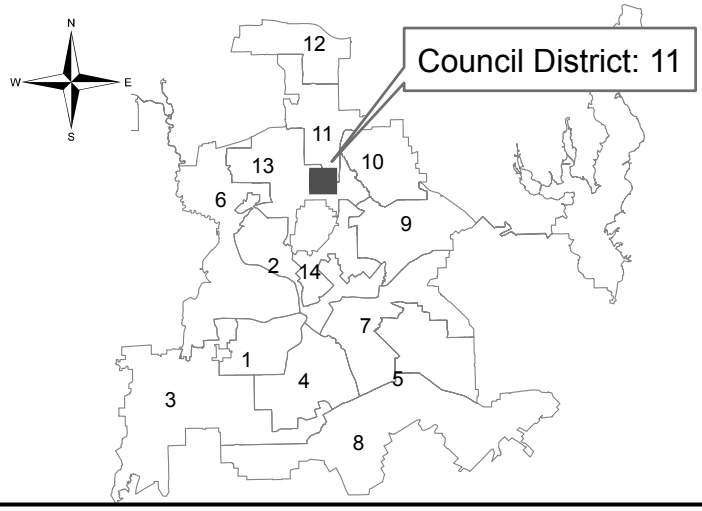
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**Dallas Water Utilities**
**Contract No. 08-091E, Supplemental Agreement No. 4**
**Walcrest Pump Station Improvements**

June 26, 2019

**WHEREAS,** on March 25, 2009, City Council authorized a professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide engineering services for design improvements to the Walcrest Pump Station, in an amount not to exceed $2,051,750.00, by Resolution No. 09-0842; and

**WHEREAS,** on June 13, 2012, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional engineering services for design improvements to the Walcrest Pump Station, in an amount not to exceed $379,081.28, from $2,051,750.00 to $2,430,831.28, by Resolution No. 12-1559; and

**WHEREAS,** on January 28, 2015, City Council authorized Supplemental Agreement No. 2 to the engineering services contract with Nathan D. Maier Consulting Engineers, Inc. for additional engineering services related to improvements to the Walcrest Pump Station and reservoir, in an amount not to exceed $1,234,116.08, from $2,430,831.28 to $3,664,947.36, by Resolution No. 15-0193; and

**WHEREAS,** on February 28, 2018, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional engineering and construction phase services for the Walcrest Pump Station project, in an amount not to exceed $620,283.20, from $3,664,947.36 to $4,285,230.56, by Resolution No. 18-0380; and

**WHEREAS,** additional construction phase services are required to address construction issues and to provide start-up and operations assistance for the new pump station and reservoir; and

**WHEREAS,** Nathan D. Maier Consulting Engineers, Inc., 12377 Merit Drive, Suite 700, Dallas, Texas 75251, has submitted an acceptable proposal to provide these engineering services; and

**WHEREAS,** Dallas Water Utilities recommends that Contract No. 08-091E be increased by $266,133.00, from $4,285,230.56 to $4,551,363.56.

**Now, Therefore,**

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

**SECTION 1.** That the proposed Supplemental Agreement No. 4 to the professional services contract be accepted and that Contract No. 08-091E with Nathan D. Maier Consulting Engineers, Inc., be revised accordingly.

**SECTION 2.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 4 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc., approved as to form by the City Attorney, to provide additional construction phase services for the Walcrest Pump Station and reservoir improvements, in an amount not to exceed $266,133.00, increasing the contract amount from $4,285,230.56 to $4,551,363.56.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $266,133.00 to Nathan D. Maier Consulting Engineers, Inc. from the Water Construction Fund, Fund 0102, Department DWU, Unit CW40, Object 4111, Program 708091, Encumbrance CT-DWU708091CP, Vendor 192659.

**SECTION 4.** That this contract is designated as Contract No. DWU-2017-00003507.

**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 Information Sheet

**File #:** 19-895 **Item #:** 68.

**AGENDA DATE:** June 26, 2019

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

**DEPARTMENT:** City Secretary’s Office

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## SUBJECT

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)

# Agenda Information Sheet

**File #:** 19-893 **Item #:** 69.

**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Housing & Neighborhood Revitalization

**EXECUTIVE:** Michael Mendoza

## SUBJECT

Authorize an amendment to the Comprehensive Housing Policy, previously approved on May 9, 2018, by Resolution No. 18-0704, as amended to **(1)** amend and restate the Dallas Homebuyer Assistance Program (DHAP) to **(a)** change the loan terms to forgivable annually; **(b)** remove the Homebuyer Incentive Program; **(c)** change the applicant eligibility criteria and the eligible property criteria; **(d)** change the credit and underwriting standards; **(e)** change the terms of assistance; and **(f)** make the DHAP changes effective immediately; **(2)** amend and restate the Housing Improvement and Preservation Program (HIPP) Homeowner Program to **(a)** remove the Accessibility Grant Program; **(b)** add the Minor Home Repair Grant Program; **(c)** reframe/change Housing Reconstruction Program and Rehabilitation Program activities and requirements; **(d)** change the applicant eligibility requirements and the property eligibility requirements; **(e)** change the assistance level and the terms of assistance; **(f)** change the credit and underwriting standards; **(g)** change the eligible rehabilitation activities; **(h)** add relocation requirements; **(i)** change the mortgage and refinancing terms; **(j)** add administration of duties; and **(k)** make the HIPP changes effective October 1, 2019; and **(3)** amend and restate the HIPP Landlord Program to **(a)** change the applicant eligibility requirements and the property eligibility requirements; **(b)** change the assistance level and the terms of assistance; **(c)** change the credit and underwriting standards; **(d)** change the eligible activities; **(e)** add relocation requirements; **(f)** remove reconstruction as an eligible activity; **(g)** add mortgage and refinancing terms; **(h)** add administration of duties; **(i)** change the affordability period; and **(j)** make the HIPP Landlord Program changes effective October 1, 2019 - Financing: No cost consideration to the City

## BACKGROUND

On May 9, 2018, City Council adopted the Comprehensive Housing Policy, which included specific programs to create opportunities for new and existing homeowners through DHAP, HIPP and HIPP Landlord Program for both owner-occupied and non-owner-occupied homes by Resolution No. 18-0704.

Since that time, City staff has worked with stakeholders and applicants to identify opportunities to refine the programs to better meet the needs of the City's residents while simultaneously ensuring compliance with federal funding provided through the U.S. Department of Housing and Urban Development. As a result, staff has now proposed to revise DHAP and HIPP.

Staff has also recommended realigning the HIPP Program to recognize the varying needs of residents as well as the limited resources available. To this end, this revision proposes to create a minor repair grant program that would be available to low and moderate-income homeowners to provide up to $5,000.00 in City funds for purposes of meeting the most immediate repair needs of a homeowner. These funds would be matched by a subrecipient organization, so that the total amount of repairs would have a minimum value of $10,000.00 for the homeowner ($5,000.00 max provided by the City and a $5,000.00 match from the subrecipient organization).

Under this proposal the changes to the DHAP Program would be implemented immediately upon City Council approval, and the changes related to HIPP and the HIPP Landlord Program would become effective on October 1, 2019 with the new fiscal year. To address additional federal requirements for program changes and extended the time for review and comments, the public hearing was moved from June 12, 2019 to June 26, 2019.

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

On May 9, 2018, City Council adopted the Comprehensive Housing Policy (CHP) by Resolution No. 18-0704.

On November 28, 2018, City Council adopted amendments to the CHP that resolved inconsistencies in program requirements, corrected items that were inadvertently included in or omitted from the CHP and modified requirements that have created programmatic constraints by Resolution No. 18-1680.

The Economic Development and Housing Committee was briefed regarding this item on April 1, 2019 and April 15, 2019.

On May 22, 2019, City Council adopted an amendment to the CHP to add a Land Transfer Program to incentivize the development of quality, sustainable housing that is affordable to the residents of the City and the development of other uses that complement the City's CHP, economic development policy, or redevelopment policy by Resolution No. 19-0824.

On June 12, 2019, City Council adopted amendments to the CHP to amend and restate the low income housing tax credit (HTC) policy for evaluating proposals submitted by developers requesting resolutions of support or no objection from the City for multi-family rental housing development projects seeking HTC through the Texas Department of Housing and Community Affairs by Resolution No. 19-0884.

## FISCAL INFORMATION

No cost consideration to the City.



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**WHEREAS,** on May 9, 2018, City Council adopted the Comprehensive Housing Policy (CHP), including the Dallas Homebuyer Assistance Program (DHAP) and Housing Improvement and Preservation Program (HIPP) programs by Resolution No. 18-0704; and

**WHEREAS,** on November 28, 2018, City Council adopted amendments to the CHP that resolved inconsistencies in program requirements, corrected items that were inadvertently included in or omitted from the CHP and modified requirements that had created programmatic constraints by Resolution No. 18-1680; and

**WHEREAS,** certain program changes to DHAP and HIPP require an amendment to the City's Consolidated Plan. A public hearing for Substantial Amendment No. 2 to the City's Consolidated Plan will be held on June 26, 2019; and

**WHEREAS,** City Council must approve any addition to, alteration or deletion of a strategy, tool, or program in the CHP; and

**WHEREAS,** the City desires to provide homeownership and home repair opportunities for persons of low- and moderate-income and therefore, it is in the best interest of the City to adopt certain amendments to the CHP.

**Now, Therefore,**

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

**SECTION 1.** That the City Council hereby authorizes and adopts an amendment to the Comprehensive Housing Policy, previously approved on May 9, 2018, by Resolution No. 18-0704, as amended, attached hereto as (Exhibit A) to **(1)** amend and restate the Dallas Homebuyer Assistance Program to **(a)** change the loan terms to forgivable annually; **(b)** remove the Homebuyer Incentive Program; **(c)** change the applicant eligibility criteria and the eligible property criteria; **(d)** change the credit and underwriting standards; and **(e)** change the terms of assistance; **(2)** amend and restate the Housing Improvement and Preservation Program (HIPP) Homeowner Program to **(a)** remove the Accessibility Grant Program; **(b)** add the Minor Home Repair Grant Program; **(c)** reframe/change Housing Reconstruction Program activities and requirements; **(d)** change the applicant eligibility requirements and the property eligibility requirements; **(e)** change the assistance level and the terms of assistance; **(f)** change the credit and underwriting standards; **(g)** change the eligible rehabilitation activities; **(h)** add relocation requirements; **(i)** change the mortgage and refinancing terms; and **(j)** add administration of duties; and **(3)** amend and restate the HIPP Landlord Program to **(a)** change the applicant eligibility requirements and the property eligibility requirements; **(b)** change the assistance level and the terms of assistance; **(c)** change the credit and underwriting standards; **(d)** change the eligible activities; **(e)** add relocation requirements; **(f)** remove reconstruction as an eligible activity; **(g)** add mortgage and refinancing terms; **(h)** add administration of duties; and **(i)** change the affordability period.

**SECTION 2.** That the approved changes to the DHAP Program are hereby made effective immediately, and the changes related to HIPP and the HIPP Landlord Program be made effective October 1, 2019 with the new fiscal year.

**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.

**EXHIBIT A**






# Comprehensive Housing Policy

City of Dallas
Department of Housing and Neighborhood Revitalization

Adopted by the Dallas City Council
May 9, 2018

Amended ~~May 22~~June 12, 2019

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# BACKGROUND ON DEVELOPMENT OF THE POLICY

On March 12, 2017, the Dallas City Council Housing Committee established three goals for the development of a comprehensive strategy for housing: 1) Create and maintain available and affordable housing throughout Dallas, 2) Promote greater fair housing choices, and 3) Overcome patterns of segregation and concentrations of poverty through incentives and requirements.

In August 2017, the City of Dallas engaged The Reinvestment Fund to conduct a Market Value Analysis (MVA), which is an analytical tool used to assess the residential real estate market throughout the entire city to determine with granular detail where market strength, transition and stress exists. After briefing the City Council on the results of the MVA on January 17, 2018, eight (8) public town hall meetings were held to develop the recommendations presented here. The town hall topics were:

How Residential Development Gets Financed,
How to Reduce Development and Rehabilitation Costs,
How to Increase Access to Capital and Reduce Cost of Capital, and
Programs, Tools and Strategies for Increasing Housing Production.

Each town hall provided stakeholders an opportunity to understand the housing challenges from the perspective of the major stakeholders including: lenders, including foundations and government sources of finance; consumers and neighbors; developers, builders, and contractors; and regulatory officials, such as zoning, building inspections, and code enforcement. The town halls were held both in person and through virtual telephone communications that aired on Spectrum Channel 95 and streamed online. The in-person town halls had a combined participation of ninety-four (94) individuals, many of whom also participated in the virtual town hall meetings. The virtual telephone town halls had a total of 38,690 participants for all four (4) meetings, of which 10,000 participated in more than one town hall.

The outcome of public input helped shape the ten (10) policy recommendations presented to the Economic Development and Housing Committee (Committee) on March 19, 2018 and the strategies, tools and programs included in the Comprehensive Housing Policy.

# CITY OF DALLAS PLANS

forwardDallas! Comprehensive Plan

The forwardDallas! Plan is Dallas' first citywide comprehensive plan to serve as the policy basis for land development decisions in the City, through reference in the Dallas Development Code. The plan contains eight policy elements: Land Use, Economics, Housing, Transportation, Urban Design, Environment, and Neighborhoods. It provides guidance on important land development considerations related to land use, transportation and economic development. Shaped by extensive community engagement and adopted by City Council in 2006, it envisions a future Dallas built around the core values of:

- Access to good education
- A safe city
- A healthy environment
- Job growth through investment in Southern Dallas
- Convenient transportation through choices in how to get around
- Quality of life through diverse housing, recreational, cultural and educational opportunities

A key initiative of the forwardDallas! Plan was a focus on "Making Quality Housing More Accessible." The plan acknowledged that, within the regional context, Dallas has the greatest range of housing needs and problems. It recommended development of a housing strategy aimed at increasing home ownership, diversifying housing stock and providing more opportunities for affordable housing, while sustaining existing neighborhoods.

The forwardDallas! Comprehensive Plan can be found at http://dallascityhall.com/departments/pnv/strategic-planning/Pages/comprehensive-plan.aspx.

## Neighborhood Plus Plan

Adopted in 2015, the Neighborhood Plus Plan is a citywide neighborhood revitalization plan intended to update the forwardDallas Housing and Neighborhood elements. The Neighborhood Plus plan focused on the six strategic goals of:

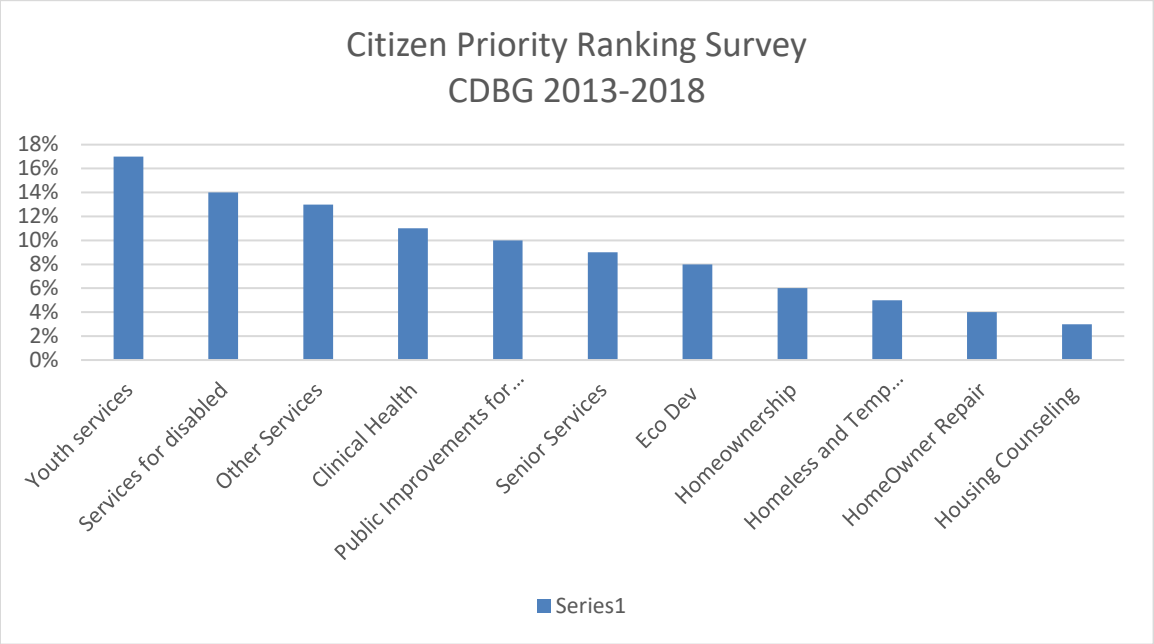
- Creating a Collective Impact Framework
- Alleviating Poverty
- Fighting Blight
- Attracting and Retaining the Middle Class
- Increasing Home Ownership
- Enhancing Rental Options.

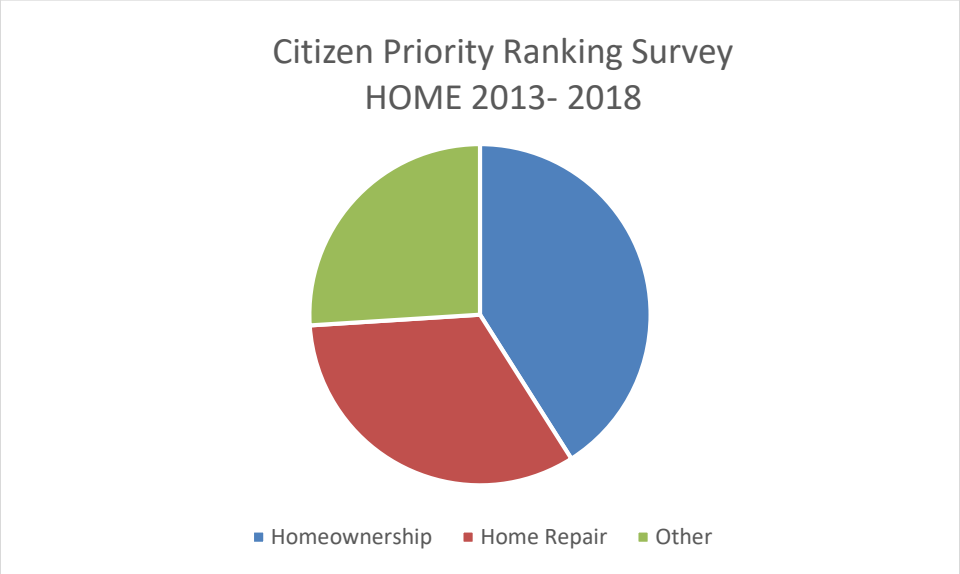
The Neighborhood Plus recommended a holistic approach to neighborhood revitalization and community building that goes beyond production of a limited number of publicly subsidized housing units, to encompass neighborhood quality, safety, mobility and access to education, jobs and health care. The Neighborhood Plus Plan also called for a neighborhood by neighborhood approach to improving quality of life and established the basis for identifying target areas to focus neighborhood revitalization efforts.

The Neighborhood Plus Plan can be found at http://dallascityhall.com/departments/pnv/strategic-planning/DCH%20Documents/Web%20-%20Neighborhood%20Plus%20Plan%20-%20Adopted%2010-07-2015.pdf.

## Consolidated Plan Strategies

The Consolidated Plan is a five-year planning document required by HUD to carry out affordable housing and community development activities. City identified its priorities as follows:



# REINVESTMENT STRATEGY AREAS

The Housing Policy provides for tiered Reinvestment Strategy Areas to address three (3) market types in need of City investment:

### Redevelopment Areas:

A redevelopment area is characterized by a known catalytic project that has submitted a request for funding that shows preliminary viability and will begin within the next 12 months. The project as proposed must contain a housing component and must address the existing market conditions as identified in the MVA and must demonstrate a level of housing production supported through a third-party independent market analysis and show affordability to a mix of income bands.

***Redevelopment Areas: Midtown, High Speed Rail, Wynnewood, and Red Bird.***

### Stabilization Areas:

Stabilization areas are characterized as G, H, and I markets that are surrounded by A-E markets and as such are at risk of displacement based on known market conditions including upcoming redevelopment projects. These areas are also where Incentive Zoning and Accessory Dwelling Units should be focused to allow for increased density.

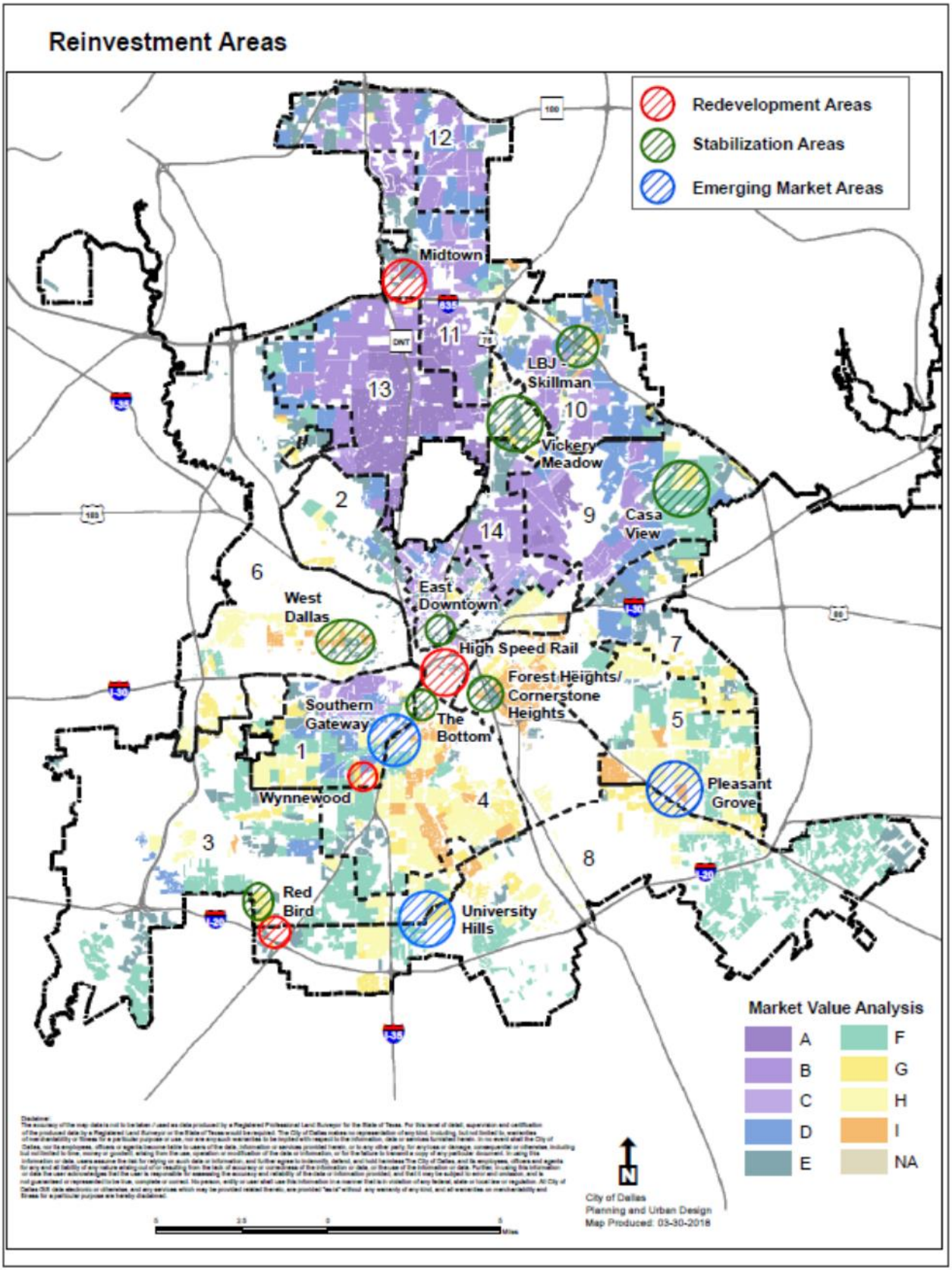
***Stabilization Areas: LBJ Skillman, Vickery Meadow, Casa View, Forest Heights / Cornerstone Heights, East Downtown, The Bottom, West Dallas, and Red Bird North.***

### Emerging Market Areas:

These markets are characterized as areas in need of intensive environmental enhancements, master planning and formalized neighborhood organization. In order to facilitate the creation of mixed income developments, the City recommends seeking designation as Neighborhood Revitalization Strategy Areas (NRSA's) through HUD in order to prepare the area for real estate investments in a 3 to 5-year time frame and provide flexibility of use of funds without income qualifications. trust in local government and aid staff in assessing the need for strategic partnerships.

***Emerging Market Areas: Southern Gateway, Pleasant Grove, and University Hills.***

## Reinvestment Areas



## PRODUCTION GOALS AND INCOME BANDS TO BE SERVED

Dallas has a housing shortage of approximately 20,000 units. This shortage is driven by the cost of land and land development, labor and materials shortages, federal, state and local constraints, as well as, the single-family rental market which prevents equilibrium in the homeownership market. It is difficult to convert rental homes to homeownership because of the perception of the neighborhood, the condition of the housing stock once it's been in the rental market for a period of time and because income-producing property in a tight market will not be released by landlords until returns are diminished. This shortage is consistent with the overall national trend following the 2009 housing bust. While the housing market has seen a steady but slow recovery, job growth in the Dallas metro area attracted a population growth of about 2.9% that outpaced the growth in the supply of housing. Much of the single-family housing inventory converted to rental following the 2009 bust while 60% or more of the home sales in the three (3) years following were in the price range below $249,999. In 2014 the housing market was in transition - the number home sales priced under $249,999 decreased to less than 40% of the market and by 2017 nearly 58% of home sales were priced between $300,000 and $1 million. According to the Real Estate Center at Texas A&M University, while the volume of homes in Dallas only grew by 3.6%, the median sales price in Dallas grew by 9.1% in 2017.

These market conditions have led to an increase in both rental rates and sales prices in the overall market and 6 out of 10 families in Dallas are housing cost burdened, meaning they spend more than 30% of their income on housing due in part to wages not keeping pace with housing costs. Undoubtedly, families at lower income bands are more financially strained by these market conditions. Therefore, increasing production over a 3-year period and minimizing the regulatory barriers to overall market production is equally important. Furthermore, because this has made even deteriorated housing stock unaffordable, it makes the need for home repair programs more important than ever. Table 1 below shows annual production goals of 3,733 for homeownership units and 2,933 for rental units while still maintaining the 3-year historic average ratio of homeownership and rental percentages.

Beyond unit production, the City supports creating increased availability of housing for people at incomes ranging from 30% - 120% of the HUD Area Median Income, by incentivizing homeownership developments for families at 60% or higher AMI and rental developments that include rent restricted units for families at the full range of 30% - 120% of AMI. These targets area are also outlined in Table 1 below.

**Table 1**

| Homeownership | % Total Units | | HUD Area Median Income Dallas Metro | % Total Units | Rental |
|---|---|---|---|---|---|
| 933 | 55% | Market Rate | 120% | 40% | 587 |
| 1120 | | | 100% | | 587 |
| 1307 | 45% | Extremely Low, Very Low, Low Income | 80% | 60% | 733 |
| 373 | | | 60% | | 440 |
| | | | 50% | | 293 |
| | | | 30% | | 293 |
| **Total: 3,733** | | | | | **Total: 2,933** |

## HOMEOWNER PROGRAMS

### Rehabilitation, Repair & Reconstruction of Owner-Occupied Homes

HIPP provides an all-inclusive repair and rehabilitation program for single-family owner-occupied housing units. HIPP will be offered as a comprehensive program with three components for the purpose of making needed improvements and preserving affordable housing: Minor Home Repair grant program for low and moderate-income homeowners needing minor repairs not exceeding $10,000 ($5,000 from the City and $5,000 from the participating nonprofit); Rehabilitation Loan program for low and moderate income homeowners needing up to $40,000 in rehabilitation; and a reconstruction loan program for low and moderate income homeowners needing up to $160,000 to reconstruct their homes. The terms of assistance for the loans will vary based on the borrower's income, need and debt capacity.

### 1. MINOR HOME REPAIR GRANT PROGRAM

The Minor Home Repair Grant Program provides grant assistance to Non-Profit Organizations for the preservation of decent safe and sanitary housing, to eligible homeowners, for minor home repairs as described below. Funding for this program is provided by the United States Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds and/or non-federal funding; and funds from partnering non-profits, provided on a minimum 1:1 match basis. Not to exceed $10,000 per household.

Applicant Eligibility
Applicants for the Minor Home Repair Grant Program ("MHRGP") must meet all of the following requirements to be eligible to participate.

1. Applicant must be the owner of the dwelling to be repaired and must submit a deed showing the conveyance, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple.
2. Applicant must be a U.S. Citizen or lawful Permanent Resident, and current Texas State issued identification card or Driver License.
3. Applicant must be current on mortgage payments and shall not be in default under the mortgage documents associated with the property or in default under any lien on the property.
4. Applicant must have a gross annual household income at or below the applicable low- and moderate-income limits. At or below 80% AMI when CDBG funds are used or at or below 120% of AMI when non-federal funds are used. as established by HUD for the jurisdiction of Dallas, Texas. Income shall be calculated using the Part 5 method as outlined in 24 CFR 5.609. Income eligibility shall be determined at the time of the application. Applicant household's income eligibility is only valid for six months from the date of the last application.
5. City Council Members, Department of Housing and Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with the Program are ineligible for assistance under the Program.
6. Priority shall be given to Applicants who have not participated in any City repair, rehabilitation, or reconstruction program previously.

Property Eligibility Requirements

1. The property must be a single-family home.
2. The property must be located within the Dallas, Texas city limits and Applicant must have occupied the dwelling for at least six (6) months from date of application.
3. The property must obtain environmental clearance under 24 CFR Part 58.5 prior to committing repair funds.
4. The property must be in need of repairs designated as eligible improvements under MHRGP.
5. The home must not have been reconstructed under any City program.

Eligible Repair Improvements

Eligible improvements under MHRGP include the following:

1. Roofing repair (for leaking roofs) (patching only on houses)
2. Exterior Entry Doors (repair only)
3. Exterior Windows (for broken windows) (replacement or repair)
4. Accessibility repairs and installation such as ramps, handrails or repairing walkways
5. Water Heaters (replacement or repair)
6. Heating Systems/Cooling Systems (repair, replacement (small units only, i.e. window units), or purchase of wall heaters or wall air conditioning units)
7. Plumbing Interior (water lines, sewer lines, toilet repairs, etc.)
8. Electrical (repair of breakers, panels or wiring)
9. Gas Lines
10. Floors (repair only)
11. Interior and Exterior Repairs (as needed)
12. Any item determined eligible by the Director

Terms of Assistance

Assistance under MHRGP is provided in the form of a grant to the non-profit partner, who will provide a 1:1 match and contract with the Applicant for repairs directly.

Assistance Limits

The maximum assistance amount provided under MHRGP is $10,000, which includes up to $5,000 provided by the City, and up to $5,000 in matching grant funding provided by the non-profit partner. *City will match 1:1; the Non-Profit Organization will be responsible for any repairs that exceed $10,000 per home.

Administration

Activities under the MHRGP will be outsourced to a non-profit partner(s) that has experience providing rehabilitation services and has committed to providing a 1:1 match to City program funds. The non-profit partner(s) shall be procured by the City. The City will refer approved Applicants to the subrecipient non-profit partner.

The administration of MHRGP shall be performed by the non-profit partner(s). To ensure that the correct program has been selected for the applicant, referrals shall be provided by the City. City administration of the program includes income eligibility referrals, application evaluation procedures, repair assessments, ongoing compliance and other duties as established in the contract, the program guidelines, and the policies and procedures.

## 2. REHABILITATION PROGRAM

The Rehabilitation Program (Rehab) will be offered as a repayment loan program to low- and moderate-income homeowners, for the purpose of making needed improvements and preserving affordable housing. Rehab is designed to finance home improvements and address health, safety, accessibility modification, reconstruction and structural/deferred maintenance deficiencies. Rehab will enable homeowners to improve their housing while creating a positive effect in the community. Funding for this program is provided by HUD CDBG funds (limited to assistance provided to 80% area family median income (referred to AMI or AMFI) households or below); and potentially non-federal funds at 120% AMI middle income households or below. Not to exceed $40,000.

Applicant Eligibility

1. Applicant(s) must be the owner of the property (herein referred to as "Applicant", this definition will apply to the HIPP programs and the HIPP rental program) to be repaired and must submit a deed showing the conveyance, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple.
2. Applicant must be a U.S. Citizen or lawful Permanent Resident, and current Texas State issued identification card or Driver License.
3. Applicant must have a gross annual household income at or below the applicable low- and moderate-income limits. At or below 80% AMI when CDBG funds are used or at or below 120% of AMI when non-federal funds are used. as established by HUD for the jurisdiction of Dallas, Texas. Income shall be calculated using the Part 5 method as outlined in 24 CFR 5.609. Income eligibility shall be determined at the time of the application. Applicant household's income eligibility is only valid for six months from the date of the last application.
4. Applicant must be willing to correct all code violations that currently exist on the property.
5. City Council Members, Department of Housing and Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with the program are ineligible for assistance under the program.
6. Applicant must be current on mortgage payments and shall not be in default under the mortgage documents associated with the property.
7. Priority shall be given to Applicants who have not participated in any City repair, rehabilitation, or reconstruction program previously.
8. Applicant must be willing to voluntarily relocate at the homeowner expense, if necessary.

Property Eligibility Requirements

1. Must be a single-family dwelling, owner occupied, and must be located within the City of Dallas, Texas city limits.
2. Must obtain environmental clearance under 24 CFR Part 58.5, as amended, prior to committing rehabilitation funds.
3. Property taxes must be current. Property taxes must not be delinquent for any tax year unless the Applicant has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding to the written agreement.

4. Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a floodplain, as determined by the City of Dallas, in its sole discretion, flood insurance must also be maintained with coverage adequate to insure the City's lien position. Insurance will be monitored during the length of the compliance period, which will be until the loan is repaid in full.
5. Applicant must certify that the home is not for sale and is the primary residence of Applicant.
6. If the property was previously assisted with City funds and the property is still within the period of affordability, per the written agreement with the Applicant or the previous owner, Applicant will not be eligible to receive funding for the same property.
7. Must not have more than one outstanding loan on the property. City will only accept a first or second lien position. Applicants having a reverse mortgage on the property shall not be eligible for this program.
8. No liens, except those associated with the first mortgage, shall exist on the property.
9. Requested repairs must conform with the designated eligible improvements under this program. The City has the authority to determine what the necessary repairs will be and when the amount exceeds the limits.

Eligible Repair Improvements

Eligible rehabilitation activities will include only items necessary to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes; but will also include items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. The scope of work must address all major systems to ensure that they have a remaining useful life of a minimum of 5 years at project completion. Major systems are identified as structural support (foundations); roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

Improvements to, or demolition of an accessory structure such as detached garage, work shed, or small residential structure will be made on a case by case basis depending on the available budget, grant requirements, planning requirements, current building codes, health and safety concerns, and minimum occupancy requirements of residents of the property.

Assistance in removing any items from the property that are considered to be dangerous, hazardous, or a violation of local code is an eligible repair when performed in conjunction with the rehabilitation of eligible improvements on the property.

Assistance may not be used for the purchase or repairs of appliances (except for energy efficient window units) or renovations not necessary to bring the home up to local code or property standards. Ineligible repairs include but are not limited to luxury and recreational items (granite counter tops, swimming pools, spas, high end fixtures); tree trimming; fences; and landscaping.

Eligible improvements under the Rehabilitation Program include the following:

1. Correction of code violations and elimination of specific conditions detrimental to public health & safety identified by the City.
2. Correction of incipient violations of the City of Dallas Building Code
3. Cost effective energy conservation measures, including solar heating, cooling & water systems permanently affixed to dwelling
4. Testing & treatment/removal of lead-based paint/asbestos hazards

5. Handicapped Improvements & removal of barriers to the handicapped
6. Removal of termites; removal of rodents and roaches (pest control), but may not be a stand-alone cost
7. Replace/repair roofing
8. Replace/repair HVAC systems
9. Replace/repair plumbing/sewer pipes/kitchen and bath fixtures
10. Replace/repair window and/or door screens
11. Install new smoke alarms
12. Install new insulation
13. Replace/repair flooring and carpeting
14. Replace/repair water heaters
15. Replace/repair electrical system and installation of ground fault circuit interrupters
16. Replace/repair windows
17. Replace/repair plaster, siding and stucco
18. Painting (inside and outside)
19. Install new deadbolt locks
20. Replace/repair kitchen or bath cabinets and countertops
21. Replace/repair garage doors
22. Structural repairs/modifications (only to correct existing structural code deficiencies or to provide accessibility to disabled persons)
23. Foundation repairs
24. Any items determined eligible by the Director

Terms of Assistance

The terms of assistance for Rehab will be in the form of a loan. The loan amount shall be subject to the City's established underwriting criteria/requirements and shall equal the lower of either a loan to value ratio not exceeding 85% of the **Dallas County Appraisal District Market Value** and all outstanding loan obligations secured by the property, or 80% of the Assessed Building Value as determined by the County Tax Office. The City loan is secured by a first or second lien on the property, signed by Applicant as the owner of the property. Monthly loan repayments are based on the following loan schedule:

1) Applicants with incomes at or below sixty percent (60%) AMFI will receive a deferred, zero percent interest (0%) loan.
2) Applicants with sixty-one to eighty percent (61% - 80%) AMFI, will have a combination of deferred, zero percent interest (0%) loan and monthly installment payment plan as determined through the City's underwriting.
3) Applicants with (81%-120%) AMFI, monthly installment payment with three percent interest (3%) on the loan.

The affordability period for the Rehabilitation Program shall be 5 years.

During the period of affordability, monitoring shall be performed on an annual basis. Applicant shall also be required to provide on-going proof of insurance to the City, with the City as an added insured. Applicant must certify annually that the home is not for sale and is the primary residence of the Applicant until the loan is repaid to the City in full.

In addition to execution of a loan agreement, execution and recordation of a deed of trust, deed restriction, and a note will be required.

Applicant may repay Rehab loans at any time without penalty. Loans are immediately payable

upon the earlier of:

1. The sale, conveyance, transfer, rental, hypothecation of the security; or
2. If the home is vacated during the term of the loan; or
3. Failure to adhere to the provisions of the loan agreement; or
4. Failure to adhere to the provisions under the City's deed restrictions, deed of trust and/or the note.

Rehab loans are not assumable except under the following limited circumstances:

1. Transfer of property to a surviving spouse;
2. Transfer of property to an heir(s);
3. Transfer of property where spouse becomes the sole owner of the property;
4. Transfer of property resulting from a decree of dissolution of marriage, legal separation or from incidental property settlement agreement; or
5. Transfer to a Family Trust in which the borrower remains the beneficiary and occupant of property.

All transfers must be approved by the City. Any person that would like to assume the loan must income qualify and utilize the assisted property as their primary residence. If such person does not meet the income requirements of the program or does not utilize the property as their primary residence, then the full loan amount is due immediately and payable, in full, to the City.

Assistance Limits

Under Rehab, the maximum loan assistance amount is $40,000.00. Rehab funds may only be used to complete the project-related hard costs such as construction costs. Project-related soft costs such as hazardous materials testing fees, document recordation fees, inspection/construction management fees, escrow fees shall not be included as part of the loan provided to the Applicant. These costs shall be provided by the City as part of its delivery costs. These costs are program delivery cost of the City, such cost will not be included in the loan amount.

The level of assistance shall be limited to the amount required to address the rehabilitation work scope as defined by the City and shall not exceed the maximum allowable funding level of $40,000.00 (except as provided below). The City Manager or designee may on a case by case basis administratively approve (without City Council approval or Economic Development and Housing Committee approval) additional assistance not to exceed ten percent (10%) above the maximum limit of $40,000.00 for any owner-occupied rehabilitation project under the following circumstances:

- To address outstanding repairs or necessary work to close out an existing project;
- The need to provide reasonable accommodations in accordance with the Americans with Disabilities Act or other local, state or federal law;
- Unanticipated costs deemed necessary to meet applicable Dallas City Code requirements;
- Unforeseen environmental issues; and
- Addressing issues that threaten life, health, safety and welfare of the public.

Credit and Underwriting Standards

The following are the credit and underwriting standards for HIPP loans:

1. Chapter 7 or Chapter 13 bankruptcy is not allowed if the primary or any mortgage is included as a secured creditor on the subject property for which the City will place a lien securing the loan.
2. Qualifying debt to income ratios are 26-32% on the front end and 43% on the back end.
3. Properties may not have more than one outstanding loan on the property. The City will not accept a lien position lower than a second lien.
4. Properties with a reverse mortgage are not eligible for this program

Mortgage and Refinancing

Assistance may be provided to an Applicant who has an existing mortgage or equity loan if the total debt, including mortgage/equity loan balance and all rehabilitation costs do not exceed 85% of the after-rehabilitation value of the property for Rehab. The City's deferred loan may be subordinate to the existing mortgage or equity loan only if these loan-to-value requirements are met. The City loan will be in no lower than a second lien position. Refinancing will only be allowed upon prior approval of the City and for favorable rates and terms; no cash out financing will be allowed.

Administration

The City of Dallas Department of Housing and Neighborhood Revitalization Staff or their designees ("Staff") shall administer the Rehabilitation Program. As used herein, the term "Staff" may include either employees or consultants of the department under the direction of the Director (defined below) or his/her designee. The administration of Rehab includes application evaluation procedures, rehabilitation assessments, cost estimation, bid solicitation, contractor selection, construction management, inspection, disbursement of program funds and processing of notices of completion, and other duties as established in the program guidelines as well as the policies and procedures.

The Director of Housing and Neighborhood Revitalization (the "Director") shall be responsible for ensuring that all programs are implemented in accordance with all applicable policies and regulations.

## 3. HOUSING RECONSTRUCTION PROGRAM

The Housing Reconstruction Program ("HRP") provides loan assistance to eligible homeowners of single-family, detached dwellings for the reconstruction of existing housing. Subject to the requirements stated below, dwellings requiring repairs that exceed 80% of the Assessed Building Value as determined by the County Tax Office qualify for this program assistance. Assistance for this program is provided by HUD through the Home Investment Partnerships Program (HOME), CDBG, and/or non-federal funds.

Applicant Eligibility

1. Applicant must be the owner of the dwelling to be reconstructed and must submit a deed showing the conveyance, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple.
2. Applicant must be a U.S. Citizen or lawful Permanent Resident, and current Texas State issued identification card or Driver License.
3. Applicant must reside in the dwelling to be reconstructed and it must be the Applicant's primary residence.
4. Where federal funds are provided, Applicant must have a gross annual household income at or below the applicable low- and moderate-income limits (<80% AMI) as established by

HUD for the jurisdiction of Dallas, Texas. Income shall be calculated using the Part 5 method as outlined in 24 CFR 5.609. Non-federally funded activities allow applicants to have a gross annual household income at or below 120% of AMI. Income eligibility shall be determined at the time of the application. Applicant household's income eligibility is only valid for six months from the date of the last application.

5. City Council Members, Department of Housing and Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with the Program are ineligible for assistance under the Program.
6. When HOME funds are provided, the Conflict of Interest provisions at 24 CFR 92.356 shall be observed.
7. Applicant must be willing to correct all code violations that currently exist on the property.
8. Priority shall be given to Applicants who have not participated in any City repair or rehabilitation program previously.
9. Applicant must be willing to voluntarily relocate at the Applicant's expense, during the course of reconstruction.

Property Eligibility

1. Must be a detached single-family dwelling, owner occupied and located within the City of Dallas city limits.
2. Applicant(s) must be current in their mortgage and not in default.
3. Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a floodplain, as determined by the City of Dallas, in its sole discretion, flood insurance must also be maintained with coverage adequate to insure the City's lien position. Insurance will be monitored during the length of the compliance period, which will be until the loan is repaid in full.
4. Applicant must certify that the home is not for sale and is the primary residence of Applicant.
5. Must obtain environmental clearance under 24 CFR Part 58.5 prior to committing program funds.
6. Must not have more than one outstanding loan on the property. City will only accept a first or second lien position. Applicants having a reverse mortgage on the property shall not be eligible for a loan.
7. Property taxes must be current. Property taxes must not be delinquent for any tax year unless the Applicant has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding to the written agreement.
8. No liens, except those associated with the first mortgage, shall exist on the property.
9. Must be a home that requires repairs that exceed 80% of the Assessed Building Value as determined by the County Tax Office for this program assistance.
10. If the property has been reconstructed pursuant to any City program, the property is not eligible for reconstruction under this program.

Eligible Repair Improvements

Eligible improvements under the HRP include the demolition of the existing single-family home and reconstruction of a replacement single-family home.

Terms of Assistance

HRP assistance is provided in the form of a loan. Applicant must certify annually that the home is not for sale and is the primary residence of the Applicant until the loan is repaid to the City in full. Applicant must also correct all code violations that exist on the property. The maximum loan amount is subject to City established underwriting criteria/requirements and shall not exceed a loan to value ratio of 85 percent for all outstanding loan obligations secured by the property. Loan repayment is based on the following:

| Housing Reconstruction Program Loan Term | |
|---|---|
| **Program** | **Loan Term in Years** |
| Housing Reconstruction Program | 20 |

The affordability period for the Housing Reconstruction Program shall be 20 years.

In addition to execution of a loan agreement, execution and recordation of a deed of trust, deed restriction, and a note will be required. Applicant may repay the HRP loan at any time without penalty. Loans are immediately payable upon the earlier of:

1. The sale, conveyance, transfer, rental, hypothecation of the security; or
2. If the home is vacated during the term of the loan; or
3. Failure to adhere to the provisions of the loan agreements; or
4. Failure to adhere to the provisions under the City's deed restrictions, deed of trust and/or the note.

HRP loans are not assumable except under the following limited circumstances:

1. Transfer of property to a surviving spouse;
2. Transfer of property to an heir(s);
3. Transfer of property where a spouse becomes the sole owner of the property;
4. Transfer of property resulting from a decree of dissolution of marriage, legal separation or from incidental property settlement agreement;
5. Transfer to a Family Trust in which the borrower remains the beneficiary and occupant of property.

All transfers must be approved by the City. Any person that would like to assume the loan must income qualify and utilize the assisted property as their primary residence. If such person does not meet the income requirements of the program or does not utilize the property as their primary residence, then the full loan amount is due immediately and payable, in full, to the City.

Assistance Limits The maximum amount of assistance provided shall not exceed seventy-five percent (75%) of the HUD HOME Value Limits for new construction. The City Manager or designee may on a case by case basis administratively approve (without Economic Development and Housing Committee approval) additional assistance not to exceed ten percent (10%) above the maximum limit for any Owner-Occupied Rehabilitation or Reconstruction project under the following circumstances:

- To address outstanding repairs or necessary work to close out an existing project;
- The need to provide reasonable accommodations in accordance with the Americans with Disabilities Act or other local, state or federal law;
- Unanticipated costs deemed necessary to meet applicable City Codes;
- Unforeseen environmental issues; and
- Addressing issue that threaten life, health, safety and welfare of the public.

*It should be noted that the Owner-Occupied Rehabilitation and Reconstruction establishes maximum per unit thresholds below the HUD required maximum per-unit dollar limitations established under HUD Section 234 Condominium Housing Limit. Thus, no individual project under this program can exceed these HOME maximum subsidy limits.*

HRP loan funds may be used to complete project-related hard costs such as demolition and construction costs and designated soft costs of architectural and engineering fees. All other project-related soft costs shall not be included as part of the loan provided to the applicant. These costs may be provided by the City as part of its delivery costs. These costs are program delivery cost of the City, such cost will not be included in the loan amount.

The level of assistance shall be limited to the amount required to address the reconstruction work scope as defined by the City and shall not exceed the maximum allowable funding level. The City Manager or designee may on a case by case basis administratively approve (without City Council or Economic Development and Housing Committee approval) additional assistance not to exceed ten percent (10%) above the maximum limit for any of the following circumstances:

- To address outstanding repairs or necessary work to close out an existing project;
- The need to provide reasonable accommodations in accordance with the Americans with Disabilities Act or other local, state or federal law;
- Unanticipated costs deemed necessary to meet applicable City Codes;
- Unforeseen environmental issues; and
- Addressing issues that threaten life, health, safety and welfare of the public.

*HUD establishes maximum per unit thresholds which are below the HUD required maximum per-unit dollar limitations established under HUD's Section 234 Condominium Housing Limits. Thus, no individual project under this program can exceed these HOME maximum subsidy limits.*

Credit and Underwriting Standards
The following are the credit and underwriting standards for HRP Loans:

1. Chapter 7 or Chapter 13 bankruptcy is not allowed if primary or any mortgage is included as a secured creditor on the subject property for which the City will place a lien securing the loan.

2. Qualifying debt to income ratios are 26-30% on the front end and 43% on the back end.
3. Properties with a reverse mortgage are not eligible for Program funding
4. A maximum loan-to-value ratio of 85% for all loan obligations inclusive of the City loan is allowed on HRP loans.

Relocation
Relocation costs will not be paid by the City.

Administration
Staff shall administer HRP. The administration of HRP includes, but is not limited to application evaluation procedures, assessments, cost estimation, bid solicitation, contractor selection, construction management, inspection, disbursement of program funds and processing of notices of completion, and other duties as established in the program guidelines as well as the policies and procedures.

The Director shall be responsible for ensuring that all programs are implemented in accordance with all applicable policies and regulations.

## Dallas Homebuyer Assistance Program

Provides homeownership opportunities to low and moderate-income homebuyers (defined as "Applicant" for this program) through the provision of financial assistance when purchasing a home, in accordance with federal, state and local laws and regulations.

Eligibility
Applicant must meet the following criteria:

1. Property must be located in the city limits of Dallas.
2. Applicant's projected annual income must be no less than 60% of Area Median Income, but not exceed 120% of the Area Median Income, adjusted for household size, at the time of application to the program. Income eligibility shall be determined at the time of the application. Applicant household's income eligibility is only valid for six months from the date of the last application.
3. Applicant must have acceptable credit. High cost or sub-prime loans, adjustable rate mortgages, interest only loans are not allowed.
4. Applicant must demonstrate that Applicant has at least two months of cash available and equal to Applicant's projected monthly mortgage payment, including principal, interest, taxes, insurance, and any associated fees.
5. Applicant household must be U.S Citizens or legal residents and possess a valid social security card.
6. City Council Members, Department of Housing and Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with this program are ineligible for assistance under this program. This policy extends for a period of 12 months beyond an individual's disassociation with the City in such a capacity.
7. When HOME funds are provided, the Conflict of Interest provisions at 24 CFR 92.356 shall be observed.
8. Property to be purchased must be for the primary residence of Applicant. Applicant must certify that the home is not for sale and will be the primary residence of Applicant.
9. Applicant must attend an 8-hour homeownership education class from a HUD certified counseling agency within 12 months of application for assistance.
10. Applicant must make a minimum initial cash investment of $1,000 toward purchase of home.
11. The property must meet federal and local requirements, including but not limited to Minimum Housing Standards, Environmental Review, and international residential code.

Eligible Properties
The property can be privately or publicly owned prior to sale to the Applicant. The property must be within the Dallas, Texas city limits and meet City building codes, lead based paint requirements, and environmental standards at the time of initial occupancy. All liens must be paid off at or before closing.

The property must contain adequate living and sleeping space for the Applicant household as verified by the property appraisal, site visit, and/or Dallas Appraisal District Data. The property being purchased must be appropriately sized to the Applicant household.

- The occupancy standard is 2 persons per bedroom, meaning that there must be one bedroom for every two household members. For single member households, there must be at least one bedroom.
- The maximum bedroom number may be the above standard, plus one bedroom. For example, if under the above occupancy standard an applicant would require two bedrooms, under this program they would be able to purchase a home with three bedrooms.

Applicants interested in purchasing housing that exceeds these requirements will still be eligible for assistance, but will not be eligible for maximum assistance, under this program.

The property can be an existing property, or it may be newly constructed. The property can be:

- Single-family property (one unit); or
- Condominium or cooperative unit

An appraisal is required and may be provided by the first mortgage lender or Applicant. The appraisal value of an assisted property to be acquired for this activity cannot exceed the HOME Value Limit for Dallas. This limit is updated annually. The sale price of an assisted property may not exceed the "Appraised Value".

Affordability Periods
The residence must remain affordable for a certain period of time, which is dependent on the amount of funds invested. The City's recapture provisions will apply.

| Amount of Funds | Required Affordability |
|---|---|
| Less than $15,000 | 5 Years |
| $15,000 to $40,000 | 10 Years |
| Over $40,000 | 15 Years |

Eligible Expenses
Eligible expenses may include: principle reduction, down payment and closing cost assistance. If the house is sold before the required affordability period has elapsed, the assistance funds must be recaptured on a pro-rated basis.

Terms of Assistance
- The assistance for the Dallas Homebuyer Assistance Program will be offered in the form of a deferred, forgivable loan, which shall be forgivable annually based on the affordability period, subject to the terms of the contract.
- In the event of any of the following occurring prior to the completion of the affordability period the balance is payable immediately on a pro-rated basis.
    - The sale, conveyance, transfer, lease, rental, hypothecation of the security, or any part thereof, or any interest therein, or divestment of title or any interest therein in any manner or way, whether voluntarily or involuntarily, without the prior written consent of the City being first had and obtained; or
    - Failure to adhere to the provisions of the contract; or

- Failure to adhere to the provisions under the City's deed restrictions, deed of trust and/or the note, or any other lien encumbering the property.

- Applicant must certify annually that the home is not for sale and is the primary residence of the Applicant until the affordability period ends.
- If there is an underlying development agreement associated with the property, additional requirements may apply. Such determination is made by the City.

Credit and Underwriting Standards
Following are the credit and underwriting standards for Applicant:

- No Chapter 7 or Chapter 13 bankruptcy if primary or any mortgage is included as a secured creditor on the subject property for which the City will place a lien securing the loan.
- Predatory lending describes lending practices that take advantage of clients by charging usurious interest rates or excessive fees and penalties. Loans will not be made with an interest rate more than 2% above the prevailing market rate.
- The maximum assistance available for an Applicant in a High Opportunity Area (of the MVA) is $60,000. In all other areas, the maximum assistance will be $40,000 per household. Not all Applicants will qualify for the maximum assistance. The assistance available to any given Applicant is based on the City's assessment of the Applicant's need, taking into account the additional criteria outlined below.

- First mortgage amount must have a front end ratio of 26%-32%
- First mortgage amount must have a back end ratio no higher than 43%
- Applicants must be qualified by their lender to spend at least 28% of their monthly gross income on their housing.
- If Applicant purchases a home in a High Opportunity Area, the program will allow a Loan to Value Ratio as low as 60%.
- If Applicant purchases a home in a non-High Opportunity Area, the program will allow a Loan to Value Ratio as low as 80%.
- If Applicant purchases a home in excess of need (i.e. exceeds minimum occupancy standards by more than 1 bedroom) the required loan to value ratio will increase by 10% (70% in High Opportunity Areas, 90% in non-High Opportunity Areas).

Heirs
A loan may be transferred to the heir(s) of the borrower if the heir(s) are income qualified and utilize the assisted property as their primary residence for the remainder of the affordability period. If the heir(s) do not meet the income requirements of the program and the loan or does not utilize the property as their primary residence, and the loan is still within the period of affordability, then the prorated loan amount is due immediately and payable, in full, to the City.

Refinancing
Refinancing for better rate and term is permitted upon prior approval of the City. Refinancing of revolving loan accounts, vehicles, credit card debt, or property taxes are NOT allowable refinancing expenses. Cash out are also NOT allowed.

## LANDLORD PROGRAMS

### Rental Rehabilitation

The Home Improvement Preservation Rental Program is an all-inclusive repair and rehabilitation program for single-family (1-4) rental units. It offers a repayment loan program to landlords who lease to low-income household, with the purpose of making needed improvements and preserving affordable housing (sometimes referred to as the "HIPP Rental Program"). HIPP Rental Program is designed to finance improvements and address health, safety, accessibility modifications, and structural/deferred maintenance deficiencies.

Program Administration

Staff shall administer the HIPP Rental Program. The administration of the HIPP Rental Program includes application evaluation procedures, rehabilitation assessments, cost estimation, bid solicitation, contractor selection, management of the rehabilitation, inspection, disbursement of program funds and processing of the notice of completion, and other duties as established in the program guidelines as well as the policies and procedures.

The Director shall be responsible for ensuring that the HIPP Rental Program is implemented in accordance with all applicable policies and regulations.

Applicant Eligibility

- Applicant must be the owner of the rental unit(s) to be rehabilitated or reconstructed and provide a deed showing the conveyance, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple. Applicant must provide a copy of the lease agreement with its tenant.
- Applicant and tenants must be a U.S. Citizen or lawful Permanent Resident, have a valid Social Security card, and current Texas State issued identification card or Driver License.
- The tenants of the unit to be repaired must have a gross annual household income at or below the applicable low- and moderate-income limits (<80% AMI) as established by HUD for the jurisdiction of Dallas, Texas. Income shall be calculated using the Part 5 method as outlined in 24 CFR 5.609. Income eligibility shall be determined at the time of the application. Applicant household's income eligibility is only valid for six months from the date of the last application.
- Where property improvements are to be performed which are not limited to the interior of a specific unit, then 51% of all units on the property must meet the preceding income eligibility requirements.
- Applicant must be willing to correct all code violations that currently exist on the property.
- City Council Members, Department of Housing and Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with the Program are ineligible for assistance under the Program.
- Applicant must adhere to the Dallas City Code, including but not limited to Section 20-A and comply with HUD HOME rent limits and other applicable federal regulations.
- Priority shall be given to Applicants who have not participated in any City repair or rehabilitation program previously.

Property Eligibility

1. The property must be a single-family (1-4 units) renter occupied dwelling located within the City of Dallas, Texas city limits. Properties with over 4 units are not eligible for rehabilitation assistance under this program.
2. Applicant(s) must be current in their loan.
3. Must obtain environmental clearance under 24 CFR Part 58.5, as amended prior to committing rehabilitation funds.
4. Property taxes must be current. Property taxes must not be delinquent for any tax year unless the Applicant has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding to the written agreement.
5. Applicant must certify that the home is not for sale and is occupied by an income eligible tenant.
6. Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a floodplain, flood insurance must also be maintained with coverage adequate to insure the City's lien position. Insurance will be monitored during the length of the compliance period, which will be until the loan is repaid in full.
7. Must not have more than one outstanding loan on the property. City will only accept a first or second lien position. Applicants having a reverse mortgage on the property shall not be eligible for a loan.
8. Repairs must conform with designated as eligible improvements under the program
9. For rehabilitation, Applicant's property was previously assisted with City funds and the property is still within the period of affordability, per the written agreement with the Applicant or previous owner, Applicant will not be eligible to receive funding for the same property.
10. No liens, except those associated with the first mortgage, shall exist on the property.
11. Must be a home that requires repairs that exceed fifty percent (50%) of its value.

Terms of Assistance

The maximum loan assistance amount under the HIPP Rental Program is $40,000.

HIPP Rental Program funds may only be used to complete the project-related hard costs such as construction costs. Project-related soft costs such as hazardous materials testing fees, document recordation fees, inspection/construction management fees, escrow fees shall not be included as part of the loan provided to the Applicant. These costs shall be provided by the City as part of its delivery costs. These costs are program delivery cost of the City, such cost will not be included in the loan amount. Applicant must certify annually that the home is not for sale and is the primary residence of the tenant until the loan is repaid to the City in full. Applicant must also correct all code violations that exist on the property.

The level of assistance shall be limited to the amount required to address the rehabilitation work scope as defined by the City and shall not exceed the maximum allowable funding level of $40,000.00. The City Manager or designee may on a case by case basis administratively approve (without City Council approval or Economic Development and Housing Committee approval) additional assistance not to exceed 10% above the maximum limit for the HIPP Rental Program under the following circumstances:

- To address outstanding repairs or necessary work to close out an existing project.
- The need to provide reasonable accommodations in accordance with the Americans with Disabilities Act or other local, state or federal law;
- Unanticipated costs deemed necessary to meet applicable City Codes;
- Unforeseen environmental issues; and
- Addressing issues that threaten life, health, safety and welfare of the public.

*It should be noted that HUD establishes maximum per unit thresholds below the HUD required maximum per-unit dollar limitations established under HUD's Section 234 Condominium Housing Limits. Thus, no individual project under this program can exceed these HOME maximum subsidy limits.*

Terms of Assistance

The terms of assistance to Applicants of the HIPP Rental Program will be in the form of a three percent (3%) interest rate loan. If the Applicant/landlord does not comply with the requirements set out in this program, including but not limited, leasing to households at or below eighty percent (80%) AMFI, then the full loan shall be immediately due and payable in full to the City. If the property is transferred through sale during the term of the loan, the balance shall also be immediately due and payable to the City in full. The maximum loan amount is subject to City established underwriting criteria/requirements and the lower of either a loan to value ratio not exceeding 85 percent for all outstanding loan obligations secured by the property, or 80% of the Assessed Building Value as determined by the County Tax Office. The City loan is secured by a first or second lien on the property.

| **Affordability Period** | |
|---|---|
| **Loan Amount** | **Affordability Term** |
| Less than $5,000 | 5 |
| $5,000 to $40,000 | 10 |

The affordability period for the HIPP Rental Program loans shall conform to the affordability term as defined in the above table. During the period of affordability, monitoring of tenant occupancy and affordability for assisted rental properties shall be performed on an annual basis. Applicant shall also be required to provide on-going proof of insurance to the City, with the City as an added insured. In addition to execution of a loan agreement, execution and recordation of a deed of trust, deed restriction, and a note will be required.

Applicant is required to ensure that occupancy for all assisted units is maintained by tenants that are income qualified at 80% of AMI or lower, and at rental rates that are consistent with the current HOME rents.

Upon transfer of the property, whether voluntary or involuntary, Applicant shall repay the City in accordance with the recapture provisions that apply to the Dallas Homebuyer Assistance Program.

Applicant may repay HIPP Rental Program loans at any time without penalty. However, repayment of the loan shall not release Applicant of the affordability requirements discussed above. Loans are immediately payable upon the earlier of:

1. The sale, conveyance, transfer, rental, hypothecation of the security; or
2. Failure to adhere to the provisions of the loan agreements; or
3. Failure to adhere to the provisions under the deed restrictions, the deed of trust and/or the note.

HIPP Rental Program loans are not assumable except under the following limited circumstances:

1. Transfer of property to a surviving spouse;
2. Transfer of the property to an heir(s);
3. Transfer of property where spouse becomes the sole owner of the property;
4. Transfer of property resulting from a decree of dissolution of marriage, legal separation or from incidental property settlement agreement;
5. Transfer to a Family Trust in which the borrower remains the beneficiary and occupant of property;
6. Transfer of the property to another individual, partnership or entity.

All transfers must be approved by the City. Any person that would like to assume the loan must income qualify and utilize the assisted property as their primary residence. If such person does not meet the income requirements of the program or does not utilize the property as their primary residence, then the full loan amount is due immediately and payable, in full, to the City.

Credit and Underwriting Standards
The following are the credit and underwriting standards for HIPP Rental Program loans:

- Chapter 7 or Chapter 13 bankruptcy is not allowed if primary or any mortgage is included as a secured creditor on the subject property for which the City will place a lien securing the loan.
- Qualifying debt to income ratios are 26-32% on the front end and 43% on the back end.
- Properties may not have more than one outstanding loan on the property. The City will not accept a lien position lower than a second lien.
- Properties with a reverse mortgage are not eligible for HIPP Rental Program funding.
- A maximum loan-to-value ratio of 85% for all loan obligations inclusive of the City loan is allowed on HIPP Rental Program loans.

Tenant Relocation During the Affordability Period
If a tenant relocates for any reason during the affordability period, the Applicant shall have the responsibility of obtaining a new tenant that meets all HIPP Rental Program requirements, subject to approval of the City.

Eligible Repair Improvements
Under the HIPP Rental Program, rehabilitation activities will include only items necessary to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes; but will also include items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. The scope of work must address all major systems to ensure that they have a remaining useful life of a minimum of 5 years at project completion. Major systems are identified as structural support (foundation); roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

To the extent the City's loan does not bring the property up to the City's Minimum Property Standards, the Landlord is responsible for such repairs.

Improvements to or demolition of an accessory structure such as detached garage, work shed, or small residential structure will be made on a case by case basis depending on the available budget, grant requirements, planning requirements, current building codes, health and safety concerns, and minimum occupancy requirements of residents of the property.

Assistance to remove any items from the property that are considered to be dangerous, hazardous, or a violation of local code are eligible when performed in conjunction with the eligible rehabilitation of the property.

Assistance may not be used for the purchase or repairs of appliances (except for energy efficient window units) or renovations not necessary to bring the home up to local code or property standards. Ineligible repairs include but are not limited to luxury and recreational items (granite counter tops, swimming pools, spas, high end fixtures); tree trimming; fences; and landscaping.

Eligible improvements under the HIPP Rental Program requirements include the following:

1. Correction of code violations and elimination of specific conditions detrimental to public health & safety identified by the City
2. Correction of incipient violations of the City of Dallas Building Codes
3. Cost effective energy conservation measures, including solar heating, cooling & water systems permanently affixed to dwelling
4. Testing & treatment/removal of lead-based paint/asbestos hazards
5. Handicapped Improvements & removal of barriers to the handicapped
6. Removal of termites; removal of rodents and roaches (pest control), but may not be a stand-alone cost
7. Replace/repair roofing
8. Replace/repair HVAC systems
9. Replace/repair plumbing/sewer pipes/kitchen and bath fixtures
10. Replace/repair window and/or door screens
11. Install new smoke alarms
12. Install new insulation
13. Replace/repair flooring and carpeting
14. Replace/repair water heaters
15. Replace/repair electrical system and installation of GFCIs
16. Replace/repair windows
17. Replace/repair plaster, siding and stucco
18. Painting (inside and outside)
19. Install new deadbolt locks
20. Replace/repair kitchen or bath cabinets and countertops
21. Replace/repair garage doors
22. Structural repairs/modifications (only to correct existing structural code deficiencies or to provide accessibility to disabled persons);
23. Foundation repairs
24. Any items determined eligible by the Director

Temporary Relocation During Rehabilitation

Relocation is not contemplated for rehabilitation activities, however if an unanticipated event occurs which requires temporary relocation, Applicant shall be responsible for the relocation-related expenses and fees. Applicant shall perform such relocation obligations in compliance with the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 and Section 104(d) and any other applicable state, federal, or local laws/regulations.

Mortgage and Refinancing

Assistance may be provided to an Applicant who has an existing loan or equity loan if the total debt, including mortgage/equity loan balance and all rehabilitation costs do not exceed 85% of the after-rehabilitation value of the property for the HIPP and 85% of the after-rehabilitation value of the property for the HIPP Rental Program. The City deferred loan may be subordinate to the existing mortgage or equity loan only if these loan-to-value requirements are met. The City loan will be in no lower than a second lien position. Refinancing will only be allowed upon prior approval of the City and for favorable rates and terms; no cash out financing will be allowed.

# HOMEOWNER PROGRAMS

## Rehabilitation & Reconstruction of Owner-Occupied Homes

Provides an all-inclusive repair and rehabilitation program for single-family owner-occupied housing units. Home Improvement and Preservation Program (HIPP) will be offered as a repayment loan program to low and moderate income homeowners, with the purpose of making needed improvements and preserving affordable housing. HIPP is designed to finance home improvements and address health, safety, accessibility modification, reconstruction and structural/deferred maintenance deficiencies. HIPP will enable homeowners to improve their housing while creating a positive effect in the community.

### Eligibility

1. The property must be a single-family home.
2. The property must reside within the Dallas city limits and Applicant must have occupied the dwelling for at least six (6) months from date of application.
3. Applicant must be a U.S. Citizen or Permanent Resident, have a valid Social Security card and current Texas State issued identification card or Driver License.
4. Applicant must be current with the mortgage company meaning not more than thirty (30) days past due. (Except Accessibility Repair)
5. Property taxes must be current. Property taxes must not be delinquent for any tax year unless the homeowner has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding to the written agreement. (Except Accessibility Repair)
6. Applicant's annual gross income must be at or below the one hundred twenty percent (120%) of the Area Median Family Income (AMFI).
7. Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a floodplain, flood insurance must also be maintained with coverage adequate to insure the City's lien position. (Except Accessibility Repair)
8. Applicant must certify that the home is not for sale and is their primary residence/homestead, as indicated per Dallas County Tax Records and utility records.
9. Title searches are obtained to evidence ownership of the property. (Except Accessibility Repair)
10. If Applicant's property was previously assisted with City funds and the property is still within the period of affordability, per the written agreement with the Applicant, Applicant will not be eligible to receive funding for the same property.

### Maximum Assistance Limits

For rehabilitation activities, the maximum amount of assistance provided shall not exceed forty-seven and half percent (47.5%) of the HUD HOME Value Limits for existing properties.

For reconstruction activities, the maximum amount of assistance provided shall not exceed seventy-five (75%) of the HUD HOME Value Limits for new construction. The City Manager and/or his or her designee may on a case by case basis administratively approve (without Economic Development and Housing Committee approval) additional assistance not to exceed ten percent (10%) above the maximum limit for any Owner-Occupied Rehabilitation or Reconstruction project under the following circumstances:

- To address outstanding repairs or necessary work to close out an existing project;

- The need to provide reasonable accommodations in accordance with the Americans with Disabilities Act or other local, state or federal law;
- Unanticipated costs deemed necessary to meet applicable City Codes;
- Unforeseen environmental issues; and
- Addressing issues that threaten life, health, safety and welfare of the public.

*It should be noted that the Owner-Occupied Rehabilitation and Reconstruction establishes maximum per unit thresholds below the HUD required maximum per-unit dollar limitations established under HUD Section 234 Condominium Housing Limit. Thus, no individual project under this program can exceed these HOME maximum subsidy limits.*

## Terms of Assistance

The terms of assistance for the HIPP will be in the form of a loan based on the following schedule: 1) homeowners with incomes at or below sixty percent (60%) AMFI will receive a deferred, zero percent interest (0%) loan, 2) homeowners with sixty-one to eighty percent (61% - 80%) AMFI, will have a combination of deferred, zero percent interest (0%) loan and monthly installment payment plan as permissible through the underwriting, and 3) for homeowners with (81%-120%) AMFI, monthly installment payment with three percent interest (3%) loan will be offered.

If the home is vacated or leased during the term of the loan, then the loan shall be immediately due and payable, subject to the Resale/Recapture Requirement in Appendix 6. If the property is transferred through sale during the term of the loan, the balance shall also be immediately due and payable.

## Credit Standards

Following are the credit standards for HIPP: 1) No Chapter 7 or Chapter 13 bankruptcy if primary or any mortgage is included as a secured creditor on the subject property for which the City or subrecipient will place a lien securing the loan and 2) Qualifying debt to income ratios are 30% on the front end and 43% on the back end. With compensating factors, the City may allow for a 5 percentage point variation on both the front end and back end.

## Affordability Periods

Eligible rehabilitation and reconstruction activities will include all items necessary to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes; including items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. The scope of work must address all major systems that have a remaining useful life for a minimum of 5 years at project completion, or the system must be rehabilitated or replaced as part of the scope of work. Major systems are identified as structural support (foundations); roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

Improvements to, or demolition of an accessory structure such as detached garage, work shed, or small residential structure will be made on a case by case basis depending on the available budget, grant requirements, current building codes, health and safety concerns, and minimum occupancy requirements of residents of the property.

| Amount of Assistance | Term |
|---|---|
| Less than $5,001 | 5 Years |
| $5,001 to $50,000 | 10 years |
| Over $50,001 | 15 years |
| Reconstruction Only | 20 years |

Assistance to remove of any items from the property that are considered to be dangerous, hazardous, or a violation of local code are eligible in conjunction with the rehabilitation of the property.

Assistance may not be used for the purchase or repairs of appliances (except for energy efficient window units) or renovations not necessary to bring the home up to local code or property standards. Unnecessary renovations include but are not limited to luxury items (granite counter tops, swimming pools, spas, high end fixtures); tree trimming; fences; and landscaping.

### Accessibility Repairs

Rehabilitation less than $10,001 is considered a minor repair and federal funds may be used to perform strictly accessibility modifications. Assistance in the form of a one-time grant not to exceed $10,000 shall exclude environmental and administrative soft costs necessary to engage the client and property.

### Mortgage and Refinancing

Assistance may be provided to an Applicant who has an existing mortgage or equity loan if the total debt, including mortgage/equity loan balance and all rehabilitation costs do not exceed 100% of the after-rehabilitation value of the property. The City deferred loan may be subordinate to the existing mortgage or equity loan.

Refinancing of an existing mortgage, equity loan, or liens from lot clearance/demolition is an eligible refinancing expense up to $10,000. The total debt, including refinanced amount and rehabilitation costs, cannot exceed 100% of the after-rehabilitation value of the property. Refinancing of revolving loan accounts, vehicles, credit card debt, or property taxes are NOT allowable refinancing expenses.

### Heirs

A loan may be transferred to the heir(s) of the borrower if the heir(s) are income qualified and utilize the assisted property as their primary residence whether the loan is still within the period of affordability or not. If the heir(s) do not meet the income requirements of the program, the remaining balance of the loan is due immediately and payable in full if the loan is still within the period of affordability. If the property is not within the period of affordability and the heir(s) are not income qualified or do not utilize the property as their primary residence, the City or Sub-recipient may make payment arrangements with the heir(s) at an interest rate between zero (0) and three percent (3%).

## Dallas Homebuyer Assistance Program

Provides homeownership opportunities to low and moderate income homebuyers through the provision of financial assistance when purchasing a home, in accordance with federal, state and local laws and regulations.

### Eligibility

Applicants to homebuyer programs must meet the following criteria:

1. Property must be located in the city limits of Dallas.
2. Applicant's projected annual income must be no less than 60% of Area Median Income, but not exceed 120% of the Area Median Income, adjusted for household size, at the time of application to the program.
3. Applicant must have acceptable credit. High cost or sub-prime loans, adjustable rate mortgages, interest only loans are not allowed.
4. Applicant must demonstrate that Applicant has at least two months of cash available and equal to Applicant's projected monthly mortgage payment, including principal, interest, taxes, insurance, and any associated fees.
5. Applicant household must be U.S Citizens or legal residents and possess a valid social security card.
6. Property to be purchased must be primary residence of Applicant.
7. Applicant must attend an 8-hour homeownership education class from a HUD certified counseling agency within 12 months of application for assistance.
8. Applicant must make a minimum initial cash investment of $1,000 toward purchase of home.
9. Home must meet federal and local requirements, including Minimum Housing Standards, Environmental Review, and international residential code.

### Eligible Properties

The property can be privately or publicly owned prior to sale to the Applicant. The property must be within the Dallas city limits and meet City building codes, lead based paint requirements, and environmental standards at the time of initial occupancy.

The property must contain adequate living and sleeping space for the applicant household as verified by the property appraisal, site visit, and/or Dallas Appraisal District Data. The property can be an existing property, or it may be newly constructed. The property can be:

- Single-family property (one unit)
- Two to four-unit property (Assistance provided for the unit to be occupied as the purchaser's principal residence); or
- Condominium or cooperative unit

All Homebuyer Programs require an appraisal and can be provided by the first mortgage lender. The appraisal value of an assisted property to be acquired for this activity cannot exceed the HOME Value Limit for Dallas. This limit is updated annually. The sale price of an assisted property may not exceed the "Appraised Value".

## Affordability Periods

The residence must remain affordable for a certain period of time, which is dependent on the amount of funds invested. The City's recapture provisions will apply.

| Amount of Funds | Required Affordability |
|---|---|
| Less than $15,000 | 5 Years |
| $15,000 to $40,000 | 10 Years |
| Over $40,000 | 15 Years |

## HOME Program Recapture/Resale Requirements

These requirements can be found in Appendix 6.

## Eligible Expenses

Homebuyer Programs may include any of the following activities: principle reduction, down payment and closing cost assistance. If the house is sold before the required affordability period has elapsed, the assistance funds must be recaptured.

## Terms of Assistance

The assistance for the Dallas Homebuyer Assistance Program will be offered in the form of a deferred, zero percent interest (0%) loan. If the home is vacated or leased during the term of the loan, then the full loan shall be immediately due and payable in accordance with the Resale/Recapture Requirements in Appendix 6. If the property is transferred through sale during the term of the loan, the balance shall also be immediately due and payable.

## Credit Standards

Following are the credit standards for homebuyer programs:

- No Chapter 7 or Chapter 13 bankruptcy if primary or any mortgage is included as a secured creditor on the subject property for which the City or subrecipient will place a lien securing the loan.
- Qualifying debt to income ratios are 30% on the front end and 43% on the back end. With compensating factors, the City will allow a 5 percentage point variation on both the front end and back end.
- Maximum loan is up to the 1st lien holder's approval of Complete Loan to Value (CLTV).
- Predatory lending describes lending practices that take advantage of clients by charging usurious interest rates or excessive fees and penalties. Loans will not be made with an interest rate more than 2% above the prevailing market rate.

## Heirs

A loan may be transferred to the heir(s) of the borrower if the heir(s) are income qualified and utilize the assisted property as their primary residence whether the loan is still within the period of affordability or not. If the heir(s) do not meet the income requirements of the program and the loan is still within the period of affordability, then the entire loan amount is due immediately and payable in full. If the property is not within the period of affordability and the heir(s) are not income qualified or do not utilize the property as their primary residence, the City or Sub-recipient may make payment arrangements with the heir(s) at an interest rate between zero (0) and three percent (3%).

~~Refinancing~~

~~Refinancing for better rate and term is permitted. Refinancing of revolving loan accounts, vehicles, credit card debt, or property taxes are NOT allowable refinancing expenses. Cash out are also NOT allowed.~~

### ~~Homebuyer Incentive Program~~

~~This program offers financial assistance for school teachers, police officers, emergency medical technicians, and fire fighters which purchase a property within one of the targeted areas. By purchasing a home in one of the target areas, then repayment of the loan shall be due only upon re-sale or transfer, and contingent upon maintaining owner occupancy for a 10-year period.~~

# LANDLORD PROGRAMS

## Rental Rehabilitation and Reconstruction

Provides an all-inclusive repair and rehabilitation program for single-family (1-4) rental units. The Home Improvement and Preservation Program (HIPP) expands to offer a repayment loan program to landlords which lease to low income household, with the purpose of making needed improvements and preserving affordable housing. HIPP is designed to finance home improvements and address health, safety, accessibility modifications, reconstruction and structural/deferred maintenance deficiencies.

Eligibility

- The property must be a single-family home (1-4 units). Properties with over 5 units are not eligible for rehabilitation assistance under this program.
- The property must reside within the city limits of Dallas.
- Applicant must lease the unit to a household with an annual gross income at or below the eighty percent (80%) of the Area Median Family Income (AMFI.
- Applicant must provide evidence of property ownership. Additionally, City shall require a title search to verify whether liens or deed restrictions exist.
- Applicant and tenants must be a U.S. Citizen or Permanent Resident, have a valid Social Security card, and current Texas State issued identification card or Driver License.
- Applicant must be current with the mortgage company meaning not more than 30 days past due.
- Property taxes must be current. Property taxes must not be delinquent for any tax year.
- Tenant household's annual gross income must be at or below the 80% of the Area Median Income.
- Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a flood plain, flood insurance must also be maintained with coverage adequate to insure the City's lien position.
- Applicant must adhere to the City Code Section 20-A and comply with HUD rent limits.

Maximum Assistance Limits

For rehabilitation activities, the maximum amount of assistance provided shall not exceed 47.5% of the HUD HOME Value Limits for existing properties.

For reconstruction activities, the maximum amount of assistance provided shall not exceed 75% of the HUD HOME Value Limits for new construction. The City Manager and/or his or her designee may on a case by case basis administratively approve (without Housing Committee approval) additional assistance not to exceed 10% above the maximum limit for any Rental Rehabilitation or Reconstruction project under the following circumstances:

- To address outstanding repairs or necessary work to close out an existing project.
- The need to provide reasonable accommodations in accordance with the Americans with Disabilities Act or other local, state or federal law;
- Unanticipated costs deemed necessary to meet applicable City Codes;
- Unforeseen environmental issues; and
- Addressing issues that threaten life, health, safety and welfare of the public.

It should be noted that the Rental Rehabilitation and Reconstruction establishes maximum per unit thresholds below the HUD required maximum per-unit dollar limitations established under HUD Section 234 Condominium Housing Limit. Thus, no individual project under this program can exceed these HOME maximum subsidy limits.

### Terms of Assistance

The terms of assistance to Applicants of Rental Repair and Rehabilitation will be in the form of a three percent (3%) interest rate loan. If the landlord does not comply with the requirements set out in this program, including but not limited, leasing to a household over eighty percent (80%) AMFI, then the full loan shall be immediately due and payable in full. If the property is transferred through sale during the term of the loan, the balance shall also be immediately due and payable in full.

### Credit Standards

Following are the credit standards for HIPP:

- No Chapter 7 or Chapter 13 bankruptcy if primary or any mortgage is included as a secured creditor on the subject property for which the City or subrecipient will place a lien securing the loan.

### Eligible Rehabilitation and Reconstruction Scope

Eligible rehabilitation and reconstruction activities will include all items necessary to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes; including items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. The scope of work must address all major systems that have a remaining useful life for a minimum of 5 years at project completion, or the system must be rehabilitated or replaced as part of the scope of work. Major systems are identified as structural support (foundation); roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

Improvements to or demolition of an accessory structure such as detached garage, work shed, or small residential structure will be made on a case by case basis depending on the available budget, grant requirements, current building codes, health and safety concerns, and minimum occupancy requirements of residents of the property.

| Amount of Assistance | Term |
|---|---|
| Less than $5,001 | 5 Years |
| $5,001 to $50,000 | 10 years |
| Over $50,001 | 15 years |
| Reconstruction Only | 20 years |

Assistance to remove of any items from the property that are considered to be dangerous, hazardous, or a violation of local code are eligible in conjunction with the rehabilitation of the property.

Assistance may not be used for the purchase or repairs of appliances (except for energy efficient window units) or renovations not necessary to bring the home up to local code or property

standards. Unnecessary renovations include but are not limited to luxury items (granite counter tops, swimming pools, spas, high end fixtures); tree trimming; fences; and landscaping.

### Refinancing

Refinancing of an existing mortgage, equity loan, or liens from lot clearance/demolition is an eligible refinancing expense up to $10,000. The total debt, including refinanced amount and rehabilitation costs, cannot exceed 100% of the after-rehabilitation value of the property. Refinancing of revolving loan accounts, vehicles, credit card debt, or property taxes are NOT allowable refinancing expenses. Cash out is also not permissible.

# TENANT PROGRAMS

## Tenant Based Rental Assistance

The purpose of this program is to provide supplemental financial assistance to displaced tenants as a result of the High Impact Landlord Initiative (HILI) to pay the difference between the cost of rent and the actual affordable amount that the tenant can pay. The program shall be operated on a first come first serve basis. Only HOME funds can be used to fund Tenant Based Rental Assistance (TBRA) programs. This is not an eligible activity under the Community Development Block Grant (CDBG) Program.

### Eligible Uses

Eligible costs include: Subsidy is based on the amount of the rent, household income and City rent standard in a form of a grant. Covered expenses include:

- Rent supplemental financial assistance:
- Utility costs
- Security deposits
- Utility deposits
- Maximum assistance of 24 months
- May provide security deposit and utility deposit assistance upon exiting the program for a permanent unit

No payments will be made directly to the tenant household.

### Prohibited Uses

City of Dallas HOME TBRA funds may not be used to assist tenants in conjunction with homebuyer programs, including lease purchase programs.

### Eligible Units

Eligible tenants may rent any housing that meets the following criteria:

- Located in Dallas City Limits
- Meets Minimum Housing Quality Standards
- Reasonable rents are charged
- Are not public housing projects, or receiving project based federal assistance

### Subsidy Amounts and Tenant Contribution

Maximum Subsidy: Maximum assistance that can be provided is the difference between 30% of the household's adjusted monthly income and the payment standard.

Minimum Tenant Contribution: All tenants are required to pay 30% of their monthly adjusted income, or $20.00 per month, whichever is greater.

Length of Assistance: Assistance will not be provided for a period of time longer than two years, and minimum of one-year lease.

## Other Tenant Requirements

Agencies administering TBRA programs may require tenant participation in a self-sufficiency program as a condition of rental assistance.

A legitimate, legal lease is required for program participants.

## Income Recertification

Income of tenants receiving HOME tenant based rental assistance must be re-certified on an annual basis, at a minimum. City staff may require recertification of tenant income at any time, at the City's discretion, if it appears that a tenant's income has changed substantially during the contract term. If the tenant's income exceeds eighty percent (80%) of Area Median Family Income, HOME assistance must be terminated.

## Payment Standard

The HOME payment standard will be the Small Area Market Rent, annually established and published by the US Department of Housing and Urban Development.

## Termination of Assistance

HOME assistance may be terminated if the following occurs:

- Household's income exceeds eighty percent (80%) of Area Median Income;
- Household is evicted from the approved unit by owner for cause;
- After receipt of two official notices requesting cooperation in the re-certification process, the household is unresponsive and uncooperative.

In all cases above, thirty days' notice of the termination must be provided to the tenant and landlord.

# DEVELOPER PROGRAMS

## New Construction and Substantial Rehabilitation Program

The purpose of this program is to provide financial assistance to new developments or substantial rehabilitation developments, where such assistance is necessary, and appropriately incentivize private investment for the development of quality, sustainable housing that is affordable to the residents of the City.

Funds may be used for projects to: 1) build new single-family with 5 or more homes, 2) build new multi-family rental housing with 5 or more units, or 3) substantially rehabilitate multi-family rental housing greater than 5 units. The City shall award, when funds are available, through a competitive Notice of Funding Availability (NOFA) or Request for Applications (RFA) process in accordance with the program's scoring policy.

### Eligibility

To be eligible for funding under the New Construction and Substantial Rehabilitation Program assistance the proposed project must meet all of the following basic criteria:

- Project must consist of 5 or more units located within the municipal boundaries of the City of Dallas. Note: Extra Territorial Jurisdictions areas are not eligible for financial assistance.
- Substantial rehabilitation projects must, at a minimum, meet the substantial rehabilitation test

In addition to fully meeting the City's minimum code requirements, a project must meet one or more of the following Substantial Rehabilitation threshold tests:

- Replacement of two or more major building components (roof; wall or floor structures; foundations; plumbing, central HVAC or electrical system); or
- costs are 15% or more, exclusive of any acquisition and/or acquisition and development soft costs, of the property's replacement cost (fair market value) after completion of all required repairs, replacements and improvements; or
- rehabilitation hard costs are $10,000 or more per unit.

The after-rehabilitation rents required to effectively support the property, including the additional rehabilitation project debt service, must be:

- Reasonable, and fall within the underwriting standards; and
- Affordable and meet the City's definition of affordability.

Owners must exhibit a cash equity participation of at least 10% in the rental property proposed for rehabilitation. Note: Housing tax credits proceeds are to be treated as equity.

### Loan Terms

Financial assistance can be provided in the form of a repayable loan as negotiated on a project by project basis and demonstrated by the financial underwriting. The City loan is fully repayable, and the interest rate varies by the type of Borrower. The interest rate for a qualified CHDO Borrower or Sponsor shall be zero percent (0%) simple annual interest. The interest rate for a qualified nonprofit Borrower or Sponsors shall be one percent (1%) simple annual interest. The base interest rate for all other Borrowers shall be three percent (3%). However, the 3% base rate can be reduced through a combination of one or more Borrower concessions:

- A Borrower guarantee to make annual interest payments will reduce base interest rate by 1%;
- Borrower agreement to limit loan maturity to 20 years or less reduces base interest rate by 1%; or
- Borrower guarantee of annual interest and principal payments reduces base interest rate by 2%.

The Borrower can combine a) and b) above to reduce the 3% annual simple interest base interest rate by 2% to the 1% annual simple interest floor rate. However, in no instance can the floor interest rate be less than 1% annual simple interest for a Borrower in this category.

Repayment terms will be negotiated based on project underwriting and after review of all other financing commitments. Repayment of loan principal and interest should be either:

- Equal monthly installments over a period of up to 300 months. Subject to City review and approval, multi-family projects may have up to 24 months (in addition to the above stated maturity of 300 months) of deferred principal and interest during a construction and lease-up; or,
- An annual surplus cash payment. The City's surplus cash loans funding will be structured with note provisions requiring that at least 50% of Eligible Cash in excess of $50,000 be paid annually to subordinate lenders (including funding partners and related parties) on a prorated basis.

Eligible Cash shall be defined as: Surplus cash available for partnership distribution, less any outstanding:

- Credit adjusters
- Asset management fees
- Operating reserve account replenishment
- Limited partner loans that have been approved by the City
- Deferred developer fees
- Supplemental replacement reserve deposits approved by the City

Note: Incentive management fees have been deliberately omitted from the above list. Payment of incentive management fees shall be subordinate to repayment of the City's loan(s).

### Additional Requirements for New Construction Development

For new construction housing developments funded by the City, the maximum subsidy per unit is 22.5% of the HUD HOME Value Limit.

Funding will be provided to Community Housing Development Organizations, governmental entities, or public facility corporations at 0% simple interest, which will be forgiven upon sale of the property to home buyer.

In addition, funding will be provided to other qualified non-profit organizations at 1% simple interest, which will be forgiven upon sale of the property to home buyer.

Projects shall submit, on an annual basis, either HUD Form 93489 (HUD Computation of Surplus Cash), or the City's form, with the project audit. The City will invoice the project, allowing for repayment to occur up to the end of the current calendar year when HUD financing is involved. Otherwise, the surplus cash payment will be due within 45 days of the invoice postmark. Late

payments will be assessed a 5% late charge. The loan will be in default if payments are more than 75 days late. The default interest rate shall be 500 basis points (5%) over the note interest rate.

The City multi-family rental loan is limited to only the amount necessary to fully fund the required rehabilitation work, not to exceed nine percent (9%) of the annual HUD Section 234 – Condominium Housing Limits in Dallas, Texas for elevator units (by number of bedrooms per unit). In 2018, the annual limits were as follows:

Efficiency - $58,787
1 Bedroom - $67,391
2 Bedroom - $81,947
3 Bedroom - $106,013
4 Bedroom - $116,369

Note: The above table is only valid for 2018 and is otherwise provided for illustrative purposes. Contact the City's Housing Department for a schedule of current HUD 234 Limits.

## Affordability Period Requirements for All Rental Housing Development and Substantial Rehabilitation Loans

The Period of Affordability (income and rent restrictions) applies to both single-family and multi-family rental housing projects. Affordability periods shall be set as follows, in keeping with HUD requirements.

| Amount of CDBG or HOME funds Per Unit | Minimum Period of Affordability |
|---|---|
| Under $15,000/ Unit | Five (5) years |
| $15,000 - $40,000/ Unit | Ten (10) years |
| Over $40,000 or rehabilitation involving refinancing | Fifteen (15) years |
| New construction of Rental Housing | Twenty (20) years |

## Conditions of All City Loans

- The property must be residential rental property under the existing ownership for the entire loan term. If the property is transferred by any means during the loan term, the remaining unforgiving portion, plus interest based on the existing market, will become immediately due and payable;
- The Borrower must maintain the property according to the Dallas Unified Building Code and agrees to allow City personnel to annually inspect the property;
- The Borrower provides evidence of having paid annual property taxes and having secured fire and extended insurance coverage for the property;
- Borrower must annually provide the City of Dallas with the information on rents and occupancy of HOME-assisted units to demonstrate compliance with the affordability rent requirements;
- The Borrower must maintain reserves for maintenance; and
- No further assistance during the affordability period term of the loan, whichever is longer.

The City loan will be secured by a lien on the property. The lien position will be no less than a second, except upon approval of the appropriate City Department Director, subordinate only to a private financial institution's superior lien for a loan in a greater amount. The City may also require additional security for its loan, including, but not limited to, a first lien position on other investment property of the owner, as well as personal and/or corporate guarantees if it is necessary to secure the loan.

The terms of payment will continue throughout the entire term of the note, provided the Borrower complies with each and every term and condition of the loan documents. If the Borrower does not comply, or if the borrower at any time defaults under the terms of the note, interest on the unpaid principal will thereafter:

- accrue at a rate that is 500 basis points over the Note interest rate, and
- be immediately payable in addition to the entire outstanding principal amount

## Financial Structuring

*GAP Financing*
The City deferred debt (deferred forgivable or surplus cash) only be used for and based upon the financing gap on affordable units. The City loan cannot exceed the financing gap.

*Balloon Mortgages*
Ballooning senior debt mortgages may require additional mitigating factors depending on overall project sources and uses, projected loan-to-value, and other risk factors. Under no circumstances will the City participate in a transaction where a senior balloon term is less than 15 years.

*Surplus Cash Mortgages*
The City's surplus cash loans funding will be structured with note provisions requiring that at least 50% of Eligible Cash in excess of $50,000 be paid annually to subordinate lenders (including funding partners and related parties) on a prorated basis.

*Eligible Cash shall be defined as:*
- Surplus cash available for partnership distribution, less
- Any outstanding:
- Credit adjusters
- Asset management fees
- Operating reserve account replenishment
- Approved limited partner loans
- Deferred developer fees
- Approved supplemental replacement reserve deposits

Projects shall submit, on an annual basis, either HUD Form 93489 (HUD Computation of Surplus Cash), or the City's form, with the project audit. The City will invoice the project, allowing for repayment to occur up to the end of the current calendar year when HUD financing is involved and general HUD distribution guidelines. Otherwise, the surplus cash payment will be due within 45 days of the invoice postmark. Late payments will be assessed a 5% late charge. The loan will be in default if payments are more than 75 days late. The default interest rate shall be 500 basis points (5%) over the note interest rate.

## Appraisal Requirements

Projects Receiving City First Mortgage Acquisition Financing
Prior to funding commitment, the borrower must provide a completed Appraisal Request Form for City-Ordered Appraisals by the date specified in the City's notice of funding award, unless the development is exempt from the appraisal requirement as described below. The establishment of

the date will take into account the applicable funding source commitment deadline and the Borrower's project timeline.

Developments exempt from the prior to commitment appraisal requirement:

- Acquisition price under $100,000
- Land only where there is no identity of interest. Identity of interest is used broadly to include non-arm's length transactions, related-party transactions, etc.
- Single family homes (1-4 family structures) that are aggregated under one loan
- The Borrower has provided a Market Study
- The Project is HUD 202 or HUD 811 with a funding reservation

Note: Whenever a project is exempt under one of the above provisions, the City will use assessed value unless the borrower requests an appraisal for determining acquisition cost as defined in these Underwriting Standards.

The cost of appraisals must be borne by the Borrower. All costs incurred for the appraisal, and any revisions, will be the responsibility of the applicant. The City will collect the appraisal costs from its loan proceeds at closing.

Appraisals ordered by the Borrower will not be accepted. All appraisals must be ordered by the City, HUD or a designated HUD MAP lender, Fannie Mae or a designated Fannie Mae Delegated Underwriter Services (DUS) lender or a regulated financial institution.

An Agency ordered appraisal will be used to support the acquisition costs identified at the time of application. The appraised value will be used by the City and its funding partners in underwriting the acquisition cost.

*An As-Is Appraisal:*
Land Only for New Construction: Fee simple value of the land. The market value appraisal will consider the real property's zoning as of the effective date of the appraiser's opinion of value. If the real property consists of more than one parcel, the parcels will be combined in one appraisal with one value conclusion.

*Acquisition/Rehab:*
Fee simple "as-is" value of the existing multi-family property assuming market rate rents. Fee simple, in "as-is" condition, with existing restricted rate rents.

*Adaptive Re-Use:*
Fee simple market value of the property to be adapted for an alternate use. The valuation will assume the highest and best use permitted by law and economically feasible in the current market.

*Prior to Closing – Scheduled Payment Loans:*
For scheduled payment loans, an as-completed appraisal is required to establish loan to value. An "as-completed and stabilized" appraisal is required for all amortizing loans.
Two hypothetical values are required:

- As completed and stabilized, subject to restricted rents
- As completed and stabilized, assuming market rate rents

The lesser of the two values will be used to determine loan to value for the City's underwriting. The City will finance no more than 87% of appraised value (85% for loans with $15,000 per unit or less in rehabilitation). Plans and specifications must be sufficiently complete for the appraiser to establish the "as completed" value. The appraisal must be conducted no more than six months prior to closing or end loan commitment (or the borrower will be required to pay for an appraisal update).

*Prior to Closing- Deferred Loans:*
For non-amortizing loans, the City requires an appraisal prior to closing similar to that required for amortizing loans (above). Borrowers may use another lender's appraisal. Non- Amortizing developments exempt from the prior to closing appraisal requirement include:

- Single family homes (1-4 family) that are aggregated under one loan (the City will use assessed value unless the Borrower requests an appraisal for determining acquisition cost as defined in the Borrower's Underwriting Standards.)

## Loan Conditions

As a condition of the City Loan, the Developer must agree:

- To rent these properties in accordance with Affirmative marking standards and the current HUD Section 8 rental income guidelines for the Period of Affordability and the federal equal housing opportunity requirements in the Fair Housing Act.
- Not discriminate on basis or race, religion or national origin.
- Not discriminate against lower income prospective tenants, solely on the basis of their receipt of Section 8 Housing assistance support.
- Not convert the property to condominiums for the duration of the public note.
- To maintain the property in a safe, sanitary and decent condition, in compliance with the City of Dallas Building Codes throughout the term of the public sector note.
- To provide evidence of having paid annual property taxes and secured fire and extended insurance coverage for the property.
- Comply with Annual Re-certification of tenant's annual income, which means each year the property owner must document the income of the tenant by reviewing documents such as W-2's, pay stubs, etc. in order to ensure that their income meets the low-income requirements.
- To a property inspection one (1) year after the rehabilitation and every two (2) years thereafter during the period of affordability. The owner must agree to cooperate with and assist in this inspection effort, and to resolve all deficiencies cited within the designated correction period allotted.
- To pay real property taxes and maintain adequate fire and extended coverage insurance with City named as co-insured on the subject property for the full term of the loan. The City will require owner to provide documentation of tax payment and insurance coverage on an annual basis.
- To adhere to Lead-Based Paint Abatement guidelines for all properties built 1978 and before.

The City will examine the sources and uses for each project and determine whether the costs are eligible and reasonable, the return to the developer is appropriate (not excessive); and the other sources of funds needed for the project are firm commitments. "Reasonableness" of development costs should be based on the following factors:

- Costs of comparable projects in the same geographical area;
- Qualifications of the cost estimators for the various budget line items; and

- Comparable costs published by recognized industry cost index services

Failure to comply with any of the conditions outlined above will constitute a default of the public sector loan, requiring the balance to become immediately due and payable.

During the term of the public sector loan, if the property is sold, or ownership transferred through any means, then the balance of the note then owning, including the remaining deferred forgivable portion is immediately due and payable in full.

For HOME projects, a determination of fixed or floating HOME units must be made at the time of Loan commitment. Fixed units must remain the same throughout the period of affordability. Floating units may change in order to maintain conformity so that the total number of units meet the required number of bedrooms to the originally designated HOME-assisted unit.

## Loan Closing

The property owner will be required to provide the following items for loan closing:

- For substantial rehabilitation projects, the after-rehabilitation appraisal of the property showing the appropriate value relative to the proposed loan.
- Acceptable Commitment for Title Insurance Policy showing the City's interest in the total amount of the City's Deferred Payment Loan.
- Credit Reports on all Borrowers with a 15% or greater ownership interest.
- List of all real property assets and their value.
- An acceptable bid from an approved contractor. The approved contractor must be licensed, and provide proof of appropriate insurance coverage, covering the total cost of the
- rehabilitation work and including, but not limited to worker's compensation, general liability, and personal liability.
- Copy of the insurance policy for fire and extended coverage for 80% of the value of the property with City named as co-insured.

## Permitted Rehabilitation Program Costs

CDBG or HOME funds will be used to support only the following eligible costs:

- Actual rehabilitation costs necessary to correct substandard conditions to comply with the City of Dallas building Codes, federal environmental conditions standards, and federal lead-based paint abatement requirements.
- Essential improvements including energy conservation-related repairs, and improvements to permit use of the rehabilitated units by persons with disabilities.
- Repairs to major building system in danger of failure.
- Costs, generated by the public sector, for processing and closing the financing for the project, such as: credit reports, fees for title evidence, fees for recordation and filing of legal documents, attorney's fees, permits, and appraisal fees.
- Cost for the relocation of tenants currently residing in the property at the date of initial application, who must be temporarily or permanently displaced as a direct result of the rehabilitation activity.

## Involuntary Displacement

The City prohibits involuntary displacement of residents from developments receiving funding. If a development receives federal funds, the Uniform Relocation Act provisions will apply.

## Eligible Costs

The following costs may be reimbursed with HOME funds:

| Hard Costs | Soft Costs |
|---|---|
| Land and Structure Acquisition | Financing Fees & credit reports |
| Site preparation, including Demolition | Affirmative marketing, initial leasing & marketing costs |
| Construction Materials and Labor | Title binders and insurance |
| | Performance bonds and surety fees |
| | Recording fees |
| | Legal & accounting fees |
| | Appraisals |
| | Eligible Soft Costs |
| | Environmental reviews |

CDBG funds may not be used for new building construction, in accordance with HUD regulations. However, CDBG funds may be used for all other reasonable and eligible costs in the above table.

## Monitoring

The City is required by HUD to obtain information on rents and occupancy of HOME – assisted units to demonstrate compliance with the affordability rent requirements on an annual basis.

## Additional Requirements for ALL Rental Housing Projects

*Tenant Selection/Eligibility:*
An owner of rental housing assisted with HOME or CDBG funds must adopt written tenant selection policies and criteria that:

- are consistent with the City's goal of providing housing for very low-income and low-income families;
- are reasonably related to program eligibility and the applicant's ability to perform the obligations of the lease;
- provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable; and
- give prompt written notification to any rejected applicant stating the grounds for the rejection

*Income Eligibility and Re-certification:*
Tenant incomes must be re-certified annually and verified with source documents every six years. If the income of a household in an assisted unit rises above 80% of Area Median Income, the household may continue to rent the unit and the household must pay monthly rent equal to the lesser of:

- The rent permitted by state law; or
- 30% of the family's adjusted monthly income at annual re-certification.
- If the project was financed with Low Income Housing Tax Credits, the tax credit rent prevails.

## Acceptable Rents for HOME Projects Only

The HOME program has established rules in relation to acceptable rents. There are two rent standards: High HOME Rent and Low HOME rent. For properties with five (5) or more HOME assisted united, at least 20% of the units must have rents that meet the "Low HOME" criteria.

**High HOME Rent:** lesser of the Section 8 Fair Market Rents for existing housing OR thirty (30) percent of the adjusted income of a family whose annual income equals 65% of the area median income.

**Low HOME Rent:** Thirty percent of the tenant's monthly adjusted income OR thirty percent of the annual income of a family whose income equals 50% of the area median income.

## Land Transfer Program

The purpose of this Land Transfer Program (the "Program") is to incentivize: (1) the development of quality, sustainable housing that is affordable to the residents of the City and (2) the development of other uses that complement the City's Comprehensive Housing Policy, economic development policy, or redevelopment policy. Specifically, this Program authorizes the City to sell qualifying city-owned real property and resell tax-foreclosed real property to for-profit, non-profit and/or religious organizations in a direct sale at less than fair market value of the land, consistent with the authorizing state statute or city ordinance.

The sale of real property pursuant to the Land Transfer Program will enable the City to facilitate the development of housing units that will be offered for sale, lease or lease-purchase to low- and moderate-income households and, on appropriate parcels of land, enable the City to facilitate the development of commercial uses such as neighborhood retail.

Consistency with City's Affordable Housing Development Goals

The operation of the Land Transfer Program shall align with the City's existing affordable housing production goals as outlined in the adopted Comprehensive Housing Policy. The portfolio of real property sold under this Program shall be developed to serve the range of income bands as well as the percentage of each income band identified in the production goals of the Comprehensive Housing Policy.

When seeking City Council approval to sell a parcel or parcels of real property pursuant to this Program, staff must identify the proposed developer, indicate the income band for which the parcel(s) of real property is reserved, and provide the City Council with a map depicting the location of the real property that contains the current Market Value Analysis (MVA) and Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) data layers, if such layers exist. The map must also depict the location of all parcels of real property previously sold to the proposed developer pursuant to this Program or any other City affordable housing program in the past two years and the income bands for which each parcel of real property was reserved.

On an annual basis, the Housing and Neighborhood Revitalization Department, or its successor department, shall brief the appropriate City Council committee regarding the year-to-date production data for the Program.

Consistency with Fair Housing Laws

On an annual basis, the Land Transfer Program will be reviewed by the Office of Equity and Human Rights, or its successor department, to ensure that the Program is being operated in a manner that is consistent with fair housing laws. The City will collect and maintain data regarding the location of parcels of real property sold via the Program and demographic information regarding the eligible households who occupy housing units developed pursuant to the Program.

Application Process for Submitting a Proposal to Purchase Parcels of Real Property

The City will create, and will periodically update, an application that is consistent with this Program and the authorizing state statute or city ordinance to be used by developers who are interested in purchasing real property pursuant to the Land Transfer Program. The City may accept proposals to purchase lots on a rolling basis or may solicit purchase proposals through a competitive solicitation process. Only proposals that meet or exceed the minimum developer and project

eligibility criteria will be referred to the appropriate City Council Committee for approval. City Council must approve all sale of real property through the Land Transfer Program.

Each purchase of real property must clarify which Texas statute it is operating under.

| | Type of Property | Type of Developer | Uses term low/mod income | Defines targeted incomes | Type of Development Allowed | Add'l state statutory requirements |
|---|---|---|---|---|---|---|
| DCC 2-26 (aka HB 110) | Tax-foreclosed or seized | Nonprofit | Low-income | 80% AMFI or below | Affordable housing | Enabling Statute: TLGC 253.010 |
| TLGC 253.010 | Any land acquired by municipality | Non-profit and religious organizations | Low-income | Municipality may determine; Should consider AMFI | Affordable housing or a use approved in a written agreement with City | |
| TLGC 272.001(g) | Any city-owned land except land acquired by condemnation | No limitation | Low- and Mod-income | No | Low- and moderate income housing | |
| TPTC 34.051 | Tax-foreclosed land | No limitation | Primarily Low- and Mod- income | No | A purpose consistent with City urban redevelopment or affordable housing plan | Interlocal agreement among taxing entities; land must be vacant/distressed & tax-delinquent 6+ years |

Developer Eligibility Criteria

To be eligible to purchase real property pursuant to the Land Transfer Program, a developer must meet all the following criteria, unless the land is sold pursuant to Dallas City Code Section 2-26.4:

1. Developer may be an individual, or may be organized as a corporation, partnership, joint venture or other legal entity, regardless of whether developer is a for-profit, non-profit, or religious organization.
2. Developer must be in good standing with the State of Texas and the City, including that the City has not issued a charge against the developer for violating Chapter 20A of the Dallas City Code or Chapter 46 of the Dallas City Code within the past 5 years, may not be debarred under the federal System for Award Management (SAM), may not have uncured violations of Chapter 27 of the Dallas City Code for which it has received notice, may not be indebted to the City or delinquent in any payment owed to the City under a contract or other legal obligation, and must be current on payment of taxes and liens owed to any other affected taxing unit under the Texas Property Tax Code.
3. If developer seeks to purchase two or more parcels of real property for the purpose of constructing housing units, developer must have constructed one or more housing units within the three-year period preceding the submission of the proposal to acquire the parcels of real property via the Program. If developer seeks to purchase one or more parcels of real property for the purpose of developing a multifamily or commercial use, developer must demonstrate that it has developed at least one comparable use within the three-year period preceding the submission of the proposal to acquire the parcel of real property via the Program.
4. Developer must submit a development plan for all parcels of real property developer seeks to acquire via the Program.

5. Developer must demonstrate that it has the financial capacity and staffing/sub-contractor capacity to develop and complete the sale, lease or lease-purchase, within a two-year period, of its inventory of parcels of real property acquired through the Program. The City Manager or his/her designee may grant up to one (1) one-year extension of the development agreement due to delays related to installation or improvement of infrastructure or zoning/platting issues. Any additional extensions of the development agreement must be approved by City Council.

Staff may impose additional eligibility criteria that are consistent with this Program, state statute and city ordinance. If land is sold pursuant to Dallas City Code Section 2-26.4, developer must comply with the eligibility criteria set forth in the ordinance.

Project Eligibility Criteria

To be eligible to purchase real property pursuant to the Land Transfer Program, the proposed project must meet all the following criteria, unless the land is sold pursuant to Dallas City Code Section 2-26.4:

1. Parcels of real property must be developed with: (1) a housing unit or units that are offered for sale, lease or lease-purchase, or (2) a commercial use that will complement the City's Comprehensive Housing Policy, economic development policy, or redevelopment policy.
2. Housing units developed on the parcels of real property may only be sold, leased, or offered as a lease-purchase to households whose incomes are within the income bands prioritized by the adopted Comprehensive Housing Policy.
3. Housing units developed on the parcels of real property may be either a single family, duplex, or multi-family housing use.

Staff may impose additional eligibility criteria that are consistent with this Program, state statute and city ordinance. If land is sold pursuant to Dallas City Code Section 2-26.4, the project must comply with the eligibility criteria set forth in the ordinance.

Identification of Eligible Households, Affirmative Fair Housing Marketing and Other Policies

Developers of for-sale housing units must comply with all the terms of the Mixed Income Housing Program as set forth in Chapter 20A of the Dallas City Code, as amended, if applicable. Developers of for-sale housing units may only sell to homebuyers who meet the eligibility criteria set forth in the City of Dallas Homebuyer Assistance Program (DHAP), or a successor program.

Developers of rental housing or lease-purchase units must comply with all the terms of the Mixed Income Housing Program as set forth in Chapter 20A of the Dallas City Code, as amended, if applicable. Such exemptions will be clearly set forth in the development agreement.

Sales Price of Parcels of Real Property Sold via the Land Transfer Program

City-owned real property: Properties will be initially offered at fair market value ("FMV"), as determined by a comparative market analysis. A discount will be available if project underwriting indicates that the discount is needed either to ensure the viable sale, lease or lease-purchase to an income-qualified buyer or the viable development of a commercial use. The discount is subject to City Council approval.

Tax-foreclosed real property: A fixed price of $1,000 for up to 7,500 square feet of land purchased under a single proposal, plus $0.133 for each additional square foot of land purchased under the

proposal. If land is sold pursuant to Dallas City Code Section 2-26.4, the sales price set forth in the ordinance applies.

Sales Price of For-Sale Housing Units Developed via the Land Transfer Program

For-sale units produced under the Land Transfer Program must be sold at the fair market value as determined by an "as-completed" or "subject to completion" appraisal completed by an independent state-licensed appraiser. However, the terms of the development agreement for each parcel of real property purchased pursuant to the Program will include any seller-discount that must be provided to the eligible purchaser so that the amount paid by the eligible purchaser is affordable based on their income.

Rental Rates for Rental Housing Units Developed via the Land Transfer Program

Rental units produced under the Land Transfer Program must be leased at affordable rental rates in accordance with the approved development agreement and Chapter 20A of the Dallas City Code, as amended. If land is sold pursuant to Dallas City Code Section 2-26.4, the rental rates set forth in the ordinance applies.

Term of Affordability

The term of affordability for for-sale housing units is 5 years from the filing date of the deed transferring the unit from developer to homebuyer.

The term of affordability for rental units and commercial uses is 20 years from the date that the first unit is occupied by an eligible tenant.

The term of affordability for lease-purchase units will be negotiated on a case-by-case basis in accordance with the goals of this Program.

If land is sold pursuant to Dallas City Code Section 2-26.4, the term of affordability set forth in the ordinance applies.

Deed Restrictions and Right of Reverter

The City will impose restrictive covenants on all parcels of real property its sells pursuant to the Land Transfer Program. If land is sold pursuant to Dallas City Code Section 2-26.4, the deed restrictions and right of reverter requirements set forth in the ordinance applies.

The restrictive covenants will require the parcels of real property to be developed and maintained in accordance with the development agreement and all applicable city, state and federal laws. These restrictions will include that housing units developed on the parcels of real property be offered for sale, lease or lease-purchase to low- and moderate-income households and be occupied by low- and/or moderate-income households for the entire term of the affordability period.

Land acquired by a developer pursuant to the Land Transfer Program may revert to the City if the City Manager or his/her designee determines that the developer has:

1. failed to take possession of the land within 90 calendar days after receiving the deed to the parcels of real property;

2. failed to complete construction of all required housing units or other required development on the real property, or failed to ensure occupancy by eligible households within the development timeframe set forth in the development agreement;
3. incurred a lien on the property because of violations of city ordinances and failed to fully pay off the lien within 180 days of the City's recording of the lien; or
4. sold, conveyed, or transferred the land without the consent of the City.

Upon determination by the City Manager or his/her designee that a condition described above has occurred, the City Manager or his/her designee is authorized to execute an instrument, approved as to form by the City Attorney, exercising against the parcel of real property the City's possibility of reverter with right to reentry. The City Manager or his/her designee shall file notice of the reverter and reentry of the land by the City in the real property records of the county in which the parcel of real property is located, which notice must specify the reason for the reverter and reentry. The City Manager or his/her designee shall provide a copy of the notice to the developer in person or by mailing the notice to the developer's post office address as shown on the tax rolls of the City or of the county in which the land is located.

Release of Non-Tax Liens, Release of Restrictive Covenants and Right of Reverter

Pursuant to this Program and contingent upon City Council approval, and in consideration for developer agreeing to construct affordable housing units or other approved uses on parcel(s) of real property, the City Manager or his/her designee is authorized to execute instruments, approved as to form by the City Attorney, releasing any non-tax City liens that may have been filed by the City during the City's ownership of the parcel(s) of real property.

Additionally, the City Manager or his/her designee is authorized to execute instruments, approved as to form by the City Attorney, releasing the City's possibility of reverter with right of reentry and terminating the restrictive covenants on the land upon compliance with all terms and conditions of the development agreement and this Program.

Type of Transfer

The City will transfer all City-owned parcels and resell all tax-foreclosed parcels via a deed without warranty, approved as to form by the City Attorney.

# OVERVIEW OF EXISTING FUNDING SOURCES

## Federal Funding Sources

The City receives financial support from the U.S. Department of Housing and Urban Development (HUD) to assist low and moderate-income families in obtaining affordable housing. The City receives several Entitlement (HUD) grants, which it can use to support its housing initiatives. HUD outlines certain regulations that apply when using grant funds. This policy document uses the HUD regulations as a basis and incorporates the City's own policies as adopted by City Council.

### Community Development Block Grant (CDBG)

The Community Development Block Grant has been in existence since 1974. The primary objective of the CDBG program is to improve communities by providing decent housing, providing a suitable living environment, and expanding economic opportunities. The primary beneficiary of CDBG funds must benefit low to moderate-income persons; aid in the prevention or elimination of slums or blight; or meet an urgent need.

### HOME Investment Partnership Program (HOME)

The HOME Investment Partnership Program has been in existence since 1990. The goals of the HOME program are to provide decent affordable housing to lower-income households, expand the capacity of nonprofit housing providers, strengthen the ability of state and local governments to provide housing, and leverage private sector participation. HOME funds may be utilized for rental activities, homebuyer activities, and homeowner rehabilitation activities. All HOME funds must benefit persons of low and moderate income.

#### *HOME Match Requirement*

All housing development projects must meet a twenty-five (25%) HOME matching requirement of contributions made from non-federal resources and may be in the form of one or more of the following:

- Cash contributions from nonfederal sources
- Forbearance of fees
- Donated real property
- Cost, not paid with federal resources, of on-site and off-site infrastructure that the participating jurisdiction documents are directly required for HOME-assisted projects
- Proceeds from multifamily affordable housing project bond financing
- Reasonable value of donated site-preparation and construction materials, not acquired with federal resources
- Reasonable rental value of the donated use of site preparation or construction equipment
- Value of donated or voluntary labor or professional services in connection with the provision of affordable housing

### Neighborhood Stabilization Program (NSP)

The Neighborhood Stabilization Program was authorized under Division B, Title III of the Housing and Economic Recovery Act of 2008 (HERA) to help communities recover from the effects of foreclosures, abandoned properties, and declining property values. The City collects program income from this source and appropriates it on an annual basis.

## State and Local Funding Sources

### General Obligation Bonds

General Obligation Bonds were authorized under the 2017 bond package to help with infrastructure, economic development and housing, and related expenses as authorized by law. Economic Development and Housing have been allocated approximately $55 million for the next five (5) years.

### Tax Exempt Bond Financing (City of Dallas Housing Finance Corporation)

The City of Dallas Housing Finance Corporation (DHFC) was organized in 1984 in accordance with Chapter 394 of the Texas Local Government Code (Code). Under the Code, the purpose of the DHFC is to assist persons of low and moderate income to acquire and own decent, safe, sanitary, and affordable housing. To fulfill this purpose, the DHFC can be an issuer of tax exempt bonds. The DHFC may issue bonds to finance, in whole or in part, the development costs of a residential development or redevelopment; the costs of purchasing or funding the making of home mortgages; and any other costs associated with the provision of decent, safe, and sanitary housing and non-housing facilities that are an integral part of or are functionally related to an affordable housing development.

- Affordable Housing Partnerships: The DHFC can also partner with affordable housing developers for the production of multifamily housing. The DHFC can acquire an ownership stake in the development by becoming the General Partner (GP) of an ownership entity, right of refusal to purchase the improvements, and owning and controlling the land. DHFC is the sole member of the GP. Fifty-one percent of the units must be set aside for affordable housing. If all of the aforementioned criteria are met; then the development can benefit from a tax exemption. Additionally, the DHFC can be the General Contractor to allow for sales tax exemption on construction materials.

## Strategies, Tools and Programs that Will Require Additional Action

### Housing Trust Fund

Establish a Dallas Housing Trust Fund (DHTF) that allows monies to be used to make loans to support the production goals of the Housing Policy. At a future date, staff will seek Council approval to authorize a one-time transfer of a minimum of $7 million in unencumbered fund balances from high-performing Tax Increment Financing Districts (TIFs), as well as $7 million from Dallas Water Utility funding set aside to support developments. Staff will further research potential dedicated revenue sources for the DHTF, including unencumbered fund balances from high-performing TIFs, property tax revenues from developments that have been built on previously City-owned land, proceeds from the sale of properties acquired by the City following non-tax lien foreclosures, among other sources.

### Tax Increment Financing

Creation of a non-contiguous Tax Increment Finance District for areas not already located in an existing TIF District will leverage TIF on projects that propose to meet the unit production goals with affordability requirements.

### Voluntary Inclusionary Zoning

In addition to development subsidies, the City may also incentivize the production of rental units via voluntary inclusionary zoning. Voluntary inclusionary zoning is a strategy by which the City can provide development bonuses to encourage the construction of mixed-income housing in multi-family and mixed-use zoning districts. At a future date, staff will seek council approval to amend the Development Code to allow for by-right development bonuses, including increases in maximum height and lot coverage, for developments that provide mixed-income housing in MF-1, MF-2, MU-1 and MU-2 districts. While these development bonuses would be available regardless of whether the MF-1, MF-2, MU-1 or MU-2 district is in a Reinvestment area, the City could layer in development subsidies for projects in Redevelopment and Stabilization areas to encourage more income stratification or a higher-percentage of affordable units. Furthermore, this strategy, as it has already been briefed to the Dallas Zoning Ordinance Advisory Committee (ZOAC), will encourage such mixed-income housing developments to adopt design principles that encourage walkability, reduce the need for parking, and require the provision of more open space.

### Neighborhood Empowerment Zones

At a future date, staff will seek council approval to designate Neighborhood Empowerment Zones (NEZ) in certain Reinvestment Areas. Once a NEZ is established, staff will implement the following programs and strategies to preserve affordability and deconcentrate RECAP:

- a property tax freeze for up to ten (10) years for homeowners if they are making improvements to their property resulting in more than 25% increase in value,
- development fee rebates (permits, planning, zoning, parkland dedication, landscape & tree mitigation),
- encourage Incentive Zoning/Density Bonuses to support the creation of mixed income communities,
- allow Accessory Dwelling Units,
- designate Homestead Preservation District overlay where applicable, and

### Sublease Program

Furthermore, staff will pursue council approval to create a Sublease Program which incentives a landlord/developer to facilitate the rental of units to voucher holders. This program is administered through the Dallas Housing Finance Corporation.

## Community Housing Development Organizations (CHDOs)

A CHDO is defined under 24 Code of Federal Regulations (CFR) Part 92.2 as a nonprofit organization (501©3 or 4) organized under state law; has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; is neither controlled by nor under the direction of individuals seeking to derive profit or gain from the organization. While a CHDO may be sponsored or created by a for-profit entity whose primary purpose is **not** the development or management of housing, such as a builder, developer or real estate management firm, the for-profit entity may not have the right to appoint more than one-third of the membership of the organization's governing body and the board members appointed by the for-profit entity may not appoint the remaining board members. A CHDO does not include a public body although a locally chartered organization may qualify under certain conditions.

The CHDO must be free to contract for goods and services from vendors of its own choosing. The CHDO must comply with certain financial accountability standards as described in the 24 CFR 84.21 Standards for Financial Management Systems. Among the primary purposes of the CHDO's organization, as outlined in their organizational charter, articles of incorporation, resolutions or bylaws must be the provision of decent housing that is affordable to low-to-moderate income persons. A CHDO must remain accountable to the low-income community residents by: **1)** maintaining at least one-third of its governing board's membership for residents of low-income neighborhoods, other low-income community residents, or elected representative of a low-income neighborhood organization; **2)** providing a formal process for low-income program beneficiaries to advise the organization in its decisions regarding the design, site selection, development and management of affordable housing.

A service area in urban areas such as Dallas, "community" may be defined as a neighborhood, or neighborhoods, city, county or metropolitan area. Additionally, CHDOs are subject to the affirmatively furthering fair housing rules which state that housing should not be located in areas of minority concentration or with high poverty rates. Historically, Dallas CHDOs have elected to work in areas where disinvestment has occurred, and where high concentrations of poverty exist. CHDOs should grow and develop the capacity to partner with for-profit developers to produce market rate housing in areas of disinvestment. Furthermore, CHDOs should work in areas with low poverty rates, have access to a quality education, transportation, and jobs. These high opportunity areas lack quality affordable housing options.

A CHDO must demonstrate the capacity to carry out the activities assisted with HOME Investment Partnership Program (HOME) funds within **12 months** of the project commitment. CHDO's may satisfy the HOME requirement by hiring experienced key staff members who have successfully completed similar projects or a consultant with the same type of qualified experience and a plan to train appropriate key staff member of the organizations. CHDO's must demonstrate a minimum of one-year experience in serving the community in which the assisted housing will be located before funds can be reserved for the organization. This requirement can be satisfied by a parent organization in some cases if a CHDO is formed by a group of local churches or local service organizations. CHDOs must be certified by the City of Dallas to be awarded CHDO set-aside funds for the development of housing and operating assistance.

### Set Aside

HUD requires that 15% of the HOME allocation each year be made available to Community Housing Development Organizations (CHDOs) for the development of affordable homebuyer or

rental housing.

### Operating

In addition, the City can allocate up to 5% of the HOME allocation each year operating expenses for CHDOs. These funds provide operating funds to Community Housing Development Organizations based on financial need and the expectation that the organization is utilizing or will utilize the City's HOME CHDO set aside funding within 24 months of the award.

HOME funding provided for CHDO operating expenses may not exceed $50,000 or 50% of the organization's total annual operating expenses for that fiscal year, whichever is greater. CHDO operating expense funds may not supplant CHDO set-aside funds for project costs.

### Certification

To be eligible to receive HOME CHDO set-aside funding and Operating Assistance Grants, a CHDO must be certified by the City of Dallas. CHDO certification must be done prior to the commitment of funds for a set-aside development, and there cannot be a general CHDO certification. The City can work in advance to determine if a CHDO will likely meet the requirements for certification prior to funding considerations. A CHDO must continue to be certified throughout the development of a project and during the affordability period. the City has developed the "Community Housing Development Organization (CHDO) Policy, Procedure, and Standards" document to outline the process and requirements for CHDO certification. This can be found in Appendix 5.

# APPENDICES

## APPENDIX 1
## Single Family Development Underwriting

### A. Eligible Developer Applicants

The City of Dallas will fund developers of affordable single-family homebuyer units, including for-profit developers, non-profit developers, and City of Dallas-designated CHDOs, with City of Dallas HOME single-family development program funds. Developers must demonstrate the capacity and previous experience developing projects of the type presented in their proposals. Prior to committing funds, the City of Dallas will review the status of any organization seeking funds from the CHDO set-aside to ensure that it meets all HOME requirements and that it has sufficient staff and financial capacity to carry out the project.

**Project Location**
Projects must be located within the city limits of Dallas.

**Project Types**
Funds will be provided for new construction projects. In general, the City of Dallas will require that all homes constructed have a minimum square footage of 1,200 sq ft, at least 3 bedrooms, and at least 1.5 bathrooms. RFPs issued by the City of Dallas may further specify or provide priority for eligible project types.

**Parameters of HOME Investment**
Applications must include an investment of $1,000 in HOME funds per HOME unit. In no case will the City of Dallas investment exceed the maximum HOME investment allowed under 24 CFR 92.250.

Additionally, for projects involving both City of Dallas other HOME funds, the combined HOME funding investment shall not exceed the total maximum HOME investment allowed under 24 CFR 92.250.

Typically, the City of Dallas will also establish a maximum cap on its investment in a single home. Such a limit will be based on the availability of funding and other City of Dallas priorities and will be addressed in any NOFA issued by the City of Dallas.

### B. Eligible Costs
Costs funded with the City of Dallas HOME funds must be eligible according to HOME Final Rule 24 CFR 92.206. The following additional limitations also apply:

- HOME funds shall not be used for luxury improvements according to 24 CFR 92.205.
- Acquisition costs shall be supported by an independent appraisal of the property. Acquisition costs exceeding the appraised value of the property will be ineligible for HOME funding reimbursement.
- HOME funds shall not be used for non-residential accessory structures such as free-standing garages, carports, or storage structures. Applicants must delineate project costs in a manner that allows free-standing structures to be clearly paid for using other project funds.

**City of Dallas Eligible Project Soft Costs**
The HOME program allows the City of Dallas to include, as project costs, its internal soft costs specifically attributable to a HOME project. These may include consulting, legal, inspection, and staff costs associated with reviewing, processing, and overseeing the award of funds to the project. Projects must provide budget allowances for "City of Dallas-Lender Due Diligence & Legal Costs" in the project's sources and uses.

**Cost Reasonableness**
Per the requirements of 92.250(b) and 2 CFR 200 Subpart E (formerly known as OMB Circular A-87), all project costs must be reasonable, whether paid directly with HOME funds or not. The City of Dallas will review project costs, including hard and soft costs, to evaluate their reasonableness and may, at its option, require applicants to obtain additional quotes, bids, or estimates of costs.

**Identity of Interest**
Developers must disclose any identity of interest situations that may occur when contracting with related companies during either the development or ongoing operation of the project. City of Dallas staff must be allowed the opportunity to conduct a cost analysis to determine costs reasonableness. Applications may be determined ineligible if access is not granted or costs are determined to be unreasonable.

**C. Property Standards**
To meet both HOME regulations and City of Dallas goals, all HOME-funded projects must meet certain physical standards intended to provide quality affordable housing that is durable and energy efficient.

Construction must meet all local codes. City of Dallas has adopted and enforces the following codes with amendments:

- 2012 International Building Code
- 2012 International Mechanical Code
- 2009 International Energy Conservation Code
- 2012 International Existing Building Code
- 2011 National Electric Code
- Chapter 11 of the 2009 International Residential Code

All HOME projects must meet applicable Section 504/UFAS requirements. Pursuant to 24 CFR 8.29, single-family housing developed with Federal funds must be made accessible upon the request of the prospective buyer if the nature of the prospective occupant's disability so requires. Developers must ensure that projects are designed in a way that can accommodate such a request. Should a prospective buyer request a modification to make a unit accessible, Developer must work with the homebuyer to provide the specific features that meet the need(s) of the prospective homebuyer or occupant. If the design features that are needed for the buyer are design features that are covered in UFAS, those features must comply with the UFAS standard. Developers shall be permitted to depart from the standard in order to have the homebuyer/occupant's needs met.

Site shall be served by public sewer, public water, and public road. Sites should have ready access to recreational opportunities such as parks, playgrounds, etc., nearby shopping and services including transportation, grocery, banking, and medical facilities, and otherwise be located in neighborhoods that provide amenities that support residential development. The City of Dallas also generally prefers that sites have safe, walkable connections—including sidewalks—to the surrounding neighborhood.
Site shall be in a designated Fire District or served by a Fire Department;

Units must be equipped with the following appliances: Refrigerator, range/oven, dishwasher, and garbage disposal. Developers may also propose to include in-unit clothes washers and dryers, microwave/vent fan combination units, as appropriate. If the Energy Star program rates the type of appliances being installed, the developer must furnish the units with Energy Star rated appliances. Note however that not all appliances are rated by the Energy Star program.

**D. Sales Price**
Housing developed with HOME funds must be modest, and the sales/purchase prices for homes developed under this program cannot exceed the HOME Homeownership Value Limits published by HUD in effect at the time of project commitment. The City of Dallas will identify the applicable limits in any NOFA issued.

Units produced under the City of Dallas' single-family development program must be sold at the fair market value as determined by an "as-completed" or "subject to completion" appraisal completed by an independent state licensed appraiser. Developers shall submit such an appraisal prior to project commitment, and the City of Dallas may require an updated appraisal prior to construction completion if the appraisal is more than 9 months old at that point. Any reductions in list or sales price below the City of Dallas-approved appraised value must be approved in writing by the City of Dallas and will generally require updated market information.

**E. Eligible Homebuyers**
Homebuyers for units produced under the City of Dallas single-family development program must meet the eligibility criteria set forth in the City of Dallas Homebuyer Assistance Program (DHAP) guidelines.

**F. Environmental Review Requirements**
Federally-assisted projects are subject to a variety of environmental requirements. Developers should be familiar with these requirements and are strongly encouraged to discuss any questions they have with City of Dallas staff prior to entering into a purchase agreement or submitting an application.

All projects shall be implemented in accordance with environmental review regulations as defined 24 CFR Part 58.

The City of Dallas shall be responsible for conducting the environmental review and completing all necessary public notifications, and the request for release of funds (RROF) from HUD. The applicant is responsible for cooperating with the City of Dallas in the environmental review process and providing information necessary for the City of Dallas to fulfill its responsibilities under Part 58 and other applicable regulations.

Submitting an application for HOME funds triggers environmental review requirements under 24 CFR 58, including the National Environmental Policy Act (NEPA). Once an application for federal

funds is submitted, a development proposal is now subject to the environmental review requirements and requires an environmental clearance and issuance of a Release of Funds (ROF) by the US Department of Housing and Urban Development.

Developers are prohibited from undertaking or committing or expending any funds to (including non-federal funds) any physical or choice-limiting actions on the site prior to an environmental clearance as required by Part 58. Physical and choice limiting actions include, but are not limited to, property acquisition, demolition, movement, rehabilitation, conversion, repair or construction. This prohibition applies regardless of whether federal or non-federal funds are used, and taking a choice limiting action prior to completion of the required environmental clearance process will result in the denial of any HOME funds from the City of Dallas.

**G. Other Federal Requirements**

**Nondiscrimination and Equal Opportunity**
The following federal nondiscrimination and equal opportunity guidelines apply to all projects and affect both development and sales of assisted housing:

- The Fair Housing Act (42 U.S.C. 3601-19) and implementing regulations at 24 CFR part 100 et seq.;
- Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652 and 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing Programs) and implementing regulations at 24 CFR part 107;
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d- 2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1;
- The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR part 146;
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at part 8 of this title;
- Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.; 24 CFR part 8; Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135;
- Executive Order 11246, as amended by Executive Orders 11375, [[Page 41]] 11478, 12086, and 12107 (3 CFR, 1964-1965 Comp., p. 339; 3 CFR, 1966- 1970 Comp., p. 684; 3 CFR, 1966-1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively) (Equal Employment Opportunity Programs) and implementing regulations at 41 CFR chapter 60;
- Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971- 1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises); Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development); and
- Executive Order 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245) (Women's Business Enterprise). The nondiscrimination provisions of Section 282 of the National Affordable Housing Act of 1982.

**Uniform Relocation Act (URA)**
All projects fall under requirements of the URA. Any project resulting in permanent relocation/displacement of households will not be funded by the City of Dallas. Applicants must

further document that any purchase of property meets the requirements of URA, including provision of notices to the seller identifying the transaction as a voluntary sale not under the threat of eminent domain. To ensure compliance with URA, applicants should consult the City of Dallas to understand the requirements of URA and reference the URA forms included in the RFP prior to submitting an application involving an occupied property.

**Davis Bacon**
Davis Bacon federal prevailing wage requirements shall apply to all projects with 12 or more units assisted with HOME funds.

**Excluded Parties**
The City of Dallas will not fund projects owned, developed, or otherwise sponsored by any individual, corporation, or other entity that is suspended, debarred, or otherwise precluded from receiving federal awards. Nor may the developer contract with any other entity (including but not limited to builders/general contractors, property management companies, or other members of the development team) that are suspended, debarred, or otherwise so precluded. Similarly, the general contractor will be required to determine that subcontractors are not so precluded.

**H. Ongoing Project Requirements**

**Deadlines**
*Construction Start*- If construction is not started within 12 months of the date the City of Dallas commits funds to a project, the commitment will be subject to cancellation. If the project is cancelled as a result of failure to meet this deadline, the Developer must repay to the City of Dallas any HOME funds disbursed for the project.

*Completion Deadline*- Project completion occurs when construction is complete, all HOME funds have been disbursed by the City of Dallas and drawn from the US Treasury, title to the property has transferred to an eligible buyer, and required completion data has been entered in HUD's IDIS system. Project completion must occur within 2 years of the date of commitment of funds to the project. If the Developer fails to meet this 2-year deadline, it must repay to the City of Dallas any HOME funds disbursed for the project.

*Sales Deadline*- Pursuant to 24 CFR 92.254(a)(3), Developers must have a ratified sales contract with an eligible buyer for each HOME-funded unit within nine (9) months of completion of construction or the unsold units must be converted to rental housing or the project will be deemed ineligible and all HOME funds drawn must be repaid to HUD.

If a unit is unsold after six (6) months, the Developer must present an updated sales and marketing plan to the City of Dallas outlining steps being taken to identify buyers. At the City of Dallas option, the Developer may be required to i) take further steps--such as listing the home with a licensed realtor, adjusting the sales price, etc.—as the City of Dallas may require to facilitate the sale of the home or ii) to transfer title to the City of Dallas or to another entity selected by the City of Dallas that can otherwise identify buyers prior to the regulatory deadline.

At the City of Dallas option, if a unit remains unsold after nine (9) months, the developer shall be required i) to repay the entire HOME investment, including any City of Dallas project soft costs; ii) to convert the project to rental housing in accordance with 24 CFR 92.252; or iii) to transfer title to the City of Dallas or to another entity selected by the City of Dallas for conversion to rental housing.

Units converted to rental housing must be rented to eligible tenants in accordance with 24 CFR 92.252, which includes tenant income eligibility and rent limit requirements. Further, any units converted to rental properties shall be operated in compliance with the City of Dallas Rental Housing Program guidelines.

**Reporting and Record Keeping**
To allow effective oversight of funded projects and document compliance with applicable HOME requirements, all projects must submit periodic reports to the City of Dallas. While this section outlines standard reporting requirements, the City of Dallas reserves the right to require additional reporting or to alter the reporting format or frequency based on future changes to HOME requirements or City of Dallas policy. Additionally the City of Dallas reserves the right to require additional or more frequent reporting for projects with compliance deficiencies.

- Developers are required to report monthly during the development phase and sales phase. During the construction phase, developers must provide monthly reports detailing construction progress and barriers to progress, copies of invoices being paid, and evidence of appropriate lien waivers.
- During the sales phase, developers are required to provide monthly reports detailing the number of additional sales, total sales, and marketing activity. These reports are required until all units are sold.
- The City of Dallas may require more frequent reporting due to findings identified during the development and sales phases.
- At the City of Dallas option, Developers may be required to obtain and submit an audit of project costs (i.e. cost certification) prepared by an independent Certified Public Account.
- Developers shall allow City of Dallas, HUD, State of Texas, the Comptroller General of the United States (aka the GAO), and all other pertinent Federal or State agencies or their designated representative the right to inspect records and property. Conflict of Interest

To comply with HOME requirements and to maintain a high standard of accountability to the public, conflicts of interest and perceived conflicts of interest must be avoided. Developers shall maintain compliance with all HUD conflict of interest provisions as stated in 92.356(f).

Developers with officers, employees, family members, consultants, or agents that are otherwise eligible to purchase HOME funded-units must receive waiver/approval from City of Dallas staff before entering into a sales agreement with HOME eligible employees. 92.356(f) provisions apply to all HOME projects.

**I. Structure of Transaction**

**Loan Types and Terms**
The City of Dallas will provide HOME funds in the form of a loan to the entity that owns the property. No grants will be awarded, and funding commitments are not transferable without prior written City of Dallas approval.

The City of Dallas HOME Loan may be used for acquisition and construction financing. Proceeds of the HOME loan will only be released following satisfaction of all requirements outlined below.

In all cases, the HOME loan will:

Have a maximum term of 2 years;

- Be repayable in full upon sale, refinancing, or transfer of the property or upon maturity, except that repayment will be limited to the net proceeds of a City of Dallas-approved sale to a low-income buyer. Net sales proceeds will exclude any portion of the sale proceeds used to repay senior construction debt, return of City of Dallas-recognized developer equity, approved sales costs, and any HOME-assistance transferred to the buyer(s) at closing as direct homebuyer assistance.; and
- Secured with a promissory note, mortgage, and appropriate UCC liens. Mortgages will be recorded with the Dallas County Recorder of Deeds and generally may be subordinate only to an approved amortizing first mortgage.

**Guarantees**
Unless otherwise determined by the City of Dallas, all underlying individuals, corporate entities, partnerships, or limited liability companies with an interest in the project will be required to provide a completion guarantee including provisions guaranteeing construction completion of the project. For nonprofit organizations, including community housing development organizations (CHDOs), a guarantee shall not be required, but in all cases the City of Dallas may require a performance bond or irrevocable letter of credit acceptable to the City of Dallas to ensure project completion.

**HOME Agreement**
In addition to any financing documents, developers of HOME-financed projects must sign a HOME agreement with the City of Dallas. The HOME agreement will identify requirements for compliance with the HOME regulations and the City of Dallas Single-Family Development. Program requirements and will remain in effect in the event of any prepayment of the HOME loan.

**J. Underwriting & Subsidy Layering Reviews**

**Market Demand**
Developers must, as part of their application, provide evidence of sufficient demand for the proposed units. Developers shall provide information from the multiple listing service pertaining to recent sales in the neighborhood, average time on the market for recent sales, availability of other product and average “months of supply” currently available, and any known or planned projects.

Additionally, Developers must complete the HOME Sales and Marketing Plan, identifying among other items the profile of typical buyers, relationships with homeownership counseling agencies or other sources of buyer referrals, and plans for marketing the homes.

In some cases, the City of Dallas may only commit to a specific project (or may limit the number of projects under construction by a given developer) upon demonstration that a home has been pre-sold to an identified low-income buyer who has, at least, executed a reservation or initial purchase agreement with the Developer.

**Project Underwriting**
All HOME applications must include financial statements from all underlying owners and guarantors. Developers must have a net worth equal to 10% of the total development cost with net liquid assets equal to 3% of the total development cost.
Applicant must provide the amounts and terms for any other financing being provided to the project.

**Proforma Requirements**
The proforma must explicitly show:

- An itemized breakdown of development hard and soft costs by unit including any allowances for soft costs such as architectural fees, carrying costs, etc;
- The hard costs of any stand-alone accessory buildings, including free-standing garages, carports, or storage structures should be specifically itemized in the Development Sources and Uses so that the City of Dallas can complete preliminary HOME cost allocation calculations. (Stand-alone accessory structures like a detached garage may be included in the project but are not HOME-eligible and must be paid for with another funding source.)
- Costs and fees to be paid to the City of Dallas as permitted by the HOME program. The HOME program allows the City of Dallas to include, as project costs, its internal soft costs specifically attributable to the project. These may include consulting, legal, inspection, and staff costs associated with reviewing, processing, and monitoring award of funds to a project. The City of Dallas will notify Developers of the amounts to include in their Development Sources and Uses for "City of Dallas-Lender Due Diligence & Legal Costs."
- Estimates of the sales transaction to an eligible homebuyer, including a calculation of the proposed buyer's ability to qualify for a mortgage meeting City of Dallas requirements, the anticipated need to provide direct HOME assistance (e.g. downpayment and closing cost assistance) to the buyer, projected sales costs (e.g. realtor's commissions), and the distribution of sales proceeds (including toward repayment of private construction financing)

**Cost Limitations**
All project costs must be reasonable and customary. The City of Dallas reserves the right to review any line-item cost to ensure that total project costs are not excessive. Additionally, HOME projects will be subject to the following specific cost limitations:

- The maximum allowable developer fee is 15% of total development costs less the developer fee itself and seller's closing costs.
- Acquisition costs are limited to fair market value as determined by a third-party appraisal.
- Unless prior approval has been obtained from the City of Dallas, all project hard costs and all project professional fees should be the result of a competitive bidding process. While developers are not subject to federal procurement rules and may use less formal bid processes, the City of Dallas generally expects developers to seek multiple bids and identify the most advantageous bidder based on cost, track record, and other pertinent factors.

**Other Public Funding Sources**
Developers must disclose all other public and private sources or applications for funding with their initial HOME Single-Family Development application to the City of Dallas at the time of application and upon receiving any additional commitments of public source funding. The City of Dallas will conduct a subsidy layering review as part of the underwriting process for all projects. Using its underwriting criteria, the City of Dallas will assess the project and may require changes to the transaction to ensure that return to the owner/developer are not excessive. Changes may include a reduction in HOME funds awarded.

The City of Dallas will consider adjusting its underwriting in consultation with other public funders, if applicable, to the project. The City of Dallas retains, at its sole discretion, the power to decide whether to accept alternative standards.

## K. Construction Process

### City of Dallas Construction Inspections

The City of Dallas must be provided with copies of all contractor invoices and provided reasonable notice of monthly draw inspections during the construction period. City of Dallas staff will participate in all draw reviews whether or not the specific draw is being funded with HOME or other project funds and conduct inspections to ensure that the project is progressing and that work completed is consistent with all applicable HOME requirements.

### Davis Bacon

When Davis Bacon applies to a project, the City of Dallas must be provided with compliance documentation throughout the construction period. Prior to commencing construction, the City of Dallas must approve current wage determinations applicable to the project. The contractor will be required to provide weekly payroll forms to the City of Dallas and allow access to the site and workers for the purpose of completing worker interviews.

### Drawing City of Dallas HOME Funds

Proceeds of the HOME loan will only be released as reimbursement for eligible project costs following:

- Review and acceptance of appropriate source documentation by the City of Dallas including evidence of appropriate lien waivers and/or title endorsements.
- A determination by the City of Dallas that all HOME requirements pertaining to the development of the Project have been met, including but not limited to monitoring of Davis Bacon compliance.

For nonprofit developers, including CHDOs, the City of Dallas may release payment based upon outstanding invoices for costs incurred and work completed. In such cases, the City of Dallas reserves the right to disburse through a title company, directly to the vendor, or with two-party checks.

### Project Closeout

Developers are required to submit homebuyer eligibility packets to the City for approval of the homebuyers. Data shall include elderly status, race, gender, female head of household, number of household members, and income.

The City of Dallas requires a copy of the final project sources and uses statement and, at the City of Dallas option, may require the submission of the project cost certification prepared by an independent Certified Public Accountant following completion of construction and payment of all development costs.

## APPENDIX 2
## Rental Development Underwriting

In reviewing applications for HOME assistance, as required by §92.250(b) and prudent business practices, the City's underwriting framework includes evaluations of:

- **Regulatory requirements applicable to the project**, including compliance (or ability to become compliant) with HOME's affordability restrictions, property standards, and cross-cutting federal requirements;
- **Market risk**, including whether or not sufficient demand exists for the project, the anticipated lease-up period, and whether general economic conditions and other competition supports ongoing viability;
- **Developer risk**, focusing on whether the owner/developer (including but not limited to the underlying owners of special purpose entities) have the technical capacity to develop and operate the property and the financial capacity to safeguard public funds and backstop the project if the event of poor financial performance; and
- **Project risk (or "financial underwriting")**, testing the economic and financial projections for the transaction including both sources and uses as well as ongoing operating assumptions. This includes confirmation that all sources of project financing are available, commercially reasonable, and have been appropriately maximized prior to awarding HOME funds.

**Market Assessment**
All HOME project applications must include a third-party market study prepared in a manner consistent with TDHCA's market analysis requirements. Unless otherwise approved by the City, market studies shall be prepared by providers included on the list of TDHCA Approved Market Analysts. Owner's may generally submit the market study used in conjunction with the Owner's LIHTC application, if applicable. Market studies must be less than one year old at the time of commitment of HOME funds. For market studies that are more than one year old, the City will typically require an update from the original analyst or a new market study from another analyst. Proposed rent levels must be supported by the applicant's market study and be within HOME regulatory limits.

Additionally, the market study should demonstrate the following:

- All units, including any "market rate" units as well as any units with income/rent restriction imposed by other programs such as LIHTC, must demonstrate viability within the primary market area taking into account any known rent concessions being offered by competing properties;
- Income and rent restricted units must have "discounts" of at least 15% relative to comparable un-restricted units;
- Achievable occupancy rates, based on a comparison of comparable properties in the primary market area, must be at or above 95% (physical occupancy);
- Capture rate for the development as a whole is no more than 10%, and no capture rate for specific unit sizes (e.g. 3-bedroom units) exceeds 25%; and
- Absorption can be expected to result in underwritten occupancy levels within six (6) months of units being ready for occupancy.

For projects not meeting these standards the City, in its sole discretion, may also consider the following:

- For project targeting special needs populations (e.g. homeless households, domestic violence victims, veterans, or other specific subpopulations), the City may accept higher capture rates if data from the local Continuum of Care and/or service providers specializing in the targeted populations (e.g. VA service centers) suggest an adequate pipeline of eligible renters exists and will be consistently referred to the development.
- For existing projects being rehabilitated, the City will consider the recent operating history of the project in terms of actual rents charged/received, eligibility of in-place tenants, and the like for evidence that the development's projections are supported by actual performance.

The City may also consider offsetting the risk of relatively "weaker" market study findings by offering HOME assistance as permanent debt only, to be disbursed following actual lease-up of the development at proforma levels and achievement of stabilized occupancy.

**Developer and Development Team**
In most cases, projects considered by the City will be owned by single-purpose, single-asset entities created to hold title the development. For various purposes, including structuring necessary to comply with industry norms and take advantage of other funding sources such as LIHTC, the "owner" and "developer" of a project are often legally distinct entities, even if ultimately owned and controlled by the same underlying parties.

**Developer Technical/Professional Capacity**
In evaluating the capacity of the "developer" the City will use the term more loosely to refer collectively to the underlying corporate entities and individuals that will own and control the single-purpose entity (excluding the investor member/limited partner). Additionally, the City requires various guarantees and indemnities from all of the underlying corporate and individual owners of the various limited partnership or limited liability corporation entities involved in the ownership and development of the project.
Developers should demonstrate:

- Recent, ongoing, and successful experience with the development of similar regulated affordable housing; and
- The presence of adequate staff, with specific experience appropriate to their role in the project, to successfully implement and oversee the project. This includes the assembly and oversight of the development team.

The City requires applicants to provide lists of real estate owned (including partnership/membership interests) by the developer as well as all projects underway. The City will review the performance of those projects, including financial factors like net occupancy, actual DCR, cash flow received, outstanding loan balances, and net equity of individual projects and the developer's overall portfolio.

Applicants are also required to provide descriptions of the role played by specific staff members relative to the proposed project along with resumes or other similar information demonstrating experience appropriate to the assigned staff member's role.

**Financial Capacity**

Developers must also demonstrate the financial capacity to support the proposed project both during construction and lease-up as well during ongoing operations. This includes not just that the applicant has sufficient financial resources but that it has adequate financial systems in place to appropriately manage project funding, accurately account for all project costs, and provide reliable reporting to the City and other project funders.

At minimum, the City will review audited financial statements, interim financial statements, and individual personal financial statements to ensure that:

- The "primary" development entity's most recent audit must demonstrate compliance with Generally Accepted Accounting Principals (GAAP) and must not express material weaknesses in the entity's system of internal controls or financial management systems;
- The developer's net worth (including the un-duplicated net worth of other guarantors) is equal to at least 10% of the total development cost of all projects underway (i.e. those that have received funding commitments from HOME or LIHTC but have not yet been completed and converted to permanent financing); and
- The developer has net liquid assets (current assets less current liabilities) equal to at least 3% of the total development cost of all projects underway.

**Development Team**

The City will also review the capacity of the development team including but not limited to the general contractor, architect, engineer, market analyst, management company, accountant, attorney, and any other specialized professionals or consultants.

As a whole, the development team should have the skills and expertise necessary to successfully complete and operate the development. Insomuch as possible, on balance the development teams should have worked successfully on other projects in the past. That is, while a developer may identify new development team members from project to project, an "entirely new" team may present added risk.

Additionally, when using development team members from outside of the region, the City will consider whether assigned team members have recent local experience or have been supplemented with local professionals. This may be particularly important for design professionals and legal counsel.

In no case, may any owner/developer/applicant or any member of the development team be a suspended, debarred, or otherwise excluded party.

**Identify of Interest Relationships & Costs**

Applicants must disclose all identity of interest relationships/contracts and/or costs involved in a transaction, including during the development period and following completion of the project. The City reserves the right to review any such costs further to ensure they are reasonable and consistent with the costs expected from arms-length relationships.

An "Identity of Interest" (whether or not such term is capitalized) is any relationship based on family ties or financial interests between or among two or more entities involved in a project-related transaction which reasonably could give rise to a presumption that the entities may not operate at arms-length. The City will take a broad approach to defining identities of interest and expects all applicants to err on the side of disclosure. That is, if there is any question about

whether an identity of interest may exist, the relationship should be disclosed and explained to the City.

Beyond this general definition, an identity of interest relationship will be deemed to exist if:

- An entity, or any owner of any direct or indirect ownership interest in such entity, or any family member of any such owner is also an owner, through a direct or indirect ownership interest, or an officer, director, stockholder, partner, trustee, manager, or member of the counterparty; or
- Any officer, director, stockholder, partner, trustee, manager, member, principal staff, contract employee or consultant of an entity, or any family member of thereof, is an owner, through any direct or indirect ownership interest, or an officer, director, stockholder, partner, trustee, manager or member of the counterparty.

For purposes of this definition, "family member" means the spouse, parents or stepparents, children or stepchildren, grandparents or step-grandparents, grandchildren or step-grandchildren, aunts, uncles, parents-in-law, and siblings-in-law (or their children or stepchildren). It also includes any other similar relationship established by operation of law, including but limited to guardianship, adoption, foster parents, and the like.

**Financial Analysis**
As noted in the introduction, the City views underwriting as more than just the financial review of a project. However, a revive of the underlying financial assumptions is still a critical and core part of underwriting. In reviewing projects, as a public funder the City must to balance two somewhat competing perspectives.

Projects must be viable, that is they must have sufficient allowances for all costs to maximize the chances the project can meet or exceed its financial projections and thereby succeed in the marketplace. In other words, the project must represent a "safe" investment. However, taken to an extreme, "safe" or overly conservative projections can also result in a project that is over-subsidized and risks providing excessive returns to the owner/developer.

As a steward of very limited public funding for affordable housing, the City also needs to ensure that costs are reasonable, that they represent a "good deal" to the public, and that returns to the owner/developer are fair but not excessive. In seeking to balance these perspectives, the City has established the following review factors and principals.

**Development Costs**
In general, the City will review the entire project budget to all costs are reasonable yet that the budget is sufficient to complete and sustain the project. All line items, whether or not paid directly with HOME funds, must be necessary and reasonable.

The City will consider the cost of both specific line items as well as the total development cost on a per unit and per square foot basis, comparing costs to other projects from the City's portfolio, similar projects in the region (such as those funded by TDHCA), City-data from the Building Department, and/or third-party indices such as RS Means.

**Selected Development Cost Items**

*Acquisition* – Acquisition costs must be supported by an independent third-party appraisal prepared by a state-licensed appraiser. The purchase price must be at or below the as-is market value of the property. In the event an applicant has previously purchased land prior to applying to the City, the project budget may only reflect the lesser of the actual purchase price or the current market value. Standard closing costs from the acquisition may be included.

Applicants who purchased property prior to applying to the City, or following environmental releases under NEPA but prior to closing, may not charge or include financing costs associated with interim financing, whether from third-party or related lenders.

*Architectural Fees* – Architectural fees cannot exceed the following:
Design services: 6% of total construction costs
Supervision/Administration: 2% of total construction costs
*City Soft Costs* – The development budget for each project must include an allowance for the City's internal project-related soft costs as specified in periodic RFPs issued by the City. Similar to lender due diligence or lender legal costs, the inclusion of soft costs allows the City to recoup its direct costs of underwriting, processing, closing, and monitoring the project prior to project completion. These costs will be included in the HOME loan but may be drawn directly from HUD by the City rather than via payment requests from the project owner.

*Construction Interest* – Any budgeted line item for construction interest must be supported by developer period cash flow projections, modeling the actual expenditure of development costs and the anticipated pay-in of equity, HOME funds, and other construction period sources. For presentation purposes, only interest from the date of initial closing through the end of the month in which the building(s) are placed in service (i.e. approved for occupancy) may be included as construction interest. Additional interest following that date and prior to the conversion to (or closing on) permanent debt must be separately itemized and modeled. In most cases, this should be included in the "lease up reserve" noted below.

*Contingencies* – Applicants should include a contingency (inclusive of hard and soft costs) within the minimum and maximum amounts noted below. The contingency will be measured as a percentage of hard costs (including the construction contract plus any separate contracts for off-site work but excluding contractor fees).

- New construction projects should include a contingency of least 3% and no more than 7% of hard costs;
- Acquisition/rehabilitation projects, including adaptive reuse projects, should include a contingency of at least 5% and no more than 10% of hard costs.
- The City may consider higher contingencies based on identified risk factors such as the known need for environmental remediation or poor subsurface soils.

*Contractor Fees* – Contractor fees are limited as a percentage of net construction costs as further identified below. Net construction costs exclude the contractor fees, any budgeted contingency, and (even if otherwise included in the construction contract) permits and builder's risk insurance.

- Contractor Profit: 6% of net construction costs
- General Requirements/General Conditions: 6% of net construction costs. General requirements include on-site supervision, temporary or construction signs, field office expenses, temporary sheds and toilets, temporary utilities, equipment rental, clean-up costs, rubbish removal, watchmen's wages, material inspection and tests, all of the

builder's insurance (except builder's risk), temporary walkways, temporary fences, and other similar expenses.
- Contractor Overhead: 2% of net construction costs.

With prior approval of the City, contractor fees may vary from the limits above provided the gross contractor fees do not exceed 14% of net construction costs.

*Developer Fees* – Developer fees are intended to compensate a developer for the time and effort of assembling a project, overseeing the development team, and carrying a project to fruition. Developer fees are also intended to compensate for the risk inherent in the development process, including that not every potential project proves viable and that developers must necessarily advance funds for their own operating costs and various third-party predevelopment costs prior to closing (or in some cases for projects that never proceed). The City, therefore, allows the inclusion of developer fees as follows:

- Developer Fee: 15% of total development costs less a) the developer fee itself; b) organizational expenses and/or syndication fees/cost (including investor due diligence fees); and c) reserves, escrows, and capitalized start-up/operating expenses (such as working capital, marketing, etc.).
- There is no maximum monetary limit, but at all times the Developer fee must be reasonable.Combined Contractor & Developer Fees: When an identity of interest exists between the owner/developer and the general contractor, the combined total of contractor fees and developer fees cannot exceed 20% of total development cost less a) the developer fee and b) other cost elements excluded from the calculation of the developer fee itself (see above).

In some cases, developers may delegate some of its responsibilities to third-party professionals or consultants. This may include contracting specific tasks – such as construction oversight of the builder or specialized consulting related to applying for or structuring various financial incentives like LIHTC. The costs of engaging such professionals, whether they are third parties or identity of interest relationships, must be paid from (and if separately itemized will be counted against) the allowable developer fee.

*Reserves* – Capitalized reserves to facilitate the initial start-up and to protect the ongoing viability of the project will include the following:

- Deficit Reserve: The City anticipates that in most cases, developments with predicted deficits during the affordability period would not be funded. However, in the event a development's long-term operating proforma projects actual cash deficits during the affordability period, an operating deficit reserve must be included in the development budget in an amount sufficient, taking into account any interest on reserve balances, to fully fund all predicted deficits through the affordability period.
- Lease-Up Reserve: A lease-up reserve intended to cover initial operating deficits following the completion of construction but prior to breakeven operations may be included. Any such reserve must be based on lease-up projections/cash-flow modeling and the lease-up (or absorption) period identified in the project's market study. In evaluating the appropriateness of any lease-up reserve, the City will consider whether the development budget includes specific line items for other start-up expenses that otherwise are typically part of the ongoing operating budget for a development. This may include budgets for marketing, working capital, etc.

- Operating Reserve: An operating reserve equal to three (3) months of underwritten operating expenses, reserve deposits, and amortizing debt service must be included in the development budget. The operating reserve is intended as an "unexpected rainy day" fund and will only be accessible after a project has achieved stabilized occupancy.
- Replacement Reserve: For acquisition-rehabilitation projects, a capitalized replacement reserve must be included in the development budget. The capitalized replacement reserve should be funded at the greater of i) $1,000 per unit; or ii) the amount determined by a capital needs assessment approved by the City.
- Other: The City may consider other specialized reserves as appropriate based on unique features of the project and/or requirements of other funding sources. These may include special security reserves, supportive service reserves, or transition reserves for projects with expiring project-based rental assistance contracts, etc.

**Operating Revenues**

The City will review an applicant's projection of operating revenues to ensure they are reasonable and achievable both initially and through the affordability period. In evaluating operating revenues, the City will take into account the i) project-specific market study; ii) actual operating performance from other comparable projects including those from the applicant's existing portfolio of real-estate owned; iii) data available from comparable projects in the City's portfolio; and/or iv) information available from actual performance within TDHCA's portfolio.

For purposes of the long-term operating proforma, operating revenue projections cannot be increased by more than 2% per year. The City reserves the right to "stress" proposals for underwriting purposes to assess the impact of lower inflationary increases, such as modeling the impact of only 1% rent increases for the first three to five years of a project's affordability period.

Rents

All rents should be supported by the market study. Including the utility allowance, the gross rent for any income/rent restricted unit should demonstrate at last a 15% "discount" compared to comparable "market rate" units.

Additionally, to hedge against flat or declining rents to the owner in the event that income limits (and therefore rents) do not increase in a given year (particularly between commitment and lease-up), gross rents should demonstrate at least a 2.5% discount from the regulatory limit imposed on any income/rent restricted units by HOME, LIHTC, or other similar sources. As an alternative to setting rents below the applicable regulatory limit, the City will consider increasing the allowance for vacancy by 2.5%.

Non-Rental Revenue

Non-rental revenue must be fully explained and conservatively estimates. In general, no more than $60-$240 per-unit, per-year may be budgeted in "other revenue" including that from tenant's fees (such as fees for late payment of rent, nonsufficient funds, garage/carport upgrades, pet fees, etc. or interest on operating account balances). Exceptions may be considered by the City based on the operating history of an acquisition/rehabilitation project or normalized operations are other comparable properties in the same market area.

Vacancy

Total economic vacancy includes physical vacancy (a unit is unrented), bed debt (a unit is occupied but the tenant is not paying rent), concessions (a unit has been leased for less than the budgeted rent), and "loss to lease" (an pre-existing lease is less than the most recently approved annual rent but will be adjusted upward at renewal).

In all cases, based on the market study or other data available to the City, the City reserves the right to require higher vacancy projections. This may include higher vacancy rates for small developments (e.g. less than 20 unit) where standard percentage assumptions about vacancy may not be appropriate. Minimum allowances for vacancy must include:

- 5% for projects where all units are supported by a project-based rental assistance contract with a term equal to or in excess of the affordability period (e.g. project based Section 8); or
- 7% for all other projects.

As noted above, the minimum vacancy rate will be increased by 2.5% if budgeted gross rents are at the applicable regulatory maximums.

**Operating Costs**

The City will review an applicant's projection of operating expenses to ensure they are reasonable and adequate to sustain ongoing operations of the project through the affordability period. In evaluating a proposed operating budget, the City will compare projects costs to i) actual operating expenses of comparable projects in the applicant's existing portfolio of real-estate owned (insomuch as possible, comparable projects will be in the same vicinity and operated by the same management company); ii) actual operating expenses of other comparable projects in the City's portfolio; iii) data available on the operating costs of affordable housing in the TDHCA portfolio; and/or iv) minimum per-unit, per-year allowances established by the City through periodic RFPs for rental housing.

For purposes of the long-term operating proforma, operating expenses, including reserve deposits, will be inflated at no less than 3% per year. The City reserves the right to "stress" proposals for underwriting purposes to assess the impact of higher operating cost factors, such as modeling the impact of higher inflation rates in general of for specific items of cost (for example, assessing the impact of high rates of increase for insurance or development paid utility costs).

**Selected Items of Operating Cost**

*City HOME Monitoring Fee* – Pursuant to 24 CFR 92.214(b)(1)(i), the City assesses an annual HOME monitoring fee. The operating budget for each project must include an allowance for the City's annual HOME Monitoring Fee as specified in periodic RFPs issued by the City.

*Property Management Fees* – An allowance of 5% of effective gross income (i.e. gross rent potential plus other revenues minus actual vacancy, bad debt, concessions, etc.) should be included. In the event a lower management fee is proposed, the City will consider using a fee as low as 3% provided the proposed management company is acceptable to the City and has agreed in writing to the lower fee.

*Property Taxes* – Applicants must provide detailed explanations of property tax projections and, as applicable, provide documentation that any anticipated partial or full exemptions or payments in lieu of taxes (PILOT) have been approved by the appropriate tax assessor. In the absence of a tax exemption or PILOT, the operating budget must provide for a tax rate equal to 1.25% of the market value of the property or the City, at its option, may require confirmation from the tax assessor of the applicant's projection.

*Replacement Reserve Deposits* – The operating budget must include minimum replacement reserve deposits of:

- New Construction Family: $300 per-unit, per-year
- New Construction Senior: $250 per-unit, per-year
- Rehabilitation: The greater of i) $300 per-unit, per-year; or ii) a higher amount established by a CNA approved by the City.

Note: The City will reserve the right within a project's transactional documents to require periodic CNAs for all projects and to adjust ongoing replacement reserve deposits base on the results of the CNA to ensure that the replacement reserve is sufficient to address all anticipated needs for the project's affordability period of the term of the City's loan, whichever is longer.

**Items Payable only from Surplus Cash**

Certain costs, sometimes identified by project owners as "operating costs" cannot be included in the operating budget and will only be payable from surplus cash (aka cash flow). These include:

- Incentive Management Fees payable in addition to the allowable management fees noted above, whether paid to related party or independent third-party management fees.
- Asset Management Fees payable to any investor, general or limited partner, or member of the ownership entity.
- Deferred Developer Fees
- Operating Deficit Loan Payments made to any related party including any investor, general or limited partner, or members of the ownership entity.
- Other payments to investors, general or limited partners, or members of the ownership entity, however characterized, including but not limited to negative adjustors, yield maintenance fees, etc.

**Ongoing Economic Viability**

The City will review the ongoing economic viability of all projects, taking into account long-term projections of revenue and expenses. Projects must demonstrate they can be expected to remain viable for at least the affordability period, taking into account trending assumptions noted above, as well as other any other changes in operating revenues or expenses that can reasonably be anticipated based on other information available to the City or other project funders. In particular, the City will review the debt coverage ratio and operating margin as outlined below.

**Debt Coverage Ratio**

Projects must demonstrate a minimum debt coverage ratio (DCR) of 1.25 (Net Operating Income divided by amortizing debt service) throughout the affordability period. In some cases, for projects with relatively small levels of mortgage debt, this may require a higher initial DCR to ensure that the DCR in later years remains at or above the appropriate level.

**Operating Margin**

In addition to considering the DCR, the City will review the operating margin (surplus cash divided by total operating expenses and amortizing debt service). The operating margin must remain at or above 5% for the period of affordability.

**Other Funding Sources**

Prior to committing funds, all other funding sources necessary for a project must be identified, committed in writing, and consistent with the both the City's underwriting requirements and the

affordability restrictions of the HOME program. In general, developers must make all reasonable efforts to maximize the availability of other funding sources, including conventional mortgage debt and tax credit equity (as applicable), within commercially available and reasonable terms.

Additionally, restrictions or limitations imposed by other funding sources cannot conflict with any applicable HOME requirements and cannot, in the discretion of the City, create undue risk to the City.

Senior Mortgage Debt
Any amortizing mortgage debt that will be senior to the City's HOME loan must:

- Provide fixed-rate financing;
- Have a term equal to or in excess of the HOME affordability period. The affordability period will generally be 15 years beyond the date of "project completion" as defined in 24 CFR 92.2 for acquisition/rehabilitation projects and 20 years for new construction projects. In practice, the date of "project completion" will not be the same as "placed in service" date for tax purposes but for most projects will occur prior to permanent loan conversion following property stabilization. Insomuch as possible, the first mortgage should have the longest amortization period available but cannot balloon prior to the expiration of the affordability period; and
- Allow the City's HOME covenant running with the land (i.e. the deed restrictions imposing the HOME affordability requirements) to be recorded senior to all other financing documents such that the HOME covenant is not extinguished in the case of foreclosure by a senior lender. Note the City HOME loan itself will be junior to conventional amortizing loans; only the deed restrictions must be senior.

Tax Credit Equity
Projections of tax credit equity must be documented by letters of intent or other similar offers to participate in the transaction by the proposed tax credit investor. Prior to committing funds, the applicant must provide evidence it has received a tax credit reservation from TDHCA and provide the proposed limited partnership agreement or operating agreement, as applicable, documenting the terms of the equity investment.

The City will review proposed equity pricing against information from other projects in the region to assess whether the pricing and terms are reasonable.

Deferred Developer Fee
It is common for projects to include deferred developer fees as a financing source. The City will generally require:

- That projections of surplus cash available (after any cash-flow contingent payment due the City) be sufficient to repay the deferred fee within 15 years (notwithstanding other "waterfall" provisions in the partnership or operating agreement, the City will assume that all surplus cash distributions will be credited against the developer fee);
- That following the initial application to the City, the level of deferred developer fee with remain fixed (in nominal dollar terms) in the event City underwriting identifies cost reductions, increases in other funding sources, or other changes that result in a net reduction of the "gap" to be filled with HOME funds; and
- That any net savings (or increased funding sources including but not limited to upward adjusters for tax credit equity) at project completion and cost certification will be used in

equal parts to reduce the deferred developer fee and the City's permanent HOME loan. In the event savings are sufficient to eliminate the deferred fee in this manner, any remaining net savings will be used to further reduce the City's HOME loan, or in the sole discretion of the City, to increase the operating reserve.

**Exceptions and Interpretation**

The City has developed these guidelines for several reasons. Not only are they required by HUD as part of the City's role as a HOME PJ, but more generally they are intended to provide clarity to applicants on what the City expects and transparency about the "rules of the road." However, the City recognizes that it cannot pre-emptively identify every possible special circumstance that may warrant an exception to its general requirements, nor can it identify every possible "loophole" whereby a creative presentation of costs or other projections might subvert the general need to balancing of viability and reasonable returns, risk to the City and public benefit.

Consequently, the City reserves the right to waive specific underwriting criteria for specific projects when, in its judgement, the purposes of the program can be better achieved without taking on undue risk. When waiving any given requirement, the City may impose additional special conditions or business terms that are not otherwise typically applied to all projects.

For administrative ease, the City may also align its underwriting standards with those required by other public funders involved in a given transaction, particularly if those standards are more restrictive or conservative than the City's. However, the City retains the right, in its sole discretion, to decide whether to accept alternative standards.

The City also reserves the right to reject any element of a transaction that, despite not being specifically prohibited, was not anticipated by these guidelines of such an element or business term otherwise creates unacceptable risks, excessive returns to the owner/developer, or otherwise undermines the public purposes of the City's program.

Insomuch as is reasonable, the City will update and clarify these guidelines over time to account for exceptions, waivers, or additional restrictions it imposes.

## APPENDIX 3
## UNIVERSAL DESIGN GUIDELINES

This portion of the manual outlines the City's policy on Universal Design and the minimum design criteria for new affordable housing projects.

In order to ensure the sustainability of the projects supported by CDBG and HOME funds, the City has established guidelines in relation to Universal Design. In addition, the City wants to ensure that newly constructed units are compatible with existing neighborhoods.

**Universal Design**

This comprehensive housing policy creates a Universal Design construction requirements for all new single-family homes, duplexes, and triplexes using financial assistance from the City.

The goal of "Universal Design" is to ensure that housing can accommodate the needs of people with a wide range of abilities, including children, aging populations and persons with disabilities. Consequently, all new construction housing projects using City of Dallas CDBG and/or HOME funds will meet all the following criteria:

- At least one entrance shall have 36-inch door and be on an accessible route.
- All interior doors shall be no less that 32-inches wide; except for a door that provides access to a closet of fewer than 15 square feet in area. Each hallway shall have a width of at least 36-inches wide and shall be level and ramped or beveled changes at each door threshold.
- All bathrooms shall have the walls reinforced around the toilet, bathtub and shower; for future installation of grab bars.
- Each electrical panel, light switch or thermostat shall be mounted no higher than 48 inches above the floor. Each electrical plug or other receptacle shall be at least 15 inches from the finished floor.
- An electrical panel located outside the dwelling unit must be between 18 inches and 42 inches above the ground and served by an accessible route.
- All hardware installed to open/close doors and operate plumbing fixtures shall be lever handles.

Universal Design Waiver or Exterior Accessibility Requirements

The Director of Sustainable Development or his designee may only grant modifications or an exemption to the requirements of the Ordinance regarding full compliance with the exterior path of travel on an individual case-by-case basis. The criteria for granting a modification or exemption are as follows:

- The lots rise or falls so steeply from the street that a maximum 1:12 slope cannot be achieved without extensive grading; and
- No vehicular access to the back of the house will be available by means of an alley.
- Appeals of orders, decisions of determination made by the Director of Sustainable Development may be made to the Board of Adjustments.

**Universal Design Implementation**

- Clearly stamp or print "Universal Design" on plans submitted
- Clearly Identify design elements outlined in Ordinance.
- Certify that the plans comply with the requirements of the Ordinance.

- Plan checking, construction inspections and enforcement shall be accomplished by the Development Services Department in accordance with existing procedures.

**Design Guidelines**

All builders and developers of infill housing are strongly encouraged to incorporate the defining features of a neighborhood into newly constructed infill houses. Those defining features of older inner city neighborhoods may include: roof pitches, porches, materials, and window types. Developers must comply with any standards established by an existing neighborhood conservation district and/or approved neighborhood plans. Additionally, All projects must advance the principles and policies contained in the City of Dallas Complete Streets Design Manual. Site plans and building designs should contribute towards safe and convenient pedestrian, bicycle, transit and automobile access to the extent possible within the project site and the adjacent public right-of-way frontage.

For infill projects supported with CDBG and/or HOME funds, developers will be required to demonstrate that the neighborhood association near the land to be developed has been consulted on the design issues. Developers should obtain input and feedback from neighborhood residents and work with them to ensure that designs are compatible with existing housing and development patterns.

In extreme cases where an agreement cannot be reached between the developer and local neighborhood groups, CDBG and/or HOME funding may be pulled from the project.

Specific design guidelines may be developed for certain City sponsored projects. Historic and neighborhood conservation district requirements must also be met for all projects.

For rehabilitation projects, builders and developers are strongly encouraged to retain the defining features of older structures. This applies to multi-family and single-family projects.

## APPENDIX 4
## City of Dallas Income Limits and Part 5 Requirements

Per 24 CFR Part 92.203(b)(1), the City has elected to utilize the 24 CFR Part 5 definition for determining annual income which is commonly referred to as the "Section 8 Low-Income Limit". To be eligible for HOME or CDBG funds, households must have annual (gross) incomes at or below 80% of area median income, adjusted by household size and determined annually by the U.S. Department of Housing and Urban Development (HUD).

The *Technical Guide for Determining Income and Allowances for the HOME Program* should be utilized as a resource and the standard for the following determinations:

- Whose Income to Count
- Types of Income to Count
- Treatment of Assets
- Income Inclusions and Exclusions
- Verifying Income
- Comparing Annual Income to Published Income Limits
- Determining Household Size
- Source Documentation
- Timing of Income Certifications

The annual income limits are published by HUD each year at the webpage below. http://www.huduser.gov/portal/datasets/il/il15/index.html

## APPENDIX 5
## Community Housing Development Organization (CHDO) Policy, Procedure, and Standards

**WHAT IS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO)?**
A CHDO (pronounced cho'doe) is a private nonprofit, community-based service organization that has significant capacity, and whose **primary** purpose is, to develop affordable housing for the community it serves. Certified CHDOs receive special designation from the City of Dallas (City). The HOME Investment Partnership (HOME) Program definition of a CHDO is found at 24 CFR Part 92.2.

**WHAT SPECIAL BENEFITS ARE AVAILABLE TO CHDOs?**
HOME regulations require that the City set aside **15%** of its annual HOME allocation exclusively for qualified, eligible CHDO projects. If an organization becomes a certified CHDO, it is eligible to take advantage of the HOME funds set-aside just for CHDOs, as well as financial support for a portion of its operating expenses (Operating Assistance Grants) associated with CHDO projects. The City's CHDOs also have first right of purchase on land bank lots and as a nonprofit they are eligible to purchase HB110 lots.

**REGULATORY REQUIREMENTS FOR CHDO CERTIFICATION**
The U.S. Department of Housing and Urban Development (HUD) has established standard criteria for organizations to be eligible to become a certified CHDO:

1. **Organized Under State/Local Law**. A nonprofit organization must show evidence in its Articles of Incorporation that it is organized under state or local law.
2. **Nonprofit Status**. The organization must be conditionally designated or have a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501(c) of the Internal Revenue Code of 1986. A 501(c) certificate from the IRS must evidence the ruling.
3. **Purpose of Organization**. Among its primary purposes, the organization must have the provision of decent housing that is affordable to low- and moderate-income people. This must be evidenced by a statement in the organization's Articles of Incorporation and/or Bylaws.
4. **Board Structure**. The board of directors must be organized to contain no more than one-third representation from the public sector and a minimum of one-third representation from the low-income community.
5. **No For-Profit Control**. The organization may not be controlled by, nor receive directions from, individuals or entities seeking profit from or that will derive direct benefit from the organization.
6. **No Individual Benefit**. No part of a CHDO's net earnings (profits) may benefit any members, founders, contributors, or individuals. This requirement must also be evidenced in the organization's Articles of Incorporation.
7. **Clearly Defined Service Area**. The organization must have a clearly defined geographic service area outlined in its Articles of Incorporation and/or Bylaws. CHDOs may serve individual neighborhoods or large areas. However, while the organization may include an entire community in their service area (such as a city, town, village, county, or multi-county area), they may not include the entire state.
8. **Low-Income Advisory Process**. A formal process must be developed and implemented for low-income program beneficiaries and low-income residents of the organization's service area to advise the organization in all of its decisions regarding the design, location, development and management of affordable housing projects.
9. **Capacity/Experience**. The key staff and board of directors must have significant experience and capacity to carry out CHDO-eligible, HOME-assisted projects in the community where it intends to develop affordable housing (key staff and board of directors have successfully completed HOME-funded, CHDO-eligible projects in the past).
10. **Community Service**. A minimum of one year of relative experience serving the community(ies)

where it intends to develop affordable housing must be demonstrated.

11. **Financial Accountability Standards**. The organization must meet and adhere to the financial accountability standards as outlined in 2 CFR 200 Subpart D, "Standards for Financial and Program Management."

**CITY REQUIREMENTS FOR CHDO CERTIFICATION**

In addition to the regulatory requirements, the City has established additional criteria for CHDO designation. To be eligible for CHDO designation, an organization must also:

1. Maintain a record of good standing with the Texas Secretary of State's office.
2. Maintain a staffed, physical office location in the proposed service area that is open for business and accessible by potential program applicants during generally-accepted customary business hours.
3. Have established a minimum **3**-year strategic business plan, which must include CHDO- related production and community involvement goals.
4. Maintain a history of no significant compliance findings on its City funded projects.

The City will accept applications from new CHDOs year-round; however, CHDO certifications will not be provided until a project is identified for funding and prior to execution of a written agreement. Please note that the criteria noted above is not intended to be all-inclusive and the City may require additional information prior to making a determination for CHDO designation. Meeting the above requirements does not guarantee that the organization will be granted CHDO designation. City reserves the right to deny or revoke CHDO designation based upon its evaluation of the nonprofit organization's performance. Designated CHDOs will be evaluated periodically for production and other benchmarks as established by City.

**ORGANIZATIONAL STRUCTURE REQUIREMENTS FOR CHDO CERTIFICATION**

The HOME Program establishes requirements for the organizational structure of a CHDO to ensure that the governing body of the organization is **controlled by the community it serves**. These requirements are designed to ensure that the CHDO is capable of decisions and actions that address the community's needs without undue influence from external agendas.

There are four specific requirements related to the organization's board, which must be evidenced in the organization's Articles of Incorporation and/or Bylaws. These are:

1. **Low Income Representation.** At least one-third of the organization's board must be representatives of the low-income community served by the CHDO. There are three ways a board member can meet the definition of a low-income representative:

   - The person lives in a low-income neighborhood where **51%** or more of the residents are low-income. This person need not necessarily be low-income.

**or**

   - The person is a low-income (below **80%** area median income) resident of the community.

**or**

   - The person was elected by a low-income neighborhood organization to serve on the CHDO board. The organization must be composed primarily of residents of the low-income neighborhood and its primary purpose must be to serve the interests of the neighborhood residents. Such organizations might include block groups, neighborhood associations, and neighborhood watch groups.

The CHDO is required to certify the status of low-income representatives.

2. **Public Sector Limitations**. No more than one-third of the organization's board may be representatives of the public sector, including elected public officials, appointees of a public

official, any employees of a local government or public school system, or employees of City or the State of Texas. If a person qualifies as a low-income representative **and** a public-sector representative, their role as a public-sector representative supersedes their residency or income status. Therefore, this person counts toward the one-third public sector limitation.

3. **Low-Income Advisory Process**. Input from the low-income community is not met solely by having low-income representation on the board. The CHDO must provide a formal process for low-income program beneficiaries to advise the CHDO on design, location of sites, development and management of affordable housing. The process must be described in writing in the Articles of Incorporation and/or Bylaws. Each project undertaken by the CHDO should allow potential program beneficiaries to be involved and provide input on the entire project from project concept, design and site location to property management. One way to accomplish this requirement is to develop a project advisory committee for each project or community where a HOME assisted project will be developed. Proof of input from the low-income community will be required at the CHDO's annual recertification.
4. **For-Profit Limitations**. If a CHDO is sponsored by a for-profit entity, the for-profit may not appoint more than one-third of the board. The board members appointed by the for-profit may not appoint the remaining two-third of the board members.

**EXPERIENCE, CAPACITY AND ROLES (24 C.F.R. 92.300-92.303)**

To be certified as a CHDO, the HOME Program requires organizations to demonstrate sufficient experience, capacity, and financial accountability.

**Experience & Capacity:** A CHDO must certify to City that it has the capacity, demonstrated by having paid staff with demonstrated capacity to perform the specific role for which is it being funded. CHDO staff can be full-time or part-time and can be contract employees. The CHDO cannot count the experience of board members, donated staff, parent organization staff, or volunteers to meet the capacity requirement. The CHDO can only count capacity brought to the table by a consultant in the first year of participation. Afterward, the CHDO must demonstrate capacity based upon paid staff.

The CHDO must demonstrate experience and capacity relevant to the project and its role as owner, developer, or sponsor. If the CHDO is the owner, its staff must have the capacity to act as the owner (this may mean the ability to oversee development.) If the CHDO is the developer or sponsor, its staff must have development experience on projects of similar scope or complexity.
CHDOs must demonstrate a history of serving the community where the housing to be assisted with HOME funds will be located. HUD requires that organizations show a history of serving the community by providing:

- A statement that documents at least one year of experience serving the community.
- For newly created organizations, provide a statement that the parent organization (if applicable) has at least **1**-year experience serving the community.

CHDOs must provide resumes and/or statements of key staff members that describe their experience of successfully completed projects similar to those proposed.

**CHDO SERVICE AREA**

While the City does not limit the number of counties is a CHDO's service area, the very definition of a CHDO is that it be community-based. Therefore, an organization proposing a large or regional service area must demonstrate that it is taking the appropriate steps to achieve the community-based component. Some of the ways this can be achieved is by having an active community (nonpublic) representative from each of the counties on the CHDO's board of directors; establishing local advisory councils to advise the CHDO board on topics relative to the organization's activities; hosting "town hall" meetings in the proposed project areas, etc. the City will consider other methods suggested by the CHDO. CHDOs will be required

to provide updates on how it is ensuring that it is active and visible in the communities included in its service area.

The City reserves the right to limit CHDOs going into a service area where an existing CHDO is already providing service. Unless a CHDO is already approved to serve a particular territory, the City will not approve CHDOs to serve overlapping territory.

**CHDO RECERTIFICATION**
To ensure compliance with the HOME regulations, the recertification process will apply to CHDOs with active development projects including those under development and within the affordability period. Each CHDO will be required to submit specific information to City on an annual basis in conjunction with annual monitoring and compliance audits, including, but not limited to:

- The response to questions, numbered exhibits, and attachments listed in the City's CHDO certification application
- An updated **3-year** business plan and a description of how the low-income advisory process was implemented. If no HOME funds were used within the reporting period, a detailed description of all other affordable housing initiatives undertaken will be requested.

Recertification will be required **ANNUALLY WHEN THE CITY MONITORS THE CHDO FOR COMPLIANCE**. The CHDO must recertify as to its continued qualifications as a CHDO and its capacity to own, sponsor, or develop housing.

CHDOs that have not been allocated project funds from the HOME CHDO set-aside for **3** consecutive years will be deemed inactive. At its discretion, the City may revoke the designation of inactive CHDOs based upon a review of other non-CHDO housing activities the organization has undertaken (if any), as well as other factors deemed appropriate by City.

**CHDO SET-ASIDE**
The HOME requirements at 24 CFR Part 92.300 require City to set aside at least **15%** of its annual HOME allocation for projects owned, developed or sponsored by CHDOs. A certified CHDO must serve as the owner, developer or sponsor of a HOME-eligible project when using funds from the **15%** percent CHDO set-aside. A CHDO may serve in one of these roles or it may undertake projects in which it combines roles, such as being both an owner and developer. The CHDO must be certified for each type of activity it plans to undertake.

**FINANCIAL ACCOUNTABILITY**
CHDOs must have financial accountability standards that conform to the requirements detailed in 2 CFR 200 – Subpart D, "Standards for Financial and Program Management." This can be evidenced by:

- A notarized statement by the president or chief financial officer of the organization.
- Certification from a certified public accountant.
- Audit completed by CPA.
- City reserves the right to request additional audited financial statements at any time.

**ELIGIBLE AND INELIGIBLE USES OF HOME CHDO SET-ASIDE FUNDS**

**ELIGIBLE ACTIVITIES - OWNERS, SPONSORS, DEVELOPERS**
Using the **15%** set-aside, a CHDO acting as an owner, sponsor, or developer may undertake any of the following activities:

- Acquisition and/or rehabilitation of rental property;
- New construction of rental housing;

- Acquisition, rehabilitation and resale of existing, vacant homebuyer property;
- New construction of homebuyer property;
- Direct financial assistance to purchasers of HOME-assisted housing developed by a CHDO with HOME CHDO set-aside funds.

Please note that to be considered a CHDO-eligible project, CHDO set-aside HOME funds must be used during the construction or rehabilitation of the project.

**INELIGIBLE CHDO ACTIVITIES**
Using the **15%** set-aside, a CHDO may not undertake any of the following activities:

- Rehabilitation of existing homeowners' properties;
- Tenant-based rental assistance (TBRA); or
- Down payment and/or closing cost assistance to purchasers of housing not developed with HOME CHDO set-aside funds.

**ELIGIBLE ACTIVITIES – SUBRECIPIENTS**
CHDOs may also act as subrecipients with non-set-aside funds by undertaking other HOME-eligible activities such as:

- Tenant-Based Rental Assistance (TBRA);
- Owner-occupied rehabilitation of single-family dwellings; and
- Down payment or closing cost assistance in the acquisition of single-family units.

**OPTIONAL OPERATING EXPENSES**
From time to time, funds may be available to provide general operating assistance to CHDOs receiving CHDO set-aside funds for activities. When funds are available, certified CHDOs that are administering an eligible project funded from the CHDO set-aside may be eligible to receive funds to be used for operating expenses. The regulations allow the City to allocate no more than **5%** of its HOME allocation for CHDO operating expenses (Operating Assistance Grants). However, the City reserves the right to further restrict the amount of funds an entity may receive for CHDO operating funds. This allocation does not count toward the required **15**% CHDO set-aside funds that are to be used by CHDOs for projects.

The amount of the optional Operating Assistance Grants awarded will be based on, but not limited to, the following factors:

1. The total amount of HOME funds City has available to allocate for reimbursable CHDO operating expenses;
2. The anticipated completion date and size of your current CHDO set-aside project(s); and
3. The CHDO's past performance as a CHDO developer.
4. The CHDO's capacity to complete the project in a timely manner.
5. The ability of the CHDO to retain CHDO proceeds.

The City will allocate Operating Assistance Grants on annually. Operating Assistance Grants will be provided on a fiscal year basis (October 1 – September 30) provided funds are available and the CHDO has demonstrated acceptable performance.

**Although the disbursement of CHDO operating funds is not tied directly to the drawdown of the CHDO project funds, the City reserves the right to delay disbursement of operating funds if it is evident that the CHDO project is experiencing excessive delays**.

City reserves the right to reduce the amount of, or not award, operating funds based upon its evaluation of the CHDO's production and overall performance.

Eligible operating expenses for which CHDOs may use operating funds include:

- Salaries, wages, benefits, and other employee compensation
- Employee education, training and travel
- Rent and utilities
- Communication costs
- Taxes and insurance
- Equipment, materials and supplies

Because the purpose of providing CHDO operating support is to nurture successful CHDOs and ensure their continued growth and success, the City will periodically evaluate the performance of any CHDO wishing to receive CHDO operating funds.

**CHDO PROCUREMENT**
As noted in HUD CPD Notice 97-11, CHDO organizations are not subject to the requirements of 2 CFR, Part 200 in regard to the procurement of goods and services. However, the City strongly encourages organizations to ensure that costs are reasonable and equitable. This exemption is only applicable to procurement associated with CHDO-eligible projects; CHDOs must still follow appropriate procurement procedures compliant with Part 200 for its non-CHDO projects. City may request a copy of the CHDO's procurement policy for any non-CHDO project funding proposals.

**EFFECTIVE PERIOD OF CHDO CERTIFICATION**
To maintain its CHDO certification, the CHDO must submit at least **30** days prior to its annual compliance and monitoring audit a copy of the most recent audit financial statements along with all required attachments listed in the City's CHDO Certification Application, which is attached to this manual as **Exhibit "A" – City CHDO Application**. If the CHDO fails to submit the recertification packet, the CHDO may no longer qualify as a CHDO. Prior to awarding any City CHDO funds, the CHDO must recertify that no changes have occurred within the agency that would disqualify the entity as a CHDO for the specific type of activity being undertaken.

**HOW TO APPLY FOR CHDO CERTIFICATION**
Complete the City's CHDO Certification Application including all requested attachments, documentation, and forms. The applicant has **30** days to respond to any request for additional information. If information is not received within **30** days, the CHDO certification application will be denied.

Exhibit “A” – City CHDO Application

A Community Housing Development Organization (CHDO) is a private, nonprofit, community-based service organization that has obtained staff with the capacity to develop affordable housing in the community it serves.

The following application details the requirements that nonprofit corporations must satisfy to be certified as a CHDO by the City of Dallas Housing and Neighborhood Revitalization Department (HNR). Please refer to the CHDO Manual which provides details and additional requirements HNR will use in reviewing your application submission. The CHDO Manual can be found on the City of Dallas (City) website at www.dallascityhall.com/departments/housing-neighborhood-revitalization.

Please fully complete the application and supply all requested documentation. An incomplete application package will significantly delay the consideration of your application.

**We are here to help if you have any questions in completing the application. Please do not hesitate to contact Cynthia Rogers-Ellickson (214) 670-3601 for assistance.**

**We look forward to receiving your application!**

**Submit <u>Original</u> Certification Application Package to:**

**Cynthia Rogers-Ellickson**
*Housing Development Manager*
Housing and Neighborhood
Revitalization
1500 Marilla Street, 6DN
Dallas, TX 75201

***APPLICANT INFORMATION REQUIRED**:*

Name of Applicant Organization

Address

City | State | Postal Code

Contact Person | Position with Organization

Telephone Number | Email Address

Fax Number | Federal Tax I.D. Number

## STATEMENT OF CERTIFICATION

I hereby certify that all statements I have provided in this application and in the attachments herein are true; that I am authorized to sign this application, and to make these statements, on behalf of the applicant organization; and that the organization understands that misrepresentation of any facts which lead to the improper allocation and expenditure of public funds may result in legal action against the organization for retrieval of any such funds and appropriate penalties.

Signed:

Signature | Date

Name: (typed or printed)

Title: (Executive Director)

Name of Organization

(Submit this application, with original signature, to the City of Dallas)

## I. LEGAL STATUS

1. **ORGANIZED**: To receive certification, your organization must be organized under state or local laws and must provide evidence of your legal status. Organization must Maintain a record of good standing with the Texas Secretary of State's office. Which of the following have you supplied?
   - ❑ Charter
   - ❑ Articles of Incorporation along with confirmation from the Secretary of State; and
   - ❑ Certificate of Good Standing or comparable document from the Secretary of State.

**Provided in Exhibit #_____(please specify Exhibit #)**

2. **PURPOSE OF ORGANIZATION**: An organization must have among its purposes the provision of decent housing that is affordable to low and moderate-income persons'. Which of the following have you included that demonstrate compliance with this requirement?
   - ❑ Charter
   - ❑ By-laws signed by the board Secretary
   - ❑ Articles of Incorporation

**Provided in Exhibit #_____(please specify Exhibit #)**

3. **NO INDIVIDUAL BENEFIT**: No part of your organization's net earnings can inure to the benefit of any member, founder, contributor or individual. Which of the following have you included that demonstrate compliance with this requirement?
   - ❑ Charter
   - ❑ By-laws signed by the board Secretary
   - ❑ Articles of Incorporation

**Provided in Exhibit #_____(please specify Exhibit #)**

4. **SERVICE AREA:** To receive certification an organization must have a clearly defined geographic service area. The service area can be an area larger than a single neighborhood but must be an area smaller than an entire state. CHDO must maintain a staffed, physical office location in the proposed service area that is open for business and accessible by potential program applicants during generally-accepted customary business hours. If you will be serving a special population the geographic boundaries and your service area must also be defined. Which of the following have you included to demonstrate that your organization has a clearly defined geographic service area?
   - ❑ Charter
   - ❑ By-laws signed by the board Secretary
   - ❑ Articles of Incorporation

**Provided in Exhibit #_____(please specify Exhibit #)**

5. **TAX EXEMPT RULING**: Your organization must have a tax-exempt ruling from the Internal Revenue Service (IRS), under section 501 (c) (3), 501 (c) (4) or a Section 905 of the Internal Revenue Code of 1986. Which of the following have you provided to indicate receipt of such a ruling?
   - ❑ A 501 (c) (3) Certificate Letter from the IRS
   - ❑ A 501 (c) (4) Certificate Letter from the IRS
   - ❑ A group exemption letter, that is dated 1986 or later, from the IRS that includes the agency seeking certification as a CHDO (acceptable for Section 905 organizations only)

**Provided in Exhibit #_____(please specify Exhibit #)**

## II. ORGANIZATIONAL STRUCTURE

6. **BOARD COMPOSITION**: To be certified a CHDO, an organization must structure the board of directors to consist of **at least** one-third representatives of the low-income community and no more than one-third representatives of the public sector. These provisions and examples are as follows:
   a) An applicant organization must ensure that at all times **at least** one-third of its governing board consists of representatives of the low-income community. There are three ways to meet this requirement: 1) Individuals can be residents of a low-income neighborhood in the organization's service area (but do not necessarily have to earn a low income themselves), 2) they can be low-income residents of the community, or 3) they can be appointed representatives to the board from a low-income neighborhood association. Which of the following documents have you provided that demonstrate that the one-third requirement will be maintained?
      - ❑ Charter
      - ❑ By-laws signed by the board Secretary
      - ❑ Articles of Incorporation

**Provided in Exhibit #_____(please specify Exhibit #)**

   b) An organization's board of directors may consist of no more than one-third representatives of the public sector. Representatives of the public sector include: 1) ***elected officials*** such as council members, 2) ***appointed public officials*** such as planning or zoning commission, regulatory or advisory boards, 3) ***public employees*** which include employees of public agencies or departments of the City such as fire and police, and 4) any individual who is not necessarily a public official, but has been ***appointed by a public official*** to serve on the organization's Board of Directors. Which of the following have you provided that demonstrate that the one-third cap on public representation will be met?
      - ❑ Charter
      - ❑ By-laws signed by the board Secretary
      - ❑ Articles of Incorporation

(Under the HOME Program, "community" is defined as one or several neighborhoods or the city at large)

In order to verify that your **current board** meets both the low-income requirement and the limits on public- sector representation above, please complete the worksheet included as **Attachment B** to this application. In order to complete the worksheet, you will need to know whether the board member resides in a 'low-income' neighborhood or whether the board member qualifies as a low-income resident. An individual residing in a household earning **80%** of the area median family income or less meets the "low-income" designation. **Attachment E** provides the dollar amount of that income cap by family size. If you are uncertain as to whether the neighborhood your board

7. **LOW-INCOME INPUT**: To be certified a CHDO, an organization must provide a specific formal process for low-income program beneficiaries to advise the organization in all of its decisions regarding the design, location of sites, development and management of affordable housing projects. Specifically, a detailed plan for ensuring that input from low-income program beneficiaries will be solicited and integrated into the decision-making and project development processes of the organization. Which of the following has your organization provided, that detail the systems you will use to gather community involvement/input from those affected by your projects?
   - ❑ By-laws signed by the board Secretary
   - ❑ A Board Resolution, (written statement of operating procedures approved by the governing body).

**Provided in Exhibit #_____(please specify Exhibit #)**

## III. RELATIONSHIP WITH OTHER ENTITIES

**RELIGIOUS ORGANIZATION SPONSORSHIP:**

8. Is your nonprofit organization sponsored or created by a religious organization?
   - ❑ Yes, (please continue with the following)
   - ❑ No, (if no, skip to # 9)

A religious organization cannot qualify as a CHDO, but they may sponsor the creation of a wholly secular nonprofit. The developed housing must be used exclusively for secular purposes. It must also be ensured that housing will be made available to all persons, regardless of religious affiliation or belief. The religious organization can appoint an unlimited number of board members to the housing organization's board, but the religious organization cannot control the housing organization. Which of the following has been provided to demonstrate that all of these provisions will be met in the operation of the organization?

- ❑ By-laws
- ❑ Charter
- ❑ Articles of Incorporation

**Provided in Exhibit #_____(please specify Exhibit #) PUBLIC ENTITY SPONSORSHIP:**

9. Was your organization chartered by a state or local government?
   - ❑ Yes, (please continue with the following)
   - ❑ No, (If no, skip to # 10)

The state or local government may not appoint more than one-third of the organization's governing body, and the board members appointed by the state or local government may not, in turn, appoint the remaining two-thirds of the board members. Which of the following has been provided that demonstrate compliance with these requirements?

- ❑ By-laws signed by the board Secretary
- ❑ Charter
- ❑ Articles of Incorporation

**Provided in Exhibit #_____(please specify Exhibit #) FOR-PROFIT RELATIONSHIPS**:

10. Is the nonprofit organization being sponsored by or was it created by a for-profit entity?
    - ❑ Yes, (please continue with the following, # 11-14)
    - ❑ No, (If no, skip to # 15)
11. A CHDO cannot be controlled by, nor receive direction from individuals or entities seeking profit from the organization. Which of the following has been provided to address compliance with this requirement?
    - ❑ By-laws signed by the board Secretary
    - ❑ A Memorandum of Understanding (MOU)

**Provided in Exhibit #_____(please specify Exhibit #)**

## III. RELATIONSHIP WITH OTHER ENTITIES, Continued…

12. An organization may be sponsored or created by a for-profit entity, however; the for-profit entity's primary purpose may not include the development or management of housing. Please provide the following to evidence compliance:
    - ❑ The By-laws of the for-profit entity

**Provided in Exhibit #_____(please specify Exhibit #)**

13. The nonprofit organization is free to contract for goods and services from vendor(s) of its own choosing. Which of the following items has been provided to demonstrate that the nonprofit is free to do this?
    - ❑ By-laws signed by the board Secretary
    - ❑ Charter
    - ❑ Articles of Incorporation

**Provided in Exhibit #_____(please specify Exhibit #)**

14. If the nonprofit is sponsored by a for-profit entity, the for-profit entity may not appoint more than one-third of the organization's governing body, and the board members appointed by the for-profit entity may not, in turn, appoint the remaining two-thirds of the board members. Which of the following items has been provided to demonstrate that the nonprofit is free to do this?
    - ❑ By-laws signed by the board Secretary
    - ❑ Charter
    - ❑ Articles of Incorporation

**Provided in Exhibit #_____(please specify Exhibit #)**

## IV. EXPERIENCE and CAPACITY

15. **FINANCIAL ACCOUNTABILITY**: The organization must have financial accountability standards that conform to 2 CFR 200 Subpart D, "Standards for Financial and Program Management", which is included as **Attachment A** to this application. These standards are a variation on OMB Circular A-133 but are an updated version to that circular. The organization must certify that its financial management and internal controls comply with this specific standard. Which of the following have you provided to evidence compliance with this federal requirement?
    - ❑ A notarized statement by the Treasurer or Chief Financial Officer of the organization
    - ❑ Certification from a Certified Public Accountant
    - ❑ HUD approved audit summary

**Provided in Exhibit #_____(please specify Exhibit #)**

16. **AUDIT REQUIREMENT:** The City of Dallas requires that your organization submit audited financial statements for the organization's most recent program year. The audits financials should include all components conducted, including any A-133 analysis of compliance with federal grants, analysis of internal controls, letter to the Board of Directors or management letters. If your organization does not have audited financial statements because it has been operating for less than one year, you must submit the audited financial statements of the parent or sponsor organization, along with your organization's current unaudited financial statements.

**Provided in Exhibit #_____(please specify Exhibit #)**

**NOTE: No nonprofit organization shall be certified as a CHDO if the organization's most recent audit reflects an outstanding finding, material weakness or other unresolved matter, which would prevent the City of Dallas from certifying the capacity of that organization to successfully develop a CHDO project.**

17. **EXPERIENCE:** To become a certified CHDO, the organization must demonstrate a capacity for carrying out housing projects assisted with HOME funds. A designated organization undertaking development activities as a developer or sponsor must satisfy this requirement by having paid employees with housing development experience who will work on projects assisted with HOME funds or by contract with a consultant who has housing development experience to train appropriate key staff of the organization. The organization must have ***at least*** one year of experience serving the community where the housing to be assisted with HOME funds is to be located. The year of service does **not** have to be directly related to housing. Newly created organizations wishing to become CHDOs can meet the requirement if the parent (or sponsoring) organization is a nonprofit and has provided services to the community for at least one year. These are the two forms in which capacity may be documented and accepted. Which of the two have you provided to demonstrate compliance with this requirement?
    - ❑ A statement signed by the Executive Director that documents at least **1** year of experience serving the community prior to seeking CHDO certification plus details the type of service provided; and have paid employees or a consultant with housing development experience working on projects assisted with HOME funds **OR**,
    - ❑ A statement signed by the Executive Director that documents that its parent or sponsoring organization has at least **1** year of experience serving the community prior to seeking CHDO certification plus details the type of service provided; and have paid employees or a consultant with housing development experience working on projects assisted with HOME funds

**Provided in Exhibit #_____(please specify Exhibit #)**

17a. **3-Year Business Plan:** To be eligible for CHDO designation, an organization must also have established a minimum 3-year strategic business plan, which must include CHDO- related production and community involvement goals.

**Provided in Exhibit #_____(please specify Exhibit #)**

18. **PROJECT DETAIL:** As a next step toward assessing your organization's capacity, please provide the following information about the type of project(s) your organization is currently developing or expects to develop in the next 6 months:

**NUMBER OF UNITS IN FIRST PROJECT:_**

| BUILDING TYPE: | EXPECTED USE: | CONCENTRATION: | CONSTRUCTION ACTIVITY |
|---|---|---|---|
| ❑ Single Family buildings | ❑ Rental<br>❑ Homeownershi | ❑ Single Site<br>❑ Scattered Site | ❑ Acquisition<br>❑ New Construction |

| FOR RENTAL ONLY: | FOR HOMEOWNERSHIP ONLY: |
|---|---|
| ❑ CHDO will do Property Management<br>❑ CHDO will contract out for Property Management | ❑ CHDO will do Homeownership Counseling<br>❑ CHDO will work with established Homeownership Counseling or replace |

Additional comments about the project?

19. **STAFF AND CAPACITY**: To be certified as a CHDO, the organization must have paid staff *. HUD defines CHDO staff as paid employees who are responsible for the day-to-day operations of the CHDO; this does not include volunteers, board members or consultants. Additionally, the organization must demonstrate the capacity of its key staff to carry out the activities it is planning to undertake. Specifically, the key staff who will be responsible for the project must have successfully completed projects **similar to those the organization expects to undertake**. Please submit the following to evidence staff capacity:
    - ❑ Resumes of key staff members who have successfully completed projects similar to that being proposed, (include project descriptions of relevant completed projects)

**Provided in Exhibit #_____(please specify Exhibit #)**

** HUD's Definition of a paid employee is a person whose salary, payroll taxes, and unemployment insurance are paid by the organization and from whom the organization withholds payroll and income taxes. Receipt of a W-2 is sufficient evidence that an individual is a 'paid employee'. The employee must be paid by the CHDO and, therefore cannot be contracted through, shared with, or cost-allocated through another entity. Employees of a for-profit organization that created a CHDO cannot also be employees of that CHDO.*

Please submit a roster of the organizations current board composition and their positions on the board.
Please describe the organization's current staffing by completing **Attachment C**

**PLEASE REVIEW THE FOLLOWING CHECKLIST TO BE SURE YOUR APPLICATION SUBMISSION INCLUDES ALL OF THE ITEMS LISTED BELOW:**

- ❑ All questions have been answered, exhibit numbers indicated, and the Executive Director has signed the certification statement on page one.
- ❑ Attachment B, Board information has been completed for every board member and is enclosed.
- ❑ Attachment C, Staff information has been completed for every staff person and is enclosed.
- ❑ All exhibits referenced in the application are numbered and enclosed.

**Thanks very much for applying for CHDO Certification with the City of Dallas's Housing and Neighborhood Revitalization Department. We will work diligently to provide you with a quick response to your application.**

**ATTACHMENT A TO CHDO CERTIFICATION APPLICATION**
**HUD–Required Standards for Financial Management and Internal Controls**

Code of Federal Regulations, Title 2, Volume 200, Parts 302 and 303
Revised as of December 19, 2014
From the U.S. Government Printing Office via GPO Access
[CITE: 2CFR200.302, 2CFR200.303], Page 107-108
TITLE 2-- GRANTS AND AGREEMENTS
Subpart D--Post Federal Award Requirements
Sec. 200.302-- **Financial management.**

(a) Each state must expend and account for the Federal award in accordance with state laws and procedures for expending and accounting for the state's own funds. In addition, the state's and the other non-Federal entity's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award. See also §200.450 Lobbying.

(b) The financial management system of each non-Federal entity must provide for the following (see also §§ 200.333 Retention requirements for records, 200.334 Requests for transfer of records, 200.335 Methods for collection, transmission and storage of information, 200.336 Access to records, and 200.337 Restrictions on public access to records):

(1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any.

(2) Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in §200.327 Financial reporting and 200.328 Monitoring and reporting program performance. If a Federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not be required to establish an accrual accounting system. This recipient may develop accrual data for its reports on the basis of an analysis of the documentation on hand. Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports on the basis of an analysis of the documentation on hand.

(3) Records that identify adequately the source and application of funds for federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.

(4) Effective control over, and accountability for, all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. See §200.303 Internal controls.

(5) Comparison of expenditures with budget amounts for each Federal award.

(6) Written procedures to implement the requirements of §200.305 Payment.

(7) Written procedures for determining the allowability of costs in accordance with Subpart E—Cost Principles of this part and the terms and conditions of the Federal award.

**ATTACHMENT A TO CHDO CERTIFICATION APPLICATION**
**HUD–Required Standards for Financial Management and Internal Controls**

Code of Federal Regulations, Title 2, Volume 200, Parts 302 and 303
Revised as of April 1, 2000
From the U.S. Government Printing Office via GPO Access
[CITE: 2CFR200.302, 2CFR200.303], Page 107-108
TITLE 2-- GRANTS AND AGREEMENTS
Subpart D--Post Federal Award Requirements
Sec. 200.303-- **Internal controls.**
The non-Federal entity must:

(a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in ‘‘Standards for Internal Control in the Federal Government’’ issued by the Comptroller General of the United States or the ‘‘Internal Control Integrated Framework’’, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

(b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.

(c) Evaluate and monitor the non-Federal entity’s compliance with statutes, regulations and the terms and conditions of Federal awards.

(d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

(e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

**ATTACHMENT B - BOARD MEMBER REQUIREMENTS**
**Org Name Here:**

**BOARD MEMBER INFORMATION: PLEASE CHECK THE APPROPRIATE BOX BELOW:**

**1**

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Name: | | | Elected or appointed Public Official? | Public Employee? | * Low-income resident of the community? | Resident of the low-income neighborhood in service area? | Elected rep of low-income neighborhood organization? | * NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size. | |
| Board Position: | | | | | | | | | |
| Address: | | | | | | | | | |
| City | | | | | | | | | |
| State | | Yes | | | | | | | Included |
| Zip | Phone: | No | | | | | | | N/A |
| Place of Employment: | | Additional Comment: | | | | | | | |
| Position: | | | | | | | | | |

**2**

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Name: | | | Elected or appointed Public Official? | Public Employee? | * Low-income resident of the community? | Resident of the low-income neighborhood in service area? | Elected rep of low-income neighborhood organization? | * NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size. | |
| Board Position: | | | | | | | | | |
| Address: | | | | | | | | | |
| City | | | | | | | | | |
| State | | Yes | | | | | | | Included |
| Zip | Phone: | No | | | | | | | N/A |
| Place of Employment: | | Additional Comment: | | | | | | | |
| Position: | | | | | | | | | |

**3**

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Name: | | | Elected or appointed Public Official? | Public Employee? | * Low-income resident of the community? | Resident of the low-income neighborhood in service area? | Elected rep of low-income neighborhood organization? | * NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size. | |
| Board Position: | | | | | | | | | |
| Address: | | | | | | | | | |
| City | | | | | | | | | |
| State | | Yes | | | | | | | Included |
| Zip | Phone: | No | | | | | | | N/A |
| Place of Employment: | | Additional Comment: | | | | | | | |
| Position: | | | | | | | | | |

**4**

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Name: | | | Elected or appointed Public Official? | Public Employee? | * Low-income resident of the community? | Resident of the low-income neighborhood in service area? | Elected rep of low-income neighborhood organization? | * NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size. | |
| Board Position: | | | | | | | | | |
| Address: | | | | | | | | | |
| City | | | | | | | | | |
| State | | Yes | | | | | | | Included |
| Zip | Phone: | No | | | | | | | N/A |
| Place of Employment: | | Additional Comment: | | | | | | | |
| Position: | | | | | | | | | |

**ATTACHMENT B - BOARD MEMBER REQUIREMENTS**
**Org Name Here:**
**BOARD MEMBER INFORMATION:** **PLEASE CHECK THE APPROPRIATE BOX BELOW:**

**5**

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Name: | | | Elected or appointed Public Official? | Public Employee? | * Low-income resident of the community? | Resident of the low-income neighborhood in service area? | Elected rep of low-income neighborhood organization? | * NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size. | |
| Board Position: | | | | | | | | | |
| Address: | | | | | | | | | |
| City | | | | | | | | | |
| State | | Yes | | | | | | | Included |
| Zip | Phone: | No | | | | | | | N/A |
| Place of Employment: | | Additional Comment: | | | | | | | |
| Position: | | | | | | | | | |

**6**

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Name: | | | Elected or appointed Public Official? | Public Employee? | * Low-income resident of the community? | Resident of the low-income neighborhood in service area? | Elected rep of low-income neighborhood organization? | * NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size. | |
| Board Position: | | | | | | | | | |
| Address: | | | | | | | | | |
| City: | | | | | | | | | |
| State: | | Yes | | | | | | | Included |
| Zip | Phone: | No | | | | | | | N/A |
| Place of Employment: | | Additional Comment: | | | | | | | |
| Position: | | | | | | | | | |

**7**

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Name: | | | Elected or appointed Public Official? | Public Employee? | * Low-income resident of the community? | Resident of the low-income neighborhood in service area? | Elected rep of low-income neighborhood organization? | * NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size. | |
| Board Position: | | | | | | | | | |
| Address: | | | | | | | | | |
| City | | | | | | | | | |
| State | | Yes | | | | | | | Included |
| Zip | Phone: | No | | | | | | | N/A |
| Place of Employment: | | Additional Comment: | | | | | | | |
| Position: | | | | | | | | | |

**8**

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Name: | | | Elected or appointed Public Official? | Public Employee? | * Low-income resident of the community? | Resident of the low-income neighborhood in service area? | Elected rep of low-income neighborhood organization? | * NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size. | |
| Board Position: | | | | | | | | | |
| Address: | | | | | | | | | |
| City: | | | | | | | | | |
| State: | | Yes | | | | | | | Included |
| Zip | Phone: | No | | | | | | | N/A |
| Place of Employment: | | Additional Comment: | | | | | | | |
| Position: | | | | | | | | | |

**ATTACHMENT B - BOARD MEMBER REQUIREMENTS**
**Org Name Here:**

**BOARD MEMBER INFORMATION:** **PLEASE CHECK THE APPROPRIATE BOX BELOW:**

**9**

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Name: | | | Elected or appointed Public Official? | Public Employee? | * Low-income resident of the community? | Resident of the low-income neighborhood in service area? | Elected rep of low-income neighborhood organization? | * NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size. | |
| Board Position: | | | | | | | | | |
| Address: | | | | | | | | | |
| City: | | | | | | | | | |
| State: | | Yes | | | | | | | Included |
| Zip | Phone: | No | | | | | | | N/A |
| Place of Employment: | | Additional Comment: | | | | | | | |
| Position: | | | | | | | | | |

**10**

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Name: | | | Elected or appointed Public Official? | Public Employee? | * Low-income resident of the community? | Resident of the low-income neighborhood in service area? | Elected rep of low-income neighborhood organization? | * NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size. | |
| Board Position: | | | | | | | | | |
| Address: | | | | | | | | | |
| City: | | | | | | | | | |
| State: | | Yes | | | | | | | Included |
| Zip | Phone: | No | | | | | | | N/A |
| Place of Employment: | | Additional Comment: | | | | | | | |
| Position: | | | | | | | | | |

**11**

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Name: | | | Elected or appointed Public Official? | Public Employee? | * Low-income resident of the community? | Resident of the low-income neighborhood in service area? | Elected rep of low-income neighborhood organization? | * NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size. | |
| Board Position: | | | | | | | | | |
| Address: | | | | | | | | | |
| City: | | | | | | | | | |
| State: | | Yes | | | | | | | Included |
| Zip | Phone: | No | | | | | | | N/A |
| Place of Employment: | | Additional Comment: | | | | | | | |
| Position: | | | | | | | | | |

**12**

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Name: | | | Elected or appointed Public Official? | Public Employee? | * Low-income resident of the community? | Resident of the low-income neighborhood in service area? | Elected rep of low-income neighborhood organization? | * NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size. | |
| Board Position: | | | | | | | | | |
| Address: | | | | | | | | | |
| City: | | | | | | | | | |
| State: | | Yes | | | | | | | Included |
| Zip | Phone: | No | | | | | | | N/A |
| Place of Employment: | | Additional Comment: | | | | | | | |
| Position: | | | | | | | | | |

**ATTACHMENT C**
**Staff Member Information**
**(Please make additional copies as needed to include *all* staff members)**

**PLEASE NOTE**: A paid employee is a person whose salary, payroll taxes, and unemployment insurance are paid by the organization and from whom the organization withholds payroll and income taxes. Receipt of a W-2 is sufficient evidence that an individual is a 'paid employee'. The employee must be paid by the CHDO and, therefore cannot be contracted through, shared with, or cost-allocated though another entity. Employees of a for-profit organization that created a CHDO cannot also be employees of that CHDO.

**STAFF INFORMATION:**

| | | |
|---|---|---|
| Name: | | Please indicate if this position is: |
| Title: | | ❑ Paid |
| Position: | | Unpaid |
| Hours of work: | | Resume Included? |
| Duties and Responsibilities | | Yes |
| | | No (Required) |
| | | |
| | | |

| | | |
|---|---|---|
| Name: | | Please indicate if this position is: |
| Title: | | Paid |
| Position: | | Unpaid |
| Hours of work: | | Resume Included? |
| Duties & Responsibilities | | Yes |
| | | No (Required) |
| | | |
| | | |

| | | |
|---|---|---|
| Name: | | Please indicate if this position is: |
| Title: | | Paid |
| Position: | | Unpaid |
| Hours of work: | | Resume Included? |
| Duties & Responsibilities | | Yes |
| | | No (Required) |
| | | |
| | | |

**ATTACHMENT D TO CHDO CERTIFICATION APPLICATION**

City of Dallas

Community Housing Development Organization

# CERTIFICATION REQUIREMENTS

To be certified as a Community Housing Development Organization (CHDO), an organization must meet the minimum certification criteria as required by the U.S. Department of Housing and Urban Development. Additionally, the organization must comply with the following policies in order to receive CHDO certification from the Housing and Neighborhood Revitalization Department (HNR).

## NO DISTRIBUTIONS

An applicant organization's charter or the articles of incorporation must specify that no net earnings of the corporation can inure to the benefit of any member, founder, contributor or individual. All net income must be reinvested in the projects developed by the organization or in subsequent affordable housing projects.

## BOARD COMPENSATION

Board members may receive a reasonable fixed sum and expenses for each board meeting he/she attends. However, board members cannot receive a salary for their service as a board member. For HNR staff to verify the reasonableness of compensation, CHDO applicants are required to submit all financial statements and, upon request, any other documents necessary for HNR to verify the amount of compensation provided to board members and the services for which the sum was paid.

## SPONSORSHIP OR CREATION BY A RELIGIOUS ORGANIZATION

A religious organization cannot become a CHDO but can create a wholly secular nonprofit housing organization. The sponsoring organization can appoint an unlimited number of board members to the board of the housing organization. Beyond that, however, the housing organization cannot be controlled by the religiously-based sponsor organization. That is, the housing organization must be free to select its projects, to procure its goods, services and financing, and to otherwise operate the organization without influence or intervention by the religiously based sponsor. Additionally, the housing developed by the housing organization must be made available to all persons, regardless of religious belief or affiliation. The by-laws of the housing organization must include language that ensures compliance with all of the above requirements.

## REPRESENTATIONS AND WARRANTIES

Any applicant who submits fabricated information, documentation or signatures as part of or along with its CHDO application, or any applicant who misrepresents any aspect of the board, staff or organizational accomplishments, experience or expertise shall be disqualified from the CHDO certification process for a period of **1** year. The **1**-year disqualification period will begin at the time the misrepresentation is made by the HNR Department and is reported in writing by HNR staff to the applicant organization. If an applicant believes the HNR determination of misrepresentation is in error, the applicant organization may appeal the decision in writing to the Director of the Housing and Neighborhood Revitalization.

**AUDIT**

The Housing and Neighborhood Revitalization Department requires that your organization submit audited financial statements for the organization's most recent program year. If your organization does not have audited financial statements because it has been operating for less than one year, you must submit the audited financial statements of the parent or sponsor organization, along with your organization's current unaudited financial statements. No nonprofit organization shall be certified as a CHDO if the organization's most recent audit has an outstanding finding, material weakness or other unresolved matter which would prevent the Housing and Neighborhood Revitalization from certifying the capacity of that organization to successfully develop a CHDO project. The audit will also be used in assessing the organization's financial capacity for executing the affordable housing activities it intends to pursue.

**VERIFICATION OF COMPLIANCE WITH BYLAWS**

As part of the certification process, the Housing and Neighborhood Revitalization may do all necessary due diligence to verify that the operations of an applicant organization are being conducted in keeping with the by-laws submitted in the CHDO Certification application.

**City of Dallas, Housing and Neighborhood Revitalization Department**
1500 Marilla Street, Dallas, Texas 75201
(214) 670-5988 Fax (214) 670-0156
www.dallascityhall.com/departments/housing-neighborhood-revitalization

**ATTACHMENT E TO CHDO CERTIFICATION APPLICATION**

**See chart on next page.**

## Current Income Limits for Low Income Families

These definitions are effective: **April 1, 2018 through December 31, 2018 or publication of the 2019 income limits.**[1]

HUD Metro FMR Area (HMFA) estimate of the median family income for the Dallas area is: **$ 77,200**

Source: FY 2018 HUD Income Limits website at https://www.huduser.gov/portal/datasets/il.html#2018_data

Effective date: April 1, 2018 per HUD website cited above.

| Eligibility Standard[2] | Number of Persons in the Household | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | **1** | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** |
| 140% | $ 75,656 | $ 86,464 | $ 97,272 | $ 108,080 | $ 116,726 | $ 125,373 | $ 134,019 | $ 142,666 | $ 151,312 |
| 120% | $ 64,848 | $ 74,112 | $ 83,376 | $ 92,640 | $ 100,051 | $ 107,462 | $ 114,874 | $ 122,285 | $ 129,696 |
| 115% | $ 62,146 | $ 71,024 | $ 79,902 | $ 88,780 | $ 95,882 | $ 102,985 | $ 110,087 | $ 117,190 | $ 124,292 |
| 100% | $ 54,040 | $ 61,760 | $ 69,480 | $ 77,200 | $ 83,376 | $ 89,552 | $ 95,728 | $ 101,904 | $ 108,080 |
| 80%[3] | $ 43,250 | $ 49,400 | $ 55,600 | $ 61,750 | $ 66,700 | $ 71,650 | $ 76,600 | **$ 81,550** | $ 86,450 |
| 67% | $ 36,207 | $ 41,379 | $ 46,552 | $ 51,724 | $ 55,862 | $ 60,000 | $ 64,138 | $ 68,276 | $ 72,414 |
| 65% | $ 35,126 | $ 40,144 | $ 45,162 | $ 50,180 | $ 54,194 | $ 58,209 | $ 62,223 | $ 66,238 | $ 70,252 |
| 60% | $ 32,424 | $ 37,056 | $ 41,688 | $ 46,320 | $ 50,026 | $ 53,731 | $ 57,437 | $ 61,142 | $ 64,848 |
| 50%[3] | **$ 27,050** | $ 30,900 | $ 34,750 | $ 38,600 | $ 41,700 | $ 44,800 | **$ 47,900** | **$ 51,000** | $ 54,050 |
| 30%[3] | **$ 16,250** | $ 18,550 | $ 20,850 | $ 23,150 | **$ 25,050** | **$ 26,900** | **$ 28,750** | **$ 30,600** | $ 32,400 |
| Size adjustment: | 70% | 80% | 90% | 100% | 108% | 116% | 124% | 132% | 140% |

[1] Ending date is dependant upon HUD's release of the new income limits for the Federal Fiscal Year.

[2] Eligibility for housing assistance programs is usually expressed as a percentage of the area-wide median family income (AMFI). For example, eligibility for a given program may be limited to families whose income "does not exceed 50% of AMFI, with adjustments for family size." This means that 100% of 50% of the AMFI is the upper eligible income for a family of four persons. Eligibility limits for smaller families use a smaller percentage of 50% of the AMFI while limits for larger families use larger percentages of 50% of the AMFI.

[3] Income for the 80%, 50% and 30% categories are HUD's estimated figures rounded to the nearest $50.

Note 1: Figures shown are actual calculated figures except categories for 80%, 50%, and 30% which are HUD's published figures. HUD allows for rounding calculated amounts up to the nearest $50.

Note 2: The Dallas, TX HUD Metro FMR Area consists of the following counties: Collin, Dallas, Denton, Ellis, Hunt, Kaufman, and Rockwall.

Note 3: HUD literature refers to the 80% (of AMFI) standard as "low income" and the 50% standard as "very low income". The HUD definition "extremely low income" is not used for most HUD-funded programs; only in the Public Housing and Section 8 programs. The "extremely low income" amounts are the higher of 30% of AFMI or the 2018 Poverty Guidelines published by the Dept. of Health and Human Services. **Use the 30% of AMFI from the table below <u>only</u> for Public Housing and Section 8 programs.**

| Eligibility Standard[3] | Number of Persons in the Household | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | **1** | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** |
| 30% | $ 16,250 | $ 18,550 | $ 20,850 | $ 25,100 | $ 29,420 | $ 33,740 | $ 38,060 | $ 42,380 | $ 46,700 |

Note 4: Due to the Housing and Economic Recovery Acy of 2008 (Public Law 110-289) these limits may not be applicable to projects financed with Section 42 Low Income Housing Tax Credits (LIHTC) or Section 142 tax exempt private equity bonds. Those projects should use the Multifamily Tax Subsidy Project Income Limits.

**ATTACHMENT F TO CHDO CERTFICATION APPLICATION**

# Community Housing Development Organization
# SELF-CERTIFICATION FORM

For the purpose of determining income eligibility, I,_(print name), do hereby understand that in order to qualify as a representative of the low-income community, my total household income cannot exceed **80%** of the Median Family Income for the Dallas area as established by the Federal Government. Currently, the amounts are:
HUD Income Limits by Household Size
**Effective Date: April 14, 2017**
2017 Area Median Family Income for Dallas, Texas

| 1 PERSON | 2 PERSON | 3 PERSON | 4 PERSON | 5 PERSON | 6 PERSON | 7 PERSON | 8 PERSON |
|---|---|---|---|---|---|---|---|
| $41,100 | $47,000 | $52,850 | $58,700 | $63,400 | $68,100 | $72,800 | $77,500 |

The following is a list of all persons who are currently occupying this household:

| **Name** | **Age** | **Relationship** | **Gross Monthly Income** (Before Taxes) |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Signature _____ Date _____

WARNING: Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government.

***FOR CITY STAFF ONLY:***

Based on the information provided above, the information has been verified by HNR Staff to reflect that the person named above

☐ **DOES** ☐ **DOES NOT**

qualify as a representative of the low-income community as defined by HUD.

HNR Staff Name: _____ Date: _____

CHDO Certification Application, **Attachment F**, CHDO Board Self-Certification Form

## APPENDIX 6
## Recapture/Resale Requirements for Homebuyer Activities

To ensure that HOME investments yield affordable housing over the long term, HOME regulations impose occupancy requirements over the length of an affordability period. If a house purchased with HOME funds is sold during the affordability period, recapture or resale provisions as per 24 CFR 92.254 shall apply to ensure the continued provision of affordable homeownership.

**Definitions**

Affordability Period: Occupancy restrictions for varying lengths of time for those homeowners assisted with HUD HOME funds. The affordability period affects the terms of the resale/recapture of the property if sold during the affordability period.

| HOME Affordability Periods | |
|---|---|
| HOME subsidy/unit | Minimum Period of Affordability in Years |
| Under $15,000 | 5 |
| $15,000 to $40,000 | 10 |
| Over $40,000 | 15 |

Direct Homebuyer Subsidy: A direct subsidy consists of any financial assistance that reduces the purchase price from fair market value to an affordable price, or otherwise directly subsidized the purchase (e.g., down payment or closing cost assistance, subordinate financing, etc.).

Development subsidy: A development subsidy is the difference between the cost to develop housing and the market price. For example, the PJ might provide a $50,000 construction loan to a developer. The appraised value after construction will be $45,000 because of neighborhood and the market conditions. The $5,000 difference between the $45,000 sale price and $50,000 construction loan is not repaid to the PJ and represents a development subsidy provided to the developer. While the subsidy does not go directly to the homebuyer, it helps make development of an affordable home feasible.

| Summary of Provisions for the City of Dallas by Subsidy Type: | | |
|---|---|---|
| **Direct Homebuyer Subsidy (DHS)** | **DHS + Development Subsidy** | **Development Subsidy** |
| Recapture provisions shall apply | Recapture provisions shall apply | Resale provisions shall apply |

Net Proceeds: The sales price minus loan repayment (other than HOME funds) and closing costs.

**Recapture Requirements**

Pursuant to HOME regulations at 24 CFR 92.254(a)(5) each HOME-funded homebuyer unit must be subject to either resale or recapture requirements during the affordability period. The City of Dallas exclusively uses the recapture provisions as defined herein and does not intend to use resale restrictions.

The City of Dallas provides HOME-funded direct buyer assistance to income eligible buyers based on need as dictated by the City of Dallas Homebuyer Assistance Program Underwriting Guidelines.

The level of HOME assistance provided to a buyer is based on an evaluation of the buyer's individual need taking into account their specific income, debts, etc. according to the City's underwriting policies for homebuyer assistance. Depending on the level of homebuyer assistance provided, the affordability period may be five (5) years (less than $15,000 in direct assistance), ten (10) years ($15,000 or more but less than $40,000 in direct assistance), or fifteen (15) years ($40,000 or more in direct assistance). Based on the City's program design, most projects trigger a 5- or 10-year affordability period.

All buyers sign a HOME written agreement with the City outlining the affordability period and recapture provisions. HOME assistance is provided in the form of a deferred loan secured by a second-position deed of trust which is due and payable upon sale or transfer of title. In the event buyers remain in the unit beyond the end of the affordability period, the HOME loan remains outstanding until sale or transfer of title while the term of the HOME written agreement expires.

Any sale or transfer of title during the affordability period results in recapture by the City of the lesser of the:

a) Entire amount of direct HOME assistance originally provided to the buyer (less any voluntary prepayments previously made); or
b) Net proceeds of sale (sales price minus senior secured debt minus reasonable seller's closing costs).

When the net proceeds are inadequate to fully repay the City's HOME loan, the City accepts the net proceed as full and final payoff of the note. The City reserves the right to determine that the sales price reflects an arms-length transaction at fair market value. Receipts received as a result of a sale within the affordability period are recorded as "recaptured funds." When net sales proceeds exceed the HOME assistance, buyers retain all remaining net proceeds after repaying the HOME loan balance.

After the expiration of the affordability period, any sale or transfer requires the HOME loan balance be repaid, and the City similarly limits the payoff to the net proceeds of sale. Receipts collected after the affordability period has expired are recorded as "program income." Net proceeds in excess of the City's HOME loan balance are retained by the original homebuyer.

## Resale Requirements

The City of Dallas shall require that Resale provisions be used in the event that only a Development Subsidy is used to make the home affordable (i.e. funding construction to the developer). In a project where both Development and Direct subsidies are provided, recapture provisions apply.

Resale provisions require the homeowner to sell to another low-income homebuyer. The resale requirement must ensure that the price at resale provides the original HOME-assisted owner a fair return on investment and ensure that the housing will remain affordable to a reasonable range of low-income homebuyers as defined below:

Affordable to range of low-income homebuyers (As it relates to the Resale Provision only): That which is affordable to a family earning 80% AMI and below and that who not pay any more than 30% their gross income for PITI (Principle, Interest, Tax, and Insurance).

Fair Return on Investment (As it relates to the Resale Provision only): A Homeowner can sell the home during the affordability period according to the following chart:

| Fair Return on Investment (as it relates to Resale Provision only) | | |
|---|---|---|
| **Years** | **Lower Range** | **Max Limit** |
| Year 1-5 of Affordability Period | A Homeowner can sell the home during the affordability period for no more than 15% over DCAD's most recent appraisal value | Current (as of date of sale) Affordable Home Price as set forth in the City of Dallas Housing Policy |
| Year 6-15 of Affordability Period | No Cap on appreciation rate | Current (as of date of sale) Affordable Home Price as set forth in the City of Dallas Housing Policy |

Homeownership projects undertaken using the resale provision shall use deed restrictions, covenants running with land, or other similar mechanisms per 92.254(a)(5)(i)(A) to ensure the resale requirements. The period of affordability specified in the mortgage will be the minimum period for the project as specified above. The period of affordability is based on the total amount of HOME funds invested in the housing.

**Either recapture or resale provisions must be detailed and outlined in accordance with 24 CFR** in marketing brochures, written agreements and all legal documents with homebuyer. Either recapture or resale may be used within a project, not both. Combining provisions to create "hybrids" is not allowed.

## APPENDIX 7
## City of Dallas Affirmative Fair Housing Marketing Policy

The Affirmative Fair Housing Marketing (AFHM) Plan is a marketing strategy or approach designed to attract renters and buyers that would be least likely to apply to assisted multi- family or single-family developments. The City of Dallas requires that all recipients and sub-recipients of HOME, CDBG or NSP funds, for all projects resulting in five (5) or more assisted housing units, implement affirmative marking approaches as part of the overall marketing strategy. To market affirmatively means that a good faith effort is made to attract to a project those minority or majority groups who are least likely to apply or are underrepresented in a neighborhood or community. Good faith efforts are recorded activities and documented outreach to those individuals identified as least likely to apply. Affirmative marketing requirements apply to all housing programs, including, but not limited to Tenant- Based Rental Assistance and Down Payment Assistance Programs.

The City of Dallas is committed to affirmatively market to such groups and requires that recipients of HOME/CDBG funds to submit an AFHM Plan using HUD Form 935.2B for single- family developments and HUD Form 935.2A for multi-family developments, prior to expending any funds on a project.

In developing an Affirmative Marketing Plan, the recipient/managing agent shall abide by the following:

### I. Regulations

**HOME**: The recipient/managing agent shall adopt the affirmative marketing procedures and requirements as specified in the HOME Final Rule 92.351 for all projects resulting in five (5) or more HOME-assisted housing units.

**CDBG:** The Housing and Community Development Act of 1974, as amended, requires from each federal grantee, through the Consolidated Plan certify the following:

**(1)** Examine and attempt to alleviate housing discrimination with their jurisdiction;
**(2)** Promote fair housing choice for all persons;
**(3)** Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status, or national origin;
**(4)** Promote housing that is accessible to and usable by persons with disabilities;
**(5)** And comply with non-discrimination requirements of the Fair Housing Act.

### II. Policy on Nondiscrimination and Accessibility

The recipient/managing agent shall not discriminate against any individual or family because of race, color, national origin, religion, gender, disability, familial status, sexual orientation, gender identity or expression or source of income (disability, child support, spousal support or veteran's income or voucher). Reasonable accommodations will be offered to all disabled persons who request accommodations due to disability at any time during the application, resident selection and rent up process.

### III. Training

1. The recipient/managing agent shall provide property management staff with all relevant regulations and Fair Housing provisions. All property

management staff shall be required to follow the procedures and policies adopted by the recipient/managing agent. In the event that property management staff requires fair housing technical assistance, staff is to call the **City of Dallas Office of Fair Housing and Human Rights 214-670-FAIR (3247).**

2. Regular training programs shall including marketing, outreach, data collection, reporting, and record keeping. Property management staff shall annually receive instruction regarding fair housing laws and the recipient/managing agent's Affirmative Marketing Plan.

## IV. Marketing and Outreach

1. All advertising shall display the Equal Housing Opportunity logo or the phrase "Equal Housing Opportunity" and the accessibility logo when appropriate, as shown below:






2. Consistent with resident population the development is designed to serve, the marketing of the project will ensure equal access to appropriate size units for all persons in any category protected by federal, state, and local laws governing discrimination. There will be no local residency requirements nor will preference be given to local residents for the project. Special marketing outreach consideration shall be given to the following traditionally underserved populations:
    a. African-Americans
    b. Native Americans
    c. Hispanics
    d. Asians and Pacific Islanders
    e. Disabled Persons

3. Marketing shall include the use of newspapers of general circulation in Dallas, The recipient/managing agent will place notices in newspapers, specialized publications, and newsletters to reach potential residents. Applications, notices and all publications will include a Fair Housing and Equal Opportunity Logo, and the Accessibility Logo.

4. The recipients/managing agent will contact local civic and community organizations representative of the ethnic and cultural diversity of the area in order to disseminate information about the development. Groups representing disabled and elderly individuals will be contacted. Where necessary, recipient/managing agent will publish its marketing

materials in multiple languages and alternate formats as requested in order to better reach potential recipients and sub-recipients in the area with language limitations.

## V. Race and Ethnic Data Collection and Reporting

An applicant shall be given an application package containing the following: Application, Income Requirements and form HUD-27061-H "Race and Ethnic Data Reporting Form." The recipient/managing agent is required to offer each household member the opportunity to complete the form. Parents or guardians are to complete the form for children under the age of 18. Completed documents for the entire household shall be stapled together and place in the household's file.

## VI. Compliance Assessment

1. The recipient/managing agent will review the Affirmative Marketing Plan every year and update as needed to ensure compliance. The advertising sources will be included in the review to determine if past sources should be changed or expanded.

2. The recipient/managing agent will annually assess the success of affirmative marketing actions for the project. If the demographic data of the residents vary significantly from the jurisdiction's population data, advertising efforts and outreach will be targeted to underrepresented groups in an attempt to balance the residents with the demographics of the jurisdiction. The recipient/managing agent shall submit any changes to the plan to the Fair Housing Office.

## VII. Record Keeping

1. The assigned recipient/managing agent shall establish and maintain an Affirmative Marketing file to hold advertisements, flyers, and other public information documents to demonstrate that the appropriate logo and language have been used. Additionally, staff shall keep records of its activities in implementing the affirmative marketing plan, including other community outreach efforts and its annual analysis.

2. Recipient/managing shall keep up-to-date records based on census data, applications, and surveys about community residents, recipients and sub-recipients, residents of the project, and records about tenant selection or rejection.

3. The recipient/managing agent shall provide City staff provide City staff access to any pertinent books, documents, papers or other records of their properties, as necessary, for determining compliance with civil rights and nondiscrimination requirements.

## APPENDIX 8
## Residential Anti-Displacement and Relocation Assistance Plan (RARAP)

This Residential Anti-Displacement and Relocation Assistance Plan (RARAP) is prepared by the City of Dallas Housing & Neighborhood Revitalization Department (City) in accordance with the Housing and Community Development Act of 1974, Section 104(d) as amended and HUD regulations at 24 CFR 42.325 and is applicable to CDBG, CDBG-R, Section 108 Loan Guarantee Program, NSP and/or HOME-assisted projects.

### Plan to Minimize Displacement of Low/Mod-Income Families as a Result of Any HUD Assisted Activities

Consistent with the goals and objectives of activities assisted under the Act, the City will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Support the Redevelopment and Stabilization Target Areas through this policy
- Ensure the staging of rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Ensure for the arrangement of facilities to house persons who must be relocated temporarily during rehabilitation.
- Identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, allow for demolition or conversion of only dwelling units that are not occupied or vacant occupied dwelling units (especially those units which are “lower- income dwelling units” (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.

### Relocation Assistance to Displaced Persons

The City will ensure relocation assistance for lower-income tenants who, in connection with an activity assisted under the above-mentioned Programs, move permanently or move personal property from real property as a direct result of the demolition of any swelling unit or the conversion of lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350.

A displaced person who is not a lower-income tenant, shall be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970m Section 104(d) as amended, and implementing regulations at 49 CFR Part 24.

**One-for-One Replacement of Lower-Income Dwelling Units**

The City will ensure replacement of all occupied and vacant occupied lower-income dwelling units demolished or converted to use other than lower-income housing in connection with a project assisted with funds provided under the above-mentioned programs in accordance with 24 CFR 42.375.

Before entering into a contract committing the City to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City will ensure publication of such project in a newspaper of general circulation and submit to HUD the following information in writing:

1. A description of the proposed assisted project;

2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of assisted project;

3. A time schedule for the commencement and completion of the demolition or conversions;

4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 420.75(d).

5. The source of funding and a time schedule for the provision of the replacement dwelling units;

6. The basis for concluding that each replacement dwelling unit will remain a lower- income dwelling unit for at least 10 years from the date of initial occupancy; and

7. Information demonstrating that any proposed replacement of lower0income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1- bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specified location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the general location of such dwelling units will be identified on a map and the City will ensure that the disclosure and submission requirements are completed as soon as the specific data is available.

**Replacement not required Based on Unit Available**

Under 24 CFR 42.375(d), the City may submit a request to HUD for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

**Responsible Entity**

The City is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period. This City will also ensure that relocation payments and other relocation assistance are provided to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

## APPENDIX 9
## Other Federal Requirements

| Other Federal Requirements | Apply to Owner Occupied Rehabilitation? | Apply to Homebuyer Programs? | Applies to Rental Housing Programs? |
|---|---|---|---|
| ***Non-Discrimination and Equal Access Rules*** | | | |
| Fair Housing and Equal Opportunity | Yes. Must affirmatively further Fair Housing | Yes | Yes. |
| Affirmative Marketing | Yes. | Yes, for all projects of five or more HOME-assisted units. | Yes; for projects containing five or more Home-assisted units. |
| Accessibility for Disabled Persons | Accessibility features must be part of rehabilitation, if needed by owner/occupant and the overall unit is brought up to the PJ's property standard. (Note: Accessibility improvements are eligible costs.) | Yes. | Yes. |
| ***Employment and Contracting Rules*** | | | |
| Equal Opportunity Employment | Yes. | Yes. | Yes. |
| Section 3 Economic Opportunity | | Yes, if amount of assistance exceeds $200,000 or contract ***or*** subcontract exceeds $100,000. | Yes, if amount of assistance exceeds $200,000 or contract ***or*** subcontract exceeds $100,000. |
| Minority/Women Business Enterprises | No. | Yes. | Yes. |
| Davis-Bacon & other Labor | No. | Yes, if construction contract includes 12 or more units that are HOME-assisted | Yes, if construction contract includes 12 or more units that are HOME-assisted |
| Conflict of interest | Yes. | Yes. | Yes. |
| Excluded Parties (e.g., Debarred Contractors) | Yes. | Yes | Yes. |
| ***Other Federal Requirements*** | | | |
| Environmental Reviews | Yes. | Yes | Yes. |
| Flood Insurance | Yes for PJs that are cities/counties. No for State programs. | Yes if city or county. No if state program | Yes for PJs that are cities/counties. No for State PJs. |

| | | | |
|---|---|---|---|
| Site and Neighborhood Standards | No. | No. | Yes; for rental new construction only |
| Lead-Based Paint | Yes for pre-1978 units | Yes for pre-1978 units. | Yes for rehabilitation of pre-1978 units. Applies to HOME and non-HOME assisted units. Requirements differ depending on whether rehabilitation work is performed. |
| Relocation | Yes. | Yes | Yes. |

## APPENDIX 10
## Lead-Based Paint Requirements

This portion of the manual outlines the requirements in relation to Lead-Based Paint.

The U.S. Department of Housing and Urban Development recently adopted new regulations in relation to the treatment of Lead Based Paint in properties built before 1978 that are assisted with HUD funding. The requirements are outlined below based on the activity undertaken. To obtain a copy of the rules from HUD, go to the HUD website at: www.hug.gov/lead and download the regulation.

The section does not outline the City programs that are available to provide financial assistance in relation to lead abatement. Please note, however that any financial assistance provided by the City to address lead based paint will be in the form of a GRANT to the homeowner to developer.

**Down-payment Assistance Programs:**

The following are HUD's requirements See 24 CFR part 35 (subpart K):

- Distribute Lead Hazard Information Pamphlet and Disclosure to buyers of homes built prior to 1978.
- Perform Visual Assessment of all painted surfaces.
- If Visual Assessment reveals deteriorated paint, action must be taken to stabilize each deteriorated paint surface.
  -At this point, one will have to assume every component has lead since the Visual Assessment does not determine where lead is present. Safe work practices must be used by trained worker in this field. Paint stabilization works will on non-friction surfaces such as walls (interior/exterior). When dealing with friction points such as windows and doors, abatement procedures (removal, replacement, enclosure) are recommended.
- After paint stabilization, clearance must be performed by a certified Risk Assessor or Lead Inspector. HUD has established lead levels that meet clearance requirements.
- Notify the homebuyer within 15 days of results of clearance exam.

At the Visual Assessment Stage, the homebuyer *may opt* for a lead test. This will reveal the levels of lead present in the home. A lead inspection will not tell you the risk involved, but only where the leas is located. This is when a buyer may request a Risk Assessment to outline the necessary Lead Hazard Reduction methods needed to insure a lead safe residence.

Following are some options (NOT REQUIREMENTS) to consider in relation to your program design for down payment assistance programs:

- If the visual assessment reveals defective paint in which stabilization and clearance is required then this cost can be funded by the nonprofit or the homebuyer or seller.
- If visual assessment shows no deterioration of a painted surface, the homebuyer can sign a waiver stating that they are aware of the potential presence of lead paint and they choose not to address it.
- A qualified consultant should advise on any lead inspection, lead hazard screen or risk assessments.

**For Rehabilitation Programs (Owner-Occupied, Homebuyer, and Rental Property Rehabilitation Programs and Historic Preservation Residential Programs):**

See 24 CFR Part 35 (subpart J)

If you are implementing a rehabilitation program, HUD's requirements are a bit more stringent in relation to lead based paint. The following describes HUD's requirements:

For HUD funded rehabilitation activities, lead hazard evaluation and reduction activities must be carried out for all projects constructed before 1978.

In all case, notification must be made to the homeowner/buyer in the form of the HUD Lead Hazard Information Pamphlet and Disclosure or an acceptable alternative pamphlet.

The required evaluation and reduction activity is dependent upon the amount of HUD funding used for the project.

For cases where less than or equal to $5,000 will be spent on the rehabilitation: *Testing:* Paint Testing of surfaces to be disturbed by the rehabilitation activities must occur.

*Lead Hazard Reduction*: Surfaces, which are disturbed during rehabilitation, must be re paired. Safe work practices must be used. After the rehabilitation activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

For cases where $5,001 to $25,000 will be spent on the rehabilitation:
*Testing*: Paint testing of surfaces to be disturbed by rehabilitation must occur. In addition, a risk assessment must be performed.

*Lead Hazard Reduction*: Interim controls must be used. This means that the friction and impact surfaces would be addressed. Interim controls include paint stabilization and cleaning. Safe work practices must be used. After the rehabilitation activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

For cases where more than $25,000 will be spent on the rehabilitation:

*Testing*: Paint testing of surfaces to be disturbed by rehabilitation must occur. In addition, a risk assessment must be performed.

*Lead Hazard Reduction*: abatement of hazards is the required approach. Abatement involves permanently removing lead based hazards, often through paint and component removal, replacement, encapsulation and enclosure. Interim controls and paint stabilization may be used on the home's exterior if it is not involved in the rehabilitation. Safe work practices must be used. After the lead hazard reduction activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

**Calculating the level of rehabilitation assistance:**

When calculating how much HUD funding will be used on a rehabilitation project, the following costs are counted: soft costs, administrative costs, relocation costs, environmental reviews, acquisition of property, and lead hazard evaluation and reduction costs.

**Lead-Based Paint Requirements**

For HUD funded rehabilitation activities, lead hazard evaluation and reduction activities must be carried out for all projects constructed before 1978.

Less than or equal to $5,000 spent on the rehabilitation:

Projects where the level of rehabilitation assistance is less than or equal to $5,000 per unit must meet the following requirements. All work must be conducted using lead safe work practices and workers/contractors must be trained in lead safe work practices. It is presumed that painted surfaces being worked on contain lead-based paint. All disturbed paint must be repaired. Clearance is required by a State of Texas Certified Risk Assessor or Inspector if paint is disturbed. Safe work practices are NOT required when lead hazard reduction activities do not disturb (De Minimis Levels) painted surfaces that total more than 20 sq ft on exterior surfaces, 2 sq ft in any one interior room, or space or 10% of the total surface on an interior or exterior type of component.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

Where $5,001 to $25,000 spent on the rehabilitation:

A risk assessment is required to identify lead hazards and identified hazards must be addressed by interim controls. A risk assessment must be conducted by a qualified professional prior to rehabilitation to find lead-based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation. If the risk assessment identifies lead-based paint hazards, interim controls must be implemented to address lead-based paint hazards. Interim controls must be performed by qualified professionals using safe work practices. Clearance, conducted by a State of Texas Certified Risk Assessor or Inspector, is required when lead hazard reduction activities are complete.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

Where more than $25,000 will be spent on the rehabilitation:
A risk assessment is required to identify hazards and any identified hazards must be abated by a qualified professional. A risk assessment must be conducted prior to rehabilitation to find lead- based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation.

To address hazards identified:

- Abatement must be conducted to reduce all identified lead-based paint hazards except those described below. Abatement must be conducted by a certified abatement contractor.

If lead-based paint hazards are detected during the risk assessment on the exterior surfaces that are not to be disturbed by rehabilitation, interim controls may be completed instead of abatement to reduce these hazards.

- Clearance is required when lead hazard reduction activities are complete.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

| | <$5,000 | $5,000 to $25,000 | >$25,000 |
|---|---|---|---|
| Approach to Lead Hazard Evaluation and Reduction | Do no harm | Identify and control lead hazards | Identify and abate lead hazards |
| Notification | Yes | Yes | Yes |
| Lead Hazard Evaluation | Paint Testing | Paint Testing and Risk Assessment | Paint Testing and Risk Assessment |
| Lead Hazard Reduction | Repair surfaces disturbed during rehabilitation | Interim Controls | Abatement (Interim controls may be used on exterior surfaces not disturbed by rehabilitation |

## APPENDIX 11
## Environmental Review Policy, Procedures, and Standards

For every project, an Environmental Review must be completed in accordance with 24 CFR Part 58 prior to executing an agreement with a sub-recipient, developer or CHDO. The City has developed the "Environmental Review Policy, Procedures, and Standards" document to outline the process and requirements of completing an Environmental Review.

## APPENDIX 12
## SECTION 3

All projects receiving an award of HOME funds must comply with HUD's Section 3 requirements. The purpose of Section 3 is to ensure that employment, training, contracting, and other economic opportunities generated by financial assistance from HUD shall, to the greatest extent feasible, and consistent with existing federal, state, and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low- and very low-income persons. Recipients of an award of HOME funds will be required to complete Section 3 compliance forms prior to execution of a loan agreement. Applicants requesting HOME funds must provide a written strategy demonstrating understanding of the Section 3 requirements and detailing how they will ensure that, when employment or contracting opportunities are generated because the project or activity necessitates the employment of additional persons or the award of contracts for work, preference shall be given to low- and very low-income persons or business concerns in the neighborhood. Neighborhood is defined in the HOME regulations (24 CFR Part 92, Subpart A) as "a geographic location designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation that is within the boundary but does not encompass the entire area of a unit of general local government."

Developers must obtain the City's approval of the Section 3 plan prior to the construction start of the project.

## APPENDIX 13
## MINORITY BUSINESS ENTERPRISE & WOMEN BUSINESS ENTERPRISE

Developers must maintain a MBE/WBE plan that demonstrates marketing and solicitation of MBE/WBE businesses and contractors for the construction of the project.

## APPENDIX 14
## Regulatory References

You may be interested in reading the actual regulations published by the U.S. Department of Housing and Urban Development for CDBG and HOME and the applicable federal requirements. A copy of the regulations may be obtained by the contracting the Department of Housing and Neighborhood Revitalization or downloading the information from the HUD website at www.hud.gov.

**The regulations for CDBD are located at 24 CFR Part 570: Part 570 – Community Development Block Grants**

**Subpart A – General Provisions**

| Section | Title |
|---|---|
| 570.1 | Purpose and Primary Objective |
| 570.2 | Removed |
| 570.3 | Definitions |
| 570.4 | Allocations of Funds |
| 570.5 | Waivers |

**Subpart C – Eligible Activities**

| Section | Title |
|---|---|
| 570.200 | General Policies |
| 570.201 | Basic eligible activities |
| 570.202 | Eligible rehabilitation and preservation activities |
| 570.203 | Special economic development activities |
| 570.204 | Special activities by Community-Based Development Organizations (CBDO's) |
| 570.205 | Eligible planning, urban environmental design and policy-planning-management- capacity building activities |
| 570.206 | Program administration costs |
| 570.207 | Ineligible activities |
| 570.208 | Criteria for national objectives |
| 570.209 | Guidelines for evaluating and selecting economic development projects |

**The regulations for HOME are located at 24 CFR Part 92: Home Investment Partnerships Program**

| Section | Title SUBPART A - GENERAL |
|---|---|
| 92.1 | Overview |
| 92.2 | Definitions |
| 92.4 | Waivers and Suspensions of Requirements for Disaster Areas |

**SUBPART B – ALLOCATIONS FORMULA**

92.50 Formula Allocations
92.60 Allocation Amounts for Insular Areas
92.61 Program Description
92.62 Review of Program Description and Certifications
92.63 Amendments to Program Description
92.64 Applicability of Requirements to Insular Areas
92.65 Funding Sanctions
92.66 Reallocations

**SUBPART C – CONSORTIA; DESIGNATION AND REVOCATION OF DESIGNATION AS A PARTICIPATING JURISDICTION**

92.101 Consortia
92.102 Participation Threshold Amount
92.103 Notification of Intent to Participate
92.104 Submission of a Consolidated Plan
92.105 Designation as a Participating Jurisdiction
92.106 Continuous Designation as a Participating Jurisdiction
92.107 Revocation of Designation as a Participating Jurisdiction

**SUBPART D – SUBMISSION REQUIREMENTS**

92.150 Submission Requirements

**SUBPART E – PROGRAM REQUIREMENTS**

92.200 Private-Public Partnership
92.201 Distribution of Assistance
92.202 Site and Neighborhood Standards
92.203 Income Determinations
92.204 Applicability of Requirements to Entities that Receive a Reallocation of HOME Funds, other than Participating Jurisdictions
92.205 Eligible Activities: General
92.206 Eligible Project Costs
92.207 Eligible Administrative and Planning Costs
92.208 Eligible Community Housing Development Organization (CHDO) Operating Expense and Capacity Building Costs
92.209 Tenant-Based Rental Assistance: Eligible Costs and Requirements

**Lead Based Paint Regulations**
**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**
**24 CFR Parts 35, 91, 92, 200, 203, 206, 280, 291, 511, 570, 572, 573, 574, 576, 582, 583, 585,**
**761, 881, 882, 883, 886, 891, 901, 906, 941, 965, 968, 670, 982, 983, 1000, 1003, and 1005**
**Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance.**

**AGENCY**: Office of the Secretary – Office of Lead Hazard Control, HUD.

**ACTION**: Final rule.

**SUMMARY:** The purpose of this rule is to ensure that housing receiving Federal assistance and federally owned housing that is to be sold does not pose lead-based paint hazards to young children. It implements sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992.
The requirements of this rule are based on the practical experience of cities, states and others who have been controlling lead-based paint hazards in low-income privately-owned housing and public housing through HUD assistance. It also reflects the results of new scientific and technological research and innovation on the sources, effects, costs, and methods of evaluating and controlling lead hazards. With today's action, HUD's lead-based paint requirements for all Federal programs are now consolidated in one part of title 24 of the Code of Federal Regulations.

**DATES:** Effective Dates: Section 35.140 is effective on November 15, 1999. All other provisions of the rule are effective on September 15, 2000.

**FOR FURTHER INFORMATION CONTACT:** For questions on this rule, call (202) 755-1785, ext. 104 (this is not a toll-free number) or e-mail your inquiry to lead regulations@hud.gov. For lead-based paint program information, contact the Office of Lead Hazard Control, Department of Housing and Urban Development, 451 7th Street, SW, Room B-133, Washington, DC 20410- 0500. For legal questions, contact the Office of General Counsel, Room 9262, Department of Housing and Urban Development. Hearing and speech-impaired persons may access the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1-800- 877-8339.

**Subpart A** – Disclosure of Known Lead-Based Paint Hazards upon Sale or Lease of Residential Property.
**Subpart B –** General Lead-Based Paint Requirements and Definitions for All Programs

- **a.** Definitions
- **b.** Exemptions
- **c.** Options
- **d.** Notice of Evaluation and Hazard Reduction Activities

**e.** Lead Hazard Information Pamphlet
**f.** Use of Paint Containing Lead
**g.** Prohibited Methods of Paint Removal
**h.** Compliance with Other, State, Tribal, and Local Laws
**i.** Minimum Requirements
**j.** Waivers
**k.** Prior Evaluation or Hazard Reduction
**l.** Enforcement
**m.** Records

**Subpart C –** Disposition of Residential Property Owned by Federal Agency Other Than HUD **Subpart D –** Project-Based Assistance Provided by a Federal Agency Other than HUD **Subpart E -** Reserved
**Subpart F –** HUD-Owned Single-Family Property **Subpart G –** Multifamily Mortgage Insurance **Subpart H –** Project – Based Rental Assistance
**Subpart I –** HUD – Owned and Mortgagee-in-Possession Multifamily Property
**Subpart J –** Rehabilitation
**Subpart K –** Acquisition, Leasing, Support Services, or Operation
**Subpart L -** Public Housing Programs
**Subpart M –** Tenant-Based Assistance
**Subpart N-Q –** Reserved
**Subpart R –** Methods and Standards for Lead-Based Paint Hazard Evaluation and Reduction Activities

a. Standards
b. Adequacy of Dust-Lead Standards
c. Summary Notice Formats
d. Interim Controls
e. Standard Treatments
f. Clearance
g. Occupant Protection and Worksite Preparation
h. Safe Work Practices
i. Ongoing Lead-Based Paint Maintenance and Reevaluation

**APPENDIX 15**
**OWNER-OCCUPIED HOUSING REHABILITATION / RECONSTRUCTION PROGRAM**
**GENERAL CONTRACTOR / HOMEBUILDER APPLICATION**

A. **COMPANY NAME:** (Print) _____

Address _____

City, State, & Zip _____

Office Telephone No. _____ Employer's Tax No. _____

Cell No. _____ Fax No. _____

B. **BUSINESS OWNER(S) / PRINCIPAL(S):**

1. Name _____ Title _____

   Home Address _____

   City, State, & Zip _____

   Telephone No. (  )_____ Fax No. (  )_____

2. Name _____ Title _____

   Home Address _____

   City, State, & Zip _____

   Telephone No. (  ) _____ Fax No. (  )_____

3. Name _____ Title _____

   Home Address _____

   City, State, & Zip _____

Telephone No. (  ) _____ Fax No. (  )_____

C. **HISTORY OF COMPANY:**

1. How long has your company been under the present company name? If less than 2 years, please list previous company name, if any_____

_____

2. Are you a member of any trade or professional association? Yes _____ No _____

If yes, please indicate name and number of years as member: _____

_____

_____

3. Number of Employees: Office/Admin_____Trades _____ (Give averages if number fluctuates)

4. Contractor's and/or Homebuilder's License Number _____

Where Licensed _____

5. Have you ever had your Contractor's License revoked? Yes _____ No _____

If yes, provide year revoked and justification.

_____ _____

_____

6. Have you ever defaulted on a contract? Yes _____ No _____
7. Are you on any debarment or suspension lists or have been declared ineligible to participate in any Federal Assistance Programs? Yes _____ No _____
8. Have any members of the firm been sued within the past 2 years by sub-contractors, suppliers, customers, or other persons? Yes _____ No _____

   If yes, give details: _____

   _____
9. Do you have working capital to start a home improvement job of $50,000.00? Yes_____ No_____
10. How do you finance your work?

    _____
11. If this application is approved, how do you plan on financing these public projects?

    _____
12. If you intend on using interim financing from a lending institution to finance these public projects, please provide a commitment letter from your lending institution or

other financial resources.

D. **CONTRACTOR'S INFORMATION AND BACKGROUND:**

1. Principal Contractor's Social Security Number: _____

2. How long have you been in business? _____

3. Describe your construction background and specific trades: _____

   _____

   _____

   _____

   If you have no construction background, who in your company does? _____

   _____

4. In what areas and trades are you licensed by the City of Dallas? _____

   _____

***5.*** Who is responsible for jobsite day-to-day activities such as: scheduling, supervision,
Coordination, quality control, clients concerns and complaints, etc.?

   Name:

   _____

   Title:_____ Years w/Company _____

***6.*** Please list full-time employees and the trades they cover? List names, trades and licenses,
if any, and years with the company.

_____

_____

_____

***7.*** What kind of warranty do you provide your customers upon completion of the construction work and how long is the warranty period?

_____

_____

***8.*** How long does it take you to build a new 1,900 square foot home?

_____

***9.*** How long does it take you to complete a FULL rehab of a 1,900 square foot home on pier and beam? _____

E. CONSTRUCTION WORK PREFERENCE:

1. What type of construction work program do you want to participate in?

- ❑ Reconstruction (New construction) Yes_____ No_____
  - o Single family units Yes_____ No_____
  - o Multi-family developments Yes_____ No_____
- ❑ Rehabilitation (Existing homes) Yes_____ No_____
  - o Single family units Yes_____ No_____

- Multi-family developments Yes_____
  No_____

E. EXPERIENCE WITH PUBLIC AGENCIES:

1. Have you participated or worked with similar federally-funded housing construction programs with other entities, i.e., Dallas Housing Authority (DHA), other housing non-profit organizations, etc.? Yes _____ No _____

   If yes, please complete the following information:

   (a) Agency Name _____ Phone No. _____

   Address _____ City, State, and Zip _____

   Type of Work_____

   Contract Amount $ _____ Units Completed _____ Date: _____

   (b) Agency Name _____ Phone No. _____

   Address _____ City, State, and Zip _____

   Type of Work_____

   Contract Amount $ _____ Units Completed _____ Date:_____

   (c) Agency Name _____ Phone No. _____

   Address _____ City, State, and Zip _____

   Type of Work _____

   Contract Amount $ _____ Units Completed _____ Date: _____

   (d) Agency Name _____ Phone No. _____

   Address _____ City, State, and Zip _____

   Type of Work _____

Contract Amount $ _____ Units Completed _____ Date: _____

G. **CURRENT CONTRACT AGREEMENTS:**

Presently, do you have any contracts under construction? Yes _____ No _____

If yes, provide the following information:

| **Project Address** | **Contract Amount** | **Client's Name** | **Client's Phone No.** | **Construction Start and Expected Completion** |
|---|---|---|---|---|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |

H. **INSURANCE REQUIREMENTS (See Attachment A): If your application is approved, you will be required to provide proof of insurance as outlined in Attachment A.**

I. **EXPERIENCE: REHABILITATION AND/OR RECONSTRUCTION WORK DURING THE PAST YEAR:**

1. Name _____ Phone No. _____

   Address _____ City, State, Zip _____

   Type of Work _____

   Contract Amount $ _____ Completed _____

2. Name _____ Phone No. _____

   Address _____ City, State, Zip _____

Type of Work _____

Contract Amount $ _____ Completed _____

3. Name _____ Phone No. _____

Address _____ City, State, Zip _____

Type of Work _____

Contract Amount $ _____ Completed _____

4. Name _____ Phone No. _____

Address _____ City, State, Zip _____

Type of Work _____

Contract Amount $ _____ Completed _____

Contract Amount $ _____ Completed _____

J. REQUIRED DOCUMENTS:

**1.** The following documents must accompany this General Contractor / Homebuilder Application before this application is accepted and processed.

- ❑ Copy of Current Picture I.D. (Texas Driver's License) of Owners
- ❑ Copy of Current General Contractor's License
- ❑ Copy of Current Homebuilder's License
- ❑ Copy of commitment letter from financial resource if applicable
- ❑ Copy of Current Certificate of Liability Insurance to include General Liability & Workers compensation and employers' Liability

- 2007/2008 Tax Returns for Business or Owners

K. **PENALTY FOR FALSE OR FRAUDULENT STATEMENT:**

**USC Title 18, Sec. 1001, states: "Whomever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both."**

The undersigned certifies that all information provided in this CONTRACTOR INFORMATION APPLICATION, and all information in support of said form, is true and complete to the best of the undersigned's knowledge and belief. Further, the undersigned hereby authorizes and requests any person, firm or corporation to furnish any information requested by the City of Dallas, Housing & Neighborhood Revitalization Department, in verification of the recitals comprising this statement of contractor's qualifications.

SIGNED this _____ day of _____, 2008.

_____

Name of Business

By: _____

Print Name

Title: _____

Owner, Partner, President, Agent or Representative

**STATE OF TEXAS §**

§

**DALLAS COUNTY §**

BEFORE ME, the undersigned authority, on this day personally appeared _____

_____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledges to me that the answers to the foregoing questions and all statements therein contained are true and correct.

GIVEN UNDER my hand and seal of office this _____ day of, _____, 2008.

_____

NOTARY PUBLIC, STATE OF TEXAS

Please Return Completed Application to:

City of Dallas
Housing & Neighborhood Revitalization Department
Attention: Inspections Manager
1500 Marilla Street,
Dallas, Texas 75201

For Questions, please contact:

## EXHIBIT "A"
## INSURANCE REQUIREMENTS

Prior to the commencement of the Project or any other work under this Agreement, BORROWER shall furnish an original completed Certificate(s) of Insurance or the City's Standard Certificate of Insurance form to the City's Housing & Neighborhood Revitalization Department and City's Risk Management Division, and shall be clearly labeled with Agreement name, which shall be completed by an agent authorized to bind the named underwriter(s) and their company to the coverage, limits, and termination provisions shown thereon. The original certificate(s) of form must have the agent's original signature, including the signer's company affiliation, title and phone number, and be mailed directly from the agent to the City. The City shall have no duty to pay or perform under this Agreement or under any of the other Loan Documents until such certificate(s) shall have been delivered to the City's Housing & Neighborhood Revitalization Department and the City's Risk Management Office, and no officer or employee, other than the City's Risk Manager, shall have authority to waive this requirement.

The City reserves the right to review the insurance requirements of this section during the effective period of this Agreement and of the other Loan Documents, including the term of the Note, and any extension of renewal thereof and to modify insurance coverage and their limits when deemed necessary and prudent by the City's Risk Manager based upon changes in statutory law, court decisions, or circumstances surrounding the Project, this Agreement or any of the other Loan Documents, but in no instance will the City allow modification whereupon the City may incur increased risk.

A BORROWER's financial integrity is of interest to the City; therefore, subject to BORROWER's right to maintain reasonable deductibles in such amounts as are first approved in writing by the City, BORROWER shall obtain and maintain in full force and effect for the duration of this Agreement and the other Loan Documents, and any extension thereof, at BORROWER's sole expense, insurance coverage written on an occurrence basis, by companies authorized and admitted to do business in the State of Texas and rated A- or better by A.M. Best Company and/or otherwise acceptable to the City, in the following types and amounts:

| TYPE | AMOUNTS |
|---|---|

| | |
|---|---|
| 1. Workers' Compensation **<br>Employers' Liability ** | Statutory<br>$1,000,000/$1,000,000/$1,000,000 |
| 2. Commercial General (public) Liability Insurance to include coverage for the following:<br>a. Premises operations<br>*b. Independent contractors<br>c. Products/completed operations<br>d. Personal Injury<br>e. Contractual Liability<br>*f. Explosion, collapse, underground<br>g. Broad form property damage, to include fire legal liability | For Bodily Injury and Property Damage of $1,000,000 per occurrence;<br>$2,000,000 General Aggregate, or its equivalent in Umbrella or Excess Liability Coverage |
| 3. Business Automobile Liability<br>a. Owned/leased vehicles<br>b. Non-owned vehicles<br>c. Hired Vehicles | Combined Single Limit for Bodily Injury and Property Damage of $1,000,000 per occurrence |
| 4. Professional Liability<br>(Claims Made Form) | $1,000,000 per claim to pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages by reason of any act, malpractice, error or omission in professional services. |
| *5. Payment/Performance Bond | $125,000.00 |
| *6. Builder's Risk | $125,000.00 |
| *7. Pollution of Fuel Storage Tank | $125,000.00 |
| *8. Environmental | $125,000.00 |
| *9. Commercial Crime/Fidelity Bond, etc. | $125,000.00 |
| *10. Liquor Legal Liability | $125,000.00 |
| * If Applicable | |
| ** Alternate Plans Must Be Approved by Risk Management | |

11. BORROWER must provide to City proof of continuous and renewed professional liability insurance having been obtained by all professional persons performing work or services in connection with the Project, such insurance policy having an extended discovery period of two (2) years, with such insurance policy being maintained in the same manner as set forth herein.

12. Upon completion of construction of the Project, BORROWER must carry insurance to the extent of 80% of A.C.V., fire and extended coverage policy.

13. BORROWER must provide insurance in the manner set forth herein protecting City with a standard mortgage clause naming City as loss payee for a sum equal at least to BORROWER's indebtedness to City.

BORROWER shall contractually require all third-party contractors associated with the Project to obtain the foregoing types of insurance, in the amounts and in the manner as specified herein.

The City shall be entitled, upon request and without expense, to receive copies of the policies and all endorsements thereto as they apply to the limits required by the City, and may make a reasonable request for deletion, revision, or modification of particular policy terms, conditions, limitations or exclusions (except where policy provisions are established by law or regulation binding upon either of the parties hereto or the underwriter of any such policies). Upon such request by the City, BORROWER shall exercise reasonable efforts to accomplish such changes in policy coverage and shall pay the cost thereof.

BORROWER agrees that with respect to the above-required insurance, all insurance contracts and Certificate(s) of Insurance will contain the following required provisions:

- Name City and its officers, employees, volunteers and elected representatives as additional insureds as with respect to operations and activities of, or on behalf of, the named insured performed under contract with the City, with the exception of the workers' compensation (and professional liability, if required) policies;

- BORROWER's insurance shall be deemed primary with respect to any insurance or self insurance carried by the City for liability arising out of operations under this agreement with the City or under any of the other Loan Documents; and

- Workers' compensation and employers' liability policy will provide a waiver of subrogation in favor of City.

BORROWER shall notify the City in the event of any notice of cancellation, non-renewal or material change in coverage and shall give such notices not less than thirty (30) days prior to the change, or twenty (20) days notice for cancellation due to non-payment of premiums, which notice must be accompanied by a replacement Certificate of Insurance. All notices shall be given to the City at the following address:

City of Dallas
Housing & Neighborhood Revitalization Department
Attn: Director
1500 Marilla St.
Dallas, Texas 75201

and

City of Dallas
Risk Management Division
P.O. Box 839966
Dallas, Texas 78283-3966

If BORROWER fails to maintain the aforementioned insurance, or fails to secure and maintain the aforementioned endorsements, the City may obtain such insurance, and deduct and retain the amount of the premiums for such insurance from any sums due under any of the Loan Documents; however, procuring of said insurance by the City is an alternative to other remedies the City may have, and is not the exclusive remedy for failure of BORROWER to maintain said insurance or secure such endorsement. In addition to any other remedies the City may have upon BORROWER's failure to provide and maintain any insurance or policy endorsements to the extent and within the time herein required, the City shall have the right to (a) withdraw from the Project, (b) withhold any and all Loan monies until BORROWER

demonstrates compliance with the requirements hereof, (c) declare a default under the Note and/or (d) terminate any and all Loan Documents.

Nothing herein contained shall be construed as limiting in any way the extent to which BORROWER may be held responsible for payments of damages to persons or property resulting from BORROWER's or its subcontractors' performance of the work covered hereunder or under any of the other Loan Documents.

## APPENDIX 16
## INTERVENTIONS BY STRATEGY AREA

| IMPLEMENTATION REQUIREMENTS | | | | | |
|---|---|---|---|---|---|
| | **Requires an ordinance change** | **Authorized by Resolution** | **Policy Decision** | **Available through NEZ** | **Non-City Action** |
| Accessory Dwelling Units | X | | | | |
| Building Code Fee Waivers | X | | | X | |
| Community Court | | | X | | |
| Code Lien Foreclosures | | | X | | |
| Community Land Trust | X | | | | |
| Contractor Training Program | | X | X | | |
| Development Code Fee Waivers | X | | | | |
| Employer-Assisted Housing Program | | | | | X |
| Envision Centers | | | | | X |
| Expedited Processing | | | X | | |
| Home Improvement Preservation Program | | X | X | | |
| Homestead Preservation Districts | | | X | | |
| Housing Trust Fund | | X | | | |
| Incentive Zoning/Density Bonuses | X | | | | |
| Lien Releases | X | | | | |
| Multi-Family Rehab Program | | X | | | |
| Neighborhood Empowerment Zones | | X | | | |
| Opportunity Zones | | | | | |
| Park Land Dedication Fees | | | | | |
| Property Tax Abatement | | X | | X | |
| Rental/Homeowner Maintenance Education Program | X | | | | |
| Tax Increment Financing (TIF) | | X | | | |
| Voucher Sublease Program | | X | X | | |

| | Proposed Type of Activities | Redevelopment Areas | Stabilization Areas | Emerging Markets | Citywide | |
|---|---|---|---|---|---|---|
| 1 | Notice of Funding Availability: New Development (for-sale and rental) or Substantial Rehabilitation | P | P | N | Y | |
| 2 | Preservation of owner-occupied housing: Home Improvement & Preservation Program | P | P | y | Y | |
| 3 | Preservation of Single-Family rental housing: Home Improvement & Preservation Program | P | P | Y | Y | |
| 4 | Preservation of Multi-Family rental housing: Home Improvement & Preservation Program | P | P | Y | Y | |
| 5 | Landbanking | N | P | P | N | |
| 6 | Code Lien Foreclosures | N | P | P | N | |
| 7 | Neighborhood Empowerment Zones (unlocks development fee waivers including landscape and tree mitigation and parkland dedication fees & property tax freeze) | N | Y | N | N | |
| 8 | City's Second Mortgage Assistance Program (DHAP) | Y | Y | Y | Y | |
| 9 | Neighborhood Revitalization Strategy Area Designation | P | P | P | N | |
| 10 | Dallas Tomorrow Fund (Dept. of Code Compliance home repair fund through fee assessment) | Y | Y | Y | Y | |
| 11 | Code Academy | Y | Y | P | Y | P= Priority Y=Yes N=No |
| 12 | Tax Increment Reinvestment Zone designation - If one doesn't already exist | Y | Y | Y | N | |
| 13 | Create Neighborhood Association | Y | Y | P | Y | |
| 14 | Neighborhood Sweep - 2 week intensive; minor street repair, code inspections, signage, beautification projects, neighborhood plan) | Y | Y | P | N | |
| 15 | Neighborhood Beautification Projects | Y | Y | P | Y | |
| 16 | Low Income Housing Tax Credit City support - with scoring criteria | N | Y | N | Y | |
| 17 | Voucher Sublease Agreements | Y | Y | Y | Y | |
| 18 | Accessory Dwelling Units | See Citywide | Y | See Citywide | Y-opt in | |
| 19 | Incentive Zoning | P | P | N | Y | |
| 20 | Homestead Preservation District designation | N | P | N | N | |
| 21 | Community Land Trust | Y | P | N | N | |
| 22 | Tenant Based Rental Assistance Program (HILI) | - | - | - | Y | |
| 23 | Express Plan Review | P | P | N | N | |

# Agenda Information Sheet

**File #:** 19-918 **Item #:** 70.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 9

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

An ordinance abandoning a portion of an alley to 75218 Property Company, the abutting owner, containing approximately 8,893 square feet of land, located near the intersection of Harter Road and Lake Highlands Drive; and authorizing the quitclaim - Revenue: $151,181.00, plus the $20.00 ordinance publication fee (This item was deferred on June 12, 2019)

## BACKGROUND

This item authorizes the abandonment of a portion of an alley to 75218 Property Company, the abutting owner. The area will be included with the property of the abutting owner to expand parking for St. John's Episcopal School. The abandonment fee is based on an independent appraisal.

Notices were sent to 27 property owners located within 300 feet of the proposed abandonment area. There were three responses received in opposition to this request.

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

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on June 10, 2019.

On June 12, 2019, this item was deferred by Councilmember Lee M. Kleinman.

## FISCAL INFORMATION

Revenue: $151,181.00, plus the $20.00 ordinance publication fee

## OWNER

**75218 Property Company**

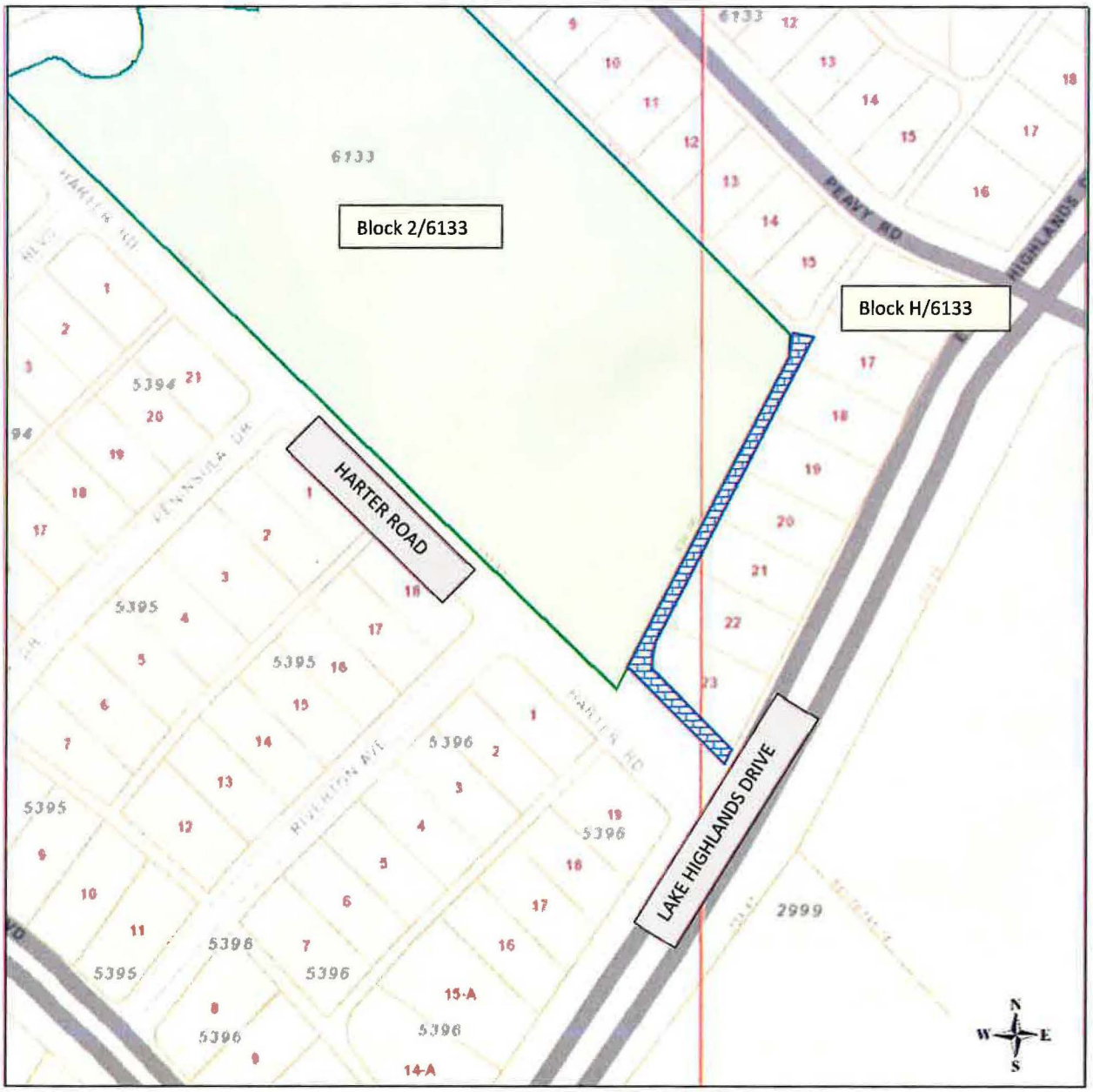
Mark Crotty, President

## MAP

Attached



powered by Legistar™




**Abandonment Area**

**ORDINANCE NO. _____**

An ordinance providing for the abandonment of a portion of an alley located adjacent to City Blocks H/6133 and 2/6133 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to 75218 Property Company; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; 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 75218 Property Company, a Texas nonprofit corporation, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said portion of an alley is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

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

**Now, Therefore,**

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

**SECTION 1.** That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the reverter and the conditions hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **ONE HUNDRED FIFTY-ONE THOUSAND ONE HUNDRED EIGHTY-ONE AND NO/100 DOLLARS ($151,181.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 11, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations and exceptions, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. Provided however, that if **GRANTEE,** its successors and assigns, fails to file a final replat of the adjoining properties as required in Section 10 of this ordinance but no later than the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

> "(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator's action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005";

or (ii) the date that is the sixth anniversary of the passage of this ordinance; THEN this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **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**.

**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 Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

**SECTION 5.** That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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

**SECTION 7.** That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

**SECTION 8.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to 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 area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A.

**SECTION 8.** (continued)

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

**SECTION 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

(a) ensure that 100 feet of right-of-way (M-6-D [a]) is maintained on Lake Highlands Drive as required by Section 51A-9 of the City of Dallas Thoroughfare Plan.

(b) not allow parking in the front yard setback for lots 16 through 23 located in city block H/6133 along Lake Highlands Drive. **GRANTEE** shall screen any future surface parking lots facing Lake Highlands Drive with a minimum four-foot screen wall, hedges and/or landscaping.

(c) maintain existing public sidewalk along Lake Highlands Drive and preserve as many existing trees as possible.

(d) ensure turn radius of the remaining alley nearest Peavy Road follows City of Dallas Public Works Standard Construction Detail File 251D.

**SECTION 9.** (continued)

(e) allow access at all times to garage of existing single-family residence being Lot 23 in city block H/6133, until such time the garage is demolished.

Failure to comply with any of the conditions in this section shall render this ordinance null and void and of no further effect.

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

**SECTION 11.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 12.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 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: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, subject to a reverter interest, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The

**SECTION 12.** (continued)

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 13.** That this ordinance is also designated for City purposes as Contract No. DEV-2018-00007815.

**SECTION 14.** 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:
CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

**Exhibit A**

**ALLEY ABANDONMENT**
**LOTS 17-23, BLOCK H/6133**
**LAKE TERRACE ADDITION**
**AND**
**LOT 1, BLOCK 2/6133**
**SAINT JOHNS EPISCOPAL CHURCH SUBDIVISION**
**SAMUEL M. HYDE SURVEY, ABSTRACT NO. 547**
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

Being a 8,893 square foot (0.2041 acres) tract of land or parcel situated in the Samuel M. Hyde Survey, Abstract No. 547 City of Dallas, Dallas County, Texas, being a portion of a 14.05-foot alley created by Lots 17-23, Block H/6133, Lake Terrace Addition, an addition to the City of Dallas according to the plat recorded in Volume 21, Page 77, Map Records, Dallas County, Texas (M.R.D.C.T.), being a portion of a 0.95-foot alley dedicated by Lot 1, Block 2/6133, Saint Johns Episcopal Church Subdivision, an addition to the City of Dallas according to the plat recorded in Volume 48, Page 93, M.R.D.C.T. and being a part of a tract of land described in a Warranty Deed to Corporation of Episcopal Diocese of Dallas recorded in Volume 5353, Page 516, Deed Records, Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at a 5/8" iron rod found at the intersection of the southerly right-of-way line of Peavy Road, (60' right-of-way as created by Volume 21, Page 77, M.R.D.C.T) and the northwest right-of-way line of Lake Highlands Drive, (variable width right-of-way as created by use and occupation), for the northeasterly corner of Lot 16 of said Lake Terrace Addition;

**THENCE** South 27° 06'00" West, along the northwest right-of-way line of said Lake Highlands Drive, passing a 1/2" iron rod found at a distance of 99.70 feet for the southeasterly corner of said Lot 16 and the northeasterly corner of said Lot 17, passing a 1/2" iron rod with yellow plastic cap stamped "TXNS" found at a distance of 169.70 feet for the southeasterly corner of said Lot 17 and the northeasterly corner of aid Lot 18, passing a 1/2" iron rod with yellow plastic cap stamped "TXNS" found at a distance of 239.70 feet for the southeasterly corner of said Lot 18 and the northeasterly corner of said Lot 19, passing a 60D nail found at a distance of 509.70 feet for the southeasterly corner of said Lot 22 and the northeasterly corner of said Lot 23, and continuing a total distance of 610.29 feet to a 1/2" iron rod with a yellow plastic cap stamped "RLG INC" set on the common line between said Lot 23 and a 15-foot alley as created by said Lake Terrace Addition, for the southeasterly corner of said Lot 23 and the **POINT OF BEGINNING,** from which a 5/8" iron rod found bears South 21° 05' 19" East, a distance of 0.75 feet;

**THENCE** South 27° 06' 00" West, along the northwest right-of-way line of said Lake Highlands Drive and the easterly line of said 15-foot alley, a distance of 15.75 feet to a 1/2" iron rod with a yellow plastic cap stamped "RLG INC" set for the most south corner of said15-foot alley;

**THENCE** North 45° 11' 00" West, along the southerly line of said 15-foot alley, a distance of 162.72 feet to a 1/2" iron rod with a yellow plastic cap stamped "RLG INC" set on the southeasterly line of said Saint Johns Episcopal Church Subdivision;

**THENCE** North 27° 06' 00" East, along the common line between said Saint Johns Episcopal Church Subdivision and northwesterly line of said 0.95-foot alley dedication, a distance of 409.25 feet to a 1/2" iron rod with a yellow plastic cap stamped "RLG INC" set at the beginning of a corner clip dedicated by said Saint Johns Episcopal Church Subdivision;

**(For SPRG use only)**
**Reviewed By:** G.S.
**Date:** 9-12-18
**SPRG NO.:** 4635

**ALLEY ABANDONMENT**
**LOTS 17-23, BLOCK H/6133**
**LAKE TERRACE ADDITION**
**AND**
**LOT 1, BLOCK 2/6133**
**SAINT JOHNS EPISCOPAL CHURCH SUBDIVISION**
**SAMUEL M. HYDE SURVEY, ABSTRACT NO. 547**
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**THENCE** North 09° 09' 05" West, along said corner clip, a distance of 23.08 feet to a 1/2" iron rod with a yellow plastic cap stamped "RLG INC" set at the end of said corner clip;

**THENCE** South 62° 54' 00" East, over and across said 0.95-foot alley and said 14.05-foot alley, a distance of 28.65 feet to a 1/2" iron rod with a yellow plastic cap stamped "RLG INC" set on the northwesterly line of Lot 17 of said Lake Terrace Addition and the southeasterly line of said 14.05-foot alley, from which a 1/2" iron rod with a yellow plastic cap stamped "RPLS 8963" found bears North 27° 06' 00" East, a distance of 48.44 feet, for the northwesterly corner of said Lot 17 and the southwesterly corner of Lot 16 of said Lake Terrace Addition;

**THENCE** South 27° 06' 00" West, a long the common line between said 14.05-foot alley and said Lake Terrace Addition, passing at a distance of 291.56 feet to a 3/8" iron rod found for the southwesterly corner of said Lot 21 and the northwesterly corner of said Lot 22, passing at a distance 361.56 feet a 3/8" iron rod found for the southwesterly corner of said Lot 22 and the northwesterly corner of said Lot 23, and continuing a total distance of 401.92 feet to a 1/2" iron rod with a yellow plastic cap stamped "RLG INC" set for the beginning of a corner clip dedicated by said Lake Terrace Addition and the north ell corner of said Lot 23;

**THENCE** South 09° 02' 55" East, along said corner clip, a distance of 24.22 feet to a 1/2" iron rod with a yellow plastic cap stamped "RLG INC" set for the end of said corner clip and the south ell corner of said Lot 23;

**THENCE** South 45° 11' 00" East, along the common line between said 15-foot alley and said Lot 23, a distance of 131.97 feet to the **POINT OF BEGINNING** and containing 8,893 square feet or 0.2041 acres, more or less.

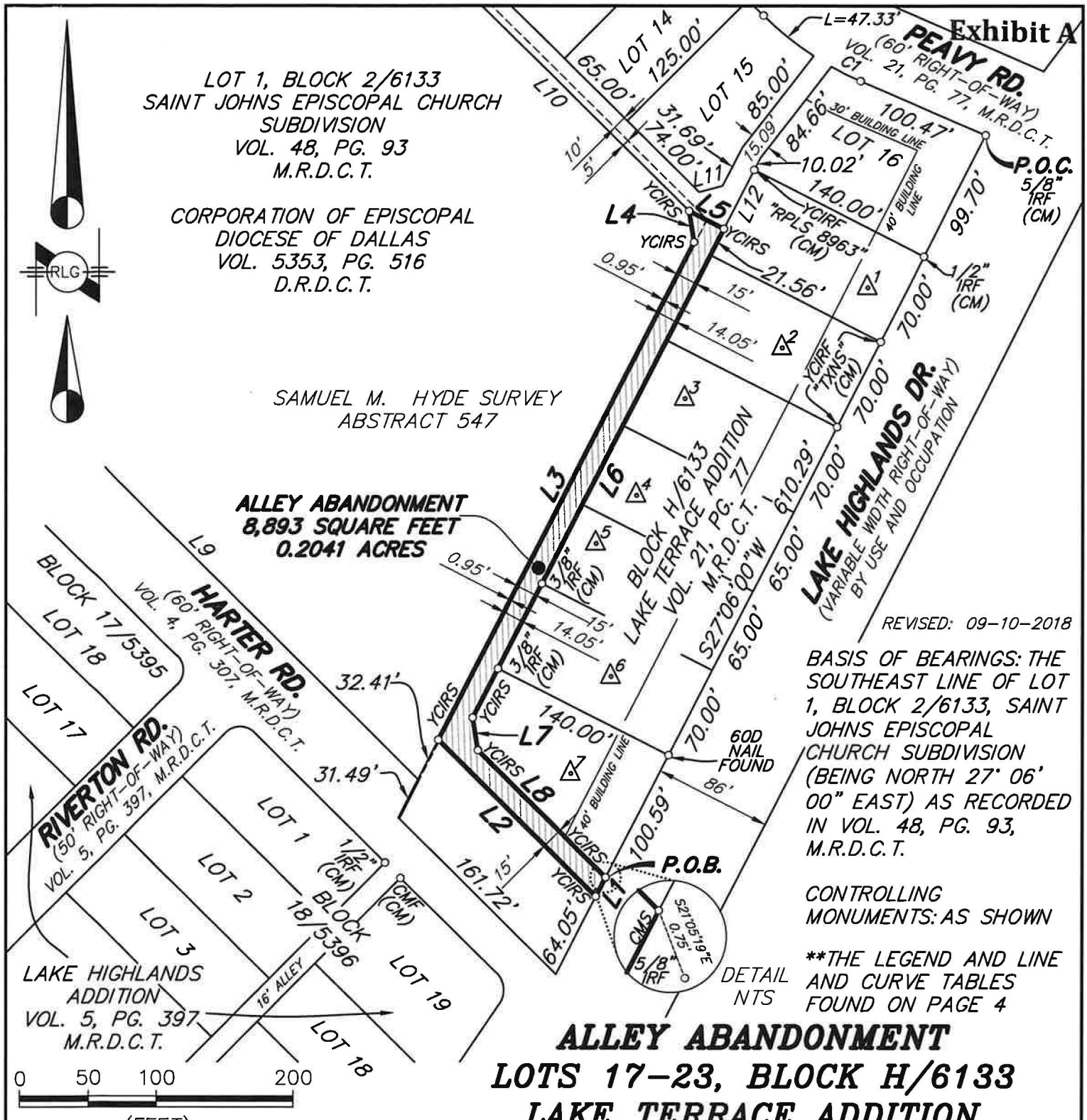
Basis of Bearings: The southeast line of Lot 1, Block 2/6133, Saint Johns Episcopal Church Subdivision (being North 27° 06' 00" East) as recorded in Volume 48, Page 93, M.R.D.C.T.




Brian R. Wade R.P.L.S No. 6098
08-20-2018
REVISED: 09-10-2018

**(For SPRG use only)**
**Reviewed By:** G.S.
**Date:** 9-12-18
**SPRG NO.:** 46635

Exhibit A




REVISED: 09-10-2018

BASIS OF BEARINGS: THE SOUTHEAST LINE OF LOT 1, BLOCK 2/6133, SAINT JOHNS EPISCOPAL CHURCH SUBDIVISION (BEING NORTH 27° 06' 00" EAST) AS RECORDED IN VOL. 48, PG. 93, M.R.D.C.T.

CONTROLLING MONUMENTS: AS SHOWN

**THE LEGEND AND LINE AND CURVE TABLES FOUND ON PAGE 4

# ALLEY ABANDONMENT
# LOTS 17-23, BLOCK H/6133
# LAKE TERRACE ADDITION
AND
# LOT 1, BLOCK 2/6133
# SAINT JOHNS EPISCOPAL CHURCH SUBDIVISION

**SAMUEL M. HYDE SURVEY, ABSTRACT NO. 547**
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**


RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00


(For SPRG use only)
Reviewed By: G.S.
Date: 9-12-18
SPRG NO.: 4635

| | | | | | |
|---|---|---|---|---|---|
| SCALE | 1" = 100' | DATE | 08-20-2018 | SHEET | 3 OF 4 |
| JOB NO. | 1811.041 | E-FILE | 1811.041 | DWG NO. | 26,858X |

**Exhibit A**

| CURVE TABLE | | | | | | |
|---|---|---|---|---|---|---|
| CURVE | DELTA | RADIUS | TANGENT | LENGTH | CH. BRG. | CHORD |
| C1 | 5°57'27" | 230.00' | 11.97' | 23.92' | S63°44'16"E | 23.90' |

| LINE TABLE | | |
|---|---|---|
| LINE | BEARING | LENGTH |
| L1 | S27°06'00"W | 15.75' |
| L2 | N45°11'00"W | 162.72' |
| L3 | N27°06'00"E | 409.25' |
| L4 | N09°09'05"W | 23.08' |
| L5 | S62°54'00"E | 28.65' |
| L6 | S27°06'00"W | 401.92' |
| L7 | S09°02'55"E | 24.22' |
| L8 | S45°11'00"E | 131.97' |
| L9 | N45°11'00"W | 1026.58' |
| L10 | N45°11'30"W | 790.80' |
| L11 | N75°06'11"E | 17.69' |
| L12 | N27°06'00"E | 48.44' |

1. 75218 PROPERTY COMPANY, A TEXAS CORPORATION
LOT 17, BLOCK H/6133
INST. NO. 201600255328
O.P.R.D.C.T.

2. 75218 PROPERTY COMPANY, A TEXAS CORPORATION
LOT 18, BLOCK H/6133
INST. NO. 201300307037
O.P.R.D.C.T.

3. 75218 PROPERTY COMPANY, A TEXAS CORPORATION
LOT 19, BLOCK H/6133
INST. NO. 200900184805
O.P.R.D.C.T.

4. 75218 PROPERTY COMPANY, A TEXAS CORPORATION
LOT 20, BLOCK H/6133
INST. NO. 201000098108
O.P.R.D.C.T.

5. EDWARD C. LOFLIN and wife, EVELYN LOFLIN
LOT 21, BLOCK H/6133
VOL. 660, PG. 2053
D.R.D.C.T.

6. 75218 PROPERTY COMPANY, A TEXAS CORPORATION
LOT 22, BLOCK H/6133
INST. NO. 201300203971
O.P.R.D.C.T.

7. 75218 PROPERTY COMPANY, A TEXAS CORPORATION
LOT 23, BLOCK H/6133
INST. NO. 201100192705
O.P.R.D.C.T.

## LEGEND

| | |
|---|---|
| ALLEY ABANDONMENT | |
| LOT LINE | |
| YCIRS | 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RLG INC" SET |
| YCIRF | 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "____" FOUND |
| IRF | IRON ROD FOUND |
| IPF | IRON PIPE FOUND |
| INST. NO. | INSTRUMENT NUMBER |
| O.P.R.D.C.T. | OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX |
| D.R.D.C.T. | DEED RECORDS, DALLAS COUNTY, TX |
| M.R.D.C.T. | MAP RECORDS, DALLAS COUNTY, TX |
| VOL. PG. | VOLUME PAGE |
| ////// | ALLEY ABANDONMENT |
| CMS / CMF | CHISELED "X" SET / FOUND |
| NTS | NOT TO SCALE |
| CM | CONTROLLING MONUMENT |
| P.O.C. | POINT OF COMMENCING |
| P.O.B. | POINT OF BEGINNING |

STATE OF TEXAS
REGISTERED
BRIAN R. WADE
6098
PROFESSIONAL
LAND SURVEYOR

Brian R. Wade R.P.L.S. No. 6098
08-20-2018
REVISED: 09-10-2018

# ALLEY ABANDONMENT
# LOTS 17-23, BLOCK H/6133
# LAKE TERRACE ADDITION
AND
# LOT 1, BLOCK 2/6133
# SAINT JOHNS EPISCOPAL CHURCH SUBDIVISION
## SAMUEL M. HYDE SURVEY, ABSTRACT NO. 547
## CITY OF DALLAS, DALLAS COUNTY, TEXAS


RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
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TEXAS PE REC #F-493
TBPLS REC #100341-00


(For SPRG use only)
Reviewed By: G.S.
Date: 9-12-18
SPRG NO.: 4635

| | | | | | |
|---|---|---|---|---|---|
| SCALE 1" = 100' | | DATE 08-20-2018 | | SHEET | 4 OF 4 |
| JOB NO. | 1811.041 | E-FILE | 1811.041 | DWG NO. | 26,858X |

# EXHIBIT B

## ADDITIONAL ABANDONMENT PROVISIONS

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

# Agenda Information Sheet

**File #:** 19-873 **Item #:** 71.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-5(A) Single Family District uses and a public school other than an open enrollment charter school on property zoned an R-5(A) Single Family District and CR Community Retail District, generally bounded by Bickers Street to the north, North Westmoreland Road to the east, Gallagher Street to the south, and Furey Street to the west
Recommendation of Staff and CPC: Approval, subject to a development/landscape plan, a traffic management plan, and conditions
Z189-168(JM)



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| | | | |
|---|---|---|---|
| **FILE NUMBER:** | Z189-168(JM) | **DATE FILED:** | January 9, 2019 |
| **LOCATION:** | Bounded by Bickers Street to the north, North Westmoreland Road to the east, Gallagher Street to the south, and Furey Street to the west | | |
| **COUNCIL DISTRICT:** | 6 | **MAPSCO:** | 43 K |
| **SIZE OF REQUEST:** | ± 5.224 acres | **CENSUS TRACT:** | 105.00 |

**APPLICANT/OWNER:** Dallas Independent School District

**REPRESENTATIVE:** Karl Crawley, Masterplan

**REQUEST:** An application for a Planned Development District for R-5(A) Single Family District uses and a public school other than an open enrollment charter school on property zoned an R-5(A) Single Family District and a CR Community Retail District.

**SUMMARY:** The purpose of this request is to allow for the expansion of the Dallas Environmental Science Academy located at the Amelia Earhart Learning Center.

**CPC RECOMMENDATION:** **Approval**, subject to a development/landscape plan, a traffic management plan, and conditions.

**STAFF RECOMMENDATION:** **Approval**, subject to a development/landscape plan, a traffic management plan, and conditions.

**BACKGROUND INFORMATION:**

- The subject site contains approximately 5.224 acres of land currently developed with a two-story public school use that was originally built in 1951 according DCAD [the Dallas Environmental Science Academy at the Amelia Earhart Learning Center]. The school is primarily zoned an R-5(A) Single Family District, with a portion of the site along North Westmoreland Road zoned a CR Community Retail District.
- The CR District allows a public school other than open enrollment or charter school to operate by right, while the R-5(A) Single Family District requires a Specific Use Permit. The school operates as a nonconforming use in the R-5(A) portion of the subject site.
- The Dallas Development Code allows nonconforming schools to expand by 2,000 square feet without obtaining an SUP per Sec. 51A-4.204(17)(E)(iv).
- No new classrooms are proposed with this request; however, the applicant proposed to expand by 3,100 square feet which requires the nonconforming use to come into compliance by obtaining an SUP.
- Currently, the site contains a main building with 43,422 square feet of floor area and seven modular (portable) buildings with 12,122 square feet of floor area for a combined total of 55,544 square feet. The proposed maximum floor area for the school is 58,650 square feet including the proposed eight modular building with about 3,100 square feet. The school has a current enrollment of 459 students in grades 6$^{th}$ through 8$^{th}$ and has an enrollment capacity of 500 students. There are 22 total classrooms with eight being in portable [modular] buildings.
- The current request is for a Planned Development District to allow:
    - A public school use by right;
    - Existing parking in the required front yard along Gallagher Street;
    - Lighting standards up to 30 feet-in-height within setback areas;
    - Other encroachments including steps and handrails into required setback areas;
    - Playground equipment in required setback areas; and,
    - No screening of the existing loading area, as identified on the proposed development/landscape plan.

**Zoning History:** There has been one recent zoning request in the area within the last five years.

1. **Z156-117:** On February 24, 2016, the City Council approved an application for the amendment to a development plan for Tract 12 of Planned Development District No. 508 on the northeast corner of Singleton Boulevard and North Westmoreland Road.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---|---|---|---|
| Bickers Street | Local | 50 feet | 50 feet |
| North Westmoreland Road | Principal Arterial | 100 feet | 100 feet |
| Gallagher Street | Local | 50 feet | 50 feet |
| Furey Street | Local | 50 feet | 50 feet |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed request and determined that the request will not have a negative impact on the existing street system.

**Surrounding Land Uses:**

| Area | Zoning | Use |
|---|---|---|
| **Site** | R-5(A) and CR | Public School |
| **North** | R-5(A) and CR | Single Family and Undeveloped |
| **East** | PD No. 508, Area 1 w/SUP No. 1422 | Retirement Housing |
| **South** | R-5(A) and CR | Single Family, Undeveloped, and Church |
| **West** | R-5(A) | Single Family and Undeveloped |

**STAFF ANALYSIS**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The proposed zoning request meets the following goals and objectives of the comprehensive plan:

**LAND USE ELEMENT**

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools.

**Land Use Compatibility:**

Surrounding land uses consist of single family and undeveloped land to the north and west; retirement housing to the east; and, single family, undeveloped land, and a church to the south. The school has been serving the community for over 60 years. The use continues to be compatible with surrounding residential uses in the area.

The site contains 43,422 square feet of floor area. The proposed maximum floor area for the school is 58,650 square feet. The school has a current enrollment of 459 students in grades 6th through 8th and has an enrollment capacity of 500 students. There are 22 total classrooms with eight being in portable [modular] buildings. No new classrooms are proposed with this request.

Proposed provisions amend conditions for a public school other than an open-enrollment charter school use, but not for other allowable uses. This protects the neighborhood in the event of a possible replat or change of use in the property.

Staff supports the applicant's request to allow a public school other than an open-enrollment charter school use by right because the school has operated within the community for over 60 years. Further, staff considers the use to be compatible with the surrounding single-family neighborhood because compliance with the proposed PD conditions, a development/landscape plan, and a Traffic Management Plan requiring periodic updates will ensure the operation runs optimally in the future.

Staff supports the applicant's request to allow lighting standards up to 30 feet-in-height, encroachments including steps and handrails, and playground equipment within setback areas because the encroachments currently exist and pose no harm to the surrounding properties or neighborhood. A PD request allows the opportunity to rectify nonconforming regulations.

**Development Standards:**

| DISTRICT | SETBACKS | | Density | Lot Size | FAR/ Max Floor Area | Height | Lot Coverage | PRIMARY Uses |
|---|---|---|---|---|---|---|---|---|
| | Front | Side/Rear | | | | | | |
| **Existing:** R-5(A) Single Family | 20' | 5' SF<br>10' Others | One dwelling unit per lot. | 5,000 SF | -- | 30' | 45% SF<br>25% Others | Single family. |
| **Existing:** CR Community Retail | 15' | 20' w/Res Adj<br><br>0' Others | -- | No Min. | 0.5 Office<br><br>0.75 Combined | 54' RPS applies | 60% | Retail and personal service. |
| **Proposed:** PD for R-5(A) and public school | *20' | 5' SF<br>10' Others | One dwelling unit per lot. | 5,000 SF | 58,650 SF for public school | 30'<br>24' for public school<br>30' for lights | 45% SF<br>25% Others | Single family and public school by right. |

*Encroachments allowed

Staff supports the applicant's request to not require screening of the existing loading area, as identified on the proposed development/landscape plan. The existing loading area is identified on the proposed development/landscape plan, adjacent to the screened dumpsters along the northern boundary on Bickers Street. The pavement conditions and building areas make the addition of loading screening impossible to accomplish without relocation. The applicant has requested relief from required screening of the loading area. While it would be ideal to move the loading area, staff acknowledges the limitations of the site and supports this element of the request.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not categorized as being within an MVA cluster, surrounding properties to the north, south, and west are located within a Category "I". Properties located across North Westmoreland Road to the east are designated a Category "H".

**Parking:**

The school contains a total of 22 classrooms. The Dallas Development Code requires three-and-a-half parking spaces for each junior high/middle school classroom. The school is required to provide 77 parking spaces. According to the development plan, the site will have 77 parking spaces, as required.

The applicant proposes to allow parking in the required front yards where parking is prohibited in residential districts. The existing parking lot along Gallagher Street is not in a front yard, but the applicant has requested to make all street frontages front yards with 20-foot setbacks. This request is made to remedy the existing parking lots within the proposed required front yard along Gallagher Street. The parking lot along the south side of the site facing residential uses will be renovated to connect the two smaller lots into one parking lot. This is a component of the TMP improvements to get queuing of vehicles primarily off of the Gallagher Street frontage facing residential uses. This improvement will alleviate congestion for residents and improve safety for students.

**Landscaping:**

The applicant proposes to comply with the landscaping on the proposed development/landscape plan. All landscaping identified on the proposed development/landscape plan represents existing conditions. No new landscaping is proposed. A site inspection by the area arborist found the site to be in general compliance with the requirements of Article X; however, irrigation will be required per Section 51A-10.106.

The existing parking lot is not currently screened. A three-foot solid fence will be added to shield adjacent single family properties from the parking lot and car lights. The proposed screening will not obstruct visibility triangles found at the driveway entrances. Staff supports the continued use of front yard areas with appropriate screening. Section 51A-10.126(c) states that screening must be at least three-feet-in-height. This provision will mitigate vehicle head-light glare for residents across the street, as well as for those passing through the area, thereby improving the overall view from surrounding areas into the school property.

**CPC Action**
**May 16, 2019**

**Motion:** It was moved to recommend **approval** a Planned Development District for R-5(A) Single Family District uses and a public school other than an open enrollment charter school, subject to a development/landscape plan, a revised traffic management plan, and conditions on property zoned an R-5(A) Single Family District and a CR Community Retail District in an area bounded by Bickers Street to the north, North Westmoreland Road to the east, Gallagher Street to the south, and Furey Street to the west.

Maker: Carpenter
Second: Housewright
Result: Carried: 13 to 0

For: 13 - MacGregor, Criss, Johnson, Shidid, Carpenter, Brinson, Lewis, Jung, Housewright, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schulte
Vacancy: 1 - District 12

**Notices:** Area: 500 Mailed: 105
**Replies:** For: 0 Against: 4

**Speakers**: For: Lindsay Krammer, 900 Jackson St., Dallas, TX, 75202
For (Did not speak): Maria Padilla, 3331 Bickers St., Dallas, TX, 75212
Jesus Padilla, 3331 Bickers St., Dallas, TX, 75212
Against: Debra Moore, 3739 Homeland St., Dallas, TX, 75212

**List of Officers**

DALLAS INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES

| | |
|---|---|
| District 1 | Edwin Flores, President |
| District 2 | Dustin Marshall |
| District 3 | Dan Micciche, 1st Vice President |
| District 4 | (vacant) |
| District 5 | Maxie Johnson |
| District 6 | Joyce Foreman, 2nd Vice President |
| District 7 | Ben Mackey |
| District 8 | Miguel Solis |
| District 9 | Justin Henry, Board Secretary |

**CPC Recommended Proposed PD Conditions**

**SEC. 51P-xxx.101. LEGISLATIVE HISTORY.**

PD XXX was established by Ordinance No. XXXX, passed by the Dallas City Council on XXXX

**SEC. 51P-XXX.102. PROPERTY LOCATION AND SIZE.**

PD XXX is established on property generally located in an area bounded by Westmoreland Road, Gallagher Street, Furey Street and Bickers Street. The size of PD XXX is approximately 7.758 acres.

**SEC. 51P-xxx.103. DEFINITIONS AND INTERPRETATIONS.**

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

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district. (Ord. 27296)

**SEC. 51P-xxx.104. EXHIBITS.**

The following exhibits are incorporated into this article:

(1) Exhibit xxxA: development/landscape plan.

**SEC. 51P-xxx.105. DEVELOPMENT/LANDSCAPE PLAN.**

(a) For a public school other than an open enrollment charter school development and use of the Property must comply with the development/landscape plan (Exhibits xxxA). If there is a conflict between the text of this article and the development/landscape plans, the text of this article controls

(b) For all other permitted uses, Paragraph 51A.4.702(c)2 through Subsection 51A-4.702(j), governing the requirements for a site plan, a development plan, and amendments to a development plan, do not apply.

**SEC. 51P-xxx.106. MAIN USES PERMITTED.**

(a) Except as provided in below, all uses permitted in the R-5(A) Single Family District, subject to the same conditions applicable in the R-5(A) Single Family District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the R-5(A) Single Family District by specific use permit (SUP) only is permitted in this planned development district by SUP. A use subject to development impact review (DIR) in the R-5(A) Single Family District is subject to DIR in this planned development district, etc.

(b) Public school, other than an open enrollment charter school, is allowed by right.

**SEC. 51P-xxx.107. ACCESSORY USES.**

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

**SEC. 51P-xxx.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 Division 51A-4.400. If there is a conflict between this section and Division 51A4.400, this section controls.)

(a) In general. Expect as provided in this section, standards for R-5(A) Single Family District, subject to the same conditions applicable in the R-5(A) Single Family District, as set out in the Dallas Development Code, as amended.

(b) Public School

(i) Floor area: Maximum floor area for a public school other than an open enrollment charter school use is 58,650 square feet.

(ii) Height: Maximum height for a public school other than an open enrollment charter school is 24 feet. Light poles are allowed a maximum height of 30 feet.

(iii) Setbacks: All street frontages are front yards with a minimum setback of 20 feet.

(iv) Encroachments: Steps, handrails and light poles and playground equipment are allowed in the required setbacks.

**SEC. 51P-xxx.109. OFF STREET PARKING AND LOADING.**

(a) Off-street parking must be provided in accordance with Division 51A-4.300 et seq.

(b) For a public school use, parking is allowed in the required front yard.

**SEC. 51P-xxx.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P-xxx.111. LANDSCAPING.**

(a) Except as provided in this section, landscaping for a public school other than an open enrollment charter school must be provided in accordance with the attached Development/Landscape Plan.

(b) Landscaping must be provided in accordance with Article X.

(c) For a public school use, parking lot screening must be provided as shown on the attached Development/Landscape Plan and must be a minimum height of 3 feet.

(d) Plant materials must be maintained in a healthy, growing condition.

**SEC. 51P-xxx.112. SIGNS.**

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

**SEC. 51P-xxx.113. 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.

(c) No screening is required for any required loading spaces.

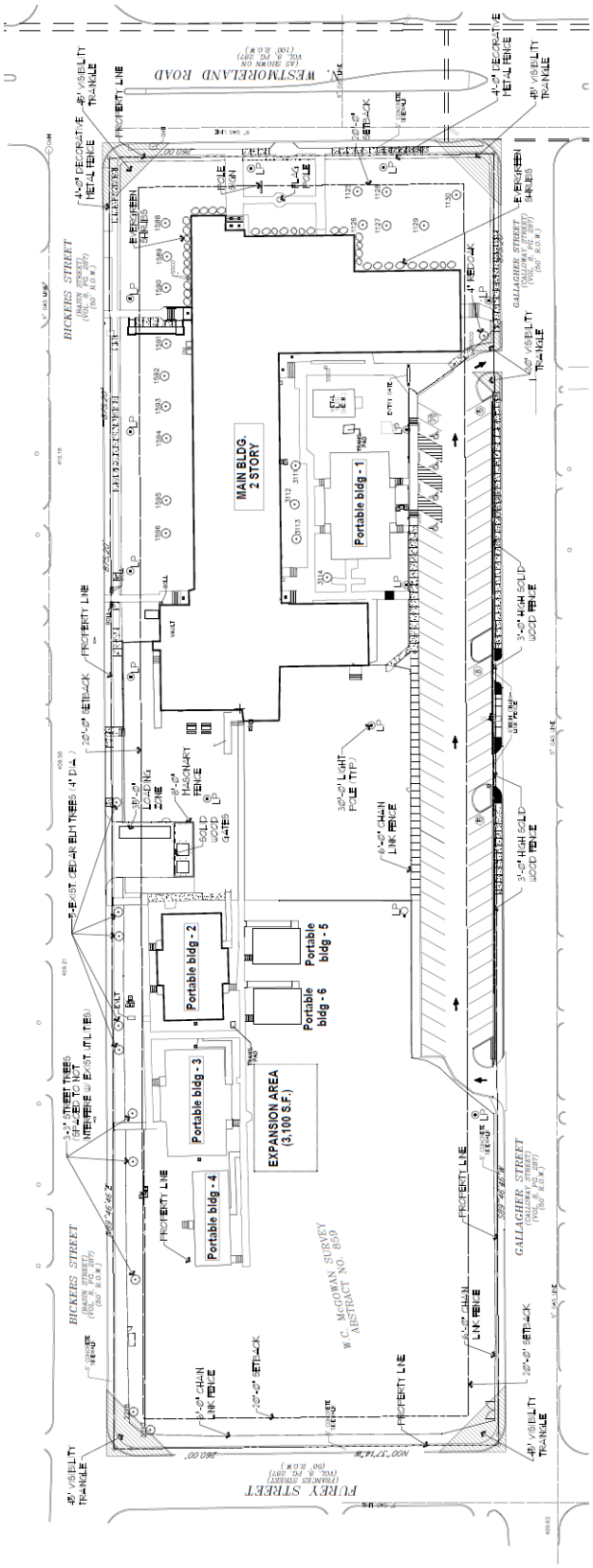
(d) For a public school other than an open enrollment charter school use, fencing may be provided in the required yards with a maximum height of six feet. Baseball backstops with a maximum height of 10 feet are allowed in the required setback.

**SEC. 51P-xxx.1154 COMPLIANCE WITH CONDITIONS.**

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

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

**Proposed Development Plan**




## SITE DATA TABLE

| | |
|---|---|
| USE: | PUBLIC SCHOOL |
| ZONING: | PD, R-5(A) |
| LAND AREA: | 222,560 S.F. |
| EXISTING FLOOR AREA: | TOTAL 55,544 S.F. |
| MAIN BUILDING | 43,422 S.F. |
| PORTABLE BUILDINGS | 12,122 S.F. |
| TOTAL EXISTING FLOOR AREA: | 55,544 S.F. |
| FUTURE EXPANSION AREA: | 3,100 S.F. |
| MAXIMUM ALLOWED FLOOR AREA | 58,644 S.F. |
| LOT COVERAGE: | 19.7% |
| EXISTING BUILDING HEIGHT (2 STORY) | 22 FT. |
| EXISTING CLASSROOMS | TOTAL 22 |
| MAIN BUILDING | 14 |
| PORTABLE BUILDINGS | 8 |
| REQUIRED PARKING SPACES: | 77 |
| TOTAL PARKING SPACES: | 77 |

## TREE TABLE

| POINT NO. | DESCRIPTION |
|---|---|
| 1125 | 12" BALD CYPRESS |
| 1126 | 12" BALD CYPRESS |
| 1127 | 10" BALD CYPRESS |
| 1128 | 10" BALD CYPRESS |
| 1129 | 5" BALD CYPRESS |
| 1130 | 6" BALD CYPRESS |
| 1588 | 7" BALD CYPRESS |
| 1589 | 14" BALD CYPRESS |
| 1590 | 12" BALD CYPRESS |
| 1591 | 16" BALD CYPRESS |
| 1592 | 12" BALD CYPRESS |
| 1593 | 12" BALD CYPRESS |
| 1594 | 12" BALD CYPRESS |
| 1595 | 10" BALD CYPRESS |
| 1596 | 10" BALD CYPRESS |
| 2217 | 12" BALD CYPRESS |
| 2218 | 12" BALD CYPRESS |
| 3111 | 2" CEDAR ELM |
| 3112 | 2" CEDAR ELM |
| 3113 | 2" CEDAR ELM |
| 3114 | 2" PECAN |

Ø1 DEVELOPMENT / LANDSCAPE PLAN

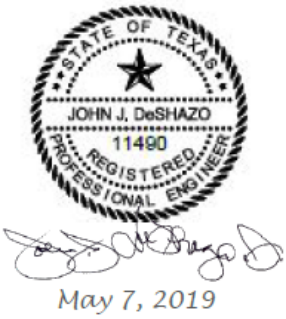
SCALE 1/32" = 1'-0"

**Proposed Traffic Management Plan**

DeShazo Group

*Traffic. Transportation Planning. Parking. Design.*

*Texas Registered Engineering Firm F-3199*




*May 7, 2019*

# *Technical Memorandum*

**To:** Mr. Karl Crawley – Masterplan

**From:** DeShazo Group, Inc.

**Date:** May 7, 2019

**Re:** Traffic Management Plan for Dallas Environmental Science Academy
***DeShazo Project Number 18045***

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## INTRODUCTION

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm based in Dallas, Texas, providing licensed engineers and planners skilled in the field of traffic and transportation engineering. DeShazo's services were retained Masterplan to provide a traffic management plan (TMP) for Dallas Environmental Science Academy (DESA) located at 3531 N Westmoreland Road in Dallas, Texas.

The school is currently in operation at the subject site with an enrollment of 459 students in grades 6th through 8th and has an enrollment capacity of 500 students.

The school site is zoned R-5(A) (Single Family) and will be undergoing construction to connect the two parking lots on Gallagher Street and retain existing portable classrooms. As part of the approval process, submittal of a TMP to the City of Dallas is required as a record of the preferred strategies to be used by the school to ensure overall traffic safety and efficiency. This TMP is intended to assess existing and anticipated traffic conditions at the school during the morning drop-off and afternoon pick-up peak periods on the basis of satisfying these objectives. By consent of the TMP, the School agrees to be held self-accountable for the enforcement of the strategies presented herein until and unless the City of Dallas deems further measures are necessary. (NOTE: In this report, the term "parent" refers to any individual who is involved in the drop-off or pick-up of one or more students at the School.)

## TRAFFIC MANAGEMENT PLAN

A school TMP is important to safely achieve an optimum level of traffic flow and circulation during peak traffic periods associated with student drop-off and pick-up. By properly managing the vehicular traffic generated during critical periods, the safety and efficiency of other modes of travel—including pedestrian traffic—will also inherently improve and the operational impact on the public street system should also be minimized. **This plan, however, should not be considered a comprehensive set of instructions to ensure adequate safety; it should be used as a tool to facilitate a safer and more efficient environment.**

### *School Operational Characteristics*

As required by the City of Dallas, DeShazo observed on-site traffic on four different occasions at the following times.

- Thursday, November 15, 2018, during student dismissal
- Monday, November 26, 2018, during student dismissal
- Tuesday, November 27, 2018, during student arrival
- Tuesday, November 27, 2018, during student dismissal
- Friday, April 12, 2019, during student dismissal
- Monday, April 15, 2019, during student arrival

Field observations indicate that current practices during the morning drop-off period present minor obstruction of vehicular traffic. Arrival of vehicles in the morning is also notably more sporadic than any traffic generated during the afternoon pick-up period. **Table 1** summarizes the school's operational characteristics assumed in this analysis.

*Table 1. School Operational Characteristics*

| | Existing Conditions | Proposed Conditions |
|---|---|---|
| Enrollment (by grade) | 6th Grade – 164 students<br>7th Grade – 150 students<br>8th Grade – 145 students<br>*Total: 459 students* | *Total: 500 students* |
| Daily Start/End Schedule | All Grades:<br>>Start: 8:20 AM<br>>End: 3:40 PM | No significant changes |
| Approximate Percentage of Students Travelling by Mode Other Than Drop-off/Pick-up | By 16 School Buses: ≅ 88%<br>By 54 Vehicles: ≅ 12% | By 16 School Buses: ≅ 88%<br>By 60 Vehicles: ≅ 12% |

NOTE #1: Dallas Environmental Science Academy does not have a specific attendance boundary. Instead, the Academy serves students within the entire City. Therefore, the percentage of students who take the bus is likely to be higher compared to schools that serve a specific attendance boundary.

NOTE #2: To the highest degree practical, the accounts of "existing conditions" presented in this report were based upon actual on-site observations conducted by DeShazo during typical school day(s)/conditions and from personal interviews of school representatives. The analyses and recommendations presented in this report for "proposed" or "future" conditions were based upon evaluations of "existing conditions" and may be supplemented by DeShazo's professional judgment and experience. "Proposed"/"Future" conditions are intended to reflect the anticipated day-to-day conditions at full occupancy.

NOTE #3: Occasional functions or other events may be held at the school, which generate traffic outside of the traditional peak drop-off and pick-up periods. While some of the measures presented in this report may be applicable in such cases, traffic characteristics other than those directly associated with the primary drop-off and pick-up periods are not the subject of this analysis.

# EXISTING TRAFFIC CONDITIONS

### *Site Access and Circulation*

The subject site currently has one point of ingress and one point of egress for each of the two parking lots on Gallagher Street. However, once the two parking lots are connected the site will have one point of ingress (easternmost driveway) and one point of egress (westernmost driveway) on Gallagher Street.

### *Student Loading*

During the morning drop-off period all students, whether dropped off by parent or by bus are dropped off on Bickers Street **(Exhibit 1A)**. Once students are dropped off they are greeted by school staff and proceed to the school entrance on Bickers Street, which is currently the only entrance with a metal detector.

As previously mentioned, arrival of vehicles in the morning is notably more sporadic than afternoon. Observations found a total of five vehicles and two buses during the peak drop-off time. Once parent vehicles and buses have dropped off students they proceed east towards N Westmoreland Road.

During the afternoon pick-up period **(Exhibit 1B)** parents park on either side of Gallagher Street and wait for students to be dismissed. Buses proceed eastbound on Bickers Street upon arriving and queue in front of the school. DeShazo measured the maximum number of cars at the site location during pick-up time was about 54 vehicles (38 on Gallagher Street, 4 on Bickers Street and 12 on the eastern side parking). Eleven full size school buses and 4/5 small buses were counted during the data collection on Bickers Street. Bus loading is facilitated by two to three school staff members. Once all buses are loaded they proceed east towards N Westmoreland Road.

### *Vehicular Queue Lengths*

Dallas Environmental Science Academy should accommodate all morning arrival traffic and all afternoon dismissal traffic operations in accordance with **Exhibit 3**. School staff should try to maximize efficiency of student loading operations at all times. Maximum accumulation of vehicles is subject to both the rate of arrival traffic and the rate at which the school staff is able to load/unload students into their corresponding cars; any delay or inadequacy in the loading/unloading operations results in unwarranted accumulation of traffic. The more number of staff undertakes the traffic operations, the less chances of vehicle queue to get in the public right-of-way.

### *School Crossing Guards*

The relatively low number of students (approximately 12%) that are picked-up by their parents are seen getting inside the car in the middle of the street. As all parking, stopping or standing is prohibited on public right of way, the pick-up of students on the middle of the street is also prohibited. DeShazo did not observe any pedestrian traffic to or from the school to the neighborhood. A crossing guard is not required based on these assumptions.

### *DART Bus Route*

DART bus route does not conflict with the school peak hour traffic. **Exhibit 4** showes the DART route in the vicinity of the school.

## RECOMMENDATIONS

The school administration should implement an active management of student loading to expedite queueing operations and reduce the maximum accumulation of traffic. Queue pick-up participation is a challenge that schools face constantly. Despite the anticipated practices and operational characteristics at Dallas Environmental Science Academy, full cooperation of all school staff members, students and parents is crucial for the success of the systematic queue. Proper training of school staff on the duties and

expectations pertaining to this plan is recommended. Sufficient communication at the beginning of each school term (and otherwise, as needed) with students and parents on their duties and expectations is also recommended. DeShazo recommends consideration of the following recommendations to optimize queue operations:

*Traffic Queue Operations*

- Implementation of an "Advance Passenger Identification System" to expedite queue operations. This system uses hangtags displayed through the windshield of arriving vehicles to identify arriving vehicles with the name(s) of corresponding student(s).
- Use of apps or software (e.g., Driveline Dispatch®) to expedite queue operations. This software efficiently displays family names of upcoming vehicles on indoor screens and provides students and school staff with a chart of vehicles approaching the loading zone.
- Staff participating in student drop-off/pick-up operations should, in lieu of simple hand gestures, procure and use reversible hand-paddle signs with the messages "STOP" and "SLOW". Optional additional equipment for staff may include whistles (for audible warnings) and flashlights (for visual warnings) in order to gain the attention of motorists.
- Morning arrival and afternoon dismissal traffic operations should be managed in accordance with the traffic circulation, & loading zones depicted in **Exhibit 3**. An appropriate number of school staff shall be assigned to fulfill the duties of student supervision, traffic control, and other related duties as generally depicted on the plan. The additional number of vehicles may queue on the curb side of the school (WB direction only) during peak hours only when the inside loading area is full.

*Student Safety*

- Student safety should remain paramount at all times. School administration should continuously remind students, parents and staff of their expectations relative to this traffic management plan throughout the school year.
- School administration should review traffic operations and address any problems concerning this traffic management plan and identify solutions in the interest of student safety.
- In accordance with the Transportation Code, Section 545.4252, State law prohibits the use of wireless communication devices while operating a motor vehicle during the time a school zone is in effect. Restrictions do not apply to stopped vehicles or the use of handheld free devices.

# SUMMARY

This TMP should be used by Dallas Environmental Science Academy to provide safe and efficient transportation of students, staff, and faculty to and from the site. The plan was developed with the intent of optimizing safety and efficiency and the goal of accommodating vehicular traffic generated by the school within the site at peak traffic periods. School administration should review details of this TMP on a regular basis to confirm its effectiveness.

***END OF MEMO***

**SCHOOL REVIEW AND COMMITMENT**

This plan was developed for Dallas Environmental Science Academy with the intent of optimizing safety and efficiency related to vehicular traffic generated by the School during peak traffic periods. A concerted effort and full participation by the School administration, staff, students and parents are essential to maintain safe and efficient traffic operations.

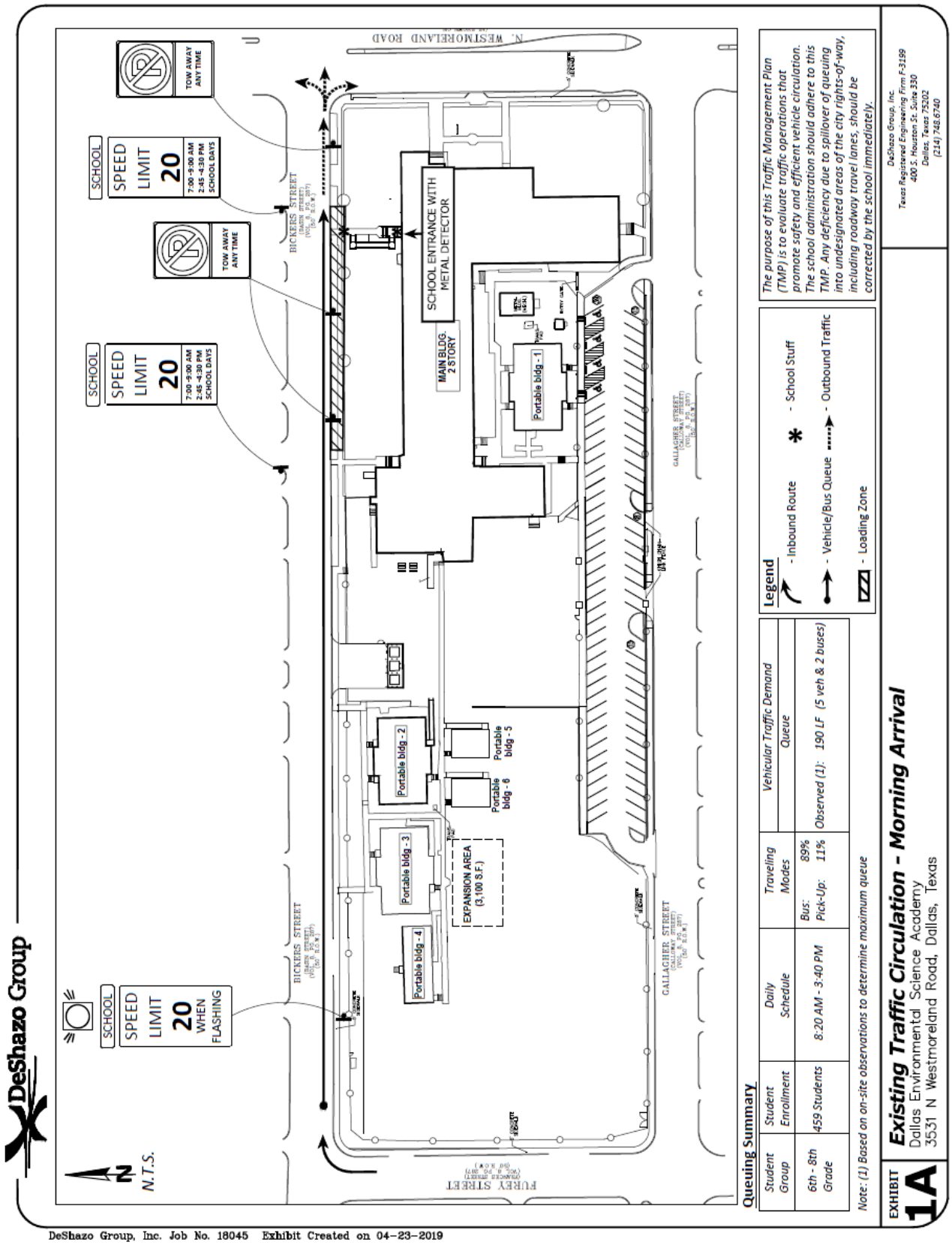
The school also confirms that it will implement an advance passenger identification system (i.e., name card/hangtags) and use STOP signs, whistles and vests.

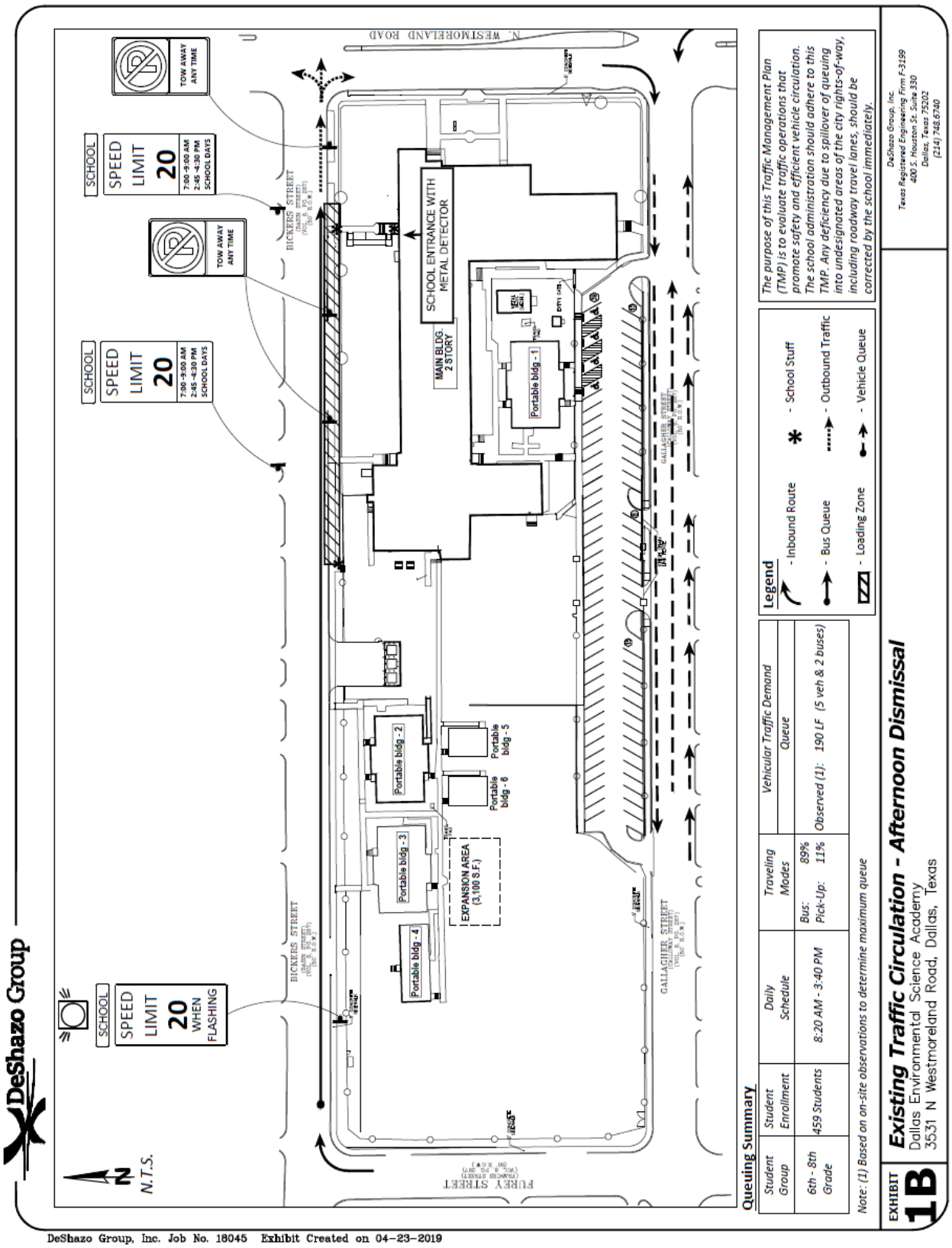
The School has reviewed the Traffic Management Plan and is in support of the strategies presented herein.

The School is committed to continually reviewing and assessing the effectiveness of the TMP and if warranted, will implement changes in the interest of increasing safety, efficiency and minimizing impacts on the surrounded community.

Arnoldo Zuniga, Principal
Dallas Environmental Science Academy

5-22-19
Date


DeShazo Group
N.T.S.
SCHOOL
SPEED LIMIT 20 WHEN FLASHING
SCHOOL
SPEED LIMIT 20 7:00-9:00 AM 2:45-4:30 PM SCHOOL DAYS
TOW AWAY ANY TIME
SCHOOL
SPEED LIMIT 20 7:00-9:00 AM 2:45-4:30 PM SCHOOL DAYS
TOW AWAY ANY TIME
SCHOOL ENTRANCE WITH METAL DETECTOR
MAIN BLDG. 2 STORY
Portable bldg - 1
Portable bldg - 2
Portable bldg - 3
Portable bldg - 4
Portable bldg - 5
Portable bldg - 6
EXPANSION AREA (3,100 S.F.)
BICKERS STREET
GALLAGHER STREET
FUREY STREET
N. WESTMORELAND ROAD
Queuing Summary
Student Group
Student Enrollment
Daily Schedule
Traveling Modes
Vehicular Traffic Demand Queue
6th - 8th Grade
459 Students
8:20 AM - 3:40 PM
Bus: 89%
Pick-Up: 11%
Observed (1): 190 LF (5 veh & 2 buses)
Note: (1) Based on on-site observations to determine maximum queue
Legend
- Inbound Route
- School Stuff
- Vehicle/Bus Queue
- Outbound Traffic
- Loading Zone
The purpose of this Traffic Management Plan (TMP) is to evaluate traffic operations that promote safety and efficient vehicle circulation. The school administration should adhere to this TMP. Any deficiency due to spillover of queuing into undesignated areas of the city rights-of-way, including roadway travel lanes, should be corrected by the school immediately.
EXHIBIT 1A
Existing Traffic Circulation - Morning Arrival
Dallas Environmental Science Academy
3531 N Westmoreland Road, Dallas, Texas
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748.6740
DeShazo Group, Inc. Job No. 18045 Exhibit Created on 04-23-2019




DeShazo Group, Inc. Job No. 18045 Exhibit Created on 04-23-2019

DeShazo Group

EXHIBIT 2: STUDENT DISMISSAL QUEUE MODEL

**DeShazo Model for Public Schools 2019** *DeShazo No. 19019*

## PROJECT INFORMATION

| | | | |
|---|---|---|---|
| School Name: | *Dallas Environmental Science Academy* | Grades: | *6th - 8th* |
| City, State: | *Dallas, Texas* | District: | |
| School Type: | *Middle School* | Date: | *4/23/2019* |

## STUDENT DISMISSAL QUEUE MODEL

| | | | |
|---|---|---|---|
| i) Projected Inbound PM Peak Hour Trips: | $T_{in}$= | 60 | cars |
| ii) Student Loading Area: | LA= | 230 | LF |
| ii) Maximum Loading Stations (LA/23.5): | S = | 18 | stations |
| ii) Average service time per vehicle: | $F_Q$= | 9 | cars/min |
| iii) Estimated Time of Carpool Operations (mins): | $T_O$= | 12 | mins |
| iii) Estimated Peak Arrival Rate (sec/car): | $R_A$= | 6 | sec/car |

iv) Theoretical Peak Queue:

$$Q_{max} = T_{in} \times \frac{60}{T_O} \times \frac{60}{S * F_Q} \times \frac{x}{60} R_A = 11$$ *vehicles in theoretical peak queue*

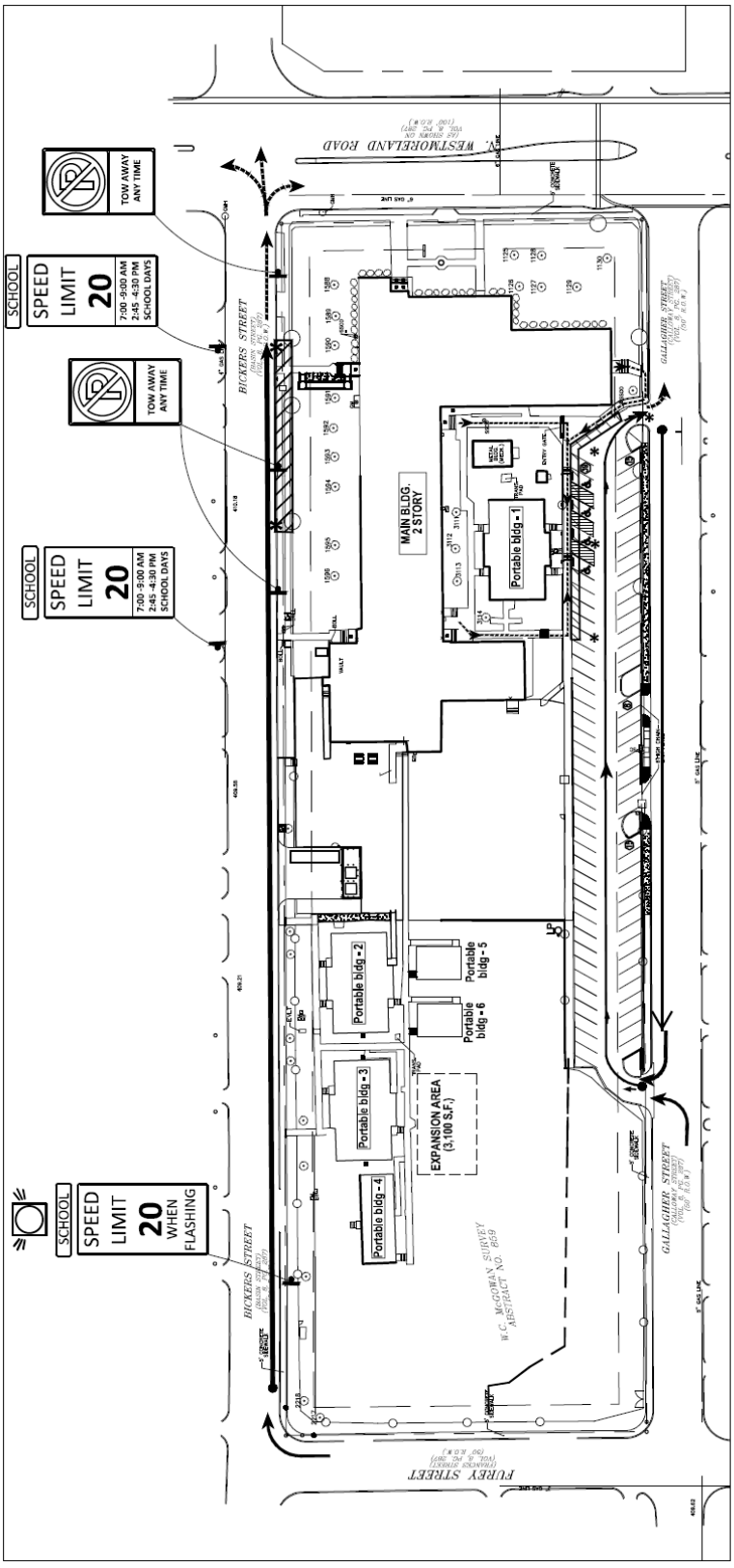
iv) Adjusted Peak Queue:

- Traffic Management In Effect: yes → $F_m$ = *0.10*
  *[i.e., coordinated inbound traffic/queuing plan; range: 0.00-0.47]*
- Mixed Traffic Circulation: no → $F_c$ = *0.00*
  *[i.e. apportioned location for each mode of transp.; range: 0.00-0.25]*
- Parking Allocation: no → $F_p$ = *0.00* *(see Exhibit for details)*
  *[i.e. portion of theoretical peak queue heading to a parking stall; 0.00 for mandatory queues]*

v) Projected Peak Queue:

$Q_{proj} = Q_{max} \times (1 + F_M + FC - F_P)$ = **13 vehicles** (306 LF @ 23.5 feet/vehicle)

# Proposed Traffic Management Plan




**Legend**

- Inbound Route
- Vehicle Queue
- Bus Queue
- Loading Zone
- School Staff
- Outbound Route
- Pedestrian Walking Route

*The purpose of this Traffic Management Plan (TMP) is to evaluate traffic operations that promote safety and efficient vehicle circulation. The school administration should adhere to this TMP. Any deficiency due to spillover of queuing into undesignated areas of the city rights-of-way, including roadway travel lanes, should be corrected by the school immediately.*

N

N.T.S.

**Queuing Summary**

| Student Group | Student Capacity | Daily Schedule | Traveling Modes | Vehicular Traffic Demand | Queue |
|---|---|---|---|---|---|
| 6th - 8th Grade | 500 Students | 8:20 AM - 3:40 PM | Bus: 89%<br>Pick-Up: 11% | Projected (1): 968 LF (43 veh)<br>Provided: 1,175 LF (50 veh)<br>Surplus: 50 LF (2 veh) | |

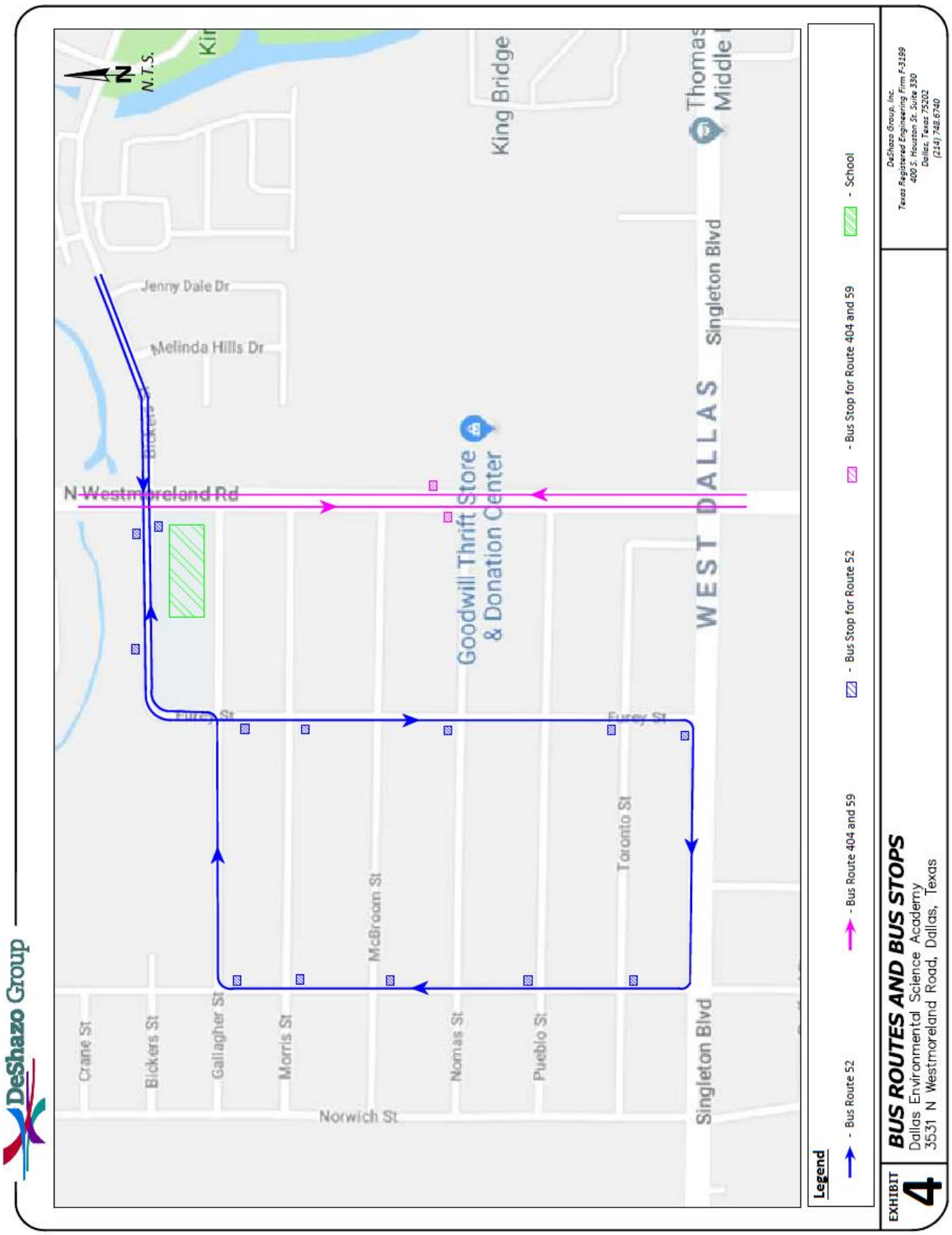
*Note: (1) Based on on-site observations to determine maximum queue*

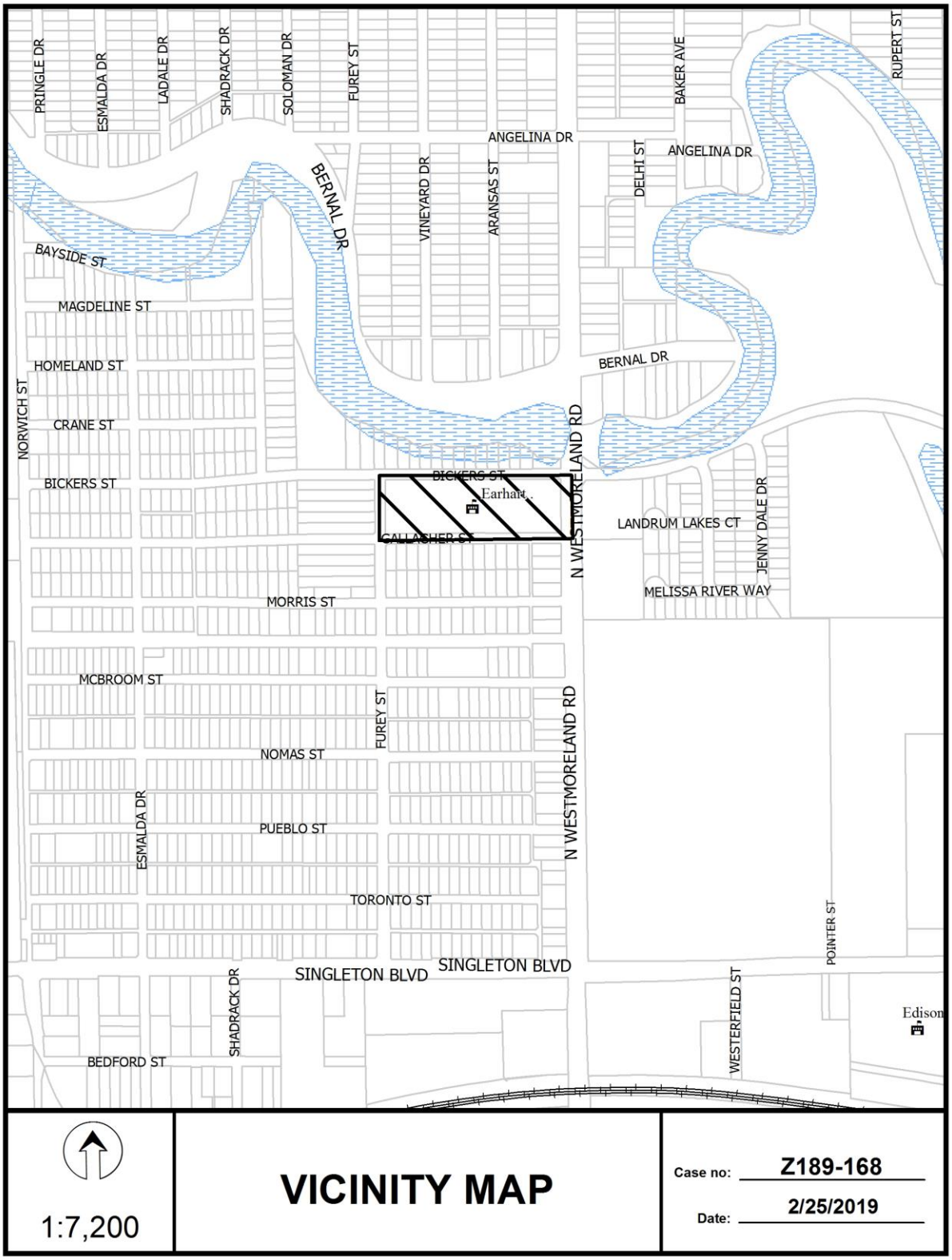
EXHIBIT **3**

**Traffic Management Plan - Morning Arrival/Afternoon Dismissal**

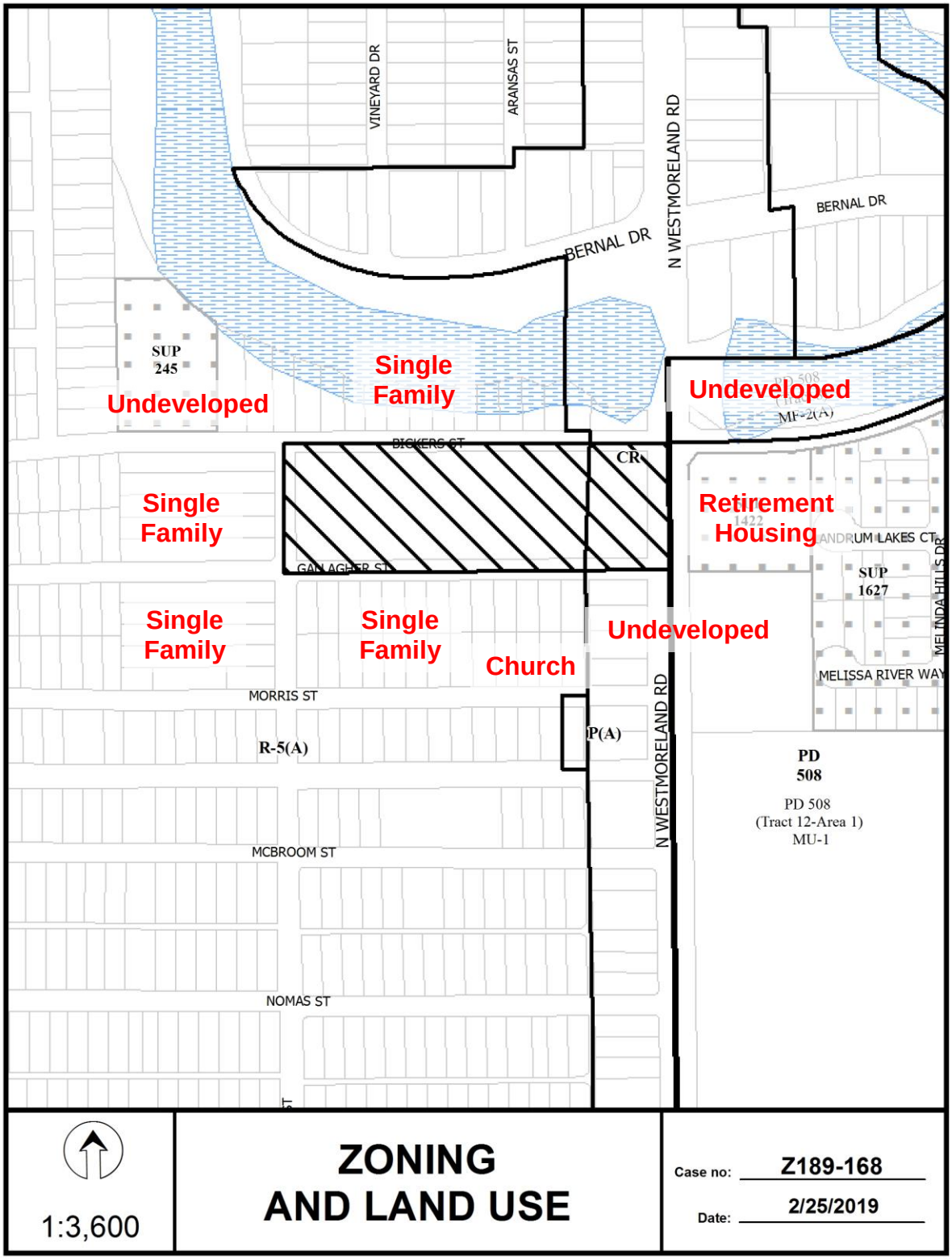
Dallas Environmental Science Academy
3531 N Westmoreland Road, Dallas, Texas

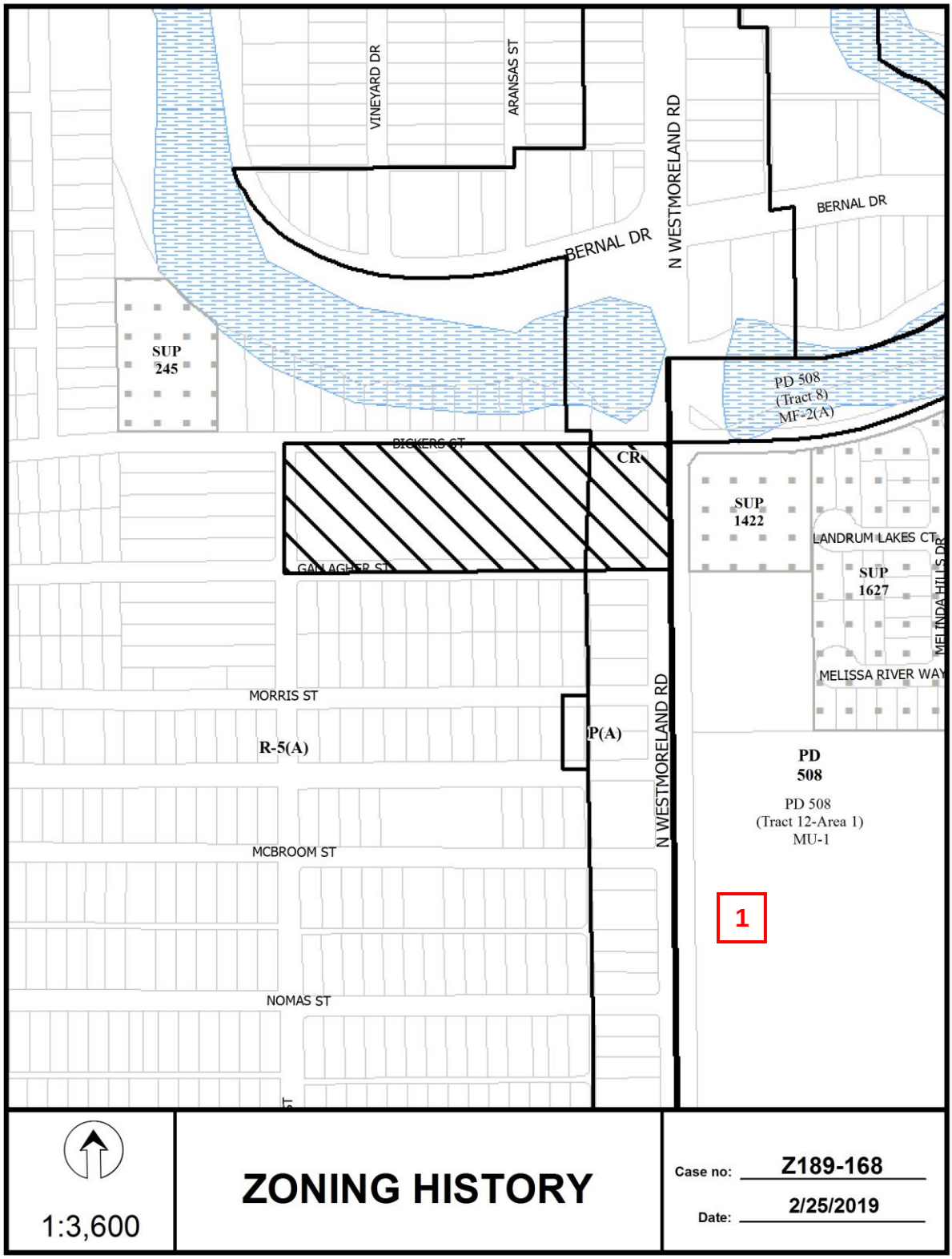
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748 6740

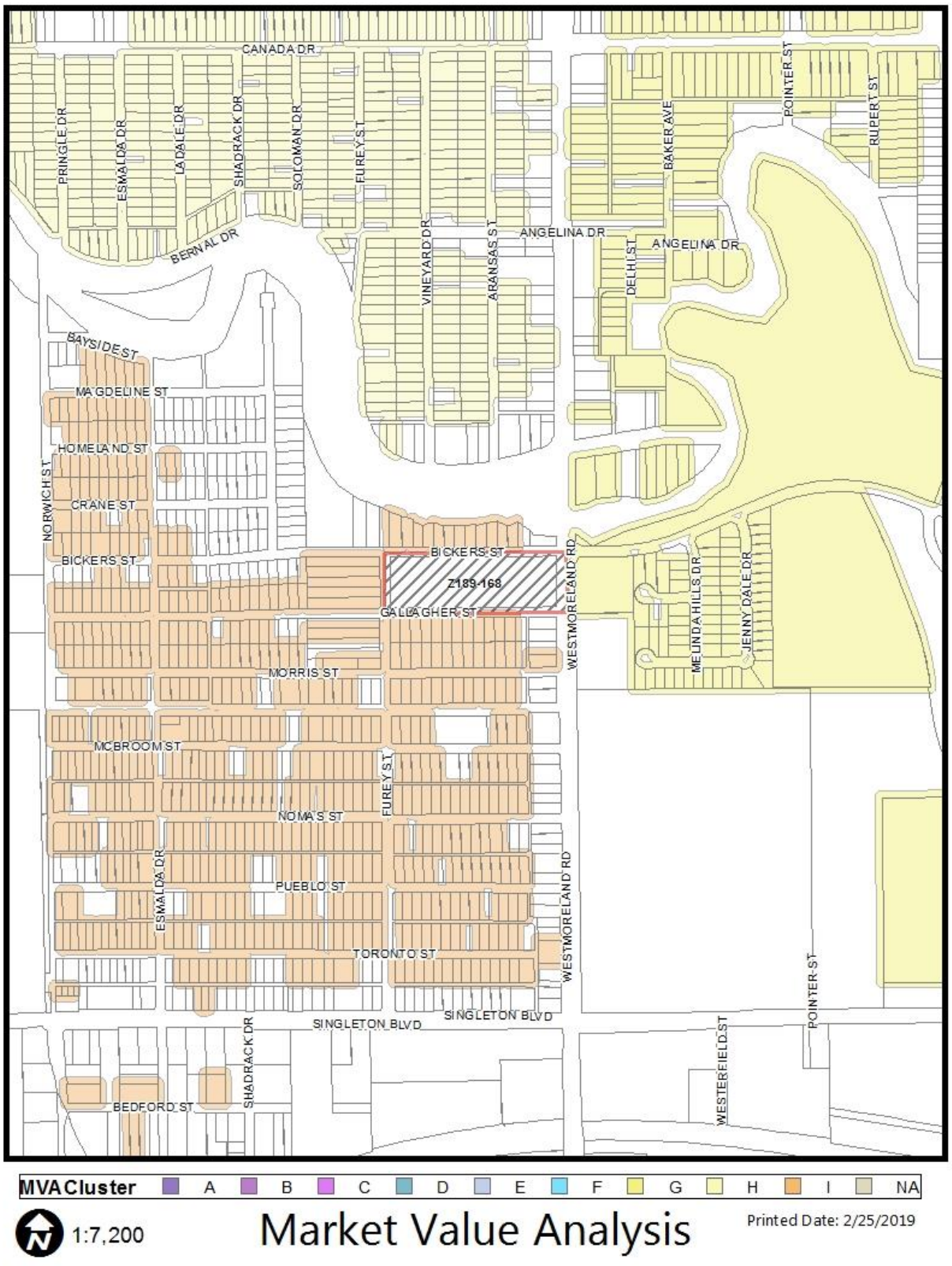

DeShazo Group
N
N.T.S.
King Bridge
Thomas
Middle
Jenny Dale Dr
Melinda Hills Dr
Bickers St
N Westmoreland Rd
Goodwill Thrift Store & Donation Center
WEST DALLAS
Singleton Blvd
Furey St
Furey St
McBroom St
Toronto St
Crane St
Bickers St
Gallagher St
Morris St
Nomas St
Pueblo St
Norwich St
Singleton Blvd
Legend
- Bus Route 52
- Bus Route 404 and 59
- Bus Stop for Route 52
- Bus Stop for Route 404 and 59
- School
EXHIBIT 4
BUS ROUTES AND BUS STOPS
Dallas Environmental Science Academy
3531 N Westmoreland Road, Dallas, Texas
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St. Suite 330
Dallas, Texas 75202
(214) 748 6740


PRINGLE DR
ESMALDA DR
LADALE DR
SHADRACK DR
SOLOMAN DR
FUREY ST
ANGELINA DR
BAKER AVE
RUPERT ST
DELHI ST
ANGELINA DR
BERNAL DR
VINEYARD DR
ARANSAS ST
BAYSIDE ST
MAGDELINE ST
HOMELAND ST
BERNAL DR
NORWICH ST
CRANE ST
N WESTMORELAND RD
BICKERS ST
BICKERS ST
Earhart
CALLASHER CT
LANDRUM LAKES CT
JENNY DALE DR
MELISSA RIVER WAY
MORRIS ST
MCBROOM ST
FUREY ST
N WESTMORELAND RD
NOMAS ST
ESMALDA DR
PUEBLO ST
TORONTO ST
POINTER ST
SINGLETON BLVD
SINGLETON BLVD
SHADRACK DR
WESTERFIELD ST
Edison
BEDFORD ST
1:7,200
VICINITY MAP
Case no: Z189-168
Date: 2/25/2019

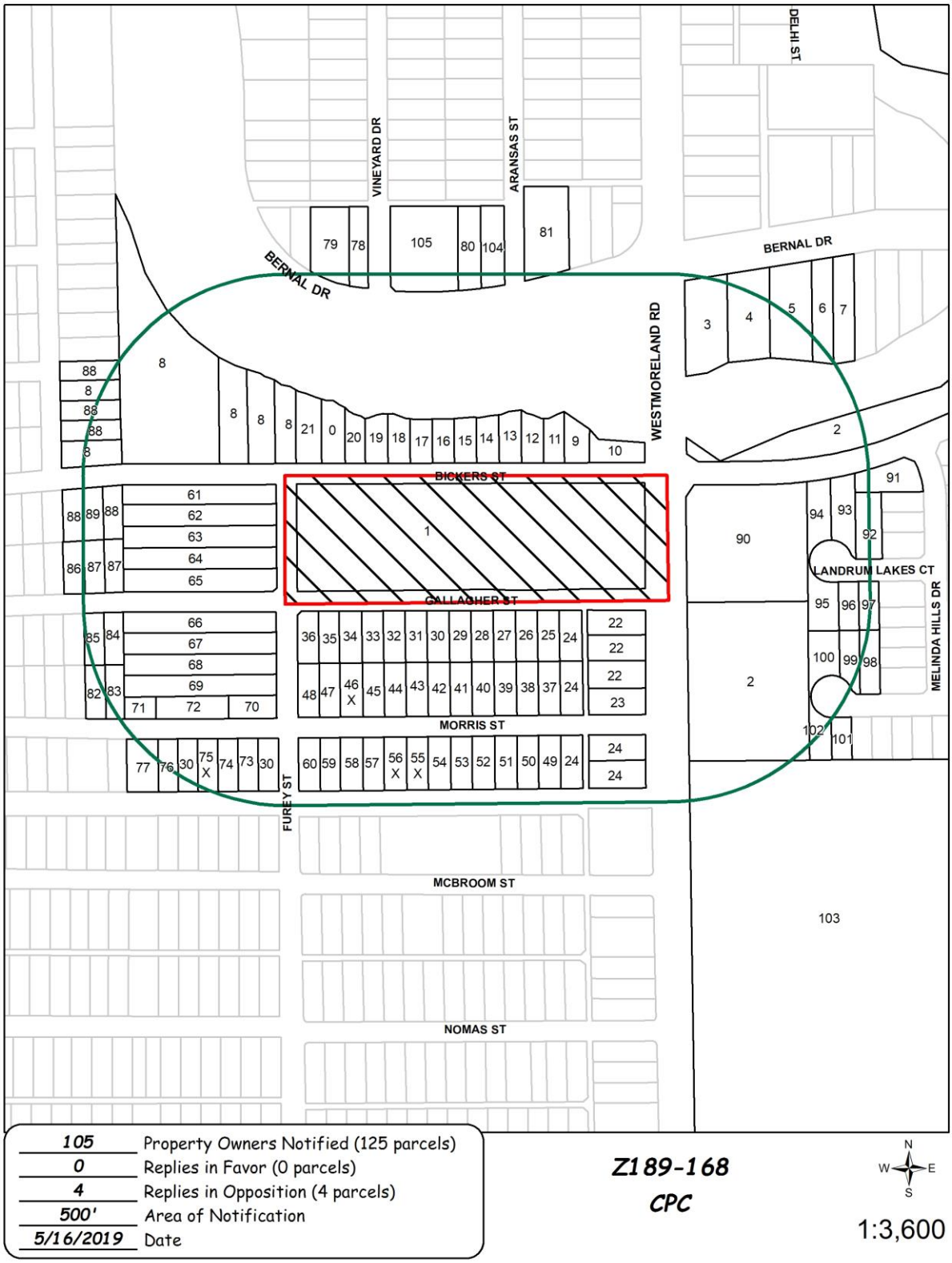

VINEYARD DR
ARANSAS ST
BERNAL DR
BERNAL DR
N WESTMORELAND RD
BICKERS ST
GALLAGHER ST
LANDRUM LAKES CT
MELINDA HILLS DR
MELISSA RIVER WAY
MORRIS ST
MCBROOM ST
NOMAS ST
N WESTMORELAND RD
1:3,600
AERIAL MAP
Case no: Z189-168
Date: 2/25/2019


VINEYARD DR
ARANSAS ST
N WESTMORELAND RD
BERNAL DR
BERNAL DR
SUP 245
Undeveloped
Single Family
Undeveloped
MF-2(A)
DICKERS CT
CR
Single Family
Retirement Housing
GALLAGHER ST
SUP 1627
MELINDA HILLS DR
MELISSA RIVER WAY
Single Family
Single Family
Church
Undeveloped
MORRIS ST
R-5(A)
P(A)
N WESTMORELAND RD
PD 508
PD 508
(Tract 12-Area 1)
MU-1
MCBROOM ST
NOMAS ST
1:3,600
ZONING AND LAND USE
Case no: Z189-168
Date: 2/25/2019


VINEYARD DR
ARANSAS ST
N WESTMORELAND RD
BERNAL DR
BERNAL DR
SUP
245
PD 508
(Tract 8)
MF-2(A)
BICKERS CT
CR
SUP
1422
LANDRUM LAKES CT
SUP
1627
MELINDA HILLS DR
MELISSA RIVER WAY
GALLAGHER ST
MORRIS ST
R-5(A)
P(A)
N WESTMORELAND RD
PD
508
PD 508
(Tract 12-Area 1)
MU-1
MCBROOM ST
1
NOMAS ST
1:3,600
ZONING HISTORY
Case no: Z189-168
Date: 2/25/2019


CANADA DR
PRINGLE DR
ESMALDA DR
LADALE DR
SHADRACK DR
SOLOMAN DR
FUREY ST
VINEYARD DR
ARANSAS ST
ANGELINA DR
DELHI ST
BAKER AVE
POINTER ST
RUPERT ST
BERNAL DR
BAYSIDE ST
MAGDELINE ST
HOMELAND ST
NORWICH ST
CRANE ST
BICKERS ST
Z189-168
GALLAGHER ST
WESTMORELAND RD
MELINDA HILLS DR
JENNY DALE DR
MORRIS ST
MCBROOM ST
NOMA ST
PUEBLO ST
TORONTO ST
SINGLETON BLVD
WESTERFIELD ST
BEDFORD ST
MVA Cluster
A
B
C
D
E
F
G
H
I
NA
1:7,200
Market Value Analysis
Printed Date: 2/25/2019

# CPC RESPONSES



*05/15/2019*

# *Reply List of Property Owners*

## *Z189-168*

***105 Property Owners Notified*** ***0 Property Owners in Favor*** ***4 Property Owners Opposed***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 1 | 3531 | N WESTMORELAND RD | Dallas ISD |
| | 2 | 3020 | BICKERS ST | DALLAS HOUSING AUTHORITY |
| | 3 | 3230 | BERNAL DR | WILLIS TIM H & |
| | 4 | 3226 | BERNAL DR | NUNEZ JULIAN ESTATE OF |
| | 5 | 3218 | BERNAL DR | TEMPLO APOSENTO ALTO |
| | 6 | 3210 | BERNAL DR | CAZARES JOSE PEDRO & |
| | 7 | 3206 | BERNAL DR | BARRIENTOS ANNA P ET AL |
| | 8 | 3451 | BICKERS ST | MIERS HARRIS WOOD JR & |
| | 9 | 3315 | BICKERS ST | JOHNSON GWENDOLYN HILL |
| | 10 | 3603 | N WESTMORELAND RD | HAYES LENA RUTH |
| | 11 | 3321 | BICKERS ST | JONES KATIE M |
| | 12 | 3327 | BICKERS ST | KING JOYCE |
| | 13 | 3331 | BICKERS ST | PADILLA JESUS & MARIA E |
| | 14 | 3335 | BICKERS ST | MUNOS LORENZO FERNANDEZ & |
| | 15 | 3403 | BICKERS ST | LANDSET LLC |
| | 16 | 3407 | BICKERS ST | RODRIGUEZ JOSE MANUEL JR & |
| | 17 | 3411 | BICKERS ST | ROGERS LOIS LIFE ESTATE |
| | 18 | 3417 | BICKERS ST | PECINA DAGOBERTO RUIZ & |
| | 19 | 3423 | BICKERS ST | CORIA J SANTOS |
| | 20 | 3427 | BICKERS ST | ALARCON RAFAEL & ROSA |
| | 21 | 3435 | BICKERS ST | CASTILLO GUADALUPE |
| | 22 | 3517 | N WESTMORELAND RD | VESTAL FREDDY TRUSTEE |
| | 23 | 3303 | MORRIS ST | HMK LTD |
| | 24 | 3316 | GALLAGHER ST | NEW MOUNT CALVARY BAPTIST CHURCH |
| | 25 | 3320 | GALLAGHER ST | SALGADO JOSE & |
| | 26 | 3324 | GALLAGHER ST | BENJAMIN THOMAS JR ETAL |

*05/15/2019*

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 27 | 3330 | GALLAGHER ST | EUSEBIO CARLOS |
| | 28 | 3334 | GALLAGHER ST | ORTIZ MARISOL |
| | 29 | 3402 | GALLAGHER ST | SILVA PAULINO & |
| | 30 | 3404 | GALLAGHER ST | CORIA J SANTOS |
| | 31 | 3410 | GALLAGHER ST | GOLDEN JOE ESTATE OF |
| | 32 | 3416 | GALLAGHER ST | BRISCOE C W |
| | 33 | 3420 | GALLAGHER ST | GUERRERO GLORIA |
| | 34 | 3426 | GALLAGHER ST | BENNETT JESSE L |
| | 35 | 3430 | GALLAGHER ST | FAGGETT MARTHA A |
| | 36 | 3434 | GALLAGHER ST | VILLALTA LUIS A |
| | 37 | 3321 | MORRIS ST | HOMEX CHANGE LLC |
| | 38 | 3327 | MORRIS ST | HAYDEN I V |
| | 39 | 3331 | MORRIS ST | HAYDEN LONDELL & |
| | 40 | 3335 | MORRIS ST | PACHECO MIGUEL CHAN |
| | 41 | 3403 | MORRIS ST | SAENZ MISAEL |
| | 42 | 3405 | MORRIS ST | BONILLA SONIA |
| | 43 | 3411 | MORRIS ST | BETHANY BERTHA FAY |
| | 44 | 3417 | MORRIS ST | SIMMONS ANGELA |
| | 45 | 3421 | MORRIS ST | MARTINEZ ENGLANTINA P |
| X | 46 | 3427 | MORRIS ST | LEARY GLORIA JEAN |
| | 47 | 3431 | MORRIS ST | CONLEY JUDY |
| | 48 | 3435 | MORRIS ST | MCGEE IRENE |
| | 49 | 3320 | MORRIS ST | MORALES GRACIELA |
| | 50 | 3326 | MORRIS ST | MENDOZA VERONICA & |
| | 51 | 3330 | MORRIS ST | HAYDEN NATALIE |
| | 52 | 3336 | MORRIS ST | BUSSEY M C |
| | 53 | 3400 | MORRIS ST | MITCHELL MERLERICK H |
| | 54 | 3404 | MORRIS ST | RAMOS ROSALIO L |
| X | 55 | 3410 | MORRIS ST | ORTEGA WILLIAM |
| X | 56 | 3416 | MORRIS ST | SAMPSON & SONS INC |
| | 57 | 3420 | MORRIS ST | VEGAMEDINA J LEONARDO |

*05/15/2019*

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 58 | 3426 | MORRIS ST | CORIA CARLOS |
| | 59 | 3430 | MORRIS ST | PEREZ NOE JR |
| | 60 | 3434 | MORRIS ST | SILVA ANTONIO MIRANDA |
| | 61 | 3547 | FUREY ST | MORGAN DARLENE & |
| | 62 | 3543 | FUREY ST | LARRY LUCIES |
| | 63 | 3539 | FUREY ST | SIMPSON MATTIE M EST OF |
| | 64 | 3535 | FUREY ST | SHAW MARQUITA ET AL |
| | 65 | 3531 | FUREY ST | MELENDEZ SEVERO & |
| | 66 | 3510 | GALLAGHER ST | LOMAS & SONS CONSTRUCTION LLC |
| | 67 | 3517 | FUREY ST | CRUZ RESENDO F |
| | 68 | 3511 | FUREY ST | MARTINEZ RODOLFO |
| | 69 | 3507 | FUREY ST | ROCK IMA JENE EST OF |
| | 70 | 3503 | FUREY ST | LUCIANO EUSEBIO C |
| | 71 | 3500 | MORRIS ST | SEBASTIAN PROPERTIES LLC |
| | 72 | 3511 | MORRIS ST | WRIGHT ROSEMARY |
| | 73 | 3506 | MORRIS ST | REZAIE SEMIRA |
| | 74 | 3510 | MORRIS ST | ST ANTHONY |
| X | 75 | 3512 | MORRIS ST | LEARY GLORIA J |
| | 76 | 3522 | MORRIS ST | BURTON JESSIE |
| | 77 | 3526 | MORRIS ST | BARRON MARIA DELALUZ & |
| | 78 | 3401 | BERNAL DR | ALCANTAR ESTEFANIA |
| | 79 | 3407 | BERNAL DR | SLOAN TYENESHA D |
| | 80 | 3331 | BERNAL DR | CASTORENA JOSE J & |
| | 81 | 3315 | BERNAL DR | JUNG CHUN SIK |
| | 82 | 3535 | MORRIS ST | BURTON JESSIE JR |
| | 83 | 3531 | MORRIS ST | BURTON RODNEY |
| | 84 | 3530 | GALLAGHER ST | TAYLOR RONALD KEITH & PATRICIA LYNN |
| | 85 | 3534 | GALLAGHER ST | WOODARD R A |
| | 86 | 3539 | GALLAGHER ST | SEBASTIAN PROPERTIES |
| | 87 | 3535 | GALLAGHER ST | FIELDS EUNICE |
| | 88 | 3530 | BICKERS ST | GONZALEZ GUADALUPE C |

***05/15/2019***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 89 | 3534 | BICKERS ST | YINETT MULTI PROFESSIONAL SCVS |
| | 90 | 3260 | BICKERS ST | HAMPTON SUPPORTIVE |
| | 91 | 3541 | MELINDA HILLS DR | NISCOLN LLC |
| | 92 | 3103 | LANDRUM LAKES CT | GUZMAN HERIBERTO & ALICIA |
| | 93 | 3107 | LANDRUM LAKES CT | TALLEY TRAVON L |
| | 94 | 3111 | LANDRUM LAKES CT | RODRIGUEZ JOSE PAEZ |
| | 95 | 3110 | LANDRUM LAKES CT | DELLINGER LYNNELLE |
| | 96 | 3106 | LANDRUM LAKES CT | JONES LAUREN |
| | 97 | 3102 | LANDRUM LAKES CT | NISCOLN LLC |
| | 98 | 3141 | MELISSA RIVER WAY | NGUYEN NGA N & DAI TRIEU |
| | 99 | 3145 | MELISSA RIVER WAY | NGUYEN CHIEN M & MONG T DANG |
| | 100 | 3149 | MELISSA RIVER WAY | LE MUOI & LE T NGUYEN |
| | 101 | 3146 | MELISSA RIVER WAY | TRAN TUAN VAN |
| | 102 | 3150 | MELISSA RIVER WAY | MONROY KAREN |
| | 103 | 3020 | N WESTMORELAND RD | GOODWILL INDUSTRIES OF |
| | 104 | 3327 | BERNAL DR | ROGERS TONY G JR |
| | 105 | 3339 | BERNAL DR | GENERAL CONFERENCE OF |

# Agenda Information Sheet

**File #:** 19-874 **Item #:** 72.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-10(A) Single Family District uses and a public school other than an open-enrollment charter school, on property zoned an R-10(A) Single Family District, generally bounded by Westmoreland Road, Sprague Drive, and Boulder Drive
Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan and conditions
Z189-176(PD)



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**HONORABLE MAYOR & CITY COUNCIL** **WEDNESDAY, JUNE 26, 2019**

**ACM: Michael Mendoza**

| | | | |
|---|---|---|---|
| **FILE NUMBER:** | Z189-176(PD) | **DATE FILED:** | January 22, 2019 |
| **LOCATION:** | Generally bounded by Westmoreland Road, Sprague Drive, and Boulder Drive | | |
| **COUNCIL DISTRICT:** | 3 | **MAPSCO:** | 63 B |
| **SIZE OF REQUEST:** | ± 16.515 acres | **CENSUS TRACT:** | 108.03 |

**APPLICANT/OWNER:** Dallas ISD

**REPRESENTATIVE:** Karl Crawley, Masterplan Consultants

**REQUEST:** An application for a Planned Development District for R-10(A) Single Family District uses and a public school other than an open-enrollment charter school, on property zoned an R-10(A) Single Family District.

**SUMMARY:** The applicant [Dallas ISD] proposes to construct a 22,750-square-feet addition to Kimball High School to accommodate a new administration area, kitchen, athletic facilities additional classrooms, and a storm shelter.

**CPC RECOMMENDATION:** **Approval**, subject to a development plan, traffic management plan and conditions.

**STAFF RECOMMENDATION:** **Approval**, subject to a development plan, traffic management plan and conditions.

**BACKGROUND INFORMATION:**

- The request site is currently developed with Kimball High School, Browne Middle School, and Sprague Stadium.
- The request seeks to expand the maximum floor area by 22,750 square feet for a total of 241,750 square feet. It also seeks to increase the maximum height to 60 feet and allow structures such as steps, handrails, light poles and off-street parking to encroach into the front yard setbacks. The proposed additions are being sought to accommodate a new administration area, kitchen, athletic facilities, additional classrooms, and a storm shelter.

**Zoning History:** There have been no recent zoning requests in the area within the last five years.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type | Existing ROW |
|---|---|---|
| S. Westmoreland Road | Principal Arterial | 90 feet |
| Sprague Drive | Local | 24 feet |
| Boulder Drive | Local | 24 feet |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed request and determined that the request will not have a negative impact on the existing street system.

**STAFF ANALYSIS**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan*, was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

**LAND USE ELEMENT**

**GOAL 1.1** ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

> Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

**NEIGHBORHOOD PLUS**

**Policy 4.2** SUPPORT AND LEVERAGE EMERGING SCHOOL QUALITY AND SCHOOL CHOICE PROGRAMS.

**Action 4.2.2** Engage DISD and charter school organizations in the super-neighborhood structure to support neighborhood based education improvement efforts through school choice programs.

**Land Uses:**

| | Zoning | Land Use |
|---|---|---|
| **Site** | R-10(A) | Public Schools, Stadium |
| **North** | R-10(A) | Single Family |
| **East** | R-10(A) | Stadium, Single Family & Church |
| **South** | R-10(A) | Public School, Single Family |
| **West** | R-10(A) | Church |

**Land Use Compatibility:**

The 16.515-acre request site is zoned R-10(A) Single Family District with a public school other than an open-enrollment charter school use [Kimball High School, Browne Middle School, and Sprague Stadium].

The existing school was built in 1958 according to Dallas County Appraisal District, DCAD and consists of approximately 219,000 square feet. The proposed expansion is approximately 22,750 square feet and will facilitate additions for the administration area, kitchen, athletic facilities, new classrooms, and a storm shelter for a total of 241,750 square feet.

While the request does not provide a landscape plan, the Planned Development District is sought to deviate from the landscape requirements for the existing parking lot provisions of Article X, as amended, and the off-street parking requirements. These requests are made to remedy the requirement of three large or medium trees per lot with a minimum of two trees in the front yard, the proximity of the center of the trunk at grade from pavement, and the loss of 123 off-street parking spaces to accommodate all queueing operations on-site.

The school currently has 82 classrooms including six portable buildings. There is not an expected increase in enrollment from the total of 1,514 students. Thus, the classroom addition serves to replace the existing portable buildings which will be removed and will not result in a net increase in the number of classrooms. Additionally, the request seeks to increase the maximum height from 30 feet to 60 feet and allow the encroachment of structures such as steps, handrails, light poles and off-street parking into the front yard setbacks.

Surrounding land uses include single family uses to the north, a church and single family uses to the east, a public school use and single family to the south, and church uses to the west.

Staff supports the request because many of the encroachments into the required front yard currently exist and modifying the zoning allows the opportunity to rectify these encroachments. Additionally, the school has operated within the community for a substantial period and the use is compatible with the surrounding single-family neighborhood.

## Development Standards:

| District | Setbacks | | Height | Lot Coverage | Special Standards | Primary Uses |
|---|---|---|---|---|---|---|
| | Front | Side/Rear | | | | |
| **Existing:** R-10(A) | 30’ | 6’/6 single family<br>10’/15’ others | 30’ | 45% res.<br>25% nonres. | RPS | Single Family |
| **Proposed:** PD | 15’ w/encroachments | 6’/6 single family<br>10’/15’ others | 60’ | 45% res.<br>25% nonres. | RPS | Public school & R-10(A) uses |

## Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is not within an identifiable MVA category; however, it is in proximity to an “E” MVA cluster to the west and an “F” MVA cluster to the north and east.

**Parking:**

According to the information provided, the proposed addition will allow for a total of 82 high school classes. The Dallas Development Code requires nine and a half parking spaces per classroom for a high school use. Therefore, the use is required to provide 779 parking spaces. While only 395 spaces exist, the request seeks a reduction of 123 parking spaces to accommodate queuing operations on-site. The proposed reduction will provide a total 272 parking spaces thereby, providing a deficit of 507 spaces. Nevertheless, staff supports the further reduction in parking because the parking requirement for the school use has never complied with the off-street parking requirement due to the confines of the request site, the proximity of Sprague Athletic Complex which contains a parking lot that could be used for student parking and the low number (30 to 40) of student drivers. Therefore, staff believes the 272 spaces provided can support the parking demand for the school use.

**Landscaping:**

The new development on the property will require landscaping per Article X of the Dallas Development Code, as amended, however the site cannot comply with the landscape requirement for the parking lot. Therefore, the Arborist Division has elected to ensure compliance by allowing a landscape architect to develop an artificial lot for the use that does not include the parking lots and complies with Article X, as amended. Under the 2018 Article X amendments, the Artificial lot includes the areas of new construction and renovation of the surrounding space in relative proximity with nearby streets or other lot frontage. For this reason, only the Westmoreland Road frontage is affected while other internal additions are included and no other property frontages around the campus apply. Certain practical landscape amenities (like the athletic field) and internal used spaces are included. The overall area which will apply under permit is less than the 50% maximum area for an artificial lot.

## DALLAS INDEPENDENT SCHOOL DISTRICT

### BOARD OF TRUSTEES

| | |
|---|---|
| District 1 | Edwin Flores, President |
| District 2 | Dustin Marshall |
| District 3 | Dan Micciche, 1st Vice President |
| District 4 | (vacant) |
| District 5 | Maxie Johnson |
| District 6 | Joyce Foreman, 2nd Vice President |
| District 7 | Ben Mackey |
| District 8 | Miguel Solis |
| District 9 | Justin Henry, Board Secretary |

**CPC ACTION:**
**June 6, 2019**

**Motion:** It was moved to recommend **approval** of a Planned Development District for R-10(A) Single Family District uses and a public school other than an open-enrollment charter school, subject to a development plan, revised traffic management plan and conditions on property zoned an R-10(A) Single Family District, generally bounded by Westmoreland Road, Sprague Drive, and Boulder Drive.

Maker: Criss
Second: Lewis
Result: Carried: 13 to 0

For: 13 - MacGregor, Schulte, Criss, Johnson, Shidid, Carpenter, Brinson, Lewis, Jung, Housewright, Schultz, Murphy, Tarpley

Against: 0
Absent: 1 - Ridley
Vacancy: 1 - District 12

**Notices:** Area: 500 Mailed: 76
**Replies:** For: 2 Against: 1

**Speakers**: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: None

CPC Recommended Conditions

**"ARTICLE _____.**

**PD _____.**

**SEC. 51P-___.101. LEGISLATIVE HISTORY.**

PD ___ was established by Ordinance No. XXXX, passed by the Dallas City Council on _____.

**SEC. 51P-___.102. PROPERTY LOCATION AND SIZE.**

PD ____ is established on property generally located on Westmoreland Road. The size of PD ____ is approximately 16.515 acres.

**SEC. 51P-___.103. DEFINITIONS AND INTERPRETATIONS.**

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

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district. (Ord. 27296)

**SEC. 51P-___.104. EXHIBITS.**

The following exhibits are incorporated into this article:

(1) Exhibit ___A: development plan.

**SEC. 51P-___.105. DEVELOPMENT PLAN.**

(a) For a public school other than an open enrollment charter school development and use of the Property must comply with the development plan (Exhibits ___A). If there is a conflict between the text of this article and the development plans, the text of this article controls.

(b) For all other permitted uses, Paragraph 51A.4.702(c)2 through Subsection 51A4.702(j), governing the requirements for a site plan, a development plan, and amendments to a development plan, do not apply.

**SEC. 51P-___.106. MAIN USES PERMITTED.**

(a) Except as provided in below, all uses permitted in the R-10(A) Single Family District, subject to the same conditions applicable in the R-10(A) Single Family District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the R-10(A) Single Family District by specific use permit (SUP) only is permitted in this planned development district by SUP. A use subject to development impact review (DIR) in the R-5(A) Single Family District is subject to DIR in this planned development district, etc.

(b) Public school, other than an open enrollment charter school, is allowed by right.

**SEC. 51P-___.107. ACCESSORY USES.**

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

**SEC. 51P-___.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 Division 51A-4.400. If there is a conflict between this section and Division 51A4.400, this section controls.)

(a) Floor area: Maximum floor area for a public school other than an open enrollment charter school use is 241,750 square feet.

(b) Height: Maximum height for a public school other than an open enrollment charter school is 60 feet. Light poles are allowed a maximum height of 30 feet.

(c) Setbacks: Steps, handrails and light poles are allowed in the required setbacks. Parking for a public school other than an open enrollment charter school is allowed in the required yard.

**SEC. 51P-___.109. OFF STREET PARKING AND LOADING.**

(a) Off-street parking must be provided in accordance with Division 51A-4.300 et seq.

(b) Parking lot and or loading screening is not required.

(c) Parking for a public school other than an open enrollment charter school to be used as a high school with up to 82 classrooms a minimum of 272 parking spaces must be provided. For a public school other than an open enrollment charter to be used as a high school must be provided as shown on the development plan and by using any surplus parking spaces at Sprague Field stadium east of the Property.

**SEC. 51P-___.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P-___.111. LANDSCAPING.**

(a) Landscaping must be provided in accordance with Article X with the exception of those provisions associated with surface parking lots, which are not required.

(b) Plant materials must be maintained in a healthy, growing condition.

**SEC. 51P-___.112. SIGNS.**

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

**SEC. 51P-___.113. 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.

(c) Fencing and playground equipment. For a public school other than an open enrollment charter school use, fencing may be provided in the required yards with a maximum height of six feet. Baseball backstops with a maximum height of 20 feet are allowed in the required setback.

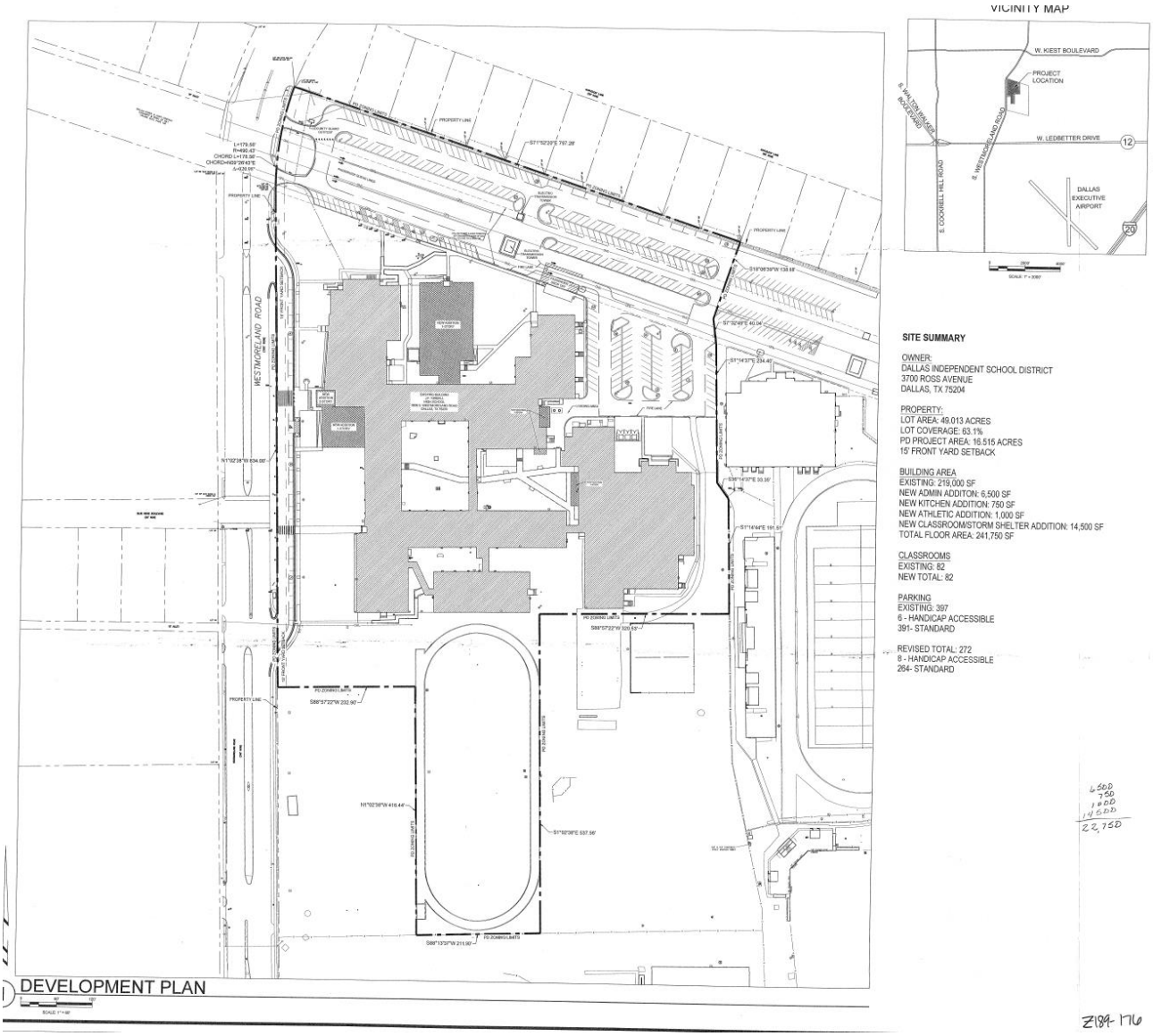
**SEC. 51P-___.114 COMPLIANCE WITH CONDITIONS.**

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

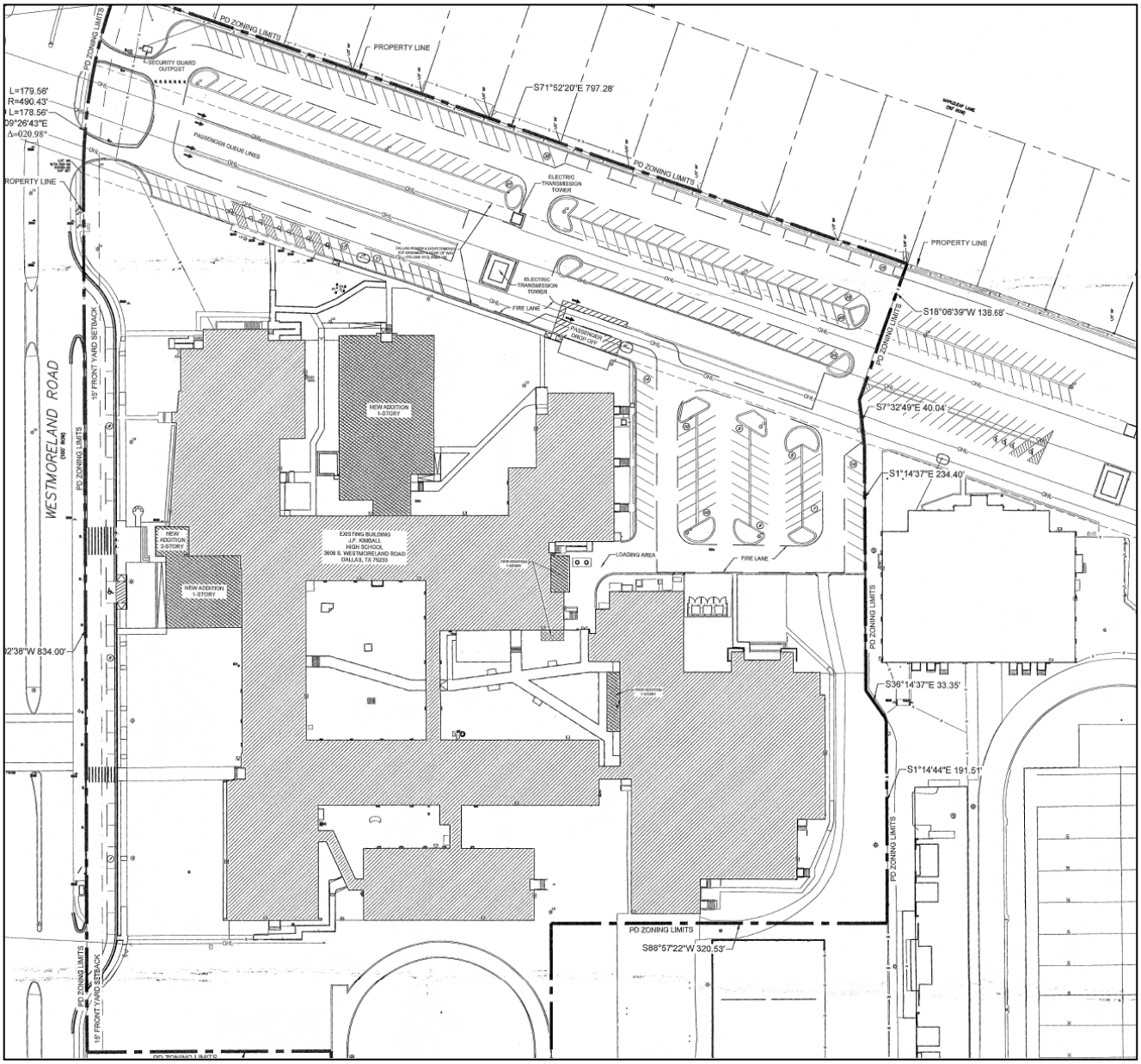
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy for a use until there has been full compliance with this article, the Dallas

Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

# Proposed Development Plan



# Enlarged Development Plan



Traffic Management Plan

DeShazo Group

*Traffic. Transportation Planning. Parking. Design.*

*Texas Registered Engineering Firm F-3199*




*December 4, 2018*

# *Technical Memorandum*

**To:** Mr. Karl Crawley – Masterplan

**From:** DeShazo Group, Inc.

**Date:** December 4, 2018

**Re:** Traffic Management Plan for Justin F. Kimball High School, Dallas, Texas
*DeShazo Project Number 18078*

## INTRODUCTION

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm based in Dallas, Texas, providing licensed engineers skilled in the field of traffic/transportation engineering. The services of DeShazo were retained by Masterplan to provide a traffic management plan (TMP) for Justin F. Kimball High School (Kimball High School) located at 3606 S Westmoreland Road in Dallas, Texas.

The school site will be undergoing renovations as well as the addition of administration space. The student enrollment is anticipated to remain the same and no new classrooms will be added. As part of the approval process, the City of Dallas requires a TMP as a record of the preferred traffic control strategies and to ensure overall traffic safety and efficient operations. The plan is intended to assess anticipated traffic conditions during the morning drop-off and afternoon pick-up activities on the basis of satisfying these objectives.

By consent of the TMP submittal, the school agrees to the strategies presented herein. In addition, the school is held self-accountable to enforce the plan until and unless the City of Dallas deems further mitigation measures are necessary.

## TRAFFIC MANAGEMENT PLAN

A school TMP is important to safely achieve an optimum level of traffic flow and circulation during peak traffic periods associated with student drop-off and pick-up. By properly managing the vehicular traffic generated during critical periods, the safety and efficiency of other modes of travel—including pedestrian traffic—will also inherently improve and the operational impact on the public street system should also be minimized. **This plan, however, should not be considered a comprehensive set of instructions to ensure adequate safety; it should be used as a tool to facilitate a safer and more efficient environment.**

### *School Operational Characteristics*

DeShazo observed on-site traffic on five different occasions at the following times:

- Friday, May 25, 2018; *during student arrival*
- Wednesday, May 30, 2018; *during student dismissal*
- Thursday, May 31, 2018; *during student arrival*
- Thursday, May 31, 2018; *during student dismissal*
- Wednesday, September 5, 2018; *during student dismissal*

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*400 South Houston Street, Suite 330* *Dallas, Texas 75202* *P. 214.748.6740* *www.deshazogroup.com*

Field observations indicate that current practices during the morning drop-off period do not present significant obstruction of vehicular traffic compared to afternoon dismissal. Arrival of vehicles in the morning is also notably more sporadic than any traffic generated during the afternoon pick-up period. In general, vehicular traffic near the vicinity of the school operates without any major traffic delays or congestion during the morning drop-off period. **Table 1** summarizes the school's operational characteristics assumed in this analysis.

***Table 1. School Operational Characteristics***

| | Existing Conditions | Proposed Conditions |
|---|---|---|
| Enrollment (by grade): | 9th Grade: ≅ 432 Students<br>10th Grade: ≅ 361 Students<br>11th Grade: ≅ 304 Students<br>12th Grade: ≅ 269 Students<br>Special Education (SPED): ≅ 148 Students<br><br>*Total: ≅ 1,514 Students* | No significant change |
| Daily Start/End Schedule | All Grades:<br>>Start: 9:05 AM<br>>End: 4:20 PM | No significant change |
| Approximate Number of Students Travelling by Mode Other Than Drop-off/Pick-up: | By School Bus: ≅ 30%<br>By Self-Driving: < 1% | No significant changes |

NOTE #1: To the highest degree practical, the accounts of "existing conditions" presented in this report were based upon actual on-site observations conducted by DeShazo during typical school day(s) conditions and from personal interviews of school representatives. The analyses and recommendations presented in this report for "proposed" or "future" conditions were based upon evaluations of "existing conditions" and may be supplemented by DeShazo's professional judgment and experience. "Proposed"/"Future" conditions are intended to reflect the anticipated day-to-day conditions at full occupancy.

NOTE #2: Occasional functions or other events may be held at the school, which generate traffic outside of the traditional peak drop-off and pick-up periods. While some of the measures presented in this report may be applicable in such cases, traffic characteristics other than those directly associated with the primary drop-off and pick-up periods are not the subject of this analysis.

# EXISTING TRAFFIC CONDITIONS

### *Site Access*

The school is bordered by S Westmoreland Road to the west and Boulder Dr to the east. The school currently provides a parking lot on the north side of the school for staff/faculty and students. The parking lot is accessible from both S Westmoreland Rd and Boulder Drive. In addition, there is a pull up area (i.e motor court) on the west side of the school off of S Westmoreland Road which includes visitor and handicapped parallel parking only.

### *Passenger Unloading/Loading and Vehicle Queuing*

During the morning arrival and afternoon pick-up period, nine large buses enter the parking lot either from S Westmoreland Rd or Boulder Dr and proceed to the "horseshoe area." Once buses reach the "horseshoe area" they form in a clockwise direction around the horseshoe to unload/load. In addition, there are three small buses that proceed to the northernmost point of the motor court to unload/load SPED students.



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Kimball High School employs an unmanaged protocol during the morning arrival and afternoon pick-up periods for parent vehicles. Parents park and wait anywhere in the parking lot with approximately 80% arriving from S Westmoreland Rd and 20% arriving from Boulder Dr. Parents also park and wait in the front motor court. Once the motor court reaches capacity parents park on S Westmoreland Rd and on Blue Ridge Blvd disrupting thru traffic, especially on S Westmoreland Rd. Observations indicated during the peak dismissal period there are about 50 parent vehicles in the main parking lot, 20 parent vehicles in the front motor court, and 59 parent vehicles parked on S Westmoreland and Blue Ridge Blvd. Once students are dismissed they find their parents wherever they are parked.

### *Vehicular Queue Lengths*

Kimball High School should accommodate morning arrival and afternoon dismissal traffic operations in accordance with **Exhibit 1**. School staff should try to maximize efficiency of student loading operations at all times. Maximum accumulation of vehicles is subject to both the rate of arrival traffic and the rate at which the school staff is able to load/unload students into their corresponding cars; any delay or inadequacy in the loading/unloading operations results in unwarranted accumulation of traffic.

### *Off-Street Parking*

*Main Parking Lot*

The main parking lot will lose approximately 123 parking spaces to accommodate all queueing operations on-site. However, this does not include the parking on the east side of the existing fence.

DeShazo conducted a parking accumulation study on a typical school day at 1:30 PM and found that the school provides ample parking. Observations indicated that the parking lot, not including the area to the east of the fence, was approximately 40% occupied. The parking area to the east of the fence had zero parked vehicles during this time.

*Student Parking*

As indicated by school staff, there are 25-30 students drivers. Parking for student drivers should be located as depicted in **Exhibit 1**. This parking supply should reflect the number of students who have purchased a parking pass for the school year and should be adjusted accordingly.

## RECOMMENDATIONS

The school administration should implement an active management of student loading to expedite queueing operations and reduce the maximum accumulation of traffic. Queue pick-up participation is a challenge that schools face constantly. Despite the anticipated practices and operational characteristics at Kimball High School, full cooperation of all school staff members, students and parents is crucial for the success of the systematic queue. Proper training of school staff on the duties and expectations pertaining to this plan is recommended. Sufficient communication at the beginning of each school term (and otherwise, as needed) with students and parents on their duties and expectations is also recommended. DeShazo recommends consideration of the following recommendations to optimize queue operations:

*Traffic Queue Operations*

- Implementation of an "Advance Passenger Identification System" to expedite queue operations. This system uses hangtags displayed through the windshield of arriving vehicles to identify arriving vehicles with the name(s) of corresponding student(s).

- Use of apps or software (e.g., Driveline Dispatch®) to expedite queue operations. This software efficiently displays family names of upcoming vehicles on indoor screens and provides students and school staff with a chart of vehicles approaching the loading zone.
- Staff participating in student drop-off/pick-up operations should, in lieu of simple hand gestures, procure and use reversible hand-paddle signs with the messages "STOP" and "SLOW". Optional additional equipment for staff may include whistles (for audible warnings) and flashlights (for visual warnings) in order to gain the attention of motorists.
- The School should investigate the use of apps or software (e.g., Driveline Dispatch®) to expedite queue operations. This software efficiently displays family names of upcoming vehicles on indoor screens and provides students and school staff with a chart of vehicles approaching the loading zone.
- Morning arrival and afternoon dismissal traffic operations should be managed in accordance with the traffic circulation, loading zones, depicted in **Exhibit 1**. The plan includes the recommended configuration of temporary traffic control devices (such as traffic cones, etc.) that shall be installed on a daily basis when typical traffic conditions are expected. An appropriate number of school staff shall be assigned to fulfill the duties of student supervision, traffic control, and other related duties as generally depicted on the plan. Parents who enter the parking lot from S Westmoreland Rd should begin queueing in the southernmost aisle and continue to form queues in the aisles to the north.
- As depicted in **Exhibit 1**, all unloading/loading operations should occur in the main parking lot with the exception of SPED/accessible student unloading/loading. These students are recommended to utilize the motor court. The motor court provides one accessible vehicle parking space with a passenger loading zone. This designated parking space should be prohibited to all other vehicles; thus, vehicle queueing should not occur within this area.
- Staff will monitor student parking occurring off-campus and will notify the appropriate City department for enforcement.

*Bus Unloading/Loading*

- The small school buses unloading/loading SPED/accessible students should proceed to the northernmost point of the motor court.
- All other buses should proceed to the "horseshoe area" of the parking lot and form in a clockwise direction around the horseshoe to unload/load. Buses that arrival after parent queueing operations has begun should access the parking lot from Boulder Dr and proceed to the "horseshoe area."

*Student Safety*

- Student safety should remain paramount at all times. School administration should continuously remind students, parents and staff of their expectations relative to this traffic management plan throughout the school year.
- School administration should review traffic operations and address any problems concerning this traffic management plan and identify solutions in the interest of student safety.
- In accordance with the Transportation Code, Section 545.4252, State law prohibits the use of wireless communication devices while operating a motor vehicle during the time a school zone is in effect. Restrictions do not apply to stopped vehicles or the use of handheld free devices.

## SUMMARY

This TMP should be used by Kimball High School to provide safe and efficient transportation of students, staff, and faculty to and from the site. The plan was developed with the intent of optimizing safety and efficiency and the goal of accommodating vehicular traffic generated by the school within the site at peak traffic periods. School administration should review details of this TMP on a regular basis to confirm its effectiveness.

***END OF MEMO***

**SCHOOL REVIEW AND COMMITMENT**

This plan was developed for Kimball High School with the intent of optimizing safety and efficiency related to vehicular traffic generated by the school during peak traffic periods. A concerted effort and full participation by the school administration, staff, students and parents are essential to maintain safe and efficient traffic operations.

The School has reviewed the Traffic Management Plan and is in support of the strategies presented herein.

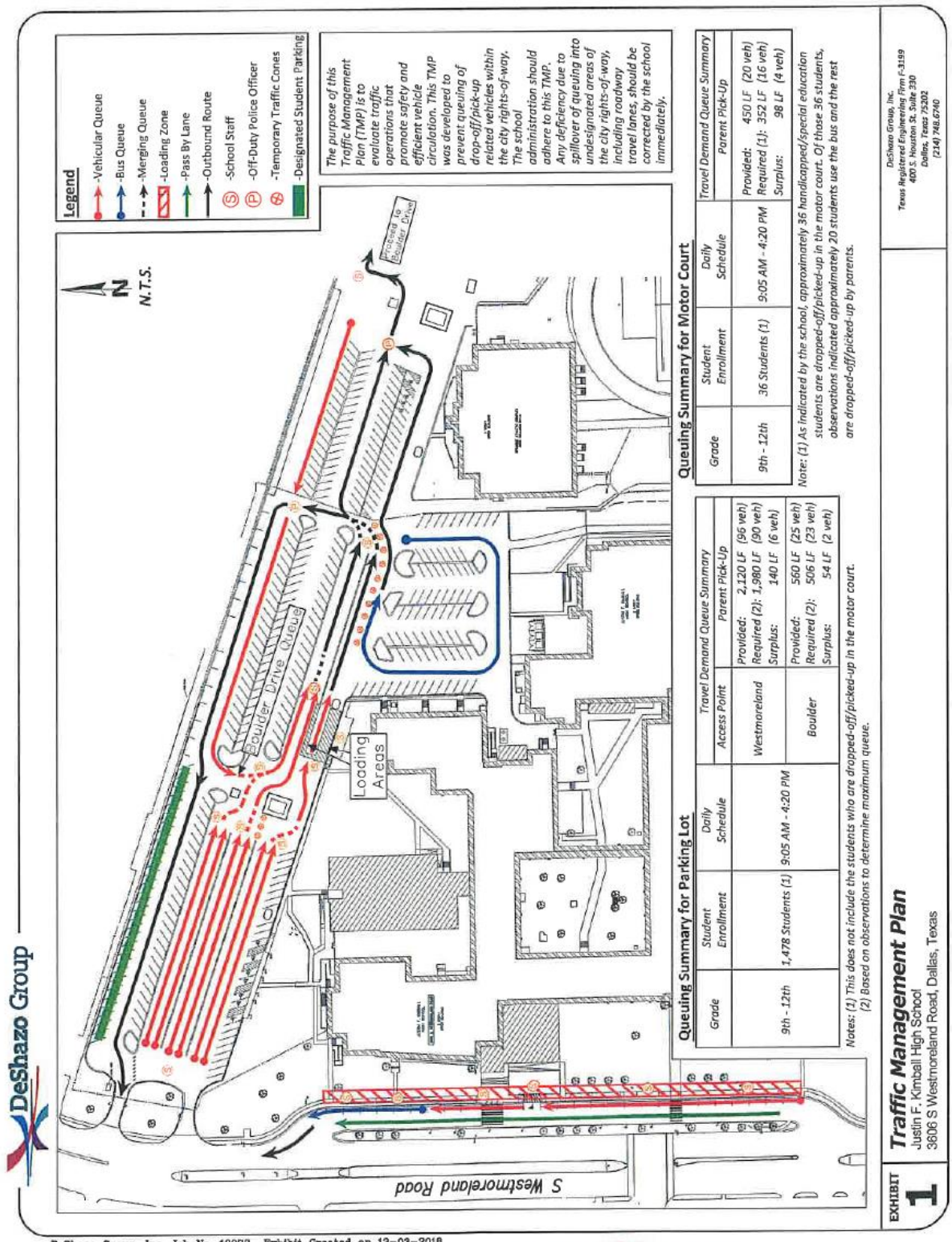
The School is committed to continually reviewing and assessing the effectiveness of the TMP and if warranted, will implement changes in the interest of increasing safety, efficiency and minimizing impacts on the surrounded community.

Llewellyn Smith, Principal
Justin F. Kimball High School

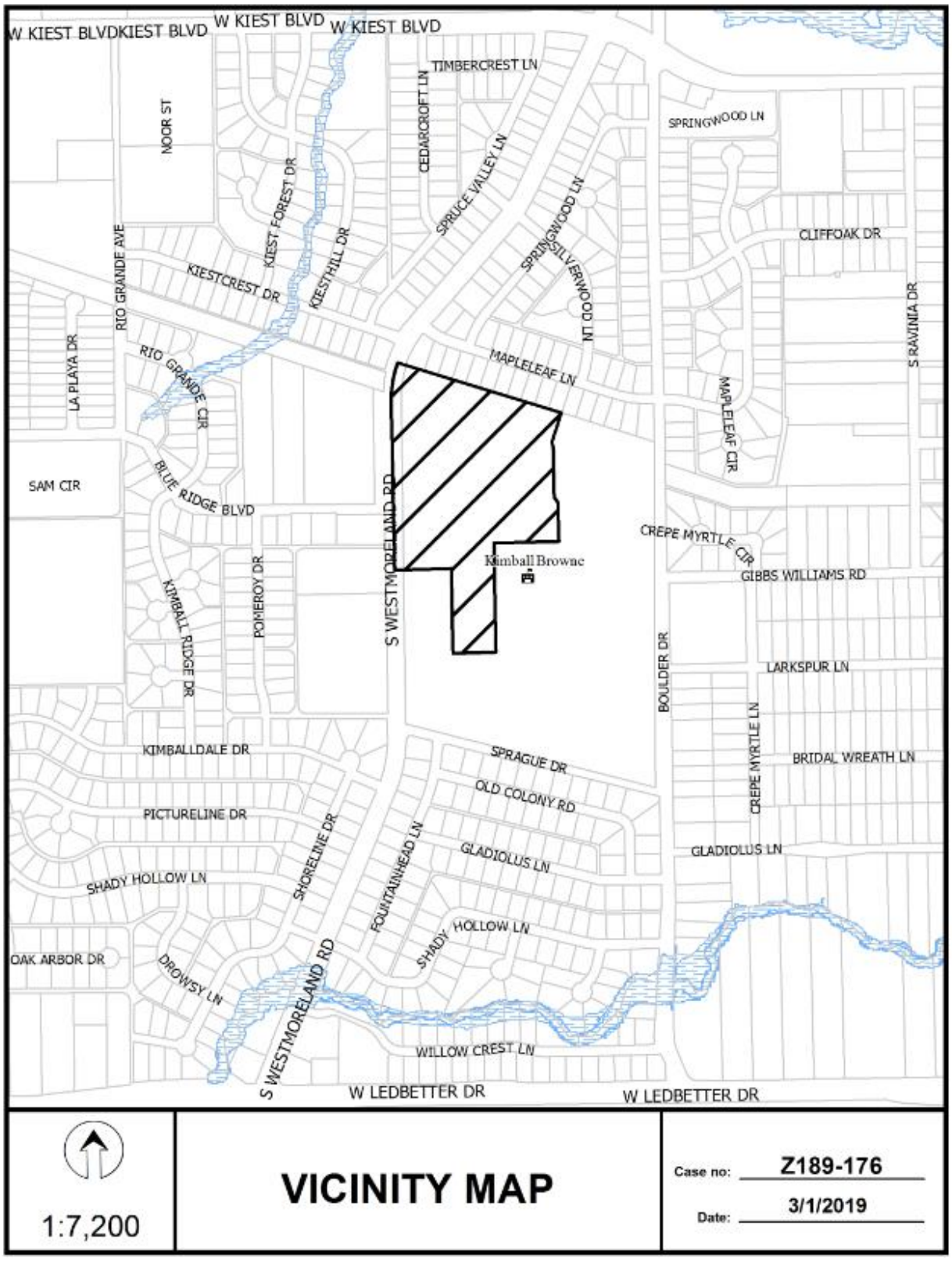
12.5.18
Date



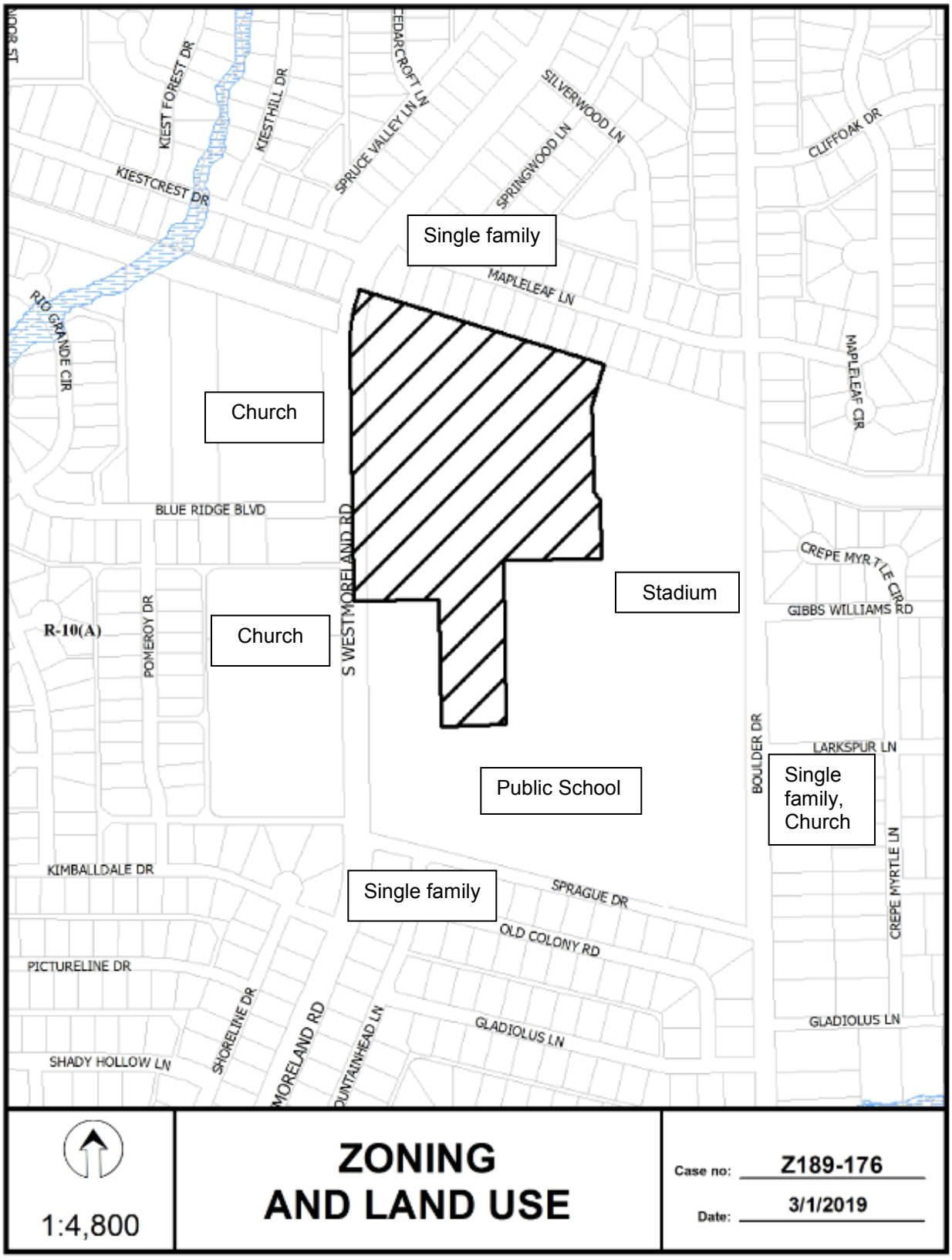
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DeShazo Group
Legend
-Vehicular Queue
-Bus Queue
-Merging Queue
-Loading Zone
-Pass By Lane
-Outbound Route
-School Staff
-Off-Duty Police Officer
-Temporary Traffic Cones
-Designated Student Parking
N
N.T.S.
The purpose of this Traffic Management Plan (TMP) is to evaluate traffic operations that promote safety and efficient vehicle circulation. This TMP was developed to prevent queuing of drop-off/pick-up related vehicles within the city rights-of-way. The school administration should adhere to this TMP. Any deficiency due to spillover of queuing into undesignated areas of the city rights-of-way, including roadway travel lanes, should be corrected by the school immediately.
Proceed to Boulder Drive
Boulder Drive Queue
Loading Areas
S Westmoreland Road
Queuing Summary for Parking Lot
Grade
Student Enrollment
Daily Schedule
Travel Demand Queue Summary
Access Point
Parent Pick-Up
9th - 12th
1,478 Students (1)
9:05 AM - 4:20 PM
Westmoreland
Provided: 2,120 LF (96 veh)
Required (2): 1,980 LF (90 veh)
Surplus: 140 LF (6 veh)
Boulder
Provided: 560 LF (25 veh)
Required (2): 506 LF (23 veh)
Surplus: 54 LF (2 veh)
Notes: (1) This does not include the students who are dropped-off/picked-up in the motor court.
(2) Based on observations to determine maximum queue.
Queuing Summary for Motor Court
Grade
Student Enrollment
Daily Schedule
Travel Demand Queue Summary
Parent Pick-Up
9th - 12th
36 Students (1)
9:05 AM - 4:20 PM
Provided: 450 LF (20 veh)
Required (1): 352 LF (16 veh)
Surplus: 98 LF (4 veh)
Note: (1) As indicated by the school, approximately 36 handicapped/special education students are dropped-off/picked-up in the motor court. Of those 36 students, observations indicated approximately 20 students use the bus and the rest are dropped-off/picked-up by parents.
EXHIBIT 1
Traffic Management Plan
Justin F. Kimball High School
3606 S Westmoreland Road, Dallas, Texas
DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 S. Houston St, Suite 330
Dallas, Texas 75202
(214) 748.6740
DeShazo Group, Inc. Job No. 18078 Exhibit Created on 12-03-2018

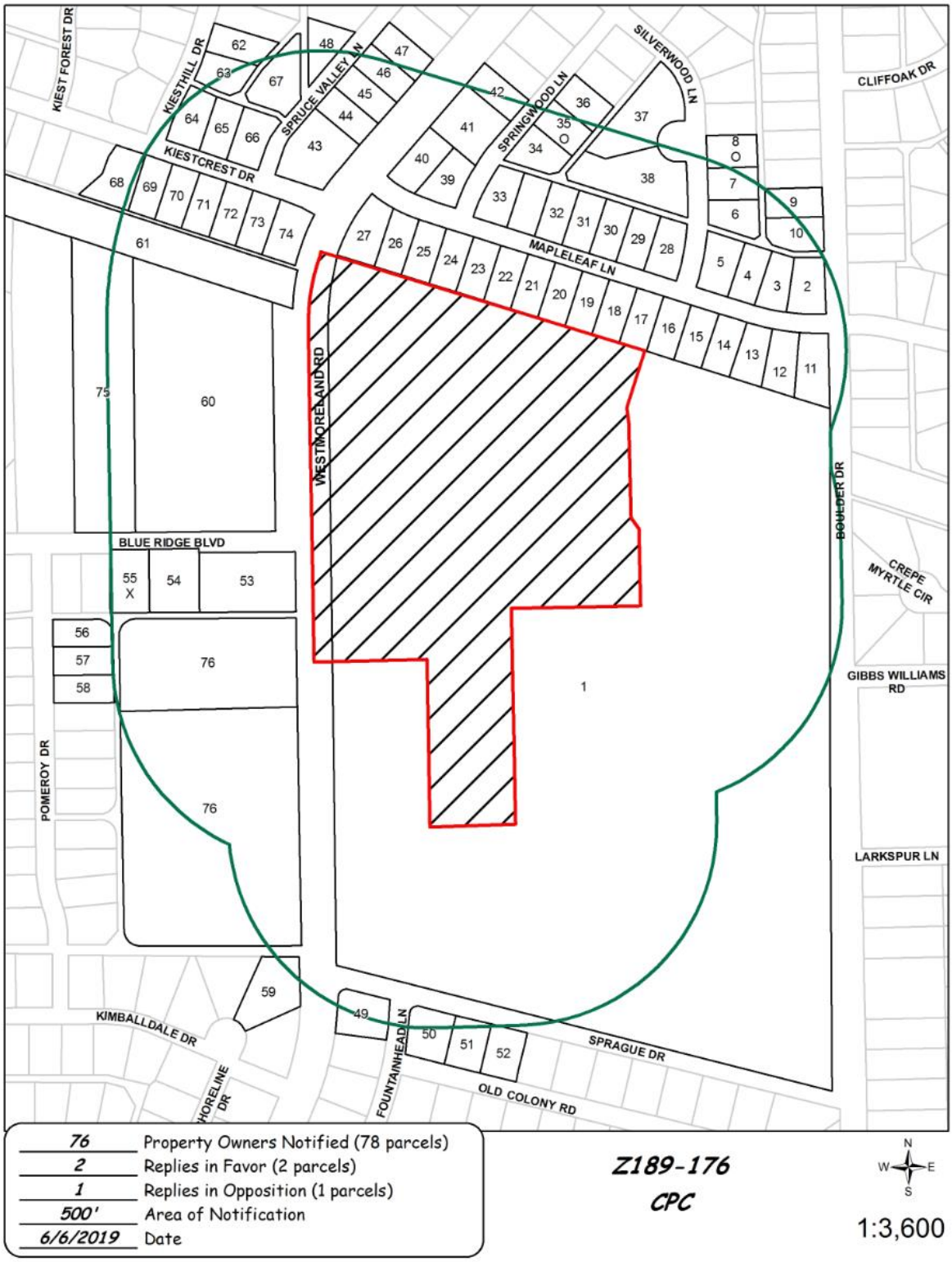
Z 189-176


W KIEST BLVD
W KIEST BLVD
W KIEST BLVD
TIMBERCREST LN
NOOR ST
CEDARCROFT LN
SPRUCE VALLEY LN
SPRINGWOOD LN
SILVERWOOD LN
SPRINGWOOD LN
CLIFFOAK DR
S RAVINIA DR
KIEST FOREST DR
KIESTHILL DR
RIO GRANDE AVE
KIESTCREST DR
LA PLAYA DR
RIO GRANDE CIR
MAPLELEAF LN
MAPLELEAF CIR
SAM CIR
BLUE RIDGE BLVD
S WESTMORELAND RD
Kimball Browne
CREPE MYRTLE CIR
GIBBS WILLIAMS RD
KIMBALL RIDGE DR
POMEROY DR
BOULDER DR
LARKSPUR LN
KIMBALLDALE DR
SPRAGUE DR
CREPE MYRTLE LN
BRIDAL WREATH LN
OLD COLONY RD
PICTURELINE DR
SHORELINE DR
FOUNTAINHEAD LN
GLADIOLUS LN
GLADIOLUS LN
SHADY HOLLOW LN
SHADY HOLLOW LN
OAK ARBOR DR
DROWSY LN
S WESTMORELAND RD
WILLOW CREST LN
W LEDBETTER DR
W LEDBETTER DR
1:7,200
VICINITY MAP
Case no: Z189-176
Date: 3/1/2019


WESTFOREST DR
WESTVIEW DR
EDMBCROFT CIR
SPRUCE VALLEY LN
SILVERWOOD LN
SPRINGWOOD LN
CLIFFVIEW DR
MAPLELEAF LN
MAPLELEAF CIR
RIO GRANDE CIR
BLUE RIDGE BLVD
POMEROY DR
S WESTMORELAND RD
CREPE MYRTLE CIR
GIBBS WILLIAMS RD
BOULDER DR
LARKSPUR LN
CREPE MYRTLE LN
KIMBALLDALE DR
SPRAGUE DR
OLD COLONY RD
PICTURELINE DR
SHORELINE DR
WESTMORELAND RD
GLADIOLUS LN
SHADY HOLLOW LN
1:4,800
AERIAL MAP
Case no: Z189-176
Date: 3/1/2019


KIEST FOREST DR
KIESTHILL DR
CEDARCROFT LN
SILVERWOOD LN
SPRUCE VALLEY LN
SPRINGWOOD LN
CLIFFOAK DR
KIESTCREST DR
Single family
MAPLELEAF LN
RIO GRANDE CIR
MAPLELEAF CIR
Church
BLUE RIDGE BLVD
S WESTMORELAND RD
CREPE MYRTLE CIR
Stadium
GIBBS WILLIAMS RD
R-10(A)
POMEROY DR
Church
BOULDER DR
LARKSPUR LN
Public School
Single family, Church
KIMBALLDALE DR
Single family
SPRAGUE DR
OLD COLONY RD
CREPE MYRTLE LN
PICTURELINE DR
SHORELINE DR
MORELAND RD
FOUNTAINHEAD LN
GLADIOLUS LN
GLADIOLUS LN
SHADY HOLLOW LN
1:4,800
ZONING
AND LAND USE
Case no: Z189-176
Date: 3/1/2019

**CPC Responses**



*06/05/2019*

# *Reply List of Property Owners*

## *Z189-176*

***76 Property Owners Notified*** ***2 Property Owners in Favor*** ***1 Property Owners Opposed***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 1 | 3606 | S WESTMORELAND RD | Dallas ISD |
| | 2 | 3307 | MAPLELEAF LN | REED AMY M |
| | 3 | 3315 | MAPLELEAF LN | JOLLY JOHN J & |
| | 4 | 3323 | MAPLELEAF LN | CROSS ALISON D |
| | 5 | 3333 | MAPLELEAF LN | BEASLEY ANITA R |
| | 6 | 3452 | SILVERWOOD LN | CALDERON ALEXANDER & IRIS Y |
| | 7 | 3446 | SILVERWOOD LN | WICKS BRITTNEY LLC |
| O | 8 | 3440 | SILVERWOOD LN | WHITE GIDGET & FREDERICK |
| | 9 | 3441 | BOULDER DR | GOREE TERRY |
| | 10 | 3447 | BOULDER DR | FINLEY LEROY V & EDNA |
| | 11 | 3306 | MAPLELEAF LN | NEWSOME CHARLES |
| | 12 | 3312 | MAPLELEAF LN | SHIELDS SARAH |
| | 13 | 3318 | MAPLELEAF LN | SANDERS JAMES & MARCIA |
| | 14 | 3324 | MAPLELEAF LN | GONZALEZ MARTA M |
| | 15 | 3330 | MAPLELEAF LN | AYALA MAXIMINA |
| | 16 | 3336 | MAPLELEAF LN | ESPARZA ADAN |
| | 17 | 3342 | MAPLELEAF LN | HERRERA SAUL JR |
| | 18 | 3348 | MAPLELEAF LN | NEESE J HARREL |
| | 19 | 3354 | MAPLELEAF LN | GREEN MARVIN L |
| | 20 | 3408 | MAPLELEAF LN | JIMENEZ DELFINO S & |
| | 21 | 3414 | MAPLELEAF LN | BYRD CEDRICK J |
| | 22 | 3420 | MAPLELEAF LN | CSH 2016 2 BORROWER LLC |
| | 23 | 3426 | MAPLELEAF LN | QUEST IRA & |
| | 24 | 3432 | MAPLELEAF LN | SEIDLER DARRELL JR |
| | 25 | 3438 | MAPLELEAF LN | MCMILLAN DONYA M |
| | 26 | 3444 | MAPLELEAF LN | BALDERAS HONORIO |

*06/05/2019*

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 27 | 3450 | MAPLELEAF LN | HALL TOMMY L |
| | 28 | 3341 | MAPLELEAF LN | JACKSON JACQUELINE |
| | 29 | 3347 | MAPLELEAF LN | ROSE JEAN |
| | 30 | 3353 | MAPLELEAF LN | ESCALANTE OSCAR & |
| | 31 | 3405 | MAPLELEAF LN | WALKER CORA HENERY |
| | 32 | 3411 | MAPLELEAF LN | JACKSON SIMON III & |
| | 33 | 3425 | MAPLELEAF LN | WILSON SAMMIE JR |
| | 34 | 3432 | SPRINGWOOD LN | BOWENS BOBBIE |
| O | 35 | 3424 | SPRINGWOOD LN | THOMAS DUWANDA D |
| | 36 | 3418 | SPRINGWOOD LN | CHAMP JAMES E |
| | 37 | 3433 | SILVERWOOD PL | BANNICK LINDA JOY |
| | 38 | 3445 | SILVERWOOD PL | JACKSON WILLARD |
| | 39 | 3437 | MAPLELEAF LN | DOWLING BARBARA JEAN |
| | 40 | 3445 | MAPLELEAF LN | CYRUS MCKINLEY |
| | 41 | 3435 | SPRINGWOOD LN | BECKLES MELVA D |
| | 42 | 3429 | SPRINGWOOD LN | MORRIS JOHN A |
| | 43 | 3432 | SPRUCE VALLEY LN | SANDERS ANGA L |
| | 44 | 3426 | SPRUCE VALLEY LN | ALONZO ARMANDO & |
| | 45 | 3422 | SPRUCE VALLEY LN | AYALA ZOILA |
| | 46 | 3414 | SPRUCE VALLEY LN | MIRA ALFREDO MARTINEZ |
| | 47 | 3410 | SPRUCE VALLEY LN | FLANAGAN BETTY |
| | 48 | 3419 | SPRUCE VALLEY LN | CLARK TRACY NICHOLAS |
| | 49 | 3907 | FOUNTAINHEAD LN | DAVIS LEO JR |
| | 50 | 3437 | OLD COLONY RD | CALDWELL BETTY J |
| | 51 | 3431 | OLD COLONY RD | CALDWELL BETTY J |
| | 52 | 3427 | OLD COLONY RD | PALMER WAYNE MICHAEL |
| | 53 | 3607 | S WESTMORELAND RD | FELLOWSHIP BAPTIST CHURCH |
| | 54 | 3504 | BLUE RIDGE BLVD | BOLDEN ADLINE |
| X | 55 | 3614 | BLUE RIDGE BLVD | RODRIQUEZ NASARIO |
| | 56 | 3612 | POMEROY DR | HUGHES HENRY LANE |
| | 57 | 3618 | POMEROY DR | NORMAN BENJAMIN T |

***06/05/2019***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 58 | 3624 | POMEROY DR | JEFFERSON PATRICIA ANN |
| | 59 | 3611 | KIMBALLDALE DR | COLUNGA JORGE A |
| | 60 | 3535 | S WESTMORELAND RD | CENTRO DE ADORACION |
| | 61 | 3400 | S WESTMORELAND RD | TEXAS UTILITIES ELEC CO |
| | 62 | 3418 | KIESTHILL DR | JOHNSON MILDRED CLARK |
| | 63 | 3424 | KIESTHILL DR | TORRES RODRIGO |
| | 64 | 3527 | KIESTCREST DR | MCGRIFF MELANIE M |
| | 65 | 3521 | KIESTCREST DR | CONTRERAS HILARIO |
| | 66 | 3517 | KIESTCREST DR | MOORE MARGIE TRUSTEE |
| | 67 | 3429 | SPRUCE VALLEY LN | DAVIS CHARLIE R &ETAL |
| | 68 | 3604 | KIESTCREST DR | VILLARREAL ANTONIO R |
| | 69 | 3530 | KIESTCREST DR | LARNEY BRIAN D |
| | 70 | 3526 | KIESTCREST DR | LAO HO & |
| | 71 | 3520 | KIESTCREST DR | OLIVARES JOSE L |
| | 72 | 3516 | KIESTCREST DR | KUEHNE ERWIN |
| | 73 | 3510 | KIESTCREST DR | SLEVKOV JOHN |
| | 74 | 3506 | KIESTCREST DR | AMMONS LELAND I |
| | 75 | 3615 | BLUE RIDGE BLVD | MIRACLE CENTER CHURCH OF |
| | 76 | 3701 | S WESTMORELAND RD | FREEDOM MISSIONARY |

# Agenda Information Sheet

**File #:** 19-875 **Item #:** 73.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1804 for an industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial Research District, on the north line of Commerce Street, west of Sylvan Avenue
Recommendation of Staff and CPC: Approval for a period to expire on December 10, 2019, subject to conditions
Z189-189(SM)



powered by Legistar™

**HONORABLE MAYOR & CITY COUNCIL** **WEDNESDAY, JUNE 26, 2019**

**ACM: Michael Mendoza**

**FILE NUMBER:** Z189-189(SM) **DATE FILED:** February 4, 2019

**LOCATION:** North line of Commerce Street, west of Sylvan Avenue

**COUNCIL DISTRICT:** 6 **MAPSCO:** 44 P

**SIZE OF REQUEST:** Approx. 0.64 acres **CENSUS TRACT:** 43.00

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**OWNER/APPLICANT:** Listocon Group, LLC

**REPRESENTATIVE:** Ida Rodriquez

**REQUEST:** An application for the renewal of Specific Use Permit No. 1804 for an industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial Research District.

**SUMMARY:** The applicant proposes to continue the operation of a concrete batch plant on the property.

**CPC RECOMMENDATION:** **Approval** for a period to expire on December 10, 2019, subject to conditions.

**STAFF RECOMMENDATION:** **Approval** for a period to expire on December 10, 2019, subject to conditions.

**BACKGROUND:**

- The request site is currently developed with an existing concrete batch plant.

- The applicant received a Certificate of Occupancy (CO) for a machinery, heavy equipment, or truck sales or service use in 1997. The applicant received an Air Quality Permit from the Texas Commission on Environmental Quality in 2006. A CO for an office was issued in 2007.

- On April 28, 2010, City Council approved SUP No. 1804 for a concrete batch plant for a five-year period and a one three-year automatic renewal.

- On August 22, 2018, City Council renewed SUP No. 1804 for a one-year period.

**Zoning History:** There have been four zoning cases in the area within the last five years.

1. **Z178-159:** On August 22, 2018, City Council renewed SUP No. 1804 for a concrete batch plant for a one-year period (request site).

2. **Z134-327:** On December 10, 2014, City Council approved the renewal and amendment of Specific Use Permit No. 1752 for an industrial (outside) use limited to a concrete batch plant for a five-year period.

3. **Z134-145:** On September 10, 2014, City Council approved Planned Development District No 922 for certain Residential and Utility and public service uses on property zoned a TH-3(A) Townhouse District, an MF-2(A) Multifamily District, an MF-4(A) Multiple Family District, and a CS Commercial Service District.

4. **Z134-286:** On February 25, 2015, City Council approved Planned Development District No. 933 for certain Residential and Utility and public service uses on property zoned an IR Industrial Research District and an R-7.5(A) Single Family District.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type | Dimension; ROW |
|---|---|---|
| Commerce Street | Collector | Standard-4 lanes-undivided; 60 ft. |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will significantly impact the surrounding street system. Specifically, the district engineer stated the following:

> It has been documented that the sheer volume of concrete trucks in this area, damages the pavement, creates debris on the road, creates dust clouds, creates sight distance issues for the public, and repeatedly the concrete truck drivers park on unapproved surfaces on either side of West Commerce Street. Concrete batch plants in this area of West Commerce are no longer a benefit to the public safety and welfare for the citizens of Dallas and are now a traffic safety concern. Although, the concrete batch plant are not the owners of the trucks in some cases, they are still the cause for the trucks to be there and have a responsibility to ensure that the trucks loading/unloading at their business follow the ordinances of the City while conducting business.

**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 applicant's request is not consistent with the goals and policies of the comprehensive plan; however, a short time period can be supported to allow the existing industrial use to continue to support the surrounding construction activities in the vicinity as the area transitions.

**STAFF ANALYSIS:**

**Surrounding Land Uses:**

| Direction | Zoning | Land Use |
|---|---|---|
| **Site** | IR, SUP No. 1804 | Concrete batch plant |
| **North** | IR, TH-3(A) | Railroad, Single family |
| **East** | IR, SUP No. 1752 | Concrete batch plant |
| **South** | IR,<br>PDD Nos. 935 & 922 | Commercial parking lot or garage,<br>Single family and multifamily |
| **West** | IR | Office/showroom/warehouse |

**Land Use Compatibility:**

The site is developed with an existing concrete batch plant. The applicant requests to renew the existing SUP to permit the continued operation of this use. The land uses within the immediate area is comprised of vacant office/showroom/warehouse uses to the west, on both sides of Commerce Street and a concrete batch plant that has an existing SUP that is scheduled to expire on December 10, 2019 to the east. A single family neighborhood is located approximately 350 feet north the site, on the north line of the abutting rail right-of-way, and another residential area is located approximately 300 feet south of the site. The creation of PDD No. 922 brought residential zoning approximately 100 feet closer to the request site since the original SUP was first approved.

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 compatible with the adjacent property and 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 zoning regulations and standards.

The applicant requests a one-year extension to allow flexibility to transition to another location which will be considered by the City Plan Commission on June 6, 2019 (Z189-199). However, staff recommends a shorter approval period because, although the properties that front on Commerce Street have been historically industrial in nature, the site is in a strategic location for major development/redevelopment efforts near downtown and along the Trinity River Corridor and because residential uses in the south have expanded closer to the site, the site is an inappropriate location for an outside industrial use. Additionally, the fencing that contains the aggregates for the site is in disrepair, allowing the concrete batch plant aggregates to spill onto the adjacent City-owned property to the east. Finally, the public infrastructure within Commerce Street rapidly degrades as the large concrete trucks use it for access. Therefore, although staff considered a recommendation of denial, staff ultimately recommends approval to extend the operation of the existing SUP until December 10, 2019, at which time both concrete batch plants on Commerce Street will cease operations simultaneously, provided the adjacent SUP for a concrete batch plan is not renewed.

**Parking:**

Parking for the use is one space per 600 square feet of floor area. The existing office is comprised of 872 square feet of floor area, requiring two parking spaces. The applicant is providing five parking spaces.

**Landscaping:**

The applicant has provided vegetative screening along the perimeter on West Commerce Avenue consistent with the existing SUP conditions.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an identifiable MVA cluster, it is in the vicinity of an “E” MVA cluster on the north line of the abutting railroad right-of-way and an “H” MVA cluster to the south.

## List of Officers

Listocon Group, LLC

Walter Huerta, Director
Augusto Huerta, President

**CPC Action**
**April 4, 2019**

**Motion:** In considering an application for the renewal of Specific Use Permit No. 1804 for an industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial Research District, on the north line of Commerce Street, west of Sylvan Avenue, it was moved to **hold** this case under advisement until May 16, 2019.

Maker: Carpenter
Second: Lewis
Result: Carried: 13 to 0

For: 13 - MacGregor, Schulte, Criss, Johnson, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 7, District 12

**Notices:** Area: 200 Mailed: 12
**Replies:** For: 1 Against: 0

**Speakers**: None

**CPC Action**
**May 16, 2019**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1804 for an industrial (outside) not potentially incompatible use limited to a concrete batch plant for a period to expire on December 10, 2019, subject to conditions on property zoned an IR Industrial Research District, on the north line of Commerce Street, west of Sylvan Avenue.

Maker: Carpenter
Second: Lewis
Result: Carried: 13 to 0

For: 13 - MacGregor, Criss, Johnson, Shidid, Carpenter, Brinson, Lewis, Jung, Housewright, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schulte

Vacancy: 1 - District 12

**Notices:** Area: 200 Mailed: 12
**Replies:** For: 1 Against: 0

**Speakers**: For: None
For (Did not speak): Ida Rodriquez, 1025 W. Commerce St., Dallas, TX, 75208
Against: None

**CPC RECOMMENDED AMENDMENTS TO SUP No. 1804**

1. USE: The only use authorized by this specific use permit is an industrial (outside) not potentially incompatible use limited to a concrete batch plant.

2. SITE AND LANDSCAPE PLAN: Use and development of the Property must comply with the attached site and landscape plan.

*CPC recommended:*

3. TIME LIMIT: This specific use permit expires on (December 10, 2019) [~~August, 22, 2019~~].

*Applicant requested:*

3. TIME LIMIT: This specific use permit expires on (one year from the passage of this ordinance) [~~August, 22, 2019~~].

4. LANDSCAPING: Landscaping must be provided as shown on the attached site and landscape plan.

5. DUST CONTROL:

(A) The following conditions must be met on an ongoing basis:

(1) Trucks must be loaded through a discharge equipped with a water ring that eliminates visible dust emissions.

(2) All permanent roads inside the plant must be paved, watered, and swept to eliminate visible dust emissions.

(3) The area between the sand/aggregate stockpiles and conveyor charge hopper used for vehicle traffic must be paved, watered, and swept as necessary to achieve maximum control of dust emissions. Other areas used for vehicle traffic must be watered as necessary to eliminate dust emissions.

(4) During operations, all stockpiles must be sprinkled with water or chemicals as necessary to eliminate visible dust emissions.

(5) The cement storage silos and cement weigh hopper must be vented to a fabric filter to eliminate visible dust emissions.

(6) During operations, the conveyor charge hopper must have a water spray sufficient to eliminate visible dust emissions.

(7) To avoid overloading, a mechanism must be installed on each cement storage silo to warn operator that the solo is full.

(8) Spillage of cement must be cleaned up and contained or dampened within 30 minutes so that emissions from wind erosion and/or vehicle traffic are minimized.

(B) A written ground and soot control plan incorporating existing and proposed infrastructure must be delivered to the director of environmental and health services and the director of sustainable development and construction by June 28, 2010.

6. FLOOR AREA: The maximum floor area is 872 square feet in the location shown on the attached site and landscape plan.

7. INGRESS/EGRESS: Ingress and egress must be provided in the locations shown on the attached site and landscape plan. No other ingress or egress is permitted.

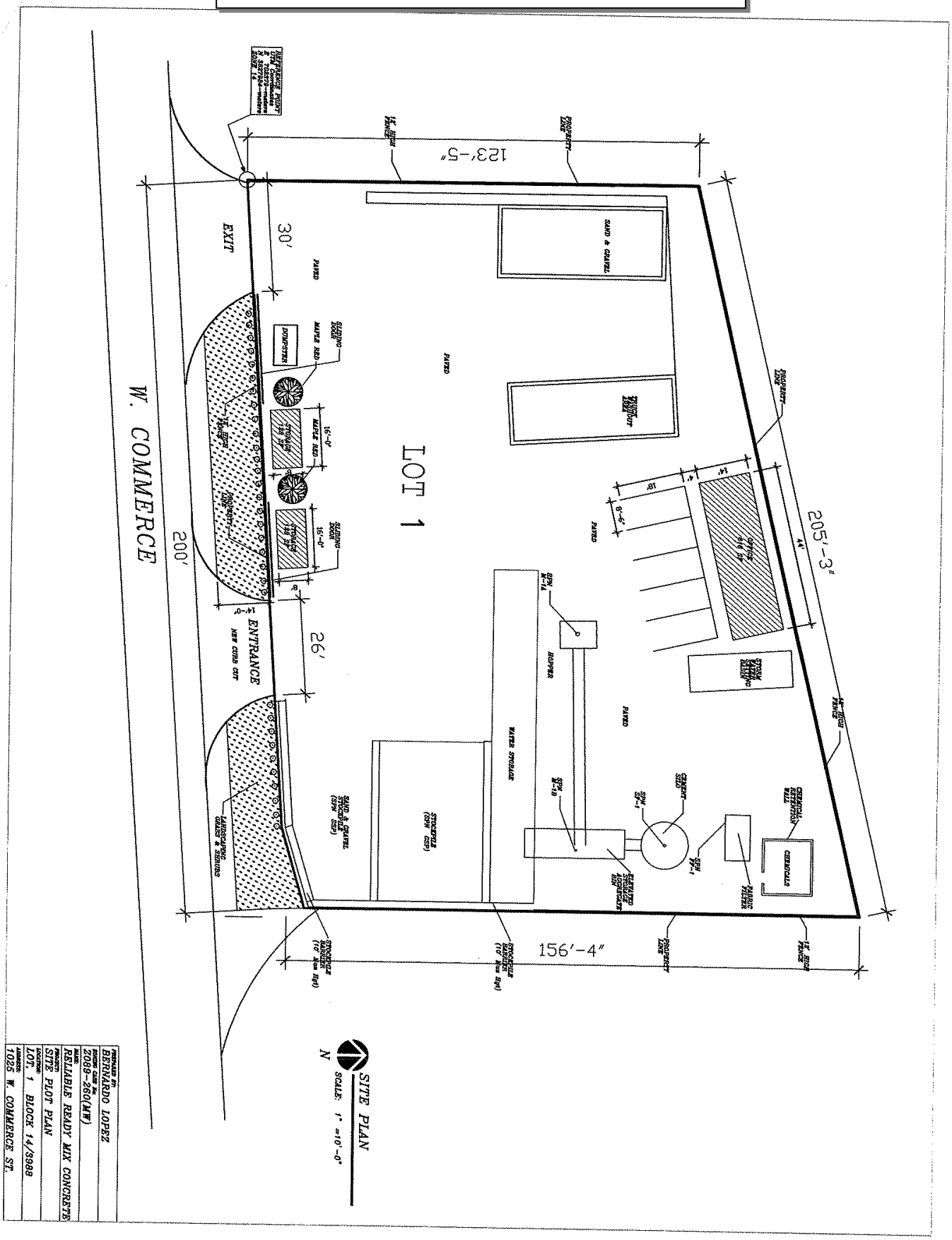
8. PARKING: A minimum of two off-street parking spaces must be provided in the locations shown on the attached site and landscape plan.

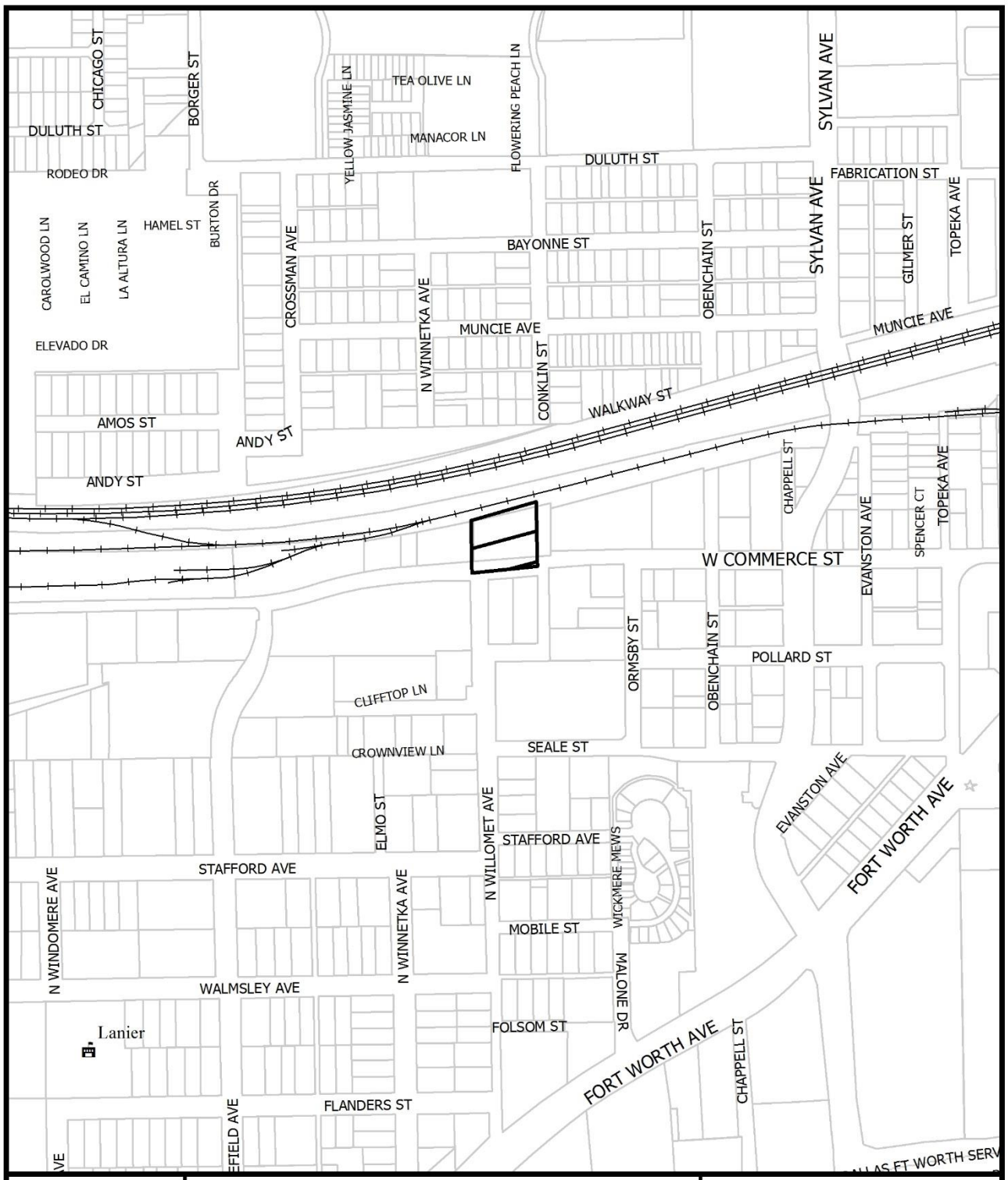
9. STOCKPILE HEIGHT: Maximum stockpile height for materials in the sand/gravel stockpile area shown on the attached site and landscaping plan is ten feet.

10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

11. 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 & Landscape Plan (no changes)






1:4,800

# VICINITY MAP

Case no: Z189-189

Date: 2/21/2019

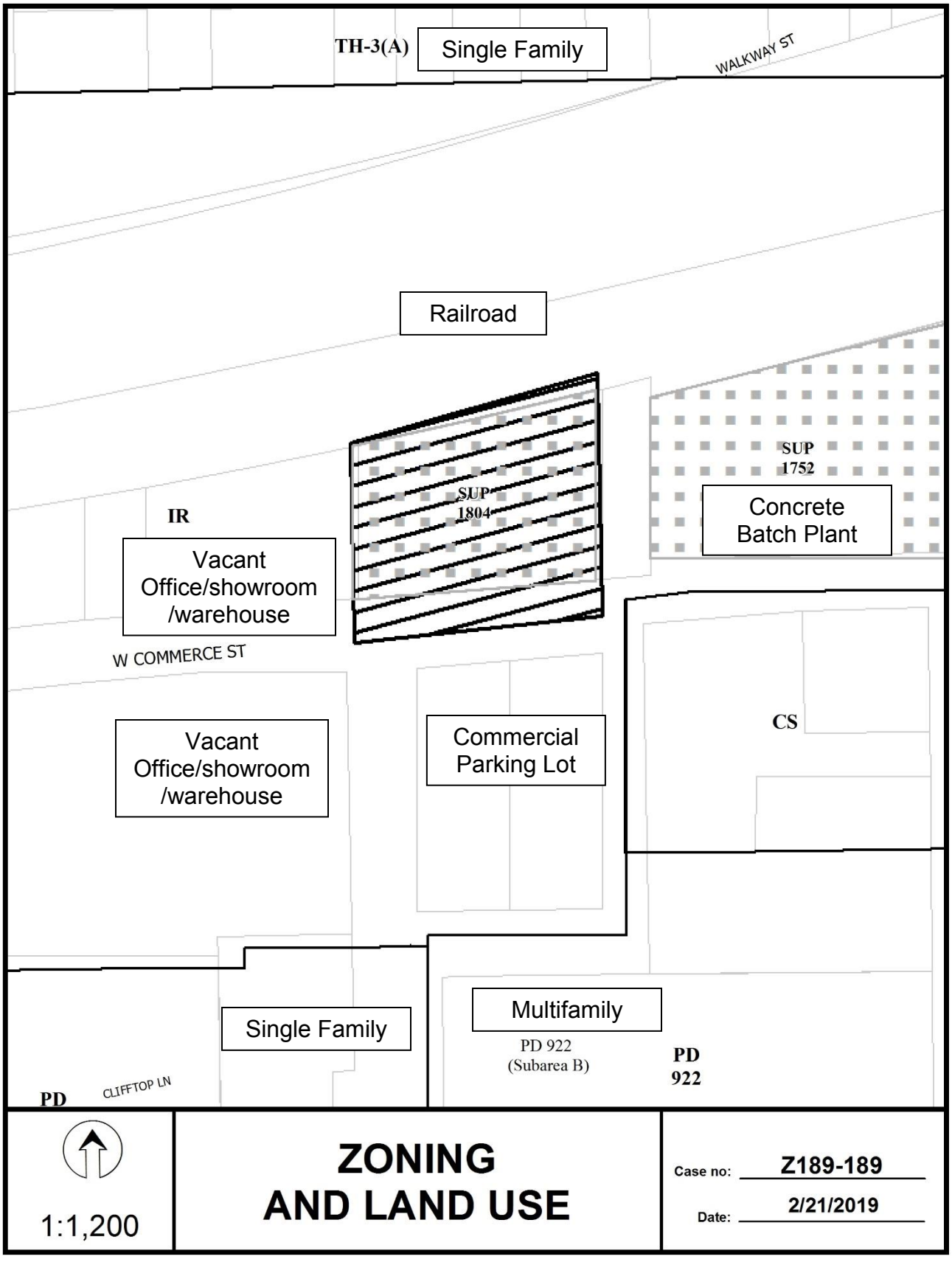


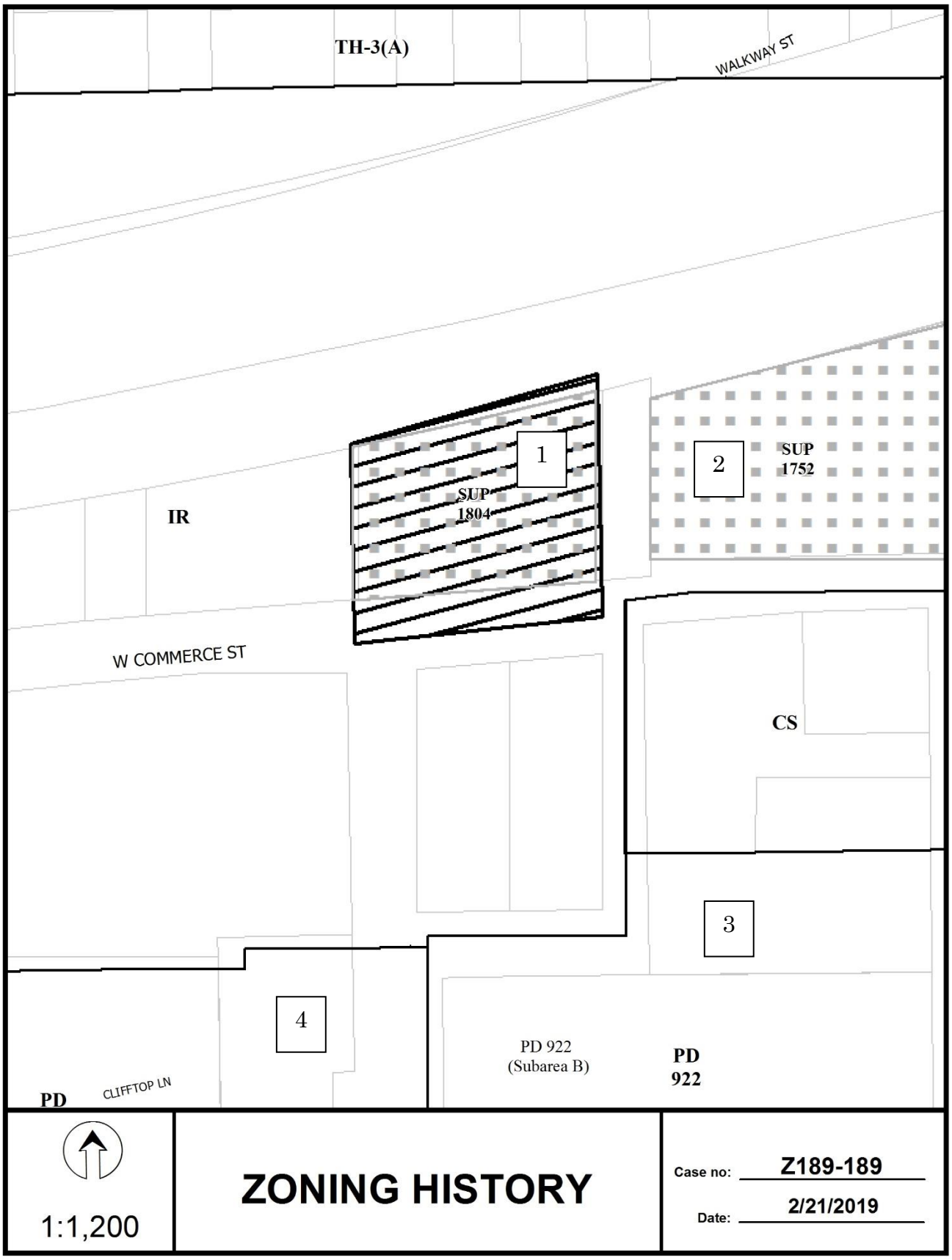

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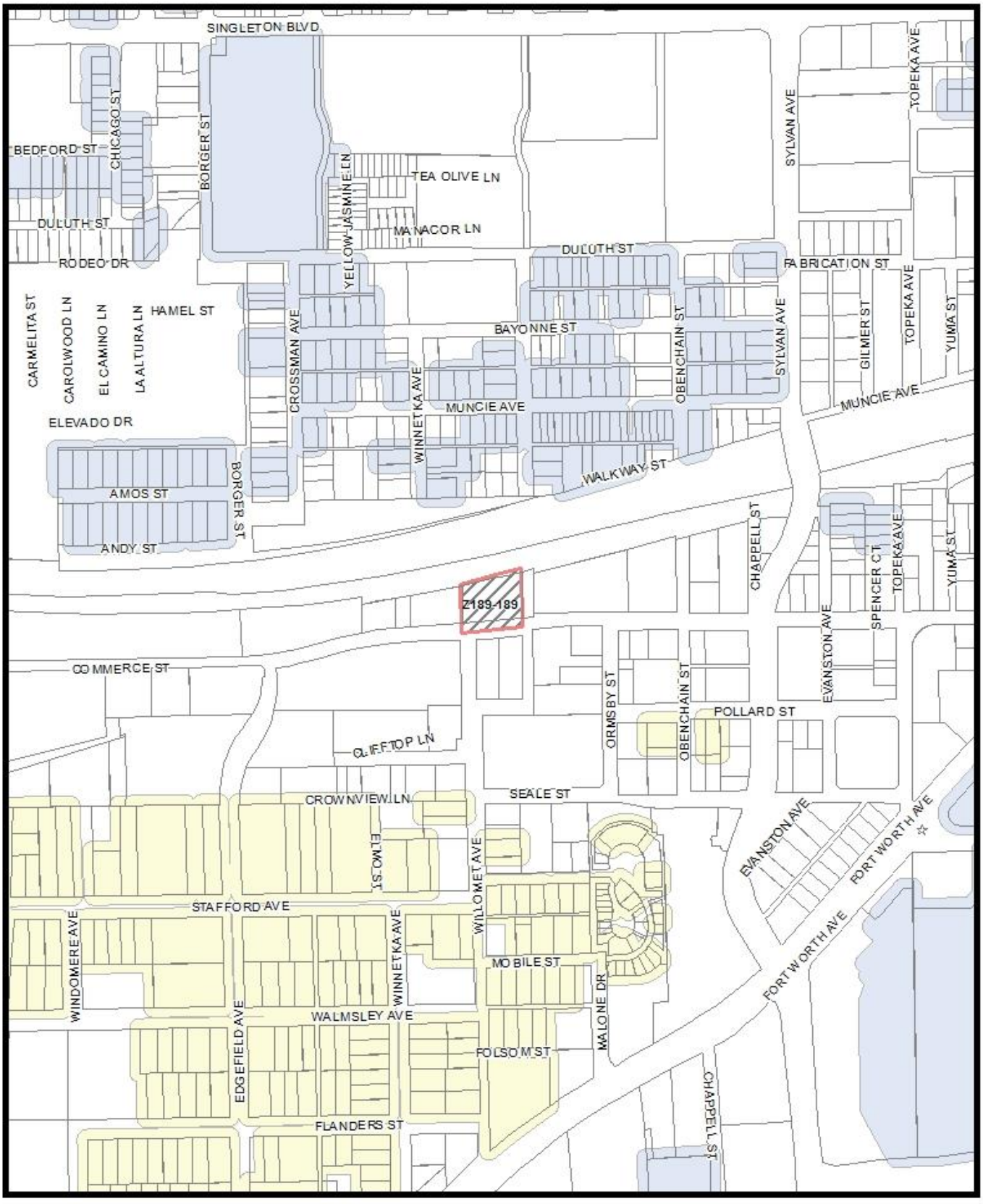
**AERIAL MAP**

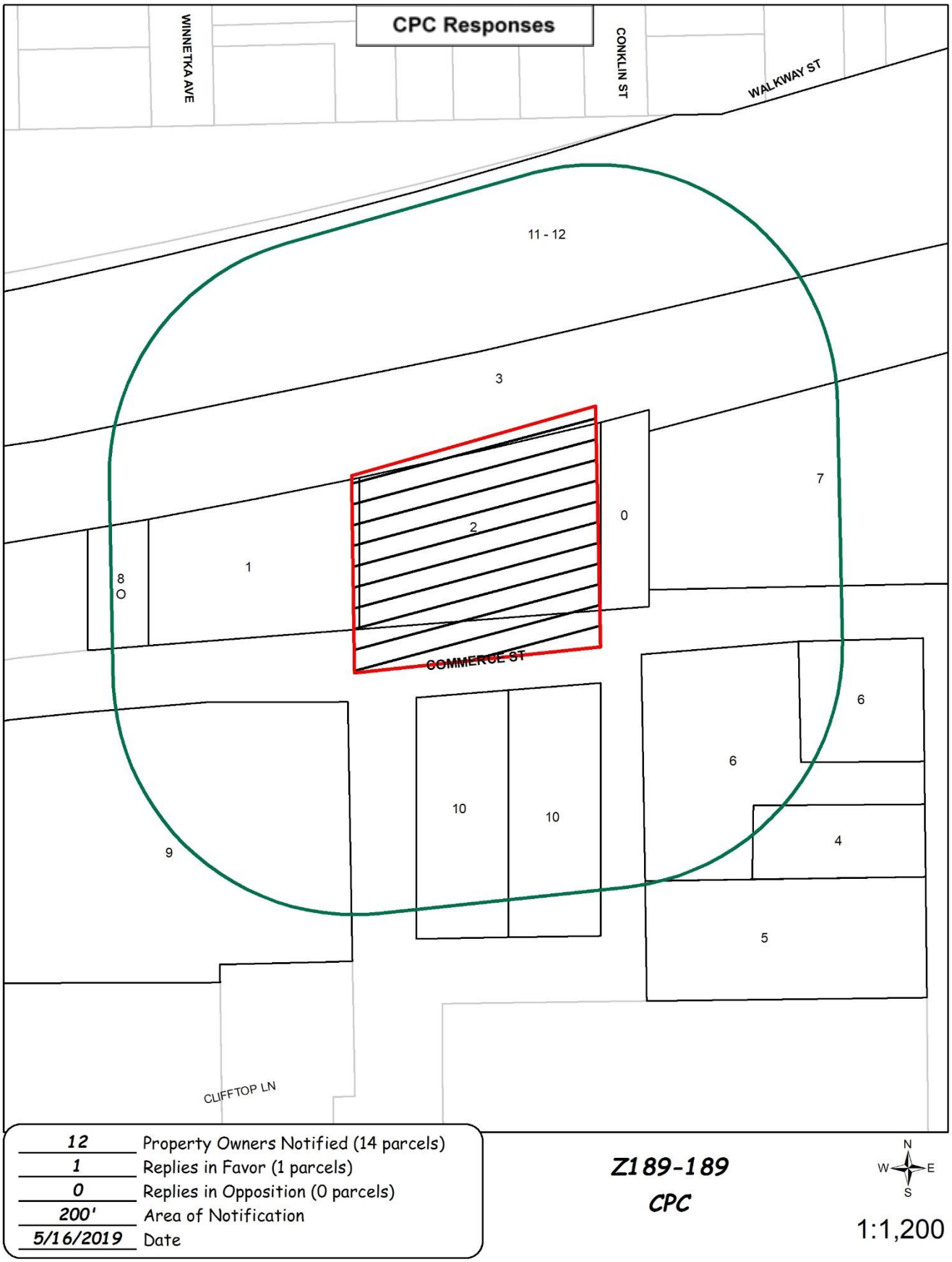
Case no: Z189-189

Date: 2/21/2019


TH-3(A)
Single Family
WALKWAY ST
Railroad
SUP 1752
SUP 1804
IR
Concrete Batch Plant
Vacant Office/showroom /warehouse
W COMMERCE ST
CS
Vacant Office/showroom /warehouse
Commercial Parking Lot
Multifamily
PD 922 (Subarea B)
PD 922
Single Family
PD
CLIFFTOP LN
1:1,200
ZONING AND LAND USE
Case no: Z189-189
Date: 2/21/2019


TH-3(A)
WALKWAY ST
1
SUP
1804
2
SUP
1752
IR
W COMMERCE ST
CS
3
4
PD 922
(Subarea B)
PD
922
PD
CLIFFTOP LN
1:1,200
ZONING HISTORY
Case no: Z189-189
Date: 2/21/2019


SINGLETON BLVD
BEDFORD ST
CHICAGO ST
BORGER ST
DULUTH ST
RODEO DR
TEA OLIVE LN
YELLOW JASMINE LN
MANACOR LN
DULUTH ST
FABRICATION ST
SYLVAN AVE
TOPEKA AVE
CARMELITA ST
CAROLWOOD LN
EL CAMINO LN
LA ALTURA LN
HAMEL ST
CROSSMAN AVE
BAYONNE ST
OBENCHAIN ST
GILMER ST
YUMA ST
ELEVADO DR
WINNETKA AVE
MUNCIE AVE
WALKWAY ST
AMOS ST
ANDY ST
CHAPPELL ST
SPENCER CT
Z189-189
COMMERCE ST
ORMSBY ST
EVANSTON AVE
POLLARD ST
CLIFFTOP LN
SEALE ST
CROWNVIEW LN
ELMO ST
WILLOMET AVE
FORT WORTH AVE
STAFFORD AVE
WINDOMERE AVE
MOBILE ST
MALONE DR
WALMSLEY AVE
EDGEFIELD AVE
FOLSOM ST
FLANDERS ST
MVA Cluster
A
B
C
D
E
F
G
H
I
NA
1:4,800
Market Value Analysis
Printed Date: 2/21/2019


CPC Responses
WINNETKA AVE
CONKLIN ST
WALKWAY ST
11 - 12
3
7
0
2
1
8
O
COMMERCE ST
6
6
10
10
4
9
5
CLIFFTOP LN
12 Property Owners Notified (14 parcels)
1 Replies in Favor (1 parcels)
0 Replies in Opposition (0 parcels)
200' Area of Notification
5/16/2019 Date
Z189-189
CPC
N
W
E
S
1:1,200

*05/15/2019*

# *Reply List of Property Owners*

## *Z189-189*

***12 Property Owners Notified*** ***1 Property Owners in Favor*** ***0 Property Owners Opposed***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 1 | 1107 | W COMMERCE ST | HMK LTD |
| | 2 | 1025 | W COMMERCE ST | LISTOCON GROUP LLC |
| | 3 | 2300 | AL LIPSCOMB WAY | BNSF RAILWAY |
| | 4 | 2207 | ORMSBY ST | WADE TRANSMISSION & GEAR |
| | 5 | 2203 | ORMSBY ST | CLAY ARTHUR DEVELOPMENT GROUP THE & |
| | 6 | 1002 | W COMMERCE ST | MARTINEZ JAIME |
| | 7 | 1001 | W COMMERCE ST | MARTINEZ DIONICIO JR |
| O | 8 | 1201 | W COMMERCE ST | 1201 W COMMERCE LLC |
| | 9 | 1220 | W COMMERCE ST | WILLIEJAXON LLC |
| | 10 | 1032 | W COMMERCE ST | HUERTA AGUSTO |
| | 11 | 4401 | LINFIELD RD | ST LOUIS S W RAILWAY CO |
| | 12 | 9999 | NO NAME ST | UNION PACIFIC RR CO |

# Agenda Information Sheet

**File #:** 19-876 **Item #:** 74.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 12

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1305 for a public school other than an open-enrollment charter school on property zoned a TH-2(A) Townhouse District on the southeast side of Maribeth Drive, between Osage Plaza Parkway and Dickerson Street
Recommendation of Staff and CPC: Approval, subject to a revised site plan, a revised landscape plan, traffic management plan and conditions
Z189-214(PD)



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**HONORABLE MAYOR & CITY COUNCIL** **WEDNESDAY, JUNE 26, 2019**

**ACM: Michael Mendoza**

**FILE NUMBER:** Z189-214(PD) **DATE FILED:** February 25, 2019

**LOCATION:** Southeast side of Maribeth Drive, between Osage Plaza Parkway and Dickerson Street

**COUNCIL DISTRICT:** 12 **MAPSCO:** 6 E

**SIZE OF REQUEST:** Approx. 21.23 acres **CENSUS TRACT:** 317.19

**APPLICANT/OWNER:** Plano ISD

**REPRESENTATIVE:** Karl A. Crawley, Masterplan Consultants

**REQUEST:** An application for an amendment to Specific Use Permit No. 1305 for a public school other than an open-enrollment charter school on property zoned a TH-2(A) Townhouse District.

**SUMMARY:** The applicant proposes a 6,170-square-foot expansion to the existing school [Frankford Middle School], for a total square footage of 144,302. The proposed addition will accommodate an increase in the number of classrooms from 55 to 60 and an enlarged band rehearsal area.

**CPC RECOMMENDATION:** **Approval**, subject to a revised site plan, a revised landscape plan, traffic management plan and conditions.

**STAFF RECOMMENDATION:** **Approval**, subject to a revised site plan, a revised landscape plan, traffic management plan and conditions.

**BACKGROUND INFORMATION:**

- The request site is approximately 21.23 acres of land and currently developed with a 138,132-square foot public middle school [Frankford Middle].

- The City Council approved Specific Use Permit No. 1305 for a public school use on October 23, 1996.

- SUP No. 1305 has a permanent time period.

- The request seeks to expand the footprint by 6,170 square feet for a total of 144,302 square feet and increase the number of classrooms from 55 to 60.

**Zoning History:** There have been no zoning change requests in the vicinity within the past five years.

**Thoroughfares/Streets:**

| Thoroughfares/Street | Type | Existing ROW |
|---|---|---|
| Dickerson Street | Local | 50 feet |
| Maribeth Drive | Local | 50 feet |
| Osage Plaza | Minor Arterial | 80 feet |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding street system. The school is located in a predominately residential area. Directly adjacent to Osage Plaza Parkway is an existing private school [All Saints Catholic School] with grades K through 8th. Due to a 30-minute separation in start/end times, it was observed that traffic from the private school had minimal impact to the traffic operations of the public school use [Frankford Middle School].

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas!* Comprehensive Plan was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

**LAND USE ELEMENT**

GOAL 1.1 Align land use strategies with economic development priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

**NEIGHBORHOOD PLUS**

**Policy 4.2** SUPPORT AND LEVERAGE EMERGING SCHOOL QUALITY AND SCHOOL CHOICE PROGRAMS.

**Action 4.2.2** Engage DISD and charter school organizations in the super-neighborhood structure to support neighborhood based education improvement efforts through school choice programs.

**Land Use:**

| | Zoning | Land Use |
|---|---|---|
| **Site** | TH-2(A), SUP No. 1305 | Public School |
| **Northeast** | R-5(A), SUP No. 1310 | Private School |
| **Northwest** | R-5(A), SUP No. 1322 | Single Family, Private Recreation Club |
| **Southeast** | MF-1(A) | Multifamily, Undeveloped |
| **South** | MU-1, CS | Office Showroom warehouse |
| **West** | R-7.5(A) | Single Family |

**Land Use Compatibility:**

The 21.23-acre request site is zoned TH-2(A) with SUP No. 1305 for a public school use. The site is developed with a middle school use [Frankford Middle School].

The existing school is approximately 138,000 square feet, the expansion is approximately 6,170 square feet will result in additional band rehearsal space and classrooms. The increase in the number of classrooms from 55 to 60 will accommodate an enrollment increase of only four students. The additional square foot will provide a total of 144,170 square feet.

Surrounding land uses include a private school to the northeast, single family and a private recreation club to the northwest, an undeveloped tract and multifamily use to the southeast, an office showroom warehouse use to the, and single family uses to the west.

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 is consistent with the provisions for the Specific Use Permit and is not foreseen to have a negative impact in the surrounding areas. Furthermore, staff finds the request will continue to provide the residents of the area with educational alternatives. While SUP No. 1310 exists on the property to the northeast, the use is for that of a private school for early childhood to middle school, with the requested use being a public school use other than an open-enrollment charter school.

Staff recommends approval because the school is existing and has reached capacity. Additionally, modifications to the site and conditions will require reevaluation of the SUP by the City Plan Commission, if requested.

**Parking:**

Parking will be provided pursuant to the Dallas Development Code, as amended. For the proposed public school other than an open-enrollment charter school with 60 middle school classrooms, a total of 210 off-street parking spaces are required and will be provided, as depicted on the proposed site plan.

**Landscaping:**

Landscaping will be provided in accordance with proposed landscape plan, as depicted.

**Market Value Analysis**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The site is not within an identifiable MVA Category; however, it is in proximity to an "C" MVA Cluster to the northwest and southeast and to an "F" MVA Cluster to the west across Dickerson Street.

**CPC Action:**
**May 16, 2019**

**Motion:** It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1305 for a public school other than an open-enrollment charter school for a permanent period, subject to a site plan, landscape plan, traffic management plan and conditions on property zoned a TH-2(A) Townhouse District with Specific Use Permit No. 1305, in an area generally bounded by Dickerson Street, Maribeth Drive, and Osage Plaza Parkway.

Maker: Ridley
Second: Schultz
Result: Carried: 13 to 0

For: 13 - MacGregor, Criss, Johnson, Shidid, Carpenter, Brinson, Lewis, Jung, Housewright, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schulte
Vacancy: 1 - District 12

**Notices:** Area: 400 Mailed: 93
**Replies:** For: 1 Against: 1

**Speakers**: None

## List of Partners/Principals/Officers

### Plano Independent School District Board of Trustees

| | |
|---|---|
| Missy Bender, | President |
| Dr. Yoram Solomon, | Vice President |
| Nancy Humphrey, | Board Secretary |
| Jeri Chambers, | Trustee |
| Angela Powell, | Trustee |
| Tammy Richards, | Trustee |
| David Stolle, | Trustee |
| Sara Bonser, | Superintendent |
| Dr. Theresa Williams, | COO |
| Randy McDowell, | CFO |

## CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is a public school other than an open-enrollment charter school.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit has a permanent time period.

3. CLASSROOMS: The maximum number of classrooms is ~~55~~ 60, limited to middle school classrooms.

4. HOURS OF OPERATION: The public school other than an open-enrollment charter school may only operate between 6:30 a.m. and 7:00 p.m., Monday through Friday and between 7:30 a.m. and 12:30 p.m. on Saturday.

5. FENCING: A minimum six-foot fence must be provided as shown on the attached site plan.

6. INGRESS EGRESS: Ingress and egress must be provided as shown on the attached site plan.

7. LANDSCAPING:
   A. Landscaping must be provided as shown on the attached site plan.
   B. Plant material must be maintained in a healthy, growing condition.

8. LIGHTING: Exterior lighting must be directed away from adjoining properties.

9. PARKING: Parking must be located as shown on the attached site plan.

~~10. ROAD IMPROVEMENT: Required median reconfiguration must be constructed as shown on the attached site plan prior to issuance of a certificate of occupancy for a public school use.~~

11. SCREENING: Screening of off-street parking must be provided as shown on the attached landscape plan.

~~12. SIDEWALKS: Prior to issuance of certificate of occupancy for a public school use, sidewalks must be provided along Osage Plaza Parkway, Maribeth Drive, and Dickerson Street, as shown on the attached site plan.~~

13. TRAFFIC MANAGEMENT PLAN:

A. In general. The operation of the uses must comply with the attached traffic management plan.

B. Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

C. Traffic study.

1. The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by **November 1, 2021**. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the director by **November 1** of each odd-numbered year.

2. The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different times over a two-week period, and must contain an analysis of the following:

a. ingress and egress points;

b. queue lengths;

c. number and location of personnel assisting with loading and unloading of students;

d. drop-off and pick-up locations;

e. drop-off and pick-up hours for each grade level;

f. hours for each grade level; and

g. circulation.

3. Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

a. If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

b. If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner

fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

D. Amendment process.

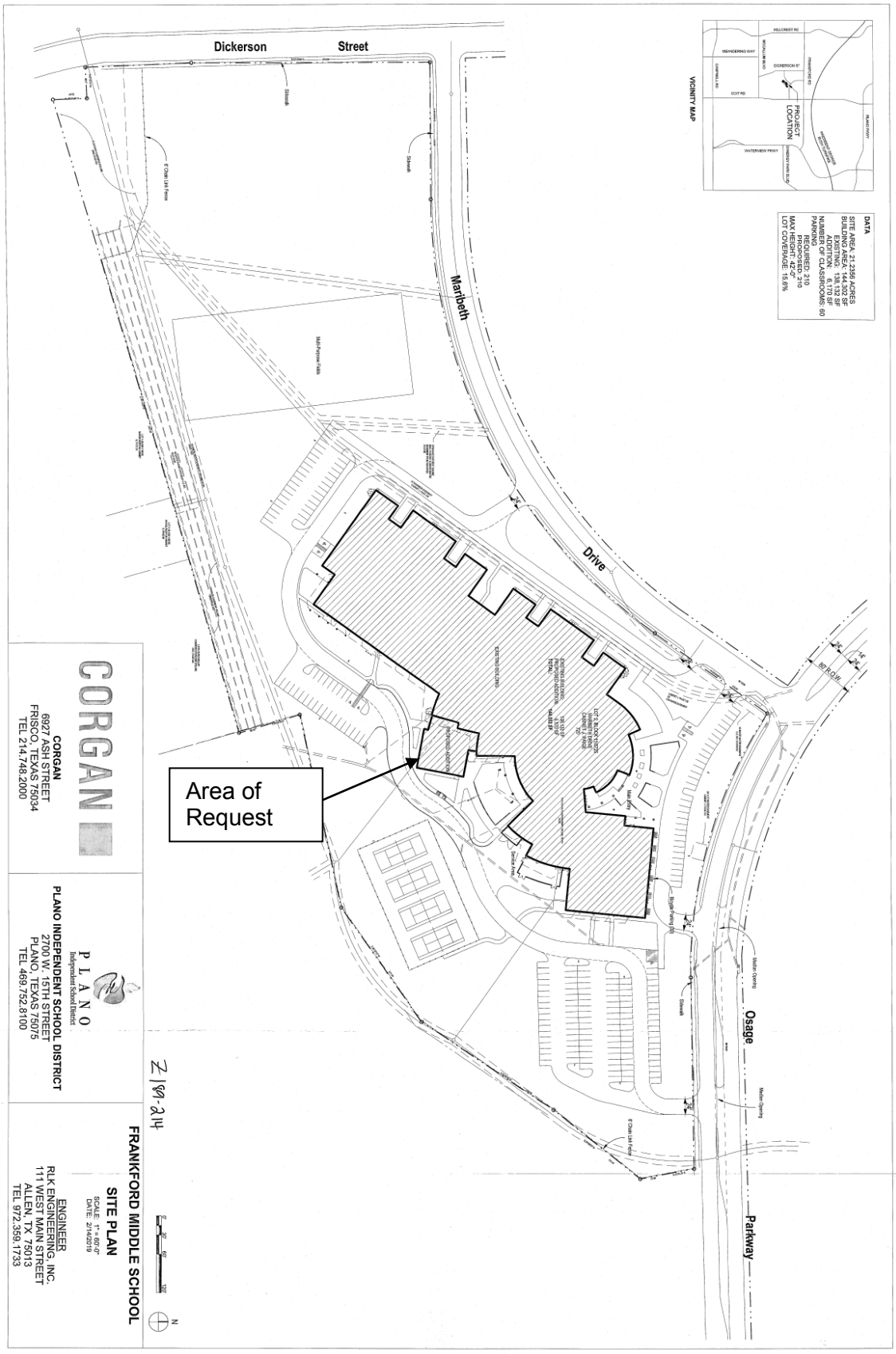
1. A traffic management plan may be amended using minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

2. The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

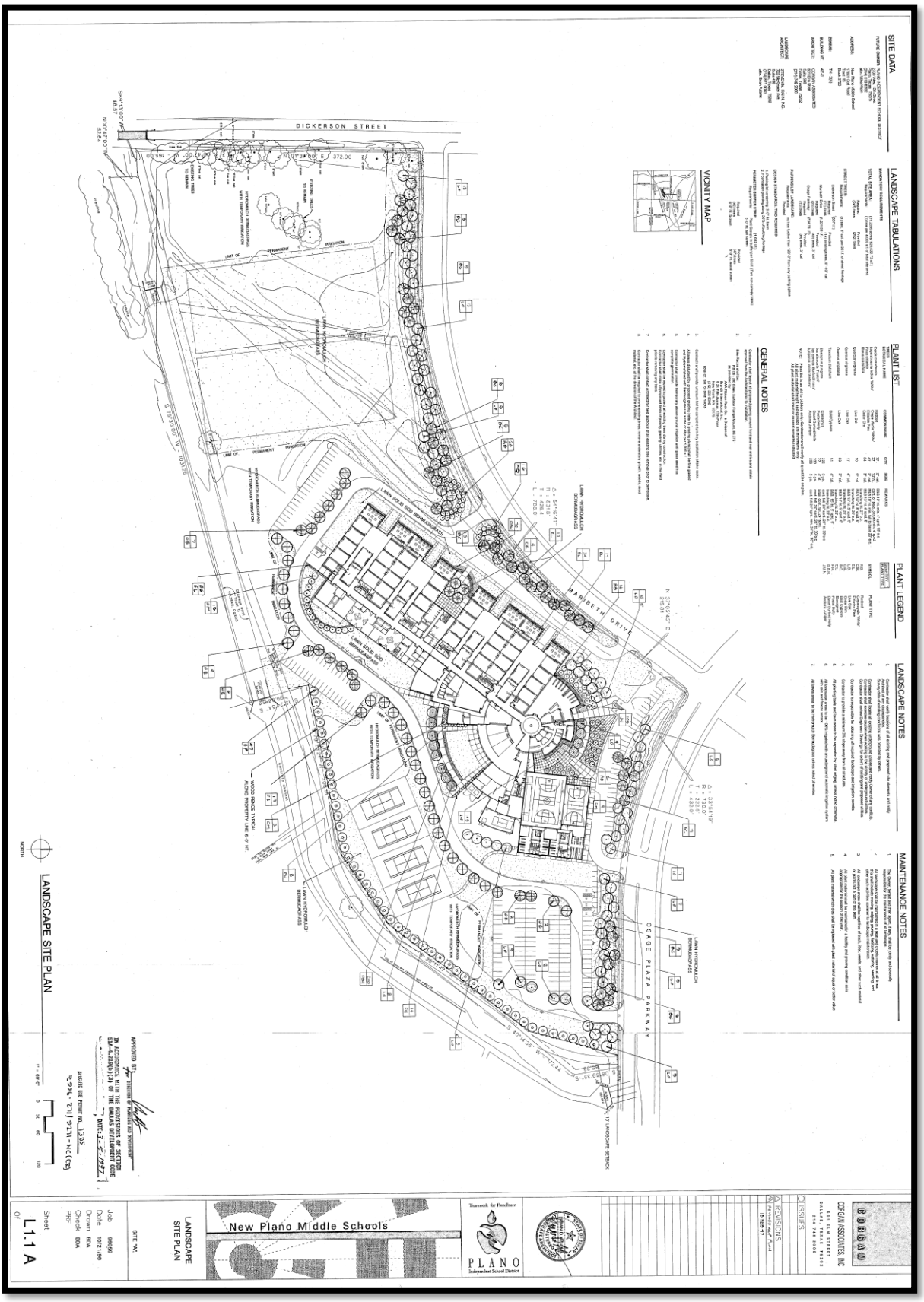
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

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 Dallas.

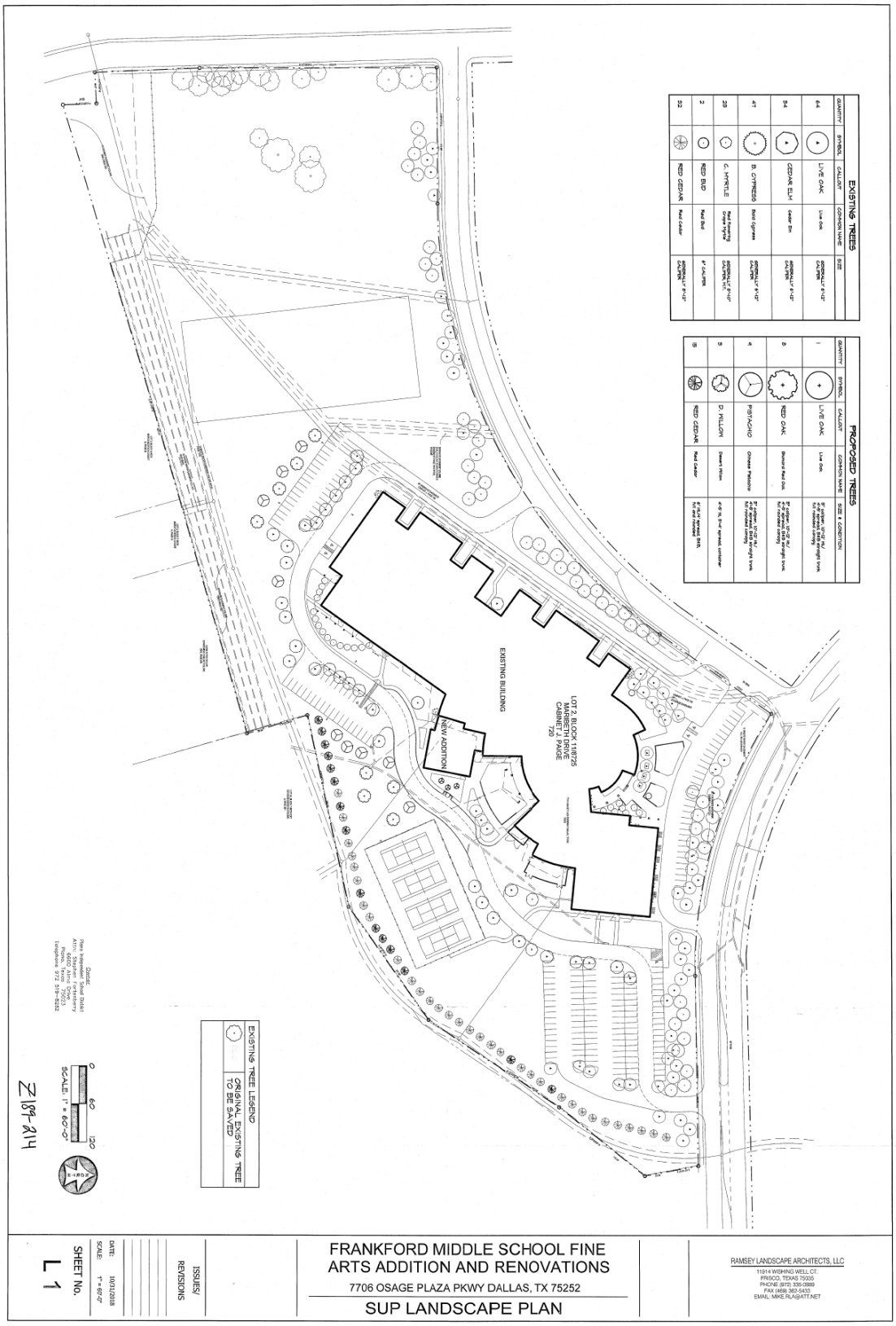
## PROPOSED SITE PLAN



## EXISTING SITE/LANDSCAPE PLAN



## PROPOSED LANDSCAPE PLAN



**PROPOSED TRAFFIC MANAGEMENT PLAN**

April 8, 2019
PK# 4992-19.072
Z189-214

# TRAFFIC MANAGEMENT PLAN

*Project:*
**Plano ISD Frankford Middle School**
*In Dallas, Texas*

*Prepared for:*
***City of Dallas***

*On behalf of:*
**Plano Independent School District**

*Prepared by:*

Hunter W. Lemley, P.E.




Pacheco Koch

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TX.REG: ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100080-00

*April 8, 2019*

Pacheco Koch

# TRAFFIC MANAGEMENT PLAN
# Plano ISD Frankford Middle School

Dallas, Texas

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Exhibit 1. Recommendations/Proposed Conditions

Appendix

# INTRODUCTION

The services of **Pacheco Koch** (PK) were retained by Corgan Associates, on behalf of the **Plano Independent School District**, to prepare a Traffic Management Plan (TMP) for Frankford Middle School (the "School") located at 7706 Osaga Plaza Parkway in Dallas, Texas. This TMP is site-specific and relates to the peak traffic activity associated with school traffic at the site.

Plano ISD is seeking amend the Special Use Permit for the property from the City of Dallas (the "Approving Agency") to facilitate proposed site Improvements. Submittal of a TMP, prepared by a registered professional engineer experienced and skilled in the field of traffic/transportation engineering, is one of the requirements of Approving Agency's application process. This TMP was prepared by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, and other fields.

## *School Description*

The site currently consists of an existing public middle school. Current enrollment is summarized below in **Table 1**. Proposed site improvements include the construction of a new fine arts addition in the back southeast area of the existing school building. The school is not anticipating an increase enrollment as a result of the school's addition. School starts at 8:30 AM and ends at 3:30 PM. Calculations for vehicle accumulation and parking numbers are based upon previously city-staff-approved ratios and validated by on-site dismissal observations conducted on Tuesday, February 12th and Wednesday, February 13th. Pacheco Koch performed two on-site observations each for the morning and afternoon periods.

*Table 1. Current Enrollment*

| GRADES | EXISTING | PROPOSED |
|---|---|---|
| 6th Grade | 349 | 335 |
| 7th Grade | 335 | 355 |
| 8th Grade | 339 | 337 |
| TOTAL | 1,023 | 1,027 |

*Enrollment Data provided by *PISD*

Access to the campus is via Osage Plaza Parkway, a two-lane, median-divided Community Collector. The school is located in a predominately residential area. Directly adjacent to Osage Plaza Parkway is an existing private school with grades K through 8th – All Saints Catholic School. Due to a 30-minute separation in start/end times, it was observed that traffic from the private school had minimal impact to the traffic operations of Frankford Middle School.

The 21.24-acre subject site is currently zoned for a special use permit (SUP 1305). To facilitate implementation of the site improvements, PISD is seeking to amend the SUP for the property.

The school's improvements are planned to be completed by the 2020-2021 school year.

## TMP Objectives

A Traffic Management Plan (TMP) is a site- or area-specific plan of recommended actions and strategies to manage vehicular traffic and parking, pedestrian activity, and travel by all other modes during peak demand conditions for a planned event. The "Objectives" of a TMP are to:

1. Provide a safe environment for all Users on site and the travelling public in the vicinity of the site during the Event times;
2. Minimize (and maintain within reasonable levels) travel delays and traffic congestion on site and in the vicinity of the site during the Event;
3. Ensure reasonable access and circulation is maintained on the public street system in the vicinity of the site during the Event;
4. Provide appropriate information to the travelling public in the vicinity of the site to allow for proper awareness of anticipated traffic conditions during the Event; and,
5. Promote reasonable strategies to manage travel demand to and from the site, including use of alternative modes of travel (such as walk, bike, bus, transit, etc.), when practical.

## Methodology

When feasible, the Analyst should conduct first-hand observations of existing event to develop an understanding of site-specific traffic/transportation characteristics, such as: drop-off/pick-up frequency, parking needs, alternative travel mode use, safety issues, queuing, traffic congestion, site access, current traffic management strategies in use, etc. When it is not feasible to conduct such observations, interviews with staff or personnel familiar with those items is desirable. When neither option is available, the Analyst may be required to rely upon published information and/or professional judgment and experience.

Once the base information is assembled, the Analyst should estimate the projected traffic/transportation characteristics generated by the proposed Event. Next, the Analyst should inventory the attributes and resources of the subject site and determine how the site can best accommodate those projected conditions. Based upon that assessment, the recommended TMP Strategies shall be developed to optimally achieve the basic TMP Objectives. The recommended TMP Strategies should be reviewed by the School (ideally, the TMP Manager) for refinement and approval before formal submittal to the Approving Agency.

## Expectations

*NOTE TO SCHOOL: By submittal of a TMP to the Approving Agency, the School is implicitly agreeing to implement, maintain, and comply with the recommended actions presented herein subject to acceptance by Approving Agency and any*

*associated conditions Approving Agency may impose. It is also inferred that the School agrees to be self-accountable for these actions until and unless Approving Agency deems further measures are appropriate or the TMP is no longer required.*

Recommended TMP Strategies may include one-time measures to be implemented before the Event and/or ongoing actions to be performed before, during, or after the Event. Recommended TMP Strategies involving on-site measures or actions are generally considered to be the responsibility of the School.

To ensure appropriate compliance and consistent implementation of the TMP, it is recommended that the School appoint a TMP "Manager". In general, a Manager should be a qualified and capable individual or group of individuals assigned to take responsibility of the TMP and be accountable for successful implementation in order to achieve the Objectives described earlier (see "**Exhibit 1**"). Other specific duties of the Manager include:

- Monitor effectiveness of TMP strategies and make prudent adjustments, as needed, to more effectively accomplish the TMP Objectives
- Maintain an awareness of readily-available alternative transportation modes serving the site and facilitate and promote their use during the Event when practical
- Serve as a liaison to the Approving Agency(-ies), when needed
- When applicable, provide training and direction to other personnel assigned to implement the TMP measures
- Provide instruction to Users on how to comply with the intent of the TMP

Recommended TMP Strategies were developed specifically for the period(s) of peak traffic demand and are depicted in the respective exhibit. For periods of less intense traffic demand, recommended TMP Strategies may be utilized, in part or in whole, as needed to realize the TMP Objectives.

## *Changes to TMP*

Informal changes to any recommended TMP Strategies presented herein to improve efficiency or effectiveness may be implemented at the discretion of the School if those changes are prudent and do not compromise the TMP Objectives. It is recommended that changes implemented under such circumstances be documented and retained by the School for future reference or upon request. At the discretion of the Approving Agency, submittal of a formally revised TMP report/document or a validation study may be required on a predetermined or as-needed basis.

# TRAFFIC MANAGEMENT PLAN

*NOTE: Recommended TMP Strategies contained herein are based upon the best data, site-specific information, and analytical processes readily available at the time of the study. However, specific quantities related to traffic congestion at peak periods (e.g., duration, length of queue, etc.) are estimated values. Actual quantities may vary due to unknown or unquantifiable variables and other operational factors that may occur. In the event that actual, future conditions generate undue burden on Users and/or the travelling public, modifications to the TMP should be considered. (See preceding NOTE for guidance on implementing changes to the TMP.) However, in extreme conditions, TMP actions may not be capable of mitigating all traffic conditions, and it may be incumbent on the School to consider operational, institutional, or other long-term changes to address issues on a more permanent basis.*

A summary of general guidance for additional practices is provided below:

- Parent drop-off/pick-up activity within public right-of-way should always be avoided to maximize personal safety. All queuing, parking, and loading/unloading should be accommodated within the school property boundaries.

- Within the school property, school employees may implement all measures identified in the Traffic Management Plan but shall not interact with motorists or manipulate traffic within the public right-of-way. Only deputized officers of the law may engage or attempt to influence traffic operations in public right-of-way.

A summary of existing conditions is provided below:

- The school operates with an unmanaged queue protocol (no staff assistance). Parent pick-off activity in the afternoon occurs within the site in front of the school building along Osage Plaza Parkway and to the west of the school building along Maribeth Drive. No external roadway changes are recommended at this time.

- Additionally, parent pick-up activity in the afternoon occurs adjacent to the property along Osage Plaza Parkway and along Maribeth Drive.

  *NOTE: Parent drop-off activity in the morning peak has a similar protocol as the parent pick-up in the afternoon. Parent drop-off in the morning peak occurs at the pick-up/drop-off recessed area on-site in front of the school building and has negligible impact to traffic and pedestrian operations off-site. Generally, excessive traffic delays and queuing were not evident during school morning peak.*

- School buses unload students along the internal roadway along the eastern side of the school building.

- Along with marked crosswalks, a crossing guard is stationed at the corner of Osage Plaza Parkway and Maribeth Drive. Pedestrian traffic was observed to be not more than 5% (not more than 51 students) of the student population. It was observed that the single crossing guard was sufficient for the demand to cross Maribeth Drive and Osage Plaza Parkway.

- Current pedestrian amenities include marked crosswalks with pedestrian ramps on the east and south legs of Osage Plaza Parkway and Maribeth Drive. Sidewalks are present on all frontage to the public right-of-way with pedestrian ramps existing on each private driveway on the property. Pedestrian routes were observed to cross and continue along Osage Plaza Parkway.

A graphical summary of specific recommendations and proposed conditions is provided below and depicted in **Exhibit 1**:

1. **Enforce Existing, On-street Parking Restrictions Fronting School Property During School Traffic Periods** -- Enforce existing, on-street parking restrictions along both curbsides of Maribeth Drive during school traffic periods. [Intent: to minimize traffic congestion on adjacent streets.]

2. **Install Parking Restrictions During School Traffic Periods** -- Install City approved signage to restrict parking and passenger loading fronting school property along eastbound curb lane of Osage Plaza Parkway.

3. **Allocate Parking Area Located Within Staff Lot to Parent Waiting/Loading Area** -- Provide parent waiting/loading area in existing staff parking lot located to the east of the school building.

4. **Provide Staff Assistance to Restrict Access to Buses Only** -- Provide staff assistance to only allow buses to enter through internal roadway for loading/unloading of students. Staff assistance is to restrict access through internal roadway from parent drop-off activity.

- Traffic is to enter the area via Osage Plaza Parkway and Maribeth Drive. Ingress traffic enters the southern-most driveway on Maribeth Drive to enter the site and exits the site via the middle driveway onto Maribeth Drive. Also, traffic enters the northern-most driveway on Maribeth Drive to enter the site and exits onto Osage Plaza Parkway.

- Traffic also is to enter the school site via Osage Plaza Parkway at the eastern-most driveway to enter the reserved parking lot, east of the school building and exit the same driveway. Traffic cones should be used to separate the reserved parking lot circulation from the bus circulation.

- Bus loading/unloading shall be located at the eastern side of the school building and separated from the queuing circulation. Buses are to enter the school site from the eastern-most driveway on Osage Plaza Parkway and exit onto Maribeth Drive. It is recommended that staff assist at the on-site conflict point between entering buses and entering/exiting parent vehicles.

April 8, 2019

Pacheco Koch

## *Acknowledgement Statement*

**REVIEW AND COMMITMENT**

This school traffic management plan (TMP) for Frankford Middle School was developed with the intent of optimizing safety and efficiently accommodating vehicular traffic generated during the school's typical student drop-off and pick-up periods. It is important to note that a concerted and ongoing effort by and the full participation of the school administration are essential to accomplish these goals.

By the endorsement provided below, the school administration hereby agrees to implement, adhere to, and support the strategies presented in this TMP for which the school is held responsible until or unless the City of Dallas deems those strategies are no longer necessary or that other measures are more appropriate. The school administration signee agrees to be familiar with the school site and its peak hour traffic operations.

Signature _____ Date 4/9/19

Name: Randy McDowell | Melanie Schulte

Title: CFO Principal

*END OF MEMO*

Pacheco Koch

**APPENDIX**

Pacheco Koch

DEFINITIONS:
Terms are used in this report:

"Event"– a planned event(s), recurring or non-recurring, for which this TMP is being prepared (i.e., "school day")

"School" (a.k.a., "Event Organizer") – the person, group, or organization responsible for the Event

"TMP Manager" – a person or persons designated by the School to implement the TMP (also see additional tasks in the *Expectations* section)

"Users" – guests/patrons attending the Event

"Analyst" – the person(s) preparing the TMP for the School

"Approving Agency" – the municipality or government agency requiring the Traffic Management Plan

"Traffic Department" – the department of the public agency responsible for traffic operations for a given right-of-way

"Site" – the property at which the Event is located (generally assumed to be occupied by the School)

"TMP Strategies" – actions recommended by the Analyst to be undertaken before, during, or after the Event in order to manage traffic on or off site

"Queue Area" – the area for parent/guardian of a student to wait and load their student into the vehicle. (For an unmanaged queue protocol, the parent/guardian may wait curbside to load their student into the vehicle or may walk up to the school building to pick up their student. An unmanaged queue protocol does not require hang-tags, etc. however a by-pass lane is necessary in order to facilitate traffic.)

Pacheco Koch

DISCLAIMERS:

A TMP should be developed by, or in concert with, an individual familiar with the general characteristics of the Event and the associated traffic/transportation needs. For this study, PK worked with School representatives to develop the proposed recommendations.

Recommended TMP Strategies should be based upon applicable engineering principles of traffic safety and traffic operations.

Any recommended TMP Strategies involving traffic control devices in the public right-of-way (including installation or removal of signs, pavement markings, etc.) are subject to the approval of, and must be implemented under direction of, the Traffic Department.

No private individual should perform, or attempt to perform, any act of traffic control within public right-of-way; only deputized officers of the law or other authorized representatives of the Traffic Department may manipulate traffic conditions within the public right-of-way.

The recommendations presented in this report reflect Pacheco Koch's assessment of current and projected traffic needs based on observations and professional judgment and incorporate feedback from DISD representatives. Pacheco Koch is not responsible for operations at the school; however, the recommendations have been presented to on-site school personnel with authority over implementation of the Plan (see **Exhibit 1** for on-site contact information). Pacheco Koch was not involved with site selection, site design, or the current operations for this project.

**GENERAL NOTE: The subject school administration shall issue a formal communication that summarizes the intent of the Traffic Management Plan at least once every school year.**

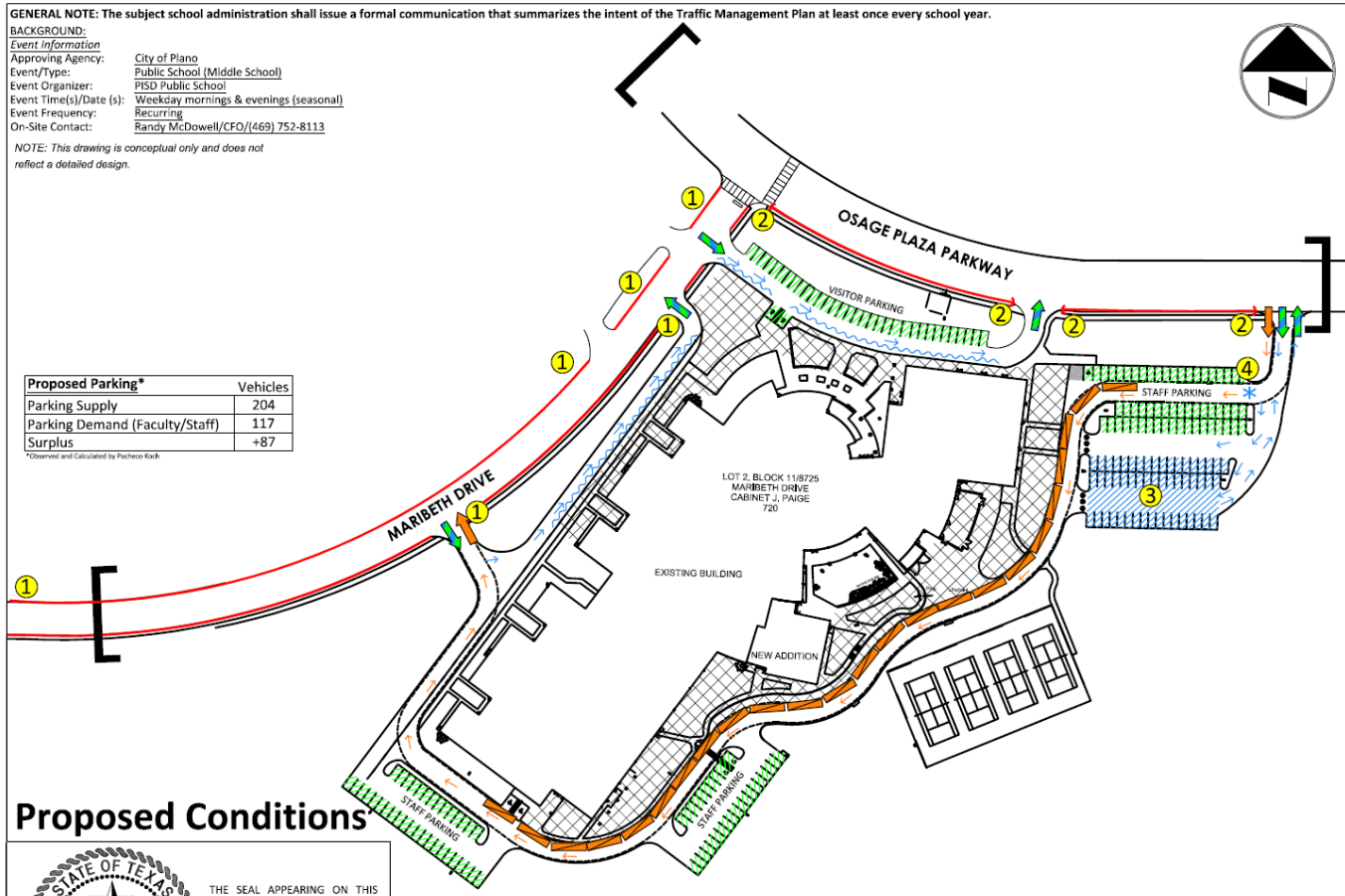
BACKGROUND:
*Event information*

| | |
|---|---|
| Approving Agency: | City of Plano |
| Event/Type: | Public School (Middle School) |
| Event Organizer: | PISD Public School |
| Event Time(s)/Date (s): | Weekday mornings & evenings (seasonal) |
| Event Frequency: | Recurring |
| On-Site Contact: | Randy McDowell/CFO/(469) 752-8113 |

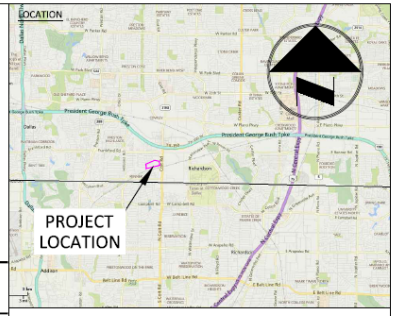
*NOTE: This drawing is conceptual only and does not reflect a detailed design.*

| Proposed Parking* | Vehicles |
|---|---|
| Parking Supply | 204 |
| Parking Demand (Faculty/Staff) | 117 |
| Surplus | +87 |

*Observed and Calculated by Pacheco Koch




## Proposed Conditions*




Parking
- No On-Street Parking Allowed (Existing)
- No On-Street Parking Allowed (Proposed)
- Off-Street Allowed
- Access Point

Queuing/Loading
- Parent Waiting and Loading Area
- Queue Area (Unmanaged)
- Circulation/Flow
- Access Point
- School Bus Loading/Unloading
- School Bus Access Point
- School Bus Circulation/Flow
- Staff Assistance

Pedestrian/Other
- Crosswalk
- Student Waiting Area
- School Zone
- Traffic Cone
- Stop Line

STATE OF TEXAS
HUNTER W. LEMLEY
125343
LICENSED
PROFESSIONAL ENGINEER

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY HUNTER W. LEMLEY, P.E. 125343 ON 04/08/2019. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

*TX. REG: ENGINEERING FIRM F-469*
*TX. REG. SURVEYING FIRM LS-100080-00*

PK 4229-19.072
(AJV: 04/08/19)

RECOMMENDATIONS
1. Enforce Existing, On-street Parking Restrictions During School Traffic Periods
2. Install Parking Restrictions During School Traffic Periods
3. Allocate Parking Area Located Within Staff Parking Lot to Parent Waiting/Loading Area
4. Provide Staff Assistance to Restrict Access to Buses Only

| Vehicle Accumulation/Capacity | | Notes |
|---|---|---|
| Projected Enrollment | 1,027 | Students |
| Deductions: | | |
| By School Bus (65%) | 668 | Students (PISD Estimated) |
| By Walking (5%) | 51 | Students (PISD Estimated) |
| Other (0%) | 0 | Students (PISD Estimated) |
| Students by Pick-up/Drop-off | 308 | Students |
| City-Approved Rate: | 5.12 | lf of max. queue per student |
| Average Length of Vehicle: | 23.5 | lf/veh (Pacheco Koch Observed) |
| "Projected Maximum Vehicle Accumulation": | 67 | Vehicles (1,575 lf) |
| Projected Capacity: | 80 | Vehicles (1,880 lf) |
| SURPLUS | +13 | |

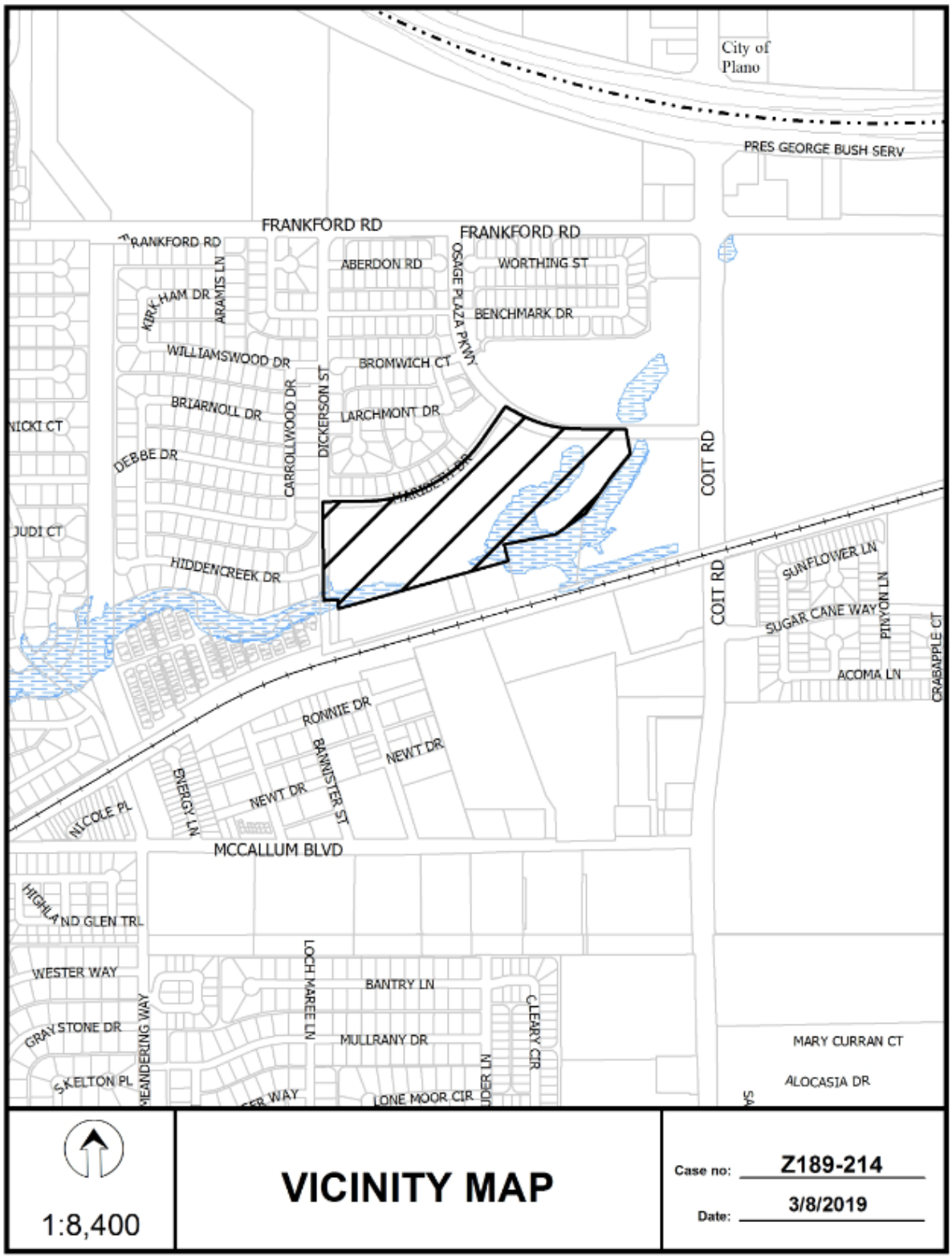
EXHIBIT 1 Z189-214

**Traffic Management Plan**
**Proposed Conditions**

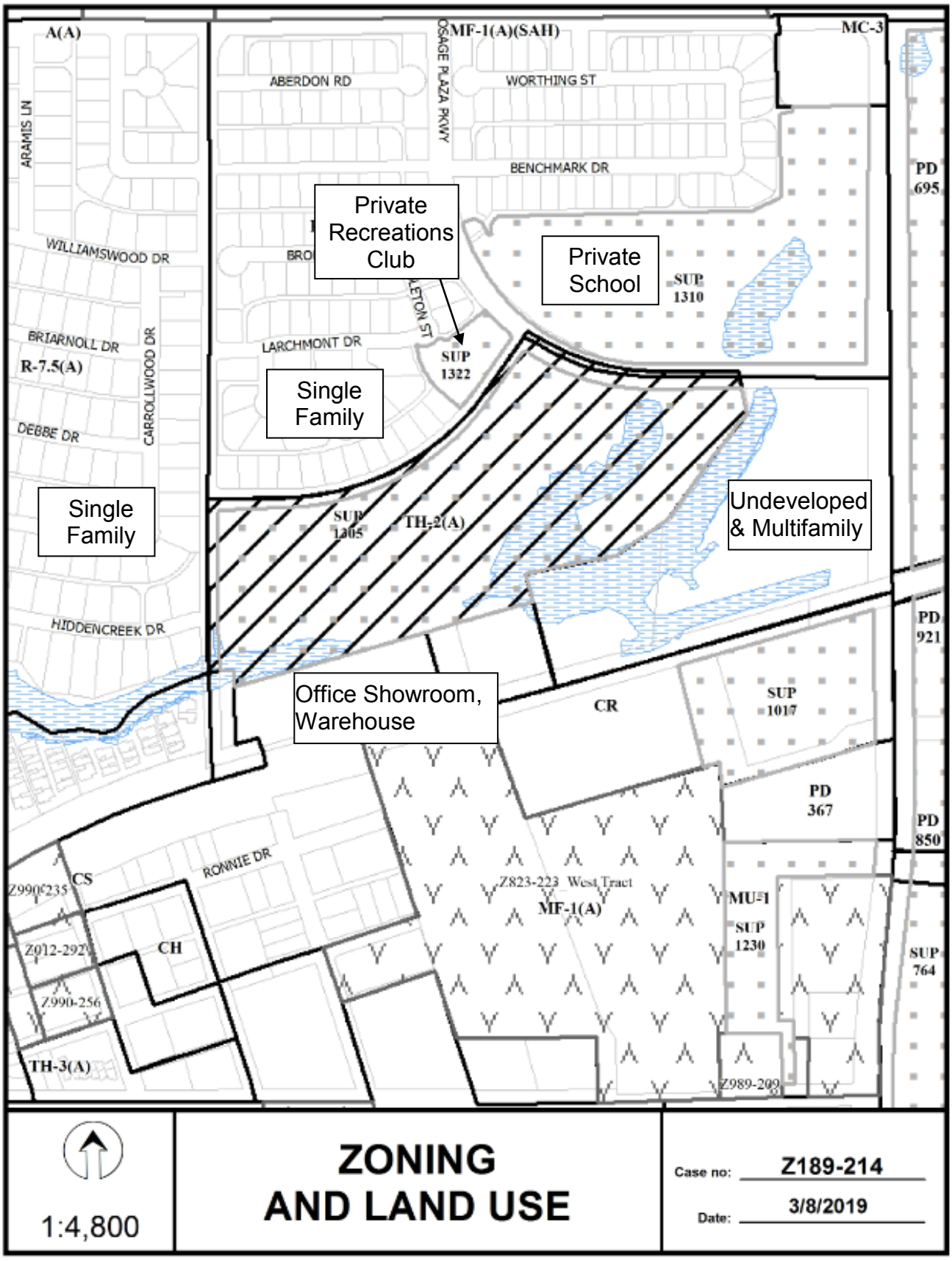
*PISD Public School, Dallas, Texas*

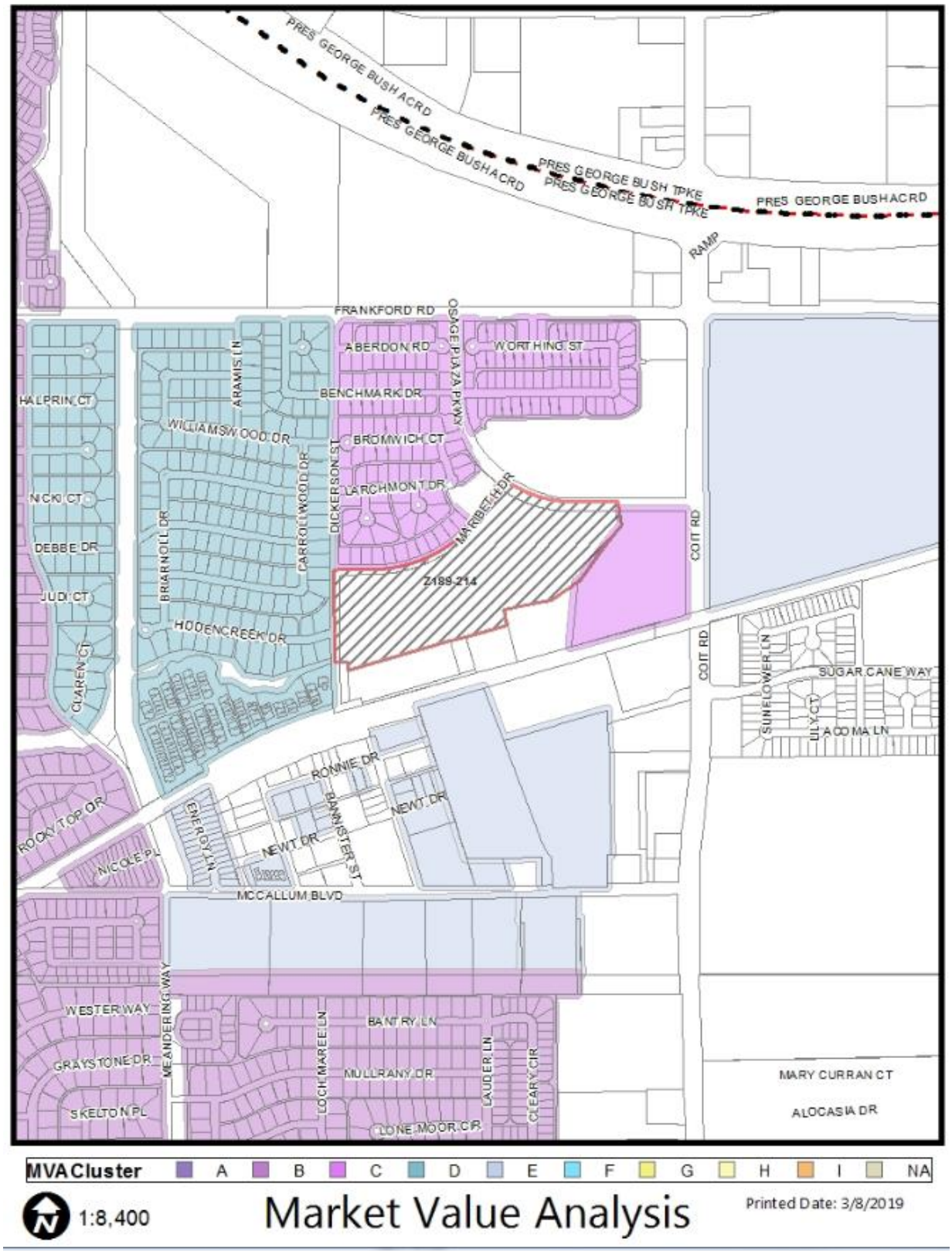
Pacheco Koch

Z189-214(PD)

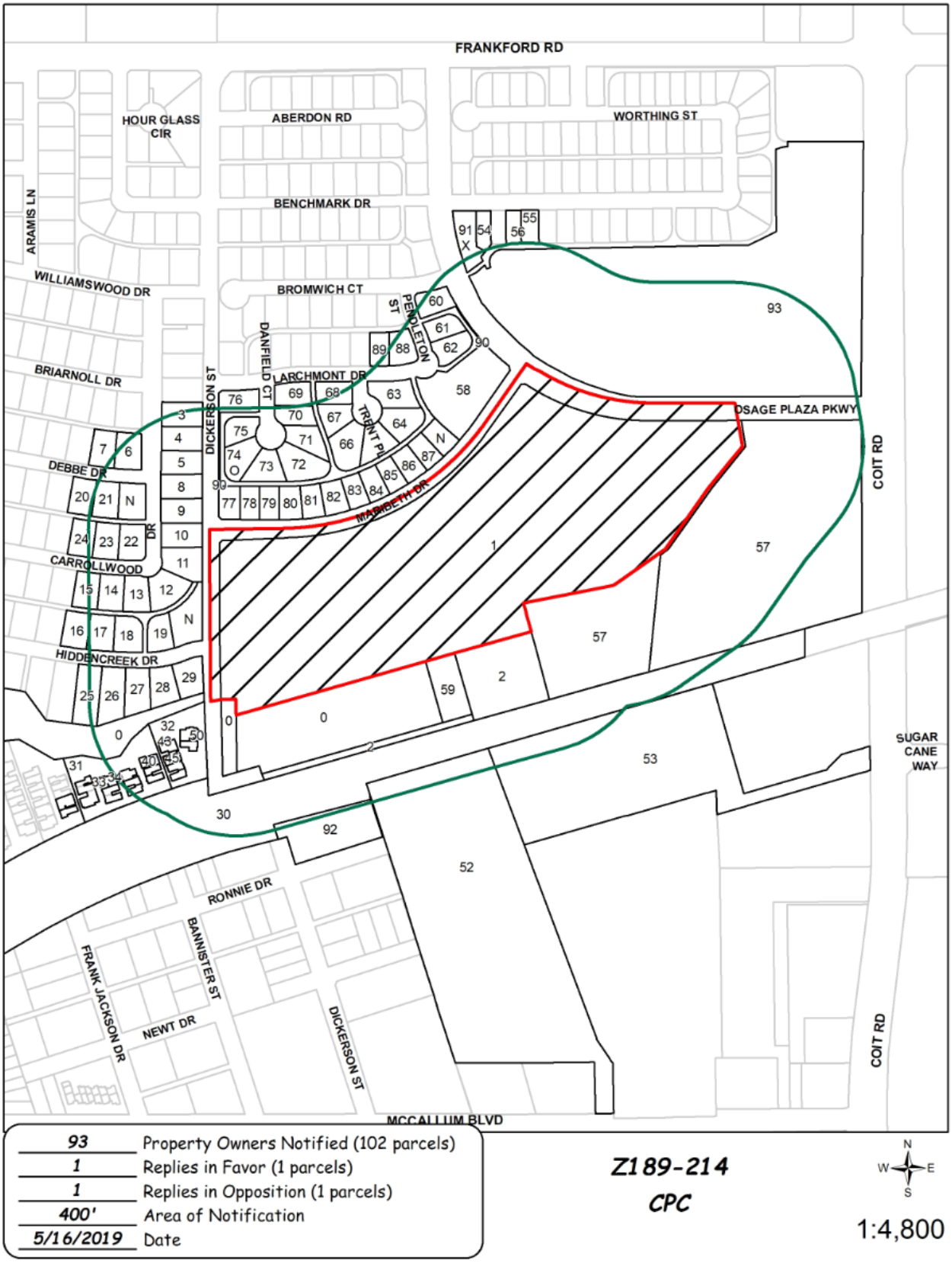

City of Plano
PRES GEORGE BUSH SERV
FRANKFORD RD
FRANKFORD RD
FRANKFORD RD
ABERDON RD
WORTHING ST
OSAGE PLAZA PKWY
BENCHMARK DR
KIRKHAM DR
ARAMIS LN
WILLIAMSWOOD DR
BROMWICH CT
BRIARNOLL DR
LARCHMONT DR
DICKERSON ST
CARROLLWOOD DR
NICKI CT
DEBBE DR
JUDI CT
HIDDENCREEK DR
COIT RD
COIT RD
SUNFLOWER LN
SUGAR CANE WAY
PINYON LN
ACOMA LN
CRABAPPLE CT
RONNIE DR
NEWT DR
BANNISTER ST
NEWT DR
ENERGY LN
NICOLE PL
MCCALLUM BLVD
HIGHLAND GLEN TRL
WESTER WAY
LOCH MAREE LN
BANTRY LN
GRAYSTONE DR
MEANDERING WAY
MULLRANY DR
SKELTON PL
LONE MOOR CIR
O'LEARY CIR
MARY CURRAN CT
ALOCASIA DR
1:8,400
VICINITY MAP
Case no: Z189-214
Date: 3/8/2019


FRANKFORD RD
ABERDON RD
WORTHING ST
BENCHMARK DR
BROMWICH CT
RENDLETOWN ST
LARCHMONT DR
DICKERSON ST
OSAGE PLAZA PKWY
COIT RD
MARIBETH DR
MCCALLUM BLVD
NEWT DR
ROMNEY DR
BANNISTER ST
FRANK JACKSON DR
1:4,800
AERIAL MAP
Case no: Z189-214
Date: 3/8/2019


A(A)
MF-1(A)(SAH)
MC-3
ABERDON RD
WORTHING ST
OSAGE PLAZA PKWY
ARAMIS LN
BENCHMARK DR
PD 695
Private Recreations Club
Private School
WILLIAMSWOOD DR
SUP 1310
BRIARNOLL DR
R-7.5(A)
LARCHMONT DR
SUP 1322
Single Family
CARROLLWOOD DR
DEBBE DR
Single Family
SUP 1305
TH-2(A)
Undeveloped & Multifamily
HIDDENCREEK DR
PD 921
Office Showroom, Warehouse
CR
SUP 1017
PD 367
PD 850
RONNIE DR
CS
Z990-235
Z823-223 West Tract
MF-1(A)
MU-1
SUP 1230
SUP 764
Z012-292
CH
Z990-256
TH-3(A)
Z989-209
1:4,800
ZONING AND LAND USE
Case no: Z189-214
Date: 3/8/2019


PRES GEORGE BUSH ACRD
PRES GEORGE BUSH TPKE
RAMP
FRANKFORD RD
OSAGE PLAZA PKWY
ABERDON RD
WORTHING ST
BENCHMARK DR
BROMWICH CT
LARCHMONT DR
MARBETH DR
COIT RD
Z189-214
HALPRIN CT
ARAMIS LN
WILLIAMSWOOD DR
CARROLLWOOD DR
DICKERSON ST
NICKI CT
DEBBE DR
JUDI CT
BRIARNOLL DR
HODENCREEK DR
CLAREN CT
SUNFLOWER LN
SUGAR CANE WAY
LILY CT
ALOMA LN
RONNIE DR
NEWT DR
BANNISTER ST
ROCKY TOP DR
NICOLE PL
EMERALD LN
MCCALLUM BLVD
WESTERWAY
MEANDERING WAY
GRAYSTONE DR
SKELTON PL
BANTRY LN
LOCH MAREE LN
MULLRANY DR
LAUDER LN
CLEARY CIR
LONE MOOR CIR
MARY CURRAN CT
ALOCASIA DR
MVA Cluster A B C D E F G H I NA
1:8,400
Market Value Analysis
Printed Date: 3/8/2019

## CPC Responses



*05/15/2019*

# *Reply List of Property Owners*

## *Z189-214*

***93 Property Owners Notified*** ***1 Property Owner in Favor*** ***1 Property Owner Opposed***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 1 | 7706 | OSAGE PLAZA PKWY | PLANO ISD |
| | 2 | 17804 | DICKERSON ST | BELLAR COMMUNICATIONS INC |
| | 3 | 18012 | CARROLLWOOD DR | ROBERTS JENNIFER L |
| | 4 | 18008 | CARROLLWOOD DR | EHRLICH YANIV & RIKA BARAK EHRLICH |
| | 5 | 18004 | CARROLLWOOD DR | KRUMBHOLZ CHRISTINE ANN |
| | 6 | 7351 | DEBBE DR | CARLOCK THOMAS R II & |
| | 7 | 7347 | DEBBE DR | GLATSTEIN GOLROKH & |
| | 8 | 17938 | CARROLLWOOD DR | SANDSTEDT DOUGLAS EDWARD & |
| | 9 | 17934 | CARROLLWOOD DR | PACHT SOLOMON & ORIT |
| | 10 | 17930 | CARROLLWOOD DR | HUANG ZHUO JUN (JIM) |
| | 11 | 17926 | CARROLLWOOD DR | WEMHOENER CECILIA COOK |
| | 12 | 17922 | CARROLLWOOD DR | KATAV YEHUDA |
| | 13 | 17918 | CARROLLWOOD DR | RODRIGUEZ ROBERTO & MARIA |
| | 14 | 17914 | CARROLLWOOD DR | DAVIS DELYNN KAYE |
| | 15 | 17910 | CARROLLWOOD DR | 1397 TRUST THE |
| | 16 | 7405 | HIDDENCREEK DR | KATTAN ALEXANDER & MARY S |
| | 17 | 7409 | HIDDENCREEK DR | LOCKLEAR JIMMY GAYLE REVOCABLE LIVING TRUST THE & |
| | 18 | 7413 | HIDDENCREEK DR | MONTGOMERY THOMAS E |
| | 19 | 7417 | HIDDENCREEK DR | MAO YIPING & LUOYUAN SUN |
| | 20 | 7330 | DEBBE DR | WILLEY KYLE & JENNIFER |
| | 21 | 7334 | DEBBE DR | HOYDIC ROBERT D & |
| | 22 | 17917 | CARROLLWOOD DR | WILSON ROGER D & CHANDRA NIXON |
| | 23 | 17913 | CARROLLWOOD DR | WILSON ANTHONY DEAN & GAIL A |
| | 24 | 17909 | CARROLLWOOD DR | BODENHEIMER MICHAEL B & YAEL J GOLDBERG & |
| | 25 | 7410 | HIDDENCREEK DR | YOUNG WELBY P & DALENE O |
| | 26 | 7414 | HIDDENCREEK DR | BROWNE BRUCE D & LESLIE D |

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 27 | 7418 | HIDDENCREEK DR | GREENE MICHAEL B & ROSEMARY K |
| | 28 | 7422 | HIDDENCREEK DR | MILLER CECIL H & CHERYL A |
| | 29 | 7426 | HIDDENCREEK DR | BEJARANO JULIO & BRENDA |
| | 30 | | | DALLAS AREA RAPID TRANSIT |
| | 31 | 17490 | MEANDERING WAY | ARMSTRONG RICHARD LINCOLN |
| | 32 | 17490 | MEANDERING WAY | REINHEIMER LYDA |
| | 33 | 17490 | MEANDERING WAY | DELGADO HENRY |
| | 34 | 17490 | MEANDERING WAY | WERNER STEPHEN A |
| | 35 | 17490 | MEANDERING WAY | BOSTWICK FRANCES |
| | 36 | 17490 | MEANDERING WAY | KUHLMAN ROBERT P |
| | 37 | 17490 | MEANDERING WAY | COBB MICHAEL R |
| | 38 | 17490 | MEANDERING WAY | CARLTON WILLIAM |
| | 39 | 17490 | MEANDERING WAY | KUEBLER RICK D |
| | 40 | 17490 | MEANDERING WAY | POWERS SHARON R |
| | 41 | 17490 | MEANDERING WAY | DEGRACIA MILDRED |
| | 42 | 17490 | MEANDERING WAY | COLON EVELYN |
| | 43 | 17490 | MEANDERING WAY | LUNDGREN MELANIE |
| | 44 | 17490 | MEANDERING WAY | CICHOCKI KENNETH J |
| | 45 | 17490 | MEANDERING WAY | LINDEMANN RICHARD C JR |
| | 46 | 17490 | MEANDERING WAY | BAILEY BRETT |
| | 47 | 17490 | MEANDERING WAY | CHERUKU MAHESH |
| | 48 | 17490 | MEANDERING WAY | KIRKPATRICK DONALD |
| | 49 | 17490 | MEANDERING WAY | CASSIDY CAROLE |
| | 50 | 17490 | MEANDERING WAY | PETERS JODI & |
| | 51 | 17490 | MEANDERING WAY | MARSH ANDREW W |
| | 52 | 7815 | MCCALLUM BLVD | DFW CHATHAM APARTMENTS LLC |
| | 53 | 17713 | COIT RD | HILDERBRAND PARTNERSHIP THE |
| | 54 | 17854 | BENCHMARK DR | KIM YONG HWA |
| | 55 | 17842 | BENCHMARK DR | LE SHEA INVESTMENTS LLC |
| | 56 | 17846 | BENCHMARK DR | SPERRY ELIZABETH E |
| | 57 | 17817 | COIT RD | TEXCAN VENTURES XII LTD |

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 58 | 7695 | MARIBETH DR | SOMERSET RESIDENTIAL ASSOC INC |
| | 59 | 17804 | DICKERSON ST | BSFR ENTERPRISES LLC |
| | 60 | 7606 | PENDLETON ST | KHODABAKHSH EINOLLAH & PARVIN |
| | 61 | 7612 | PENDLETON ST | DARDEN PAUL WISTAR |
| | 62 | 7618 | PENDLETON ST | LOOMSTEIN JAMES & SHELLEY |
| | 63 | 7502 | TRENT PL | CHAVARRIA CRUZ & CELIA |
| | 64 | 7508 | TRENT PL | LEE KWOK CHI & KWOK YEE SHAN |
| | 65 | 7514 | TRENT PL | SREERAM SREEHARSHA PREM KUMAR |
| | 66 | 7515 | TRENT PL | QUEK CHIN CHYE & ELIZABETH |
| | 67 | 7507 | TRENT PL | LAI CHOI L & RUQI L |
| | 68 | 7501 | TRENT PL | BLUE FIRESTORM LLC |
| | 69 | 7504 | DANFIELD CT | LIM KAU TENG & MEI HO CHAN |
| | 70 | 7510 | DANFIELD CT | TELLO ANTONIO G & TELLO DEBRA R |
| | 71 | 7516 | DANFIELD CT | RHOADS DALE & MARCELA |
| | 72 | 7522 | DANFIELD CT | GRIFFITH RICHARD C & PEGGY JANE |
| | 73 | 7521 | DANFIELD CT | SIDHU RAJINDER SINGH |
| O | 74 | 7515 | DANFIELD CT | BRAR GURDARSHAN S & KULDEEP |
| | 75 | 7509 | DANFIELD CT | THIRUNAGARI VENKATESWARLU & |
| | 76 | 7503 | DANFIELD CT | JONES LINDA J & KEITH B |
| | 77 | 7503 | MARIBETH DR | VONG VAI LIM |
| | 78 | 7507 | MARIBETH DR | NESE FRANCIE T & |
| | 79 | 7515 | MARIBETH DR | ROSENHOUSE SUSANNE & |
| | 80 | 7519 | MARIBETH DR | GLASS MADELINE |
| | 81 | 7523 | MARIBETH DR | CHUAH BOBBY & JOANN-CHAU TRAN |
| | 82 | 7527 | MARIBETH DR | ZUBOVA LYUDMYLA |
| | 83 | 7531 | MARIBETH DR | DAI YUAN |
| | 84 | 7603 | MARIBETH DR | KURTZER BENJAMIN & MELISSA |
| | 85 | 7611 | MARIBETH DR | HAO JIE & |
| | 86 | 7619 | MARIBETH DR | SHAH PUSHPAKANT A & RENUKA P |
| | 87 | 7627 | MARIBETH DR | ESPINEDO DIANNA L & MICHAEL L |
| | 88 | 7539 | LARCHMONT DR | HAN BAOSHAN |

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 89 | 7535 | LARCHMONT DR | TSAI YING WEI & PEI SHIN SHIH |
| | 90 | | | SOMERSET RESIDENTIAL ASSN |
| X | 91 | 17858 | BENCHMARK DR | HAMIDI CAMERON |
| | 92 | 7759 | RONNIE DR | 7759 RONNIE LLC |
| | 93 | 7777 | OSAGE PLAZA PKWY | ROMAN CATHOLIC DIOCESE OF DALLAS |

# Agenda Information Sheet

**File #:** 19-877 **Item #:** 75.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2253 for a bar, lounge or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the east side of North Hall Street, between Elm Street and Main Street
Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions
Z189-216(AU)



powered by Legistar™

**HONORABLE MAYOR & CITY COUNCIL** **WEDNESDAY, JUNE 26, 2019**

**ACM: Michael Mendoza**

**FILE NUMBER:** Z189-216(AU) **DATE FILED:** February 27, 2019

**LOCATION:** East side of North Hall Street, between Elm Street and Main Street

**COUNCIL DISTRICT:** 2 **MAPSCO:** 46 J

**SIZE OF REQUEST:** Approximately 1,700 square feet **CENSUS TRACT:** 204.00

**OWNER/APPLICANT:** 3101 Main, LP

**REPRESENTATIVE:** Audra Buckley, Permitted Development

**REQUEST:** An application for the renewal of Specific Use Permit No. 2253 for a bar, lounge, or tavern on a property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District

**SUMMARY:** The applicant proposes to continue the operation of a bar, lounge, or tavern within the existing multifamily building (The Case Building)

**CPC RECOMMENDATION:** **Approval** for a three-year period, subject to conditions.

**STAFF RECOMMENDATION:** **Approval** for a three-year period, subject to conditions.

**BACKGROUND INFORMATION:**

- On June 14, 2006, City Council approved an amendment to PD No. 269 that included the SUP requirement for the bar, lounge, or tavern use category.

- On August 9, 2017, City Council approved Specific Use Permit No. 2253 for a bar, lounge, or tavern, subject to site plan and conditions.
- On December 6, 2017, a certificate of occupancy for an alcoholic beverage establishment was issued to the applicant.

- The applicant proposes to continue to use the existing establishment for a bar, lounge, or tavern, on the first floor of the existing multifamily building. This request is for the renewal of the existing SUP No. 2253.

- The site is currently developed with a 17-story building, consisting of 337-multifamily units with a structured parking, and with a bar, lounge, or tavern on the first floor.

**Zoning History:**

There have been four zoning cases requested in the area in the past five years:

**1. Z167-337:** On October 11, 2017, City Council renewed Specific Use Permit No. 2211 for an alcoholic beverage establishment limited to a bar, lounge or tavern and an inside commercial amusement limited to a live music venue on a property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, and located on the southeast corner of Commerce Street and Murray Street.

**2. Z167-283:** On August 9, 2017, City Council approved Specific Use Permit No. 2253 for a bar, lounge, or tavern, on a property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, and located on the east side of North Hall Street, south of Elm Street, and north of Main Street (request site).

**3. Z156-245:** On September 14, 2016, City Council approved Specific Use Permit No. 2211 for a bar, lounge, or tavern, and an inside commercial amusement limited to a live music venue (Deep Ellum Art Company), on a property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, and located on the southeast corner of Commerce Street and Murray Street.

**4. Z145-209:** On October 26, 2016, City Council denied without prejudice the Specific Use Permit request for a private school or Open enrollment charter school on property zoned Tract A of Planned Development District No.

269, the Deep Ellum/Near East Side District, and located on the east line of Trunk Avenue, north of Elm Street.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type | Existing/Proposed ROW |
|---|---|---|
| Elm Street | Community Collector | 60 feet |
| Hall Street | Community Collector | 60 feet<br>Bike Plan |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the existing roadway system.

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies that can serve as a framework for assisting in evaluating the applicant's request. The applicant's request is consistent with the following goals and policies of the comprehensive plan.

**Economic Element**

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

**Policy 2.3.3** Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

**Urban Design Element**

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

**Policy 5.2.2** Promote the character of the city's significant districts, linkages and areas.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

**Policy 5.3.1** Encourage a balance of land uses within walking distance of each other.

**Area Plans:**

The *Downtown Dallas 360 Plan* was adopted in April 2011 and updated in December 2017. The Plan was adopted as a guide to future City Council actions concerning land use and development regulations, transportation and economic development, and capital improvement expenditures in the area generally bounded by a two-and-a-half-mile radius centered on the intersection of Main Street and Akard Street.

The Plan recognizes Deep Ellum as one of the Core / Supporting Districts for its "many nightclubs, eclectic restaurants, performance venues, art galleries and creative office uses [that] together form a vibrant entertainment destination."

The applicant's request is consistent with the goals and policies of the *Dallas 360* Area Plan.

**STAFF ANALYSIS**

**Surrounding Land Uses:**

| | Zoning | Land Use |
|---|---|---|
| **Site** | PDD No. 269 (Tract A) | Multifamily with first floor amenity space that includes a bar, lounge, or tavern |
| **North** | PDD No. 269 (Tract A) | Under construction |
| **East** | PDD No. 269 (Tract A) | Parking lot, Public utility |
| **South** | PDD No. 269 (Tract A) | Restaurant, Retail, Personal services |
| **West** | PDD No. 269 (Tract A) | Restaurant, Auto repair and services |

**Land Use Compatibility:**

The applicant is requesting the renewal of SUP No. 2253 in order to continue operation of an existing 1,700 square-feet bar located on the first floor of an existing multifamily building. The bar is located interior to the building, near the lobby area. The bar is primarily intended for residents of the property and their guests; however, the access is not restricted to residents only. The bar is open between 11:00 am to 11:00 pm, Monday to Sunday.

The site is surrounded by a mix of entertainment, restaurant, retail, and office uses that are served by various surface parking lots and metered spaces along Elm Street and Main Street. In addition to these uses, medium-density multifamily uses are found west and far southwest of the site. The site is located within the Deep Ellum Entertainment District. The district provides for a balance of housing, job, and shopping that permits

residents to live, work, shop, and play in the same neighborhood. Continuous sidewalks and pedestrian features offer alternative access options to this type of area, thus permitting foot and bike traffic to benefit from the mix of uses. Deep Ellum is also served by public transit system, DART buses; bus stops being located near 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. 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 SUP conditions are drafted to ensure compatibility of the bar, lounge, or tavern use with the surrounding uses. Proposed conditions include hours of operation and floor area limitations. The proposed three-year term is ensuring that the request will be reevaluated to ensure the use continues to be compatible with the surrounding uses over time.

The use is surrounded by other bar, restaurant, entertainment, retail, and uses and various surface parking lots.

**Parking:**

The bar is located within a newly constructed multifamily structure with a parking garage being seven stories in height. The site is currently served by a total of 484 parking spaces with only 337 spaces required for the multifamily use and 17 spaces required for the bar, lounge, or tavern use. It has historically been recognized that Deep Ellum serves as an entertainment and retail destination that often finds patrons traversing the area on foot. As a result, the area's surface parking lots and on-street meters provide for additional parking options.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The

analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The request site is located within an "E" MVA cluster.

**Crime Report:**

From February 8, 2017, to March 7, 2019, 103 phone calls were placed to the Dallas Police Department (DPD) with the location The Case Building or Construction Site, of which 51 calls were coded either a general service or non-critical, and 4 calls were coded an emergency. DPD also reported the following 11 incidents and 8 arrest charges as detailed below within the same period since the previous SUP approval action.

**Incidents:**

| Incident Number | Incident | Premise | Date | Time |
|---|---|---|---|---|
| 089872-2017 | BMV | Outdoor Area Public/Private | 4/7/2017 | 1:00:00 PM |
| 141237-2017 | THEFT OF PROP > OR EQUAL $2,500 BUT <$30K- NOT SHOPLIFT | Commercial Property Occupied/Vacant | 6/20/2017 | 2:45:00 PM |
| 188552-2017 | BMV | Motor Vehicle | 8/18/2017 | 8:56:00 AM |
| 060722-2018 | THEFT OF PROP > OR EQUAL $2,500 <$30K (NOT SHOPLIFT) PC31.03(e4A) | Apartment Complex/Building | 3/22/2018 | 9:53:00 PM |
| 075226-2018 | BMV | Apartment Parking Lot | 4/10/2018 | 6:30:00 AM |
| 172919-2018 | BMV (OF AUTO ACCESSORY) (P.C. 30.04(A)) | Parking Lot (All Others) | 8/5/2018 | 3:00:00 PM |
| 213484-2018 | UNAUTHORIZED USE OF MOTOR VEH - OTHER VEH | Parking Lot (All Others) | 9/19/2018 | 6:00:00 PM |
| 212026-2018 | UNAUTHORIZED USE OF MOTOR VEH - OTHER VEH | Apartment Parking Lot | 9/24/2018 | 12:15:00 PM |
| 216344-2018 | THEFT OF PROP > OR EQUAL $100 <$750 (NOT SHOPLIFT) PC31.03(e2A) | Highway, Street, Alley ETC | 9/29/2018 | 9:00:00 PM |
| 258591-2018 | UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE | Apartment Complex/Building | 12/1/2018 | 12:30:00 PM |
| 268925-2018 | UNAUTHORIZED USE OF MOTOR VEH - OTHER VEH | Apartment Parking Lot | 12/16/2018 | 4:20:00 PM |

## Arrest Charges:

| Incident Number | Arrest Number | Arrest Date | Arrest Time | Crime | Description |
|---|---|---|---|---|---|
| 060722-2018 | 18-009507 | 3/22/2018 | 10:10:00 PM | ALL OTHER LARCENY | THEFT OF PROP > OR EQUAL $2,500 <$30K (NOT SHOPLIFT) PC31.03(e4A) |
| 060722-2018 | 18-009510 | 3/22/2018 | 10:10:00 PM | ALL OTHER LARCENY | THEFT OF PROP > OR EQUAL $2,500 <$30K (NOT SHOPLIFT) PC31.03(e4A) |
| 060722-2018 | 18-009507 | 3/22/2018 | 10:10:00 PM | SHOPLIFTING | THEFT OF PROP > OR EQUAL $2,500 <$30K (SHOPLIFT-NOT EMP) PC31.03 (e4A) |
| 060722-2018 | 18-009510 | 3/22/2018 | 10:10:00 PM | SHOPLIFTING | THEFT OF PROP > OR EQUAL $2,500 <$30K (SHOPLIFT-NOT EMP) PC31.03 (e4A) |
| 089739-2018 | 18-014117 | 4/28/2018 | 11:55:00 PM | PUBLIC INTOXICATION | PUBLIC INTOXICATION |
| 221128-2018 | 18-036171 | 10/7/2018 | 4:25:00 AM | PUBLIC INTOXICATION | PUBLIC INTOXICATION |
| 025070-2019 | 19-004401 | 2/6/2019 | 6:45:00 AM | APOWW | APOWW (SOCIAL SERVICES REFERRAL) |
| 040546-2019 | 19-007227 | 2/28/2019 | 5:05:00 AM | PUBLIC INTOXICATION | PUBLIC INTOXICATION |

**CPC Action**
**May 16, 2019**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2253 for a bar, lounge or tavern for a three-year period, subject to conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the east side of North Hall Street, between Elm Street and Main Street.

Maker: Ridley
Second: Schultz
Result: Carried: 13 to 0

For: 13 - MacGregor, Criss, Johnson, Shidid, Carpenter, Brinson, Lewis, Jung, Housewright, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schulte
Vacancy: 1 - District 12

**Notices:** Area: 200 Mailed: 24
**Replies:** For: 1 Against: 0

**Speakers**: None

## LIST OF PARTNERS

**General Partners of 3101 Main, LP**

**SLR Hall & Main GP, LLC**

Officers:
Douglas Chestnut
Thomas Bakewell
Robert Voelker

**Westdale 3101 Main GP, Inc.**

Officers:
Joseph G. Beard

**CPC RECOMMENDED**
**SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is a bar, lounge, or tavern.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on (three years from the passage of this ordinance) [~~August 9, 2019~~].

4. FLOOR AREA: The maximum floor area is 1,700 square feet in the location shown on the attached site plan.

5. HOURS OF OPERATION: The bar, lounge, or tavern may only operate between 11:00 a.m. and 11:00 p.m., Monday through Sunday.

6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

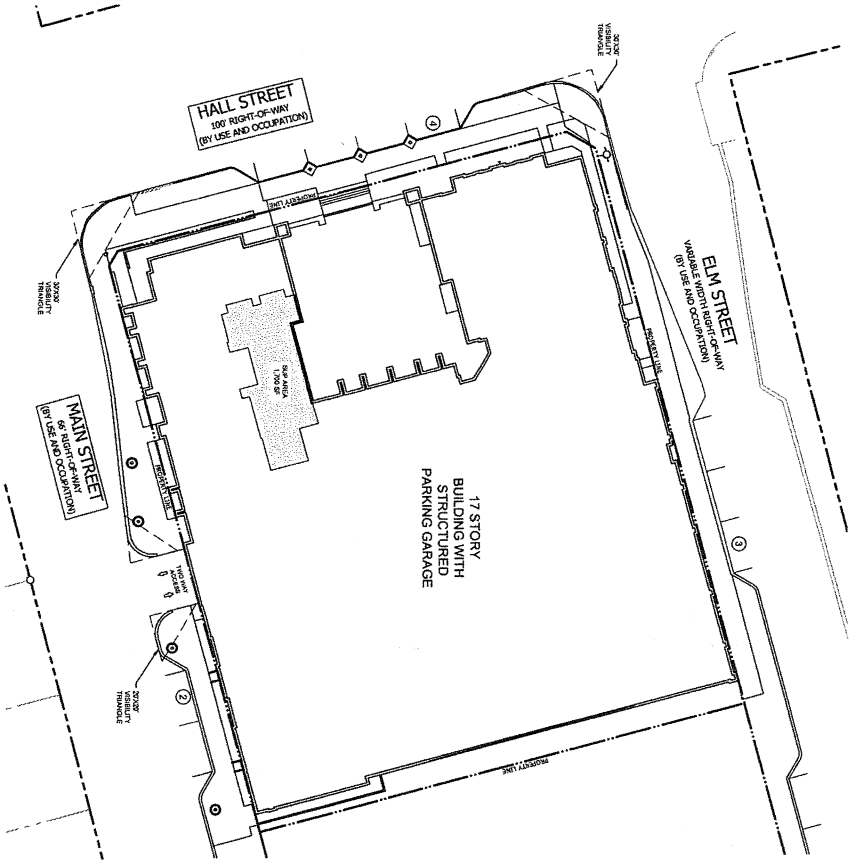
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

## EXISTING SITE PLAN (no changes)

Z189-216

Site Plan 30585 171219

Specific Use Permit
No. 2253



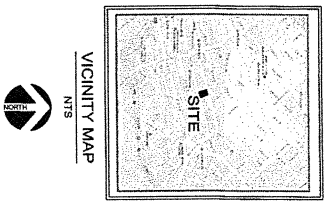

1 SUP SITE PLAN
SCALE: 1" = 20'-0"

20 0 10 20 40 80

Approved
City Plan Commission
June 22, 2017

SUP FOR BAR, LOUNGE OR TAVERN
LIMITED TO 1,700 SQUARE FEET
IN LOCATION SHOWN

LOT AREA: 1.211 ACRES
ZONING: PD 269 TRACT A




Z167-283

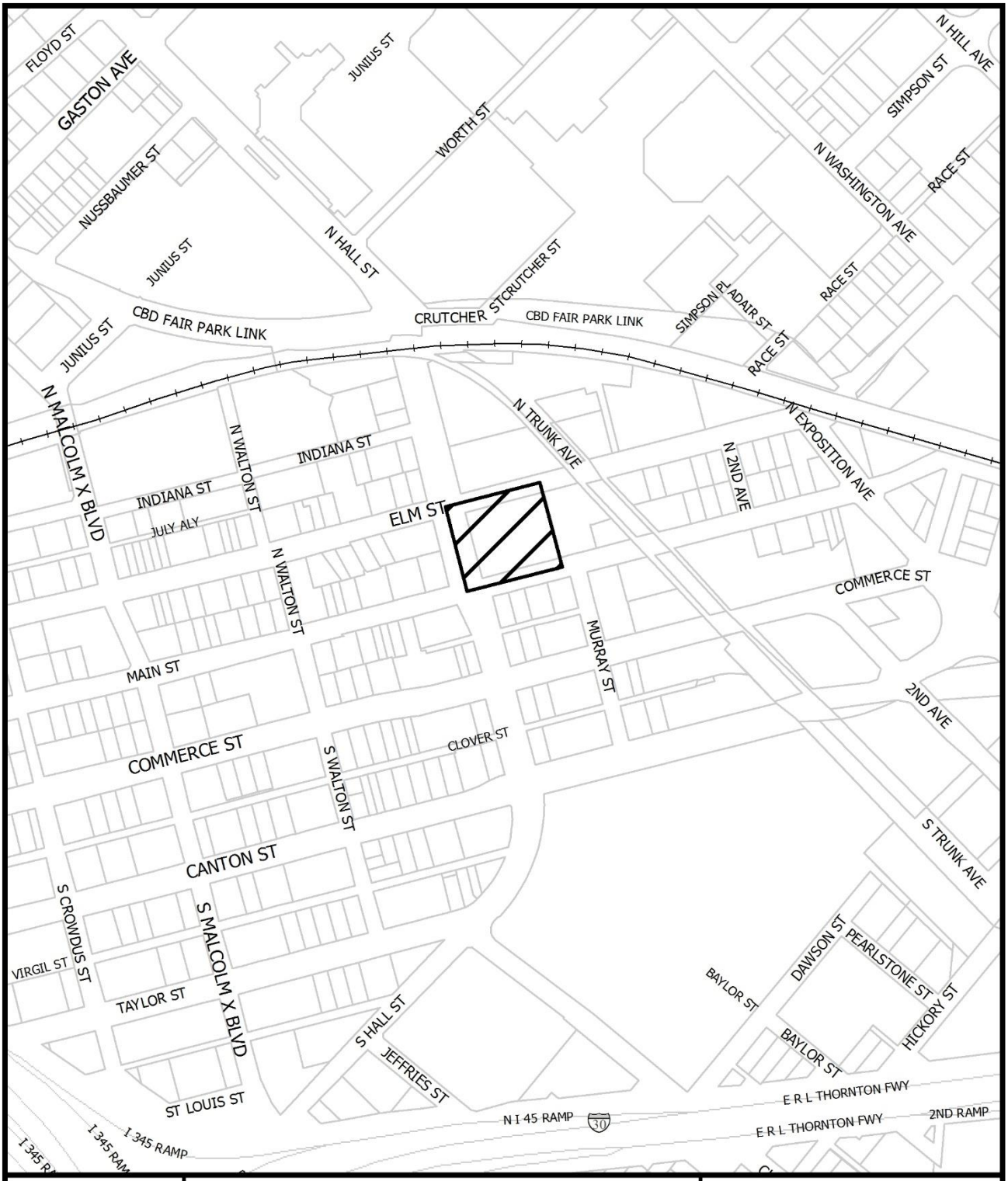
Z167-283

210 HALL STREET
CITY OF DALLAS, TEXAS

Baldwin Associates

BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.729.7949
OFFICE: 214.824.7949

04/18/2017




1:4,800

# VICINITY MAP

Case no: Z189-216

Date: 3/8/2019

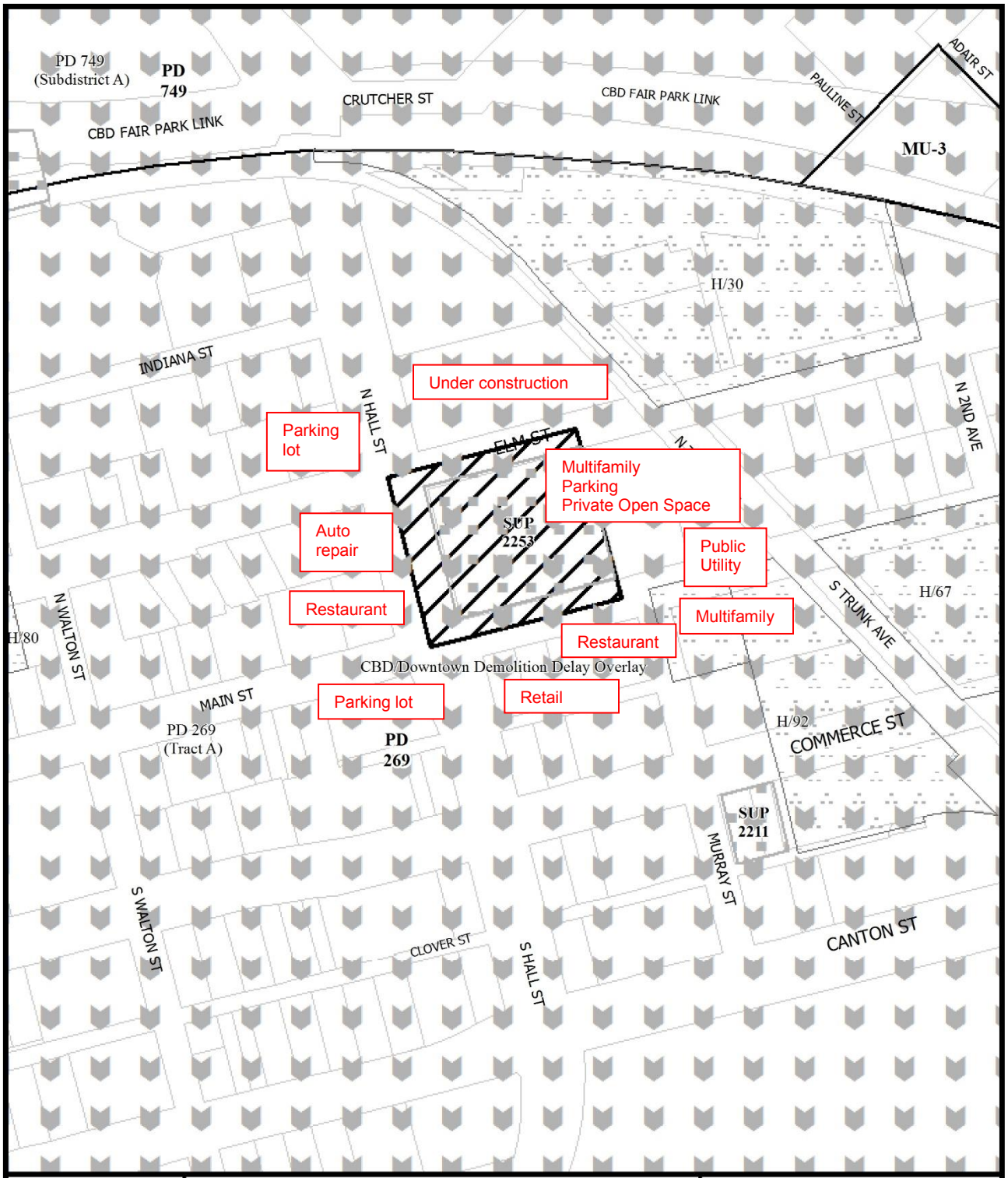



1:2,400

# AERIAL MAP

Case no: Z189-216

Date: 3/8/2019

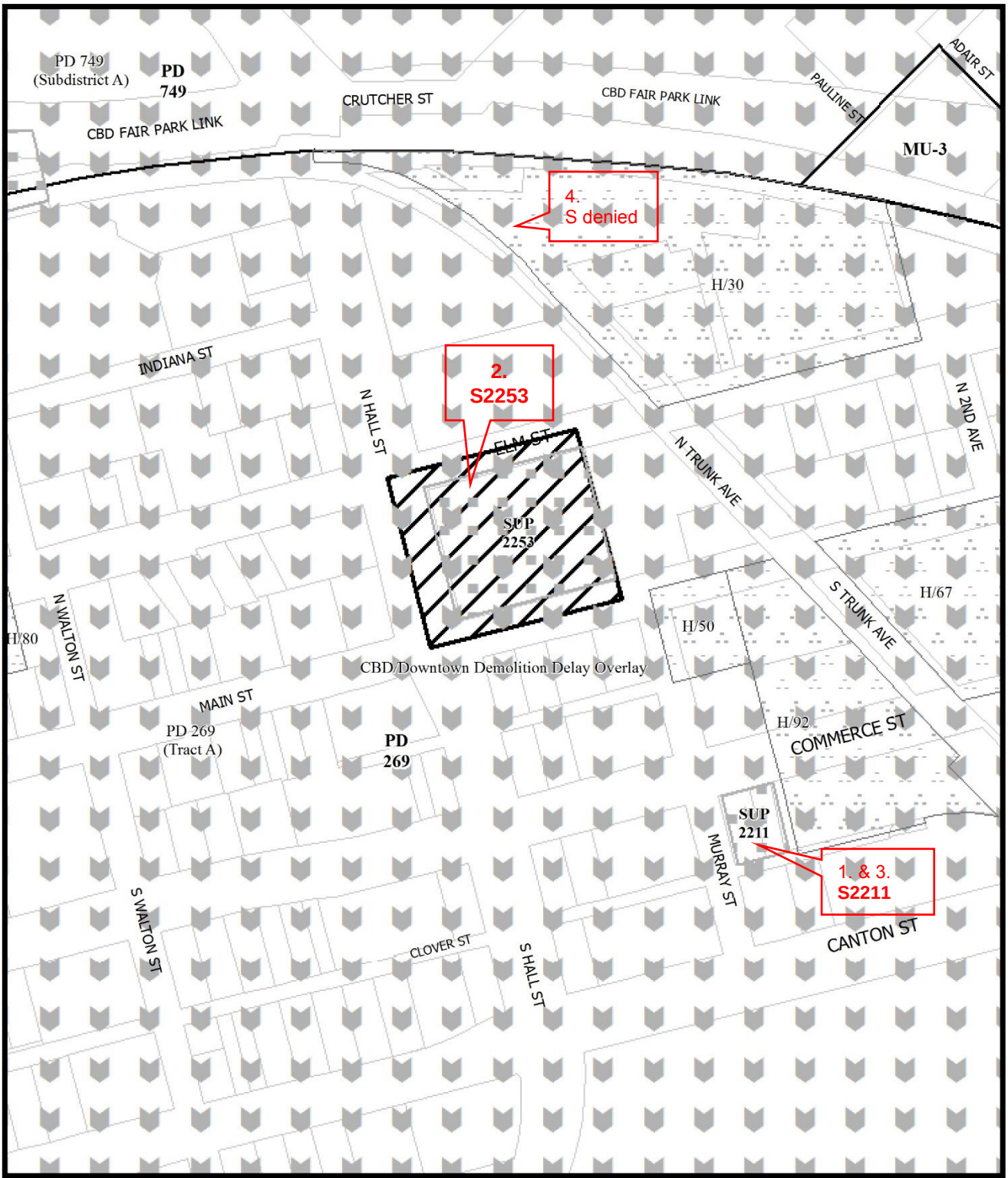



1:2,400

# ZONING AND LAND USE

Case no: Z189-216

Date: 3/8/2019

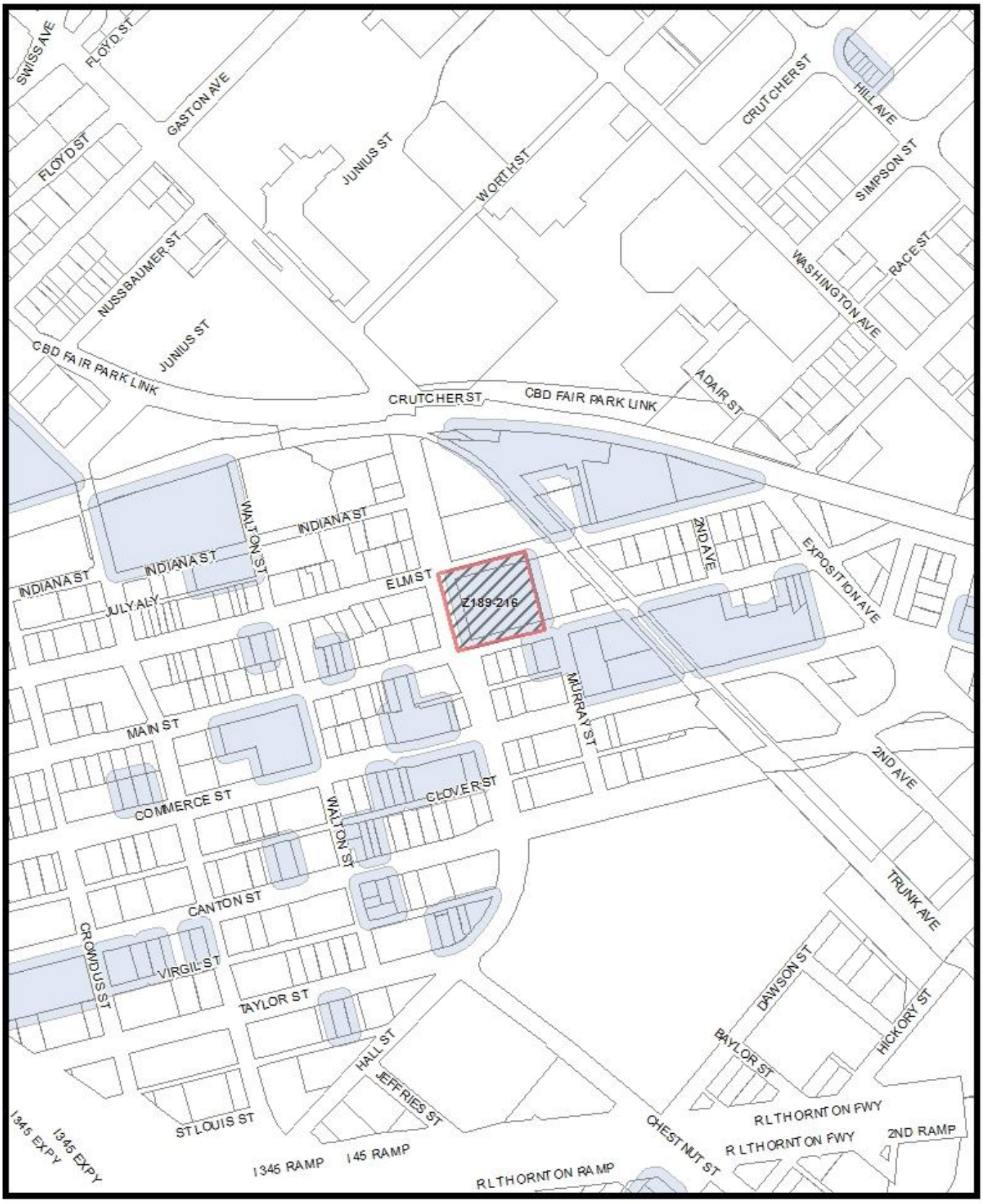



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# ZONING HISTORY

Case no: Z189-216

Date: 3/8/2019



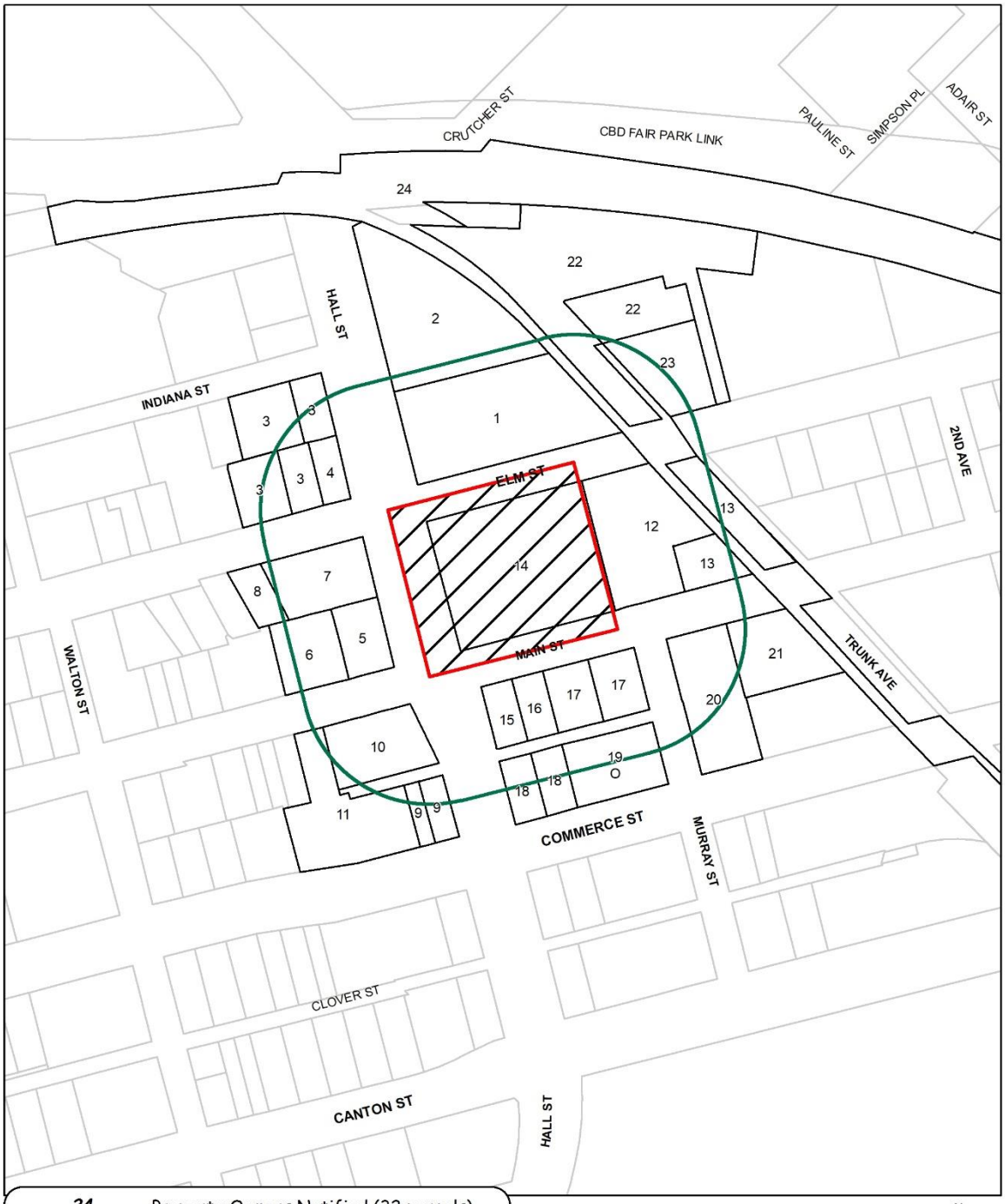

MVACluster A B C D E F G H I NA

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# Market Value Analysis

Printed Date: 3/8/2019

**CPC Responses**




| | |
|---|---|
| 24 | Property Owners Notified (32 parcels) |
| 1 | Replies in Favor (1 parcels) |
| 0 | Replies in Opposition (0 parcels) |
| 200' | Area of Notification |
| 5/16/2019 | Date |

**Z189-216**
**CPC**

N
W E
S

1:2,400

*05/15/2019*

# *Reply List of Property Owners*

## *Z189-216*

***24 Property Owners Notified*** ***1 Property Owner in Favor*** ***0 Property Owners Opposed***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 1 | 210 | N HALL ST | BAYLOR HEATH CARE SYSTEM |
| | 2 | 334 | N HALL ST | BAYLOR HEALTH CARE SYSTEM |
| | 3 | 3027 | ELM ST | BAYLOR HEALTH CARE SYSTEM |
| | 4 | 211 | N HALL ST | BAYLOR HEALTH CARE SYSTEM |
| | 5 | 3033 | MAIN ST | 3033 MAIN INVESTORS LLC |
| | 6 | 3029 | MAIN ST | BLACK MARKET INVESTMENTS LLC |
| | 7 | 3036 | ELM ST | 3036 ELM INVESTORS LLC |
| | 8 | 3026 | ELM ST | UNICORP SERVICES INC |
| | 9 | 111 | S HALL ST | 42 DEEP ELLUM LP |
| | 10 | 3028 | MAIN ST | 42 DEEP ELLUM LP |
| | 11 | 3023 | COMMERCE ST | RUMSEY & HUNT PTNRS LLC |
| | 12 | 3202 | ELM ST | WESTDALE PROPERTIES |
| | 13 | 100 | N TRUNK AVE | WESTDALE PPTIES AMERICA I |
| | 14 | 3131 | MAIN ST | 3101 MAIN LP |
| | 15 | 3100 | MAIN ST | KELCHER MARK & |
| | 16 | 3104 | MAIN ST | LEE LIZA |
| | 17 | 3112 | MAIN ST | MAIN MURRAY L L C |
| | 18 | 3101 | COMMERCE ST | OAKCLIFF HAMPTON INC |
| O | 19 | 3117 | COMMERCE ST | SMITH ED W MACHINE WORK |
| | 20 | 3200 | MAIN ST | WESTDALE FUTURA LOFTS LTD |
| | 21 | 3210 | MAIN ST | WESTDALE FUTURA LOFTS LTD |
| | 22 | 3309 | ELM ST | 3309 ELM LLC |
| | 23 | 3301 | ELM ST | DICKENSON DANIEL |
| | 24 | 555 | 2ND AVE | DART |

# Agenda Information Sheet

**File #:** 19-878 **Item #:** 76.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District, on the southwest side of Exposition Avenue, west of Parry Avenue
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z189-222(AU)



powered by Legistar™

**HONORABLE MAYOR & CITY COUNCIL** **WEDNESDAY, JUNE 26, 2019**

**ACM: Michael Mendoza**

**FILE NUMBER:** Z189-222(AU) **DATE FILED:** March 11, 2019

**LOCATION:** Southwest side of Exposition Avenue, west of Parry Avenue

**COUNCIL DISTRICT:** 7 **MAPSCO:** 46 K

**SIZE OF REQUEST:** Approx. 1,300 square feet **CENSUS TRACT:** 203.00

**OWNER:** Expo Park Partners Ltd.

**APPLICANT:** AESS Group LLC

**REPRESENTATIVE:** Antonio Everette

**REQUEST:** An application for a Specific Use Permit for a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District.

**SUMMARY:** The applicant proposes to operate a bar, lounge, or tavern, on the first floor of the existing mixed-use/retail building.

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

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

**Background Information:**

- On June 14, 2006, the City Council approved an amendment to PD No. 269 that included the SUP requirement for bar, lounge, or tavern use category.

- On December 12, 2007, City Council approved Specific Use Permit No. 1693 for a bar, lounge, or tavern, subject to site plan and conditions for a different operator within the request suite. SUP No. 1693 expired on December 12, 2010.

- On October 10, 2011, City Council approved Specific Use Permit No. 1910 for a bar, lounge, or tavern, subject to site plan and conditions for a different operator within the request suite. SUP No. 1910 expired on October 10, 2016.

- The applicant proposes to use the existing 1,300-square-foot suite for a bar, lounge, or tavern. The subject suite, which is currently vacant, is located on the first floor of a two-story multi-tenant mixed-use building that contains a total of eight suites.

- The request site is part of a property with 100 percent building coverage. The second story is utilized as a residence with direct access form the rear of the property. The building contains a combination of retail, restaurant, and office uses that are served by several off-street parking lots and on-street parallel parking spaces along Exposition Avenue.

**Zoning History:**

There have been two zoning cases requested in the area in the past five years:

**1. Z167-302:** On August 23, 2017, City Council renewed Specific Use Permit No. 1691 for a bar, lounge, or tavern, for a three-year period, on a property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, and located on the south side Exposition Avenue, east of Ash Lane.

**2. Z167-218:** On June 14, 2017, City Council renewed Specific Use Permit No. 1692 for a bar, lounge, or tavern, for a three-year period, on a property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, and located on the south side Exposition Avenue, west of Parry Avenue.

**Thoroughfares/Streets:**

| Thoroughfare Street | Type | Existing ROW | Thoroughfare Plan ROW |
|---|---|---|---|
| Exposition Avenue | Community Collector | 80 feet | 80 feet |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the existing roadway system.

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas!* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The applicant's request is consistent with the following goals and policies of the comprehensive plan.

**Economic Element**

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN
**Policy 2.3.3** Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

**Urban Design Element**

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY
**Policy 5.2.2** Promote the character of the city's significant districts, linkages and areas.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE
**Policy 5.3.1** Encourage a balance of land uses within walking distance of each other.

**Area Plans:**

In September 2001, City Council approved the *South Dallas/Fair Park Economic Development Corridor Plan* that aims to create economic development strategies to encourage desirable development along the area's business corridors.

**Objective Five:** Encourage corridor reinvestment
The revitalization of the major business corridors must include encouraging corridor reinvestment, both by existing businesses and new businesses. Businesses must be encouraged to reinvest in their business as a means of improving their attractiveness and competitive edge with the buying public.

The applicant's request is consistent with the goals and policies of the *South Dallas/Fair Park Economic Development Corridor Plan*.

**STAFF ANALYSIS:**

**Surrounding Land Uses:**

| | Zoning | Land Use |
|---|---|---|
| **Site** | PDD No. 269 Tract A | Vacant suite within a mixed-use / retail building |
| **North** | PDD No. 269 Tract A | Office, Services and Loft suites |
| **East** | PDD No. 269 Tract A | Restaurant<br>Retail<br>Office<br>Personal services |
| **South** | PDD No. 269 Tract A | Restaurant<br>Office |
| **West** | PDD No. 269 Tract A<br>SUP No. 1692 | Bar / Pub<br>Retail<br>Personal services |

**Land Use Compatibility:**

The request suite is located within a two-story multi-tenant mixed-use building and is adjacent to a variety of restaurant, personal services, retail, and office uses. The applicant is requesting an SUP to operate a bar, lounge, or tavern. The request suite has been operated as a bar, lounge, or tavern in the past, under a different operator, subject to SUP approval. The last SUP expired in 2016.

A bar, lounge, or tavern means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives from 75 percent or more of its gross revenue from the service of alcoholic beverages, as defined in the Texas Alcoholic Beverages Code, for on-premise consumption.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state:

(1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood;

(2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate;

(3) The city council shall not grant an SUP for a use except upon a finding that the use will:

(A) complement or be compatible with the surrounding uses and community facilities;

(B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;

(C) not be detrimental to the public health, safety, or general welfare; and

(D) conform in all other respects to all applicable zoning regulations and standards.

The proposed SUP conditions are drafted to ensure compatibility of the bar, lounge, or tavern use with the surrounding uses. Proposed conditions include hours of operation, floor area limitations, and prohibit outside speakers.

The use is surrounded by other bar, restaurant, entertainment, retail, office and personal service uses and various surface parking lots. The site is located across the street from DART Green and Orange Lines station.

**Parking:**

PDD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for this use located within an original building on the first floor. The applicant proposes to occupy 1,300 square feet of floor area and is not required to provide any designated parking for the use. It should be noted that a significant number of metered on-street parking spaces exist along Exposition Avenue, as well as surface parking lots throughout the immediate area.

**Landscaping:**

The request site is located within an existing structure, therefore, the landscape requirements will not be triggered.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an

objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The request site is located within an “E” MVA cluster.

**CPC Action**
**May 16, 2019**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a bar, lounge, or tavern for a two-year period, subject to a site plan and conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the southwest side of Exposition Avenue, west of Parry Avenue.

Maker: Ridley
Second: Schultz
Result: Carried: 13 to 0

For: 13 - MacGregor, Criss, Johnson, Shidid, Carpenter, Brinson, Lewis, Jung, Housewright, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schulte
Vacancy: 1 - District 12

**Notices:** Area: 200 Mailed: 8
**Replies:** For: 1 Against: 0

**Speakers**: For: None
For (Did not speak): Antonio Everette, 1914 Robin Meadow Dr., Carrollton, TX, 75007
Against: None

## LIST OF PARTNERS

Owner:

**Expo Park Partners Ltd**

John Broude
Harvey Mueller
Susan Reese
Katie Reese
Lou Reese
McKenzie Reese

Operator:

**AESS Group LLC**

Sean Smith
Antonio Everette

**CPC RECOMMENDED**
**PROPOSED SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is bar, lounge, or tavern.

2. SITE PLAN: Use and development of the property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on (two-years from the passage of this ordinance).

4. MAXIMUM FLOOR AREA: The maximum floor area is 1,300 square feet in the location shown on the attached site plan.

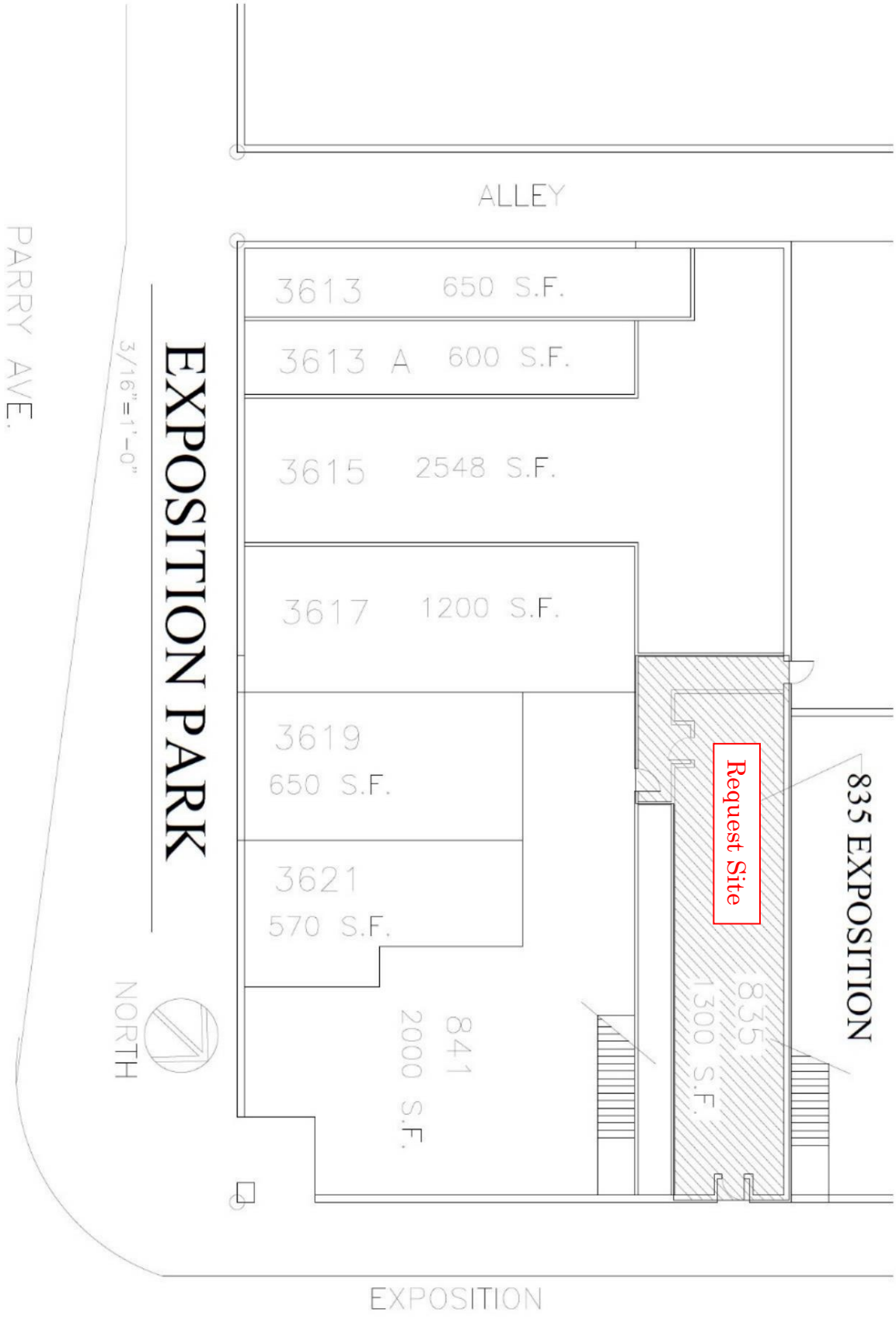
5. HOURS OF OPERATION: The bar, lounge or tavern may only operate between 5:00 p.m. and 2:00 a.m. (the next day), Monday through Friday, and between 11:00 a.m. and 2:00 a.m. (the next day) on Saturday, and closed on Sunday.

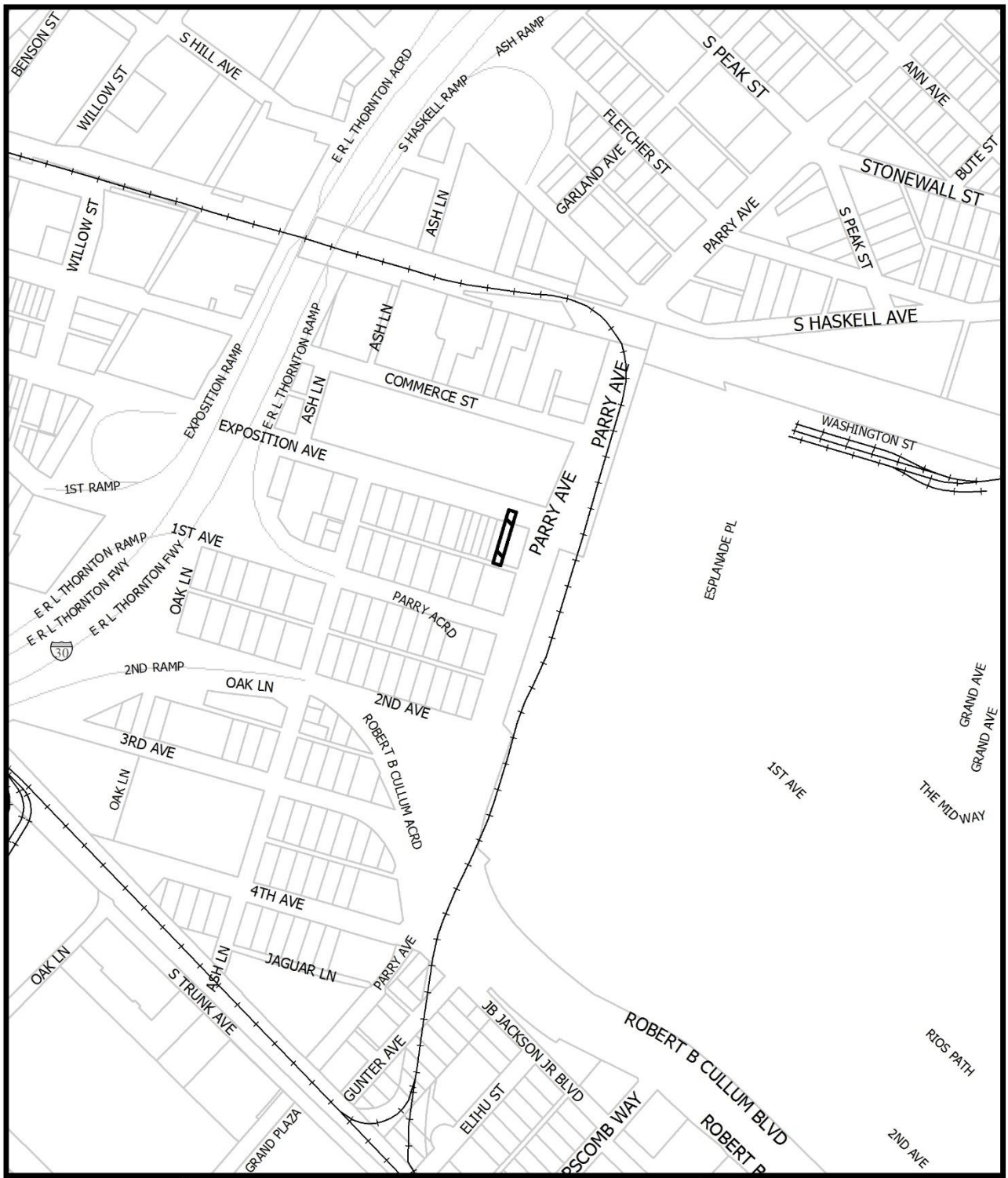
6. OUTSIDE SPEAKERS: Outside speakers and outside amplified sound are prohibited.

7. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.

8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

**PROPOSED SITE PLAN**



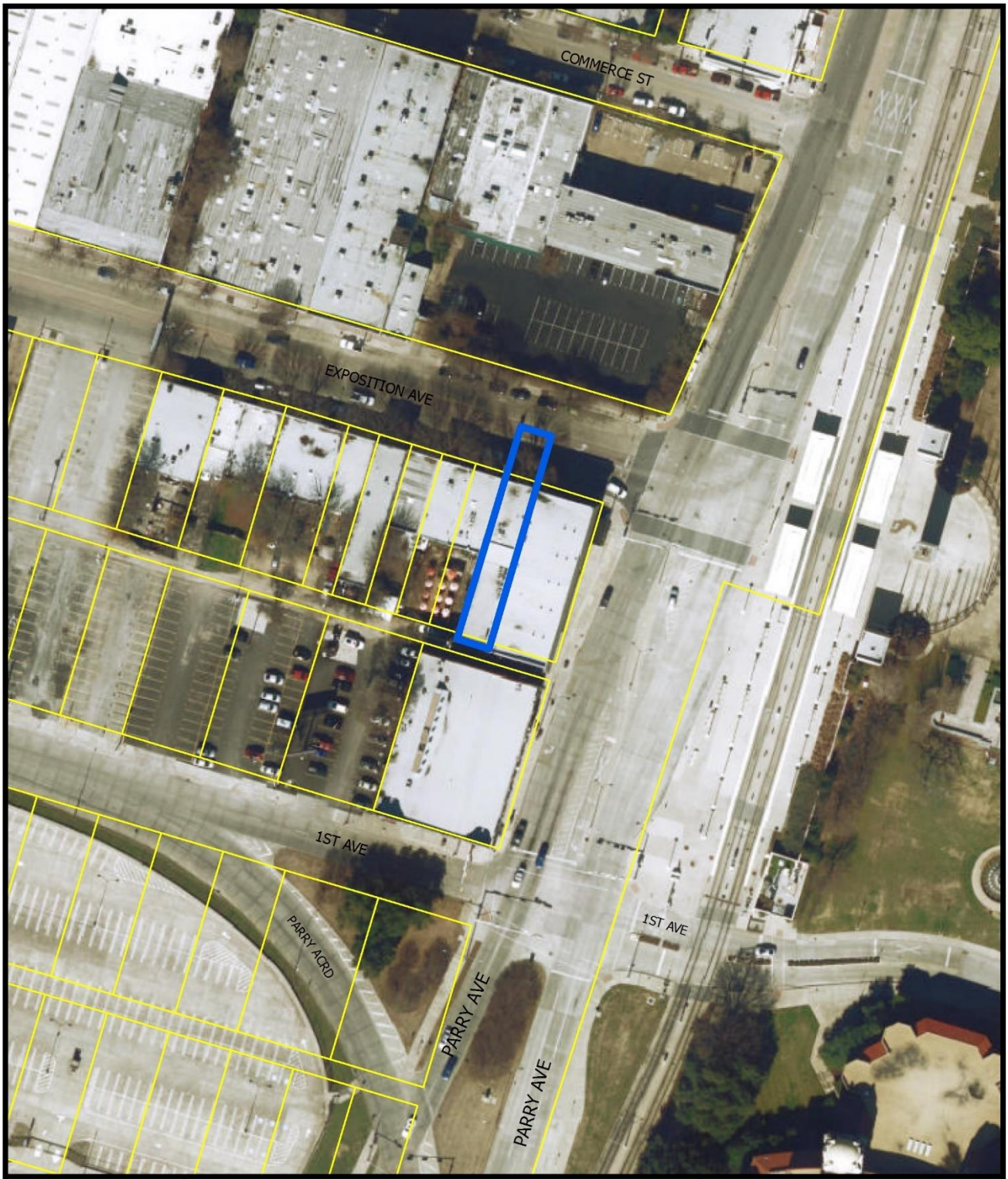



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# VICINITY MAP

Case no: Z189-222

Date: 4/4/2019

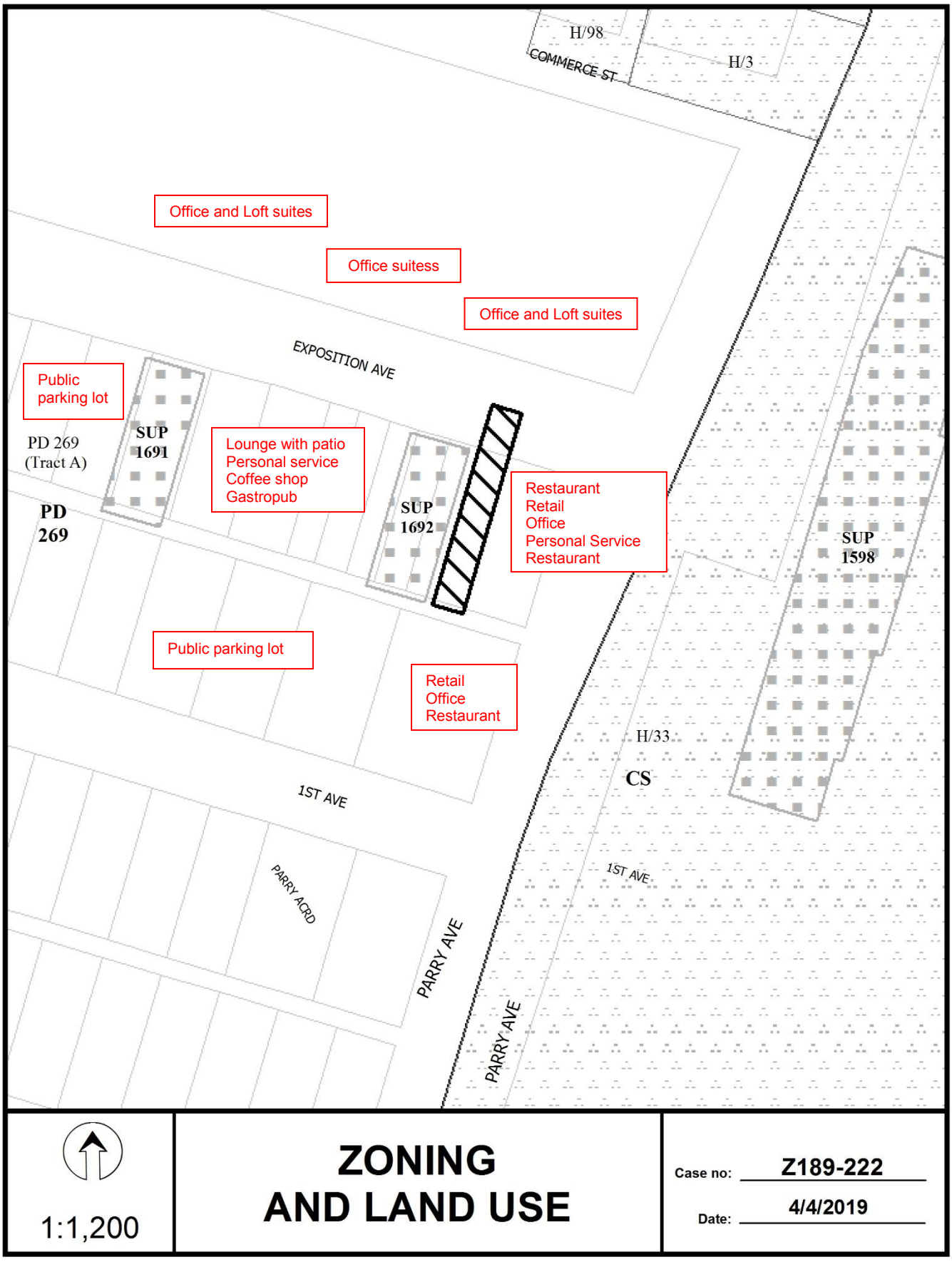


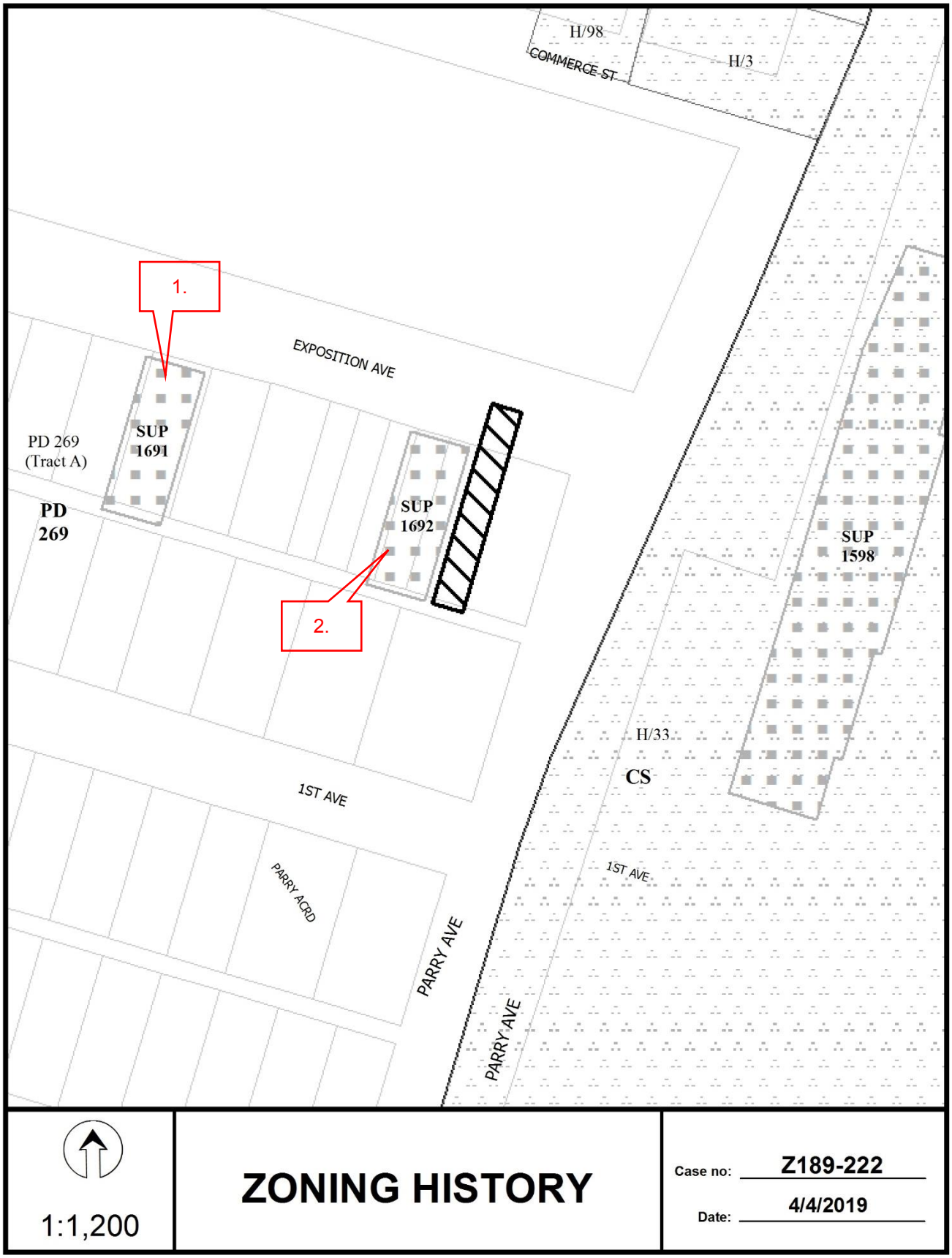

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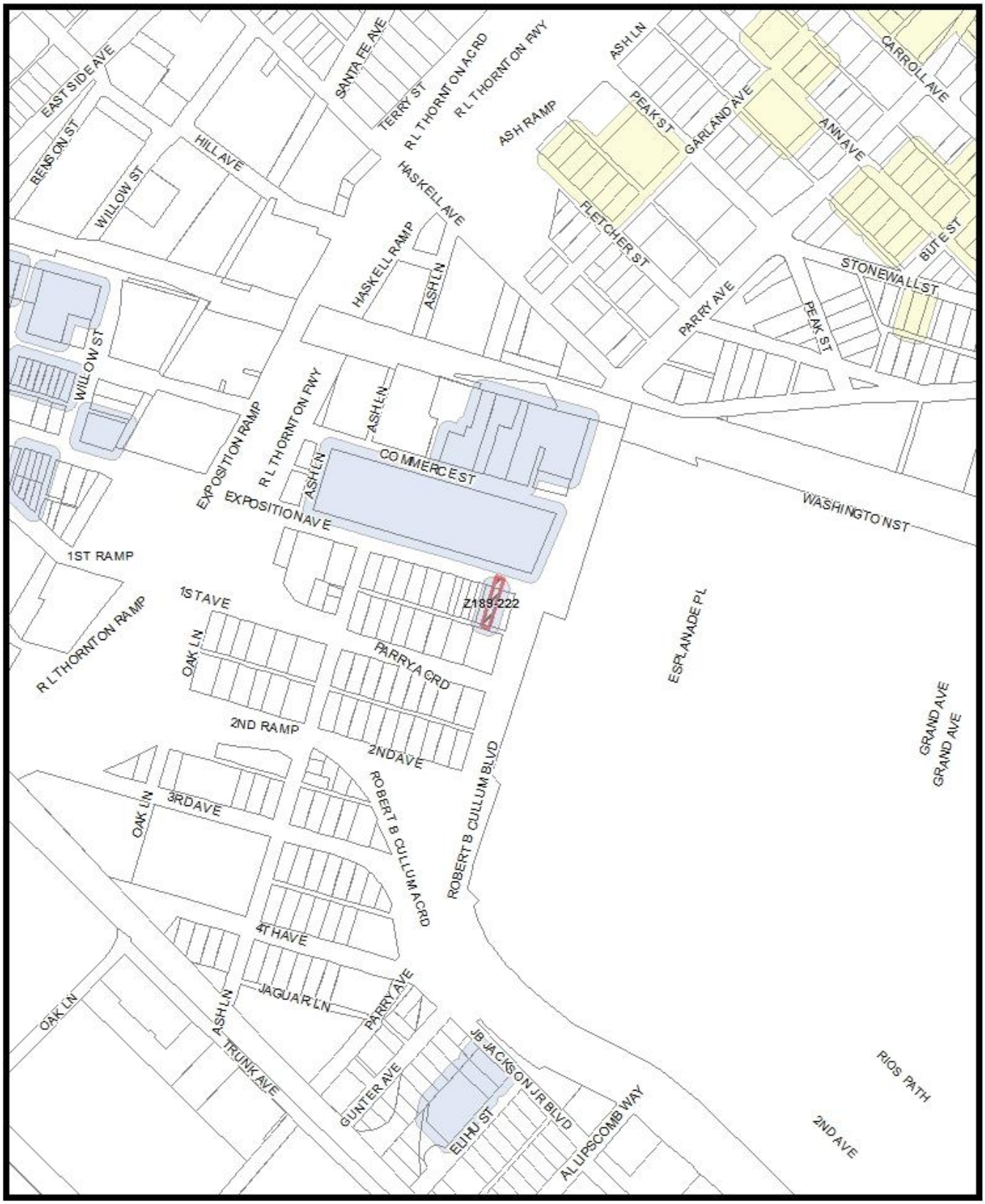
# AERIAL MAP

Case no: Z189-222

Date: 4/4/2019


H/98
COMMERCE ST
H/3
Office and Loft suites
Office suitess
Office and Loft suites
EXPOSITION AVE
Public parking lot
PD 269 (Tract A)
SUP 1691
PD 269
Lounge with patio
Personal service
Coffee shop
Gastropub
SUP 1692
Restaurant
Retail
Office
Personal Service
Restaurant
SUP 1598
Public parking lot
Retail
Office
Restaurant
H/33
CS
1ST AVE
1ST AVE
PARRY ACRD
PARRY AVE
PARRY AVE
1:1,200
ZONING
AND LAND USE
Case no: Z189-222
Date: 4/4/2019


H/98
COMMERCE ST
H/3
1.
EXPOSITION AVE
PD 269
(Tract A)
SUP
1691
PD
269
SUP
1692
2.
SUP
1598
H/33
CS
1ST AVE
1ST AVE
PARRY ACRD
PARRY AVE
PARRY AVE
1:1,200
ZONING HISTORY
Case no: Z189-222
Date: 4/4/2019




MVA Cluster A B C D E F G H I NA

1:4,800

# Market Value Analysis

Printed Date: 4/4/2019

## CPC RESPONSES



*05/15/2019*

# *Reply List of Property Owners*

## *Z189-222*

***8 Property Owners Notified*** ***1 Property Owners in Favor*** ***0 Property Owners Opposed***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 1 | 833 | EXPOSITION AVE | EXPO PARK PARTNERS LTD |
| | 2 | 821 | EXPOSITION AVE | MCNEILL ROBERT K |
| | 3 | 827 | EXPOSITION AVE | GREENE PATRICK |
| | 4 | 829 | EXPOSITION AVE | EXPO TRUST 1 |
| | 5 | 831 | EXPOSITION AVE | EXPO TRUST NO 1 |
| O | 6 | 820 | 1ST AVE | EXPO PARK PARTNERS LTD |
| | 7 | 4118 | COMMERCE ST | BLOCK 811 LTD |
| | 8 | 3839 | S FITZHUGH AVE | MCA PACE AMPHITHEATERS LP |

# Agenda Information Sheet

**File #:** 19-879 **Item #:** 77.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 11

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict on property zoned Subdistrict 1 within Planned Development District No. 887, the Valley View-Galleria Area Special Purpose District, on the northwest corner of Preston Road and Alpha Road
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development plan, landscape plan for Tract I, and conditions
Z189-140(SM)



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**HONORABLE MAYOR & CITY COUNCIL** **WEDNESDAY, JUNE 26, 2019**

**ACM: Michael Mendoza**

**FILE NUMBER:** Z189-140(SM) **DATE FILED:** November 26, 2018

**LOCATION:** Northwest corner of Preston Road and Alpha Road

**COUNCIL DISTRICT:** 11 **MAPSCO:** 15 K

**SIZE OF REQUEST:** Approx. 5.682 acres **CENSUS TRACT:** 136.15

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**OWNER/APPLICANT:** Valk Properties One, LLC

**REPRESENTATIVE:** Rob Baldwin, Baldwin Associates

**REQUEST:** An application for a new subdistrict on property zoned Subdistrict 1 within Planned Development District No. 887, the Valley View-Galleria Area Special Purpose District.

**SUMMARY:** The applicant requests to create a new subdistrict on the 5.682-acre subject property to construct an approximate 14,000-square-foot non-residential building with a convenience store on the ground floor, upper story office uses, and fuel sales. The remainder of the subject property is developed with a mini-warehouse use and a retail shopping center.

**CPC RECOMMENDATION:** **Approval**, subject to a development plan, landscape plan for Tract I, and conditions.

**STAFF RECOMMENDATION:** **Denial**.

**BACKGROUND INFORMATION:**

- On June 12, 2013, City Council approved Ordinance No. 29032 establishing Planned Development No. 887.

- In 2017 and 2018, a series of permits were obtained for the former large-format retail space that was originally constructed for Circuit City.

    - In the spring and summer of 2017, the applicant obtained separate permits to remove the interior walls and then to remove and excavate beneath the existing slab-on-grade foundation.

    - On June 18, 2018, the applicant obtained a permit to construct a new slab-on-grade foundation upon the excavated area and to construct three interior floors, for a total of four floors. The four floors consisted of two basement stories, one ground story, and one upper story within the original one-story retail building. An application for a certificate of occupancy for a mini-warehouse use was also approved at this time and is currently pending final inspection.

- On Thursday, January 18, 2018, the City Plan Commission recommended denial without prejudice for an application for a new subdistrict which consisted of 1.564-acres of land, now identified as Tract 1, within this application with the purpose to construct an approximate 14,000-square-foot non-residential building with fuel sales in the same orientation and configuration as the current request.

- On April 17, 2019, the applicant held a neighborhood meeting to discuss the application with surrounding property owners.

- The applicant proposes to divide the area of request into two tracts. Tract 1, the corner portion that is developed with surface parking, is proposed to have modifications to the existing zoning regulations so that an approximate 14,000-square-foot building with upper story office uses, ground story convenience store, and a 10-pump fuel sales canopy can be constructed. The remainder of the area of request, Tract 2, shows a possible future building envelope which maintains the existing zoning regulations, but the applicant currently has no plans to construct.

**Zoning History:** There have been two zoning changes requested within the area of request in the last five years.

1. **Z145-188:** On June 17, 2015, City Council approved Subdistrict 1B, in the core of the existing Valley View Mall area, generally located south of Alpha Road, west of Preston Road, north of LBJ Freeway, and east of Montfort Drive.

2. **Z167-307**: On December 13, 2017, City Council approved 1) Subdistrict 1C, and 2) an amendment to, and expansion of, Subdistrict 1B generally located south of Alpha Road, west of Preston Road, north of LBJ Freeway, and east of Montfort Drive.

3. **Z167-386**: On January 18, 2018, the City Plan Commission recommended denial without prejudice for a new subdistrict located on the northwest corner of Preston Road and Alpha Road.

**Thoroughfares/Streets:**

| Thoroughfare/ Street | Type | Thoroughfare Dimension |
|---|---|---|
| Alpha Road<br>Page C.7 on Exhibit 887C | Community Collector | 6 lanes divided, 117' ROW,<br>92' pavement with bicycle lanes |
| Preston Road<br>Page C.2 on Exhibit 887C | Principal Arterial | 6 lanes divided, 112' R.O.W.,<br>82' pavement with bicycle lanes |

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a negative impact on the surrounding street system.

**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.

LAND USE ELEMENT

GOAL 1.4 Coordinate planning activities to balance transportation, land use, infrastructure and the environment

Policy 1.4.2 Develop a multi-modal transportation network.

A multi-modal transportation network—one that uses a variety of transportation systems, such as buses, light rail, trolley and even bicycles—is necessary to reduce reliance on personal cars and to achieve the quality of life residents want. Creating more opportunities for walking, biking and taking transit to conduct daily activities meets the desires of Dallas citizens. Multi-modal transportation networks also offer opportunities for economic development, proving that development and environmental stewardship are not mutually exclusive.

GOAL 2.1 Promote balanced growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Planning for balanced growth in a dynamic economic environment calls for flexible zoning regulations to enable the City to respond to changing markets and to better facilitate development that aligns with economic priorities.

TRANSPORTATION ELEMENT

GOAL 4.1 Provide a fundamental land use/transportation linkage

Policy 4.1.1 Design and improve thoroughfares to balance the need for traffic mobility.

URBAN DESIGN

GOAL 5.1 Promote a sense of place, safety and walkability

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Designing pedestrian-friendly streetscapes and encouraging new developments to provide pedestrian-oriented amenities and enhancements would encourage people to walk.

**Valley View-Galleria Area Plan**:

The Valley View-Galleria Area Plan was adopted by the City Council on May 22, 2013, and describes the vision for the area. The area consists of 10 subdistricts. The area of request is located within the Midtown Center Subdistrict, on the eastern edge of the study area.

The Galleria-Valley View Area is envisioned as the primary regional town center of North Dallas, characterized by an economically vibrant and environmentally sustainable mix of moderate to high density residential and non-residential land uses, supported by an enhanced system of streets and open spaces. The goals of this special purpose district are as follows:

1) Encourage development that creates a diverse mix of compatible land uses designed to support a pedestrian, bicycle and transit friendly environment, reduce the dominance of visible parking, and reduce environmental impacts.
2) Create a network of well-maintained, publicly-accessible open spaces with a range of sizes and functions, designed to enhance the quality of life for the growing resident population and workforce.
3) Create a network of connected streets and pathways designed to enhance the multi-modal accessibility while reducing automobile-dependence through improvements that support pedestrian, bicycle, and transit circulation.

Specifically, the Plan describes this subdistrict as a mixed use anchor that envisions pedestrian oriented shopping, restaurant, and entertainment areas. Large format/big box retail continue to be encouraged in this subdistrict. In addition, residential, office, and hotel uses will be encouraged to add to the mixed use character of the area (page 41).

Because Tract 1 within the proposed subdistrict significantly modifies the setbacks and street standards from the existing zoning of adjacent properties, approval of it would create a long-term condition that disrupts the planned consistency of Preston Road and Alpha Road; therefore, if approval of the request is to be considered, the risk factors associated and its possible detrimental effects to surrounding properties should be of great concern.

**Surrounding Land Uses:**

| | Zoning | Land Use |
|---|---|---|
| **Site** | PDD No. 887 Subdistrict 1 (WMU-12) | Mini-warehouse, retail, personal services with surface parking |
| **North** | PDD No. 887 Subdistrict 1 (WMU-12) | Offices |
| **East** | RR | Drive through restaurant and retail w/fuel sales |
| **South** | PDD No. 887 Subdistrict 1 (WMU-12) | Drive through restaurants and Auto body shop |
| **West** | PDD No. 887 Subdistrict 4 (WMU-12) | Offices |
| **Northwest** | PDD No. 887 Subdistrict 5 (WR-5) | Multifamily |

**Land Use Compatibility:**

The applicant proposes to divide the area of request into two tracts. Tract 1 consists of a surface parking area that was once required parking for a former large-format retailer and Tract 2 currently consists of a two-story retail and personal services building and a mini-warehouse.

When the former large-format retailer vacated the building within the proposed Tract 2, construction began in the Spring and Summer of 2017 to remove the slab-on-grade foundation and excavate to a depth that would later contain two lower levels for a mini-warehouse. Because a mini-warehouse use only needs six parking spaces per the Dallas Development Code, the proposed Tract 1 now contains an unused parking lot.

The other buildings on the remainder of Tract 2 consist of a mixture of retail and personal services and additional surface parking. The boundary between Tracts 1 and 2 is a fire lane and utility easement.

The surrounding uses consist of two office buildings to the north; a drive-through restaurant and two motor vehicle fueling stations on the east line of Preston Road; two drive-through restaurants and an auto body shop on the south line of Alpha Road; additional office buildings to the west; and multifamily buildings to the northwest. A chain link fence to the north, a solid screen wall to the west, Preston Road, and Alpha Road separate the site from adjacent property owners.

**Overview**

The existing planned development district is based in Article XIII's Form District zoning. Form-based zoning differs from traditional zoning because it primarily focuses regulations on the form of the building. The desired form of buildings in this type of zoning are more urban in form, with buildings constructed with multiple stories at the front of the lot, closer to the street, with windows, building articulation, and pedestrian amenities. Another key feature that ensures that buildings are more urban in form is a requirement that new construction fill a percent of the width of a lot with the building facade. This frontage requirement creates a street wall that encourages pedestrian activity and screens parking. Although the form of new buildings is more restrictive and often more expensive to construct, benefits to property owners include additional buildable area on the lot; increased height, density, and floor area; and, reduced parking requirements because the form encourages the use of multi-modal transportation.

Form-based zoning achieves complementary urban form by regulating uses by development type and story. For example, the development types where retail and restaurant uses may operate is only within a single story shopfront building (which is not allowed in WMU-8 and higher districts) and on the ground story of a mixed use shopfront development type[1]. The upper stories of a mixed use shopfront development type allow residential, civic, place of worship, office, service or entertainment, and commerce uses.

The specific building facade regulations between a general commercial development type (which allow nonresidential uses that are not restaurant and retail) and mixed use shopfront development type also vary and are more intense for a mixed use

[1] Restaurant or bar and retail sales are allowed in the upper stories of a building provided that a restaurant or bar or retail sales use also exists on the ground story of the building. See Section 51A-13.306(c)(5) of the Dallas Development Code.

development type. For example, the required primary street frontage for a mixed use shopfront is 90 percent, whereas a general commercial development type only requires 70 percent street frontage. Another example of how a general commercial development type has less restrictive standards than a mixed use shopfront is that ground story transparency is only 30 percent, instead of 50 percent and the maximum length that a wall may be blank is 30 feet instead of 20 feet in a mixed use shopfront development type.

These variations between use and development type create a framework for urban settings. Generally, a mixed use shopfront is often an urban retail center with shopping and dining on the ground story and multifamily, office, and hotel on the upper stories whereas a general commercial development type is an office building, department store, or a stand-alone hotel.

The applicant has requested significant modifications to the concept of form district regulations that are more aligned with an auto-centric, suburban development. Therefore, staff recommends denial of the request because it is inconsistent with the goals and vision of the area.

**Key Zoning Changes Proposed**

| Development Standard | Existing Zoning (PDD 887, Sub 1) | Applicant's Request |
|---|---|---|
| Preston Road Front setbacks and sidewalks | Minimum 55', maximum 85' to allow a 10' landscape buffer, single or double loaded slip-street, and 15' sidewalk area on private property adjacent to the building facade. Minimum 90% of lot width must contain a facade between minimum and maximum setbacks (the frontage may be reduced to allow for one 30-foot wide vehicular entrance to parking area). | Tract 1: Minimum 15' No maximum setback Minimum 6' sidewalk required within the property. Tract 2: no change |
| Alpha Road Front setback and sidewalks | Minimum 20', maximum 30' setback to provide 5' (half of an overall 10' wide) sidewalk, 7'6" planting zone, and door yard. Minimum 90% of lot width must contain a facade between minimum and maximum setbacks (the frontage may be reduced to allow for one 30-foot wide vehicular entrance to parking area). | Tract 1: Minimum 30' No maximum setback Minimum 6' sidewalk required within the property. Tract 2: no change |
| Ground story height | 15' minimum 30' maximum | Tract 1: 14' minimum 30' maximum Tract 2: no change |

| Development Standard | Existing Zoning (PDD 887, Sub 1) | Applicant's Request |
|---|---|---|
| Ground Story Transparency | Minimum 50% for primary street facades<br>Minimum 25% for side street facades | Tract 1: Minimum 30% for primary and side street facades<br>Tract 2: no change |
| Upper Story Transparency | Minimum 20% | Tract 1: Minimum 10%<br>Tract 2: no change |
| Ground story shopfront windows | A minimum of 60 percent of the street-fronting, window surface area between zero and ten feet above the finished floor must allow views into the ground-story use for a depth of at least four feet. Windows must be clear or unpainted, or, if treated, must be translucent. | Tract 1: A minimum of 60 percent of the street-fronting, window surface area must allow views into the ground-story use for a depth of at least four feet.<br>Tract 2: no change |
| Building Entrances | Minimum one building entrance is required on a primary street with a maximum spacing of 100' between entrances. | Tract 1: A building entrance is not required on Preston Road. One public entrance is required on Alpha Road.<br>Tract 2: no change |

The applicant proposes modifications to the existing zoning regulations within Tract 1 only. Tract 2 is included in the area of request, but the only proposed change for Tract 2 is that it must comply with a development plan. Therefore, within Tract 1, the applicant has designed a two-story mixed use development type with a ground-story retail store, ten gas pumps, and a second story containing an office use. The above table compares the existing regulations for a mixed use shopfront to the applicant's request.

**Parking:**

In addition to the requested development standard modifications, the applicant also requests that the minimum parking requirement for the equivalent of a motor vehicle fueling station and retail store be reduced from one space per 250 square feet of floor area to one space per 275 square feet of floor area. For comparison, Article IV of the Dallas Development Code requires one space per 200 square feet of floor area for a general merchandise and food store less than 3,500 square feet use.

The applicant also requests that the minimum parking requirement for an office be reduced from one space per 333 square feet of floor area to one space per 375 square feet of floor area.

The applicant has not provided a parking demand study to support this request, therefore staff cannot support the requested parking reduction.

**Landscaping:**

The proposed landscape plan for Tract 1 conforms to Article X landscape standards that were in place before the most recent amendment and does not comply with form district or the planned development district standards. Because the proposed landscape plan is inconsistent with the landscape regulations and the streetscape of the abutting properties, staff does not support the request.

**Signs:**

Article XIII requires detached signs to be monument signs with a maximum height of six feet and maximum effective area of 20 square feet. The request proposes to limit Alpha Road to one detached sign but, instead of a monument sign, which is mounted to the ground surface, the applicant intends to erect a pole sign. The purpose of this request is to accommodate a submerged interior grade by regulating the height of the pole sign relative to the height of the Alpha Road roadway and to limit the effective area to be more consistent with the sign regulations of PDD No. 887 and Article XIII. Although staff does not object to the proposed sign regulations, staff does not support the overall request.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an identifiable MVA cluster, the site abuts an “E” MVA cluster to the northwest, a “D” MVA cluster is located on the north line of Preston View Boulevard, and a “B” MVA cluster is located in the single family area neighborhood east of Preston Road.

**CPC Action**
**March 21, 2019**

**Motion:** In considering an application for a new subdistrict on property zoned Subdistrict 1 within Planned Development District No. 887, the Valley View-Galleria Area Special Purpose District, on the northwest corner of Preston Road and Alpha Road, it was moved to **hold** this case under advisement until April 4, 2019.

Maker: Shidid
Second: Murphy
Result: Carried: 10 to 0

For: 10 - MacGregor, Schulte, Criss, Shidid, Carpenter, Lewis, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 3 - District 4, District 7, District 12
Conflict: 1 - Jung**

**out of the room, when vote taken

**Notices:** Area: 500 Mailed: 195
**Replies:** For: 2 Against: 1

**Speakers**: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

**CPC Action**
**April 4, 2019**

**Motion:** In considering an application for a new subdistrict on property zoned Subdistrict 1 within Planned Development District No. 887, the Valley View-Galleria Area Special Purpose District, on the northwest corner of Preston Road and Alpha Road, it was moved to **hold** this case under advisement until May 2, 2019.

Maker: Schultz
Second: Murphy
Result: Carried: 12 to 0

For: 12 - MacGregor, Schulte, Criss, Johnson, Shidid, Carpenter, Lewis*, Housewright, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 7, District 12
Conflict: 1 - Jung**

*out of the room, shown voting in favor
**out of the room, when vote taken

**Notices:** Area: 500 Mailed: 195
**Replies:** For: 4 Against: 152

**Speakers**: For: None
For (Did not speak): Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

**CPC Action**
**May 2, 2019**

**Motion:** It was moved to recommend **approval** of a new subdistrict, subject to a development plan, landscape plan for Tract 1, and conditions on property zoned Subdistrict 1 within Planned Development District No. 887, the Valley View-Galleria Area Special Purpose District, on the northwest corner of Preston Road and Alpha Road.

Maker: Schultz
Second: Shidid
Result: Carried: 9 to 3

For: 9 - Criss, Johnson, Shidid, Carpenter, Brinson, Lewis, Schultz, Murphy, Tarpley
Against: 3 - MacGregor, Schulte, Ridley
Absent: 1 - Housewright
Vacancy: 1 - District 12
Conflict: 1 - Jung**

**out of the room, when vote taken

**Notices:** Area: 500 Mailed: 195
**Replies:** For: 4 Against: 152

**Speakers**: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: Pam Varney, 101 S. Coit Rd., Richardson, TX, 75080

**CPC Recommended Amendments To**

**ARTICLE 887.**

**PD 887.**

**Valley View - Galleria Area Special Purpose District**

**SEC. 51P-887.101. LEGISLATIVE HISTORY.**

PD 887 was established by Ordinance No. 29032, passed by the Dallas City Council on June 12, 2013. (Ord. 29032)

**SEC. 51P-887.102. PROPERTY LOCATION AND SIZE.**

PD 887 is established on property generally bounded by Southern Boulevard on the north, Preston Road on the east, LBJ Freeway on the south, and the Dallas North Tollway on the west. The size of PD 887 is approximately 445 acres. (Ord. 29032)

**SEC. 51P-887.103. PURPOSE AND VISION.**

(a) Purpose. The Valley View - Galleria Area Special Purpose District is envisioned as the primary regional town center of North Dallas, characterized by an economically vibrant and environmentally sustainable mix of moderate to high density residential and non-residential land uses, supported by an enhanced system of streets and open spaces. The goals of this special purpose district are as follows:

(1) Encourage development that creates a diverse mix of compatible land uses in buildings designed to support a pedestrian, bicycle, and transit friendly environment, reduce the dominance of visible parking, and reduce environmental impacts.

(2) Create a network of well-maintained, publicly-accessible open spaces with a range of sizes and functions, designed to enhance the quality of life for the growing resident population and workforce in the area.

(3) Create a network of connected public and private streets and pathways designed to enhance multi-modal accessibility while reducing automobile-dependence within the area through improvements that support pedestrian, bicycle, and transit circulation.

(b) Vision. The Valley View - Galleria Area Plan is intended to serve as a guide and should be consulted for goals, objectives, policy statements, and recommendations for development of this special purpose district. (Ord. 29032)

**SEC. 51P-887.104. CREATION OF SUBDISTRICTS.**

(a) This special purpose district is divided into the following subdistricts:

(1) Subdistrict 1. Subdistrict 1 is intended to be a walkable, moderate-density regional retail and mixed use center. This subdistrict will allow a mix of residential and nonresidential uses, including both large-format and small-format retail.

(2) Subdistrict 1A. Subdistrict 1A is intended to be a walkable high-density, mixed use area within the interior of Subdistrict 1. This subdistrict allows for a mix of residential and nonresidential uses, including both large-format and small-format retail.

(2.1) Subdistrict 1B. Subdistrict 1B is intended to be a walkable high-density, mixed-use area within the interior of Subdistrict 1A. At the core of this subdistrict is an enhanced esplanade that features additional pedestrian amenities and open space. Similar to Subdistrict 1A, this subdistrict also allows for a mix of residential and nonresidential uses, including both large-format and small-format retail.

(2.2) Subdistrict 1C. Subdistrict 1C is intended to be a walkable, moderate-density regional retail and mixed use center. This subdistrict will allow a mix of residential and nonresidential uses, including both large-format and small-format retail.

(2.3) Subdistrict 1D. Subdistrict 1D is divided into two tracts. Tract 1 is intended to contain a modified mixed-use development type with fuel sales and Tract 2 is intended to be a walkable, moderate- density regional retail and mixed use center. This subdistrict will allow a mix of residential and nonresidential uses, including both large-format and small-format retail.

(3) Subdistrict 2. Subdistrict 2 is intended to be a walkable high-density, primarily commercial, iconic gateway along LBJ Freeway. This subdistrict allows a mix of residential and nonresidential uses.

(4) Subdistrict 3. Subdistrict 3 is intended to be a walkable moderate to high density residential area surrounding the Midtown Commons, as shown in the Valley View - Galleria Area Plan. This subdistrict allows for office and neighborhood-serving retail that complement the Midtown Commons. This subdistrict allows a mix of residential and nonresidential uses, but limits retail to small-format retail.

(4.1) Subdistrict 3A. Subdistrict 3A is intended to be a walkable moderate to high density residential area south of the Midtown Commons, as shown in the Valley View - Galleria Area Plan. This subdistrict allows for office and neighborhood-serving retail that complements the Midtown Commons. This subdistrict allows a mix of residential and nonresidential uses, but limits retail to small-format retail.

(5) Subdistrict 4. Subdistrict 4 is intended to be a walkable moderate-density mixed-use area. This subdistrict allows a mix of residential and nonresidential uses,

but limits retail to small-format retail.

(6) Subdistrict 4A. Subdistrict 4A is intended to be a walkable high-density mixed-use area. This subdistrict allows a mix of residential and nonresidential uses, but limits retail to small-format retail.

(7) Subdistrict 5. Subdistrict 5 is intended to be a walkable moderate-density residential area that transitions to the lower-density residential areas north of this special purpose district. This subdistrict allows a variety of residential uses ranging from single family townhouses to multifamily apartment buildings.

(8) Subdistrict 6. Subdistrict 6 is intended to complement the Galleria area with high-density regional retail and mixed uses. This subdistrict also acts as a gateway from the Dallas North Tollway into the district. This subdistrict allows a mix of residential and nonresidential uses, including both large-format and small-format retail.

(8.1) Subdistrict 6A. Subdistrict 6A is intended to complement the Galleria area with high-density regional retail and mixed uses. This subdistrict also acts as a gateway from the Dallas North Tollway into the district. This subdistrict allows a mix of residential and nonresidential uses, including both large-format and small-format retail.

(9) Subdistrict 7. Subdistrict 7 is intended to allow the Galleria complex to thrive and grow as an important anchor to the special purpose district.

(b) Exhibit 887A is a map showing the boundaries of this special purpose district and each subdistrict. (Ord. Nos. 29032; 29788; 30087; 30682; 30727)

**SEC. 51P-887.105. DEFINITIONS.**

Unless otherwise stated, the definitions in Chapter 51A and Division 51A-13.200 apply to this article. In this special purpose district:

(1) DISTRICT means the entire special purpose district created by this article.

(2) LARGE-FORMAT RETAIL means a retail use as listed in Section 51A- 13.306(d)(5) with a floor area of more than 7,600 square feet. LARGE-FORMAT RETAIL includes retail occupancies that are internally connected to create a retail use with a total floor area greater than 7,600 square feet.

(3) MAJOR RENOVATION means a building permit or series of building permits for the reconstruction, alteration, or modification of an original building that increases the floor area that existed on June 12, 2013, the date of establishment of this special purpose district, by 30 percent or more.

(4) NEW CONSTRUCTION means construction of a main structure that did not exist as of June 12, 2013, the date of establishment of this special purpose district.

(5) ORIGINAL BUILDING means a structure existing on June 12, 2013, the date of establishment of this special purpose district, but does not include a structure that has undergone a major renovation.

(5.1) PATHWAY means an area at street level that provides a passage for pedestrians.

(6) SMALL-FORMAT RETAIL means a retail use as listed in Section 51A- 13.306(d)(5) with a floor area of 7,600 square feet or less. SMALL-FORMAT RETAIL does not include occupancies that are internally connected to create a retail use with a total floor area greater than 7,600 square feet.

(7) SUBDISTRICT means one of the subdistricts listed in Section 51P-887.104. (Ord. Nos. 29032; 29788)

**SEC. 51P-887.106. INTERPRETATIONS.**

(a) In general.

(1) Unless otherwise stated, Article XIII, "Form Districts," of Chapter 51A applies to this article.

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

(3) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(b) Conflicts.

(1) If there is a conflict between the provisions of Article XIII and Chapter 51A, Article XIII controls.

(2) If there is a conflict between the provisions of this article and Article XIII, this article controls.

(3) If there is a conflict between the text of this article and any of the exhibits (District and Subdistrict Map, Open Space Plan, or Streets Plan), the text of this article controls.

(4) If there is a conflict between the Streets Plan and Article XIII, the Streets

Plan controls.

(5) If there is a conflict between the Thoroughfare Plan and the Streets Plan, the Thoroughfare Plan controls. (Ord. 29032)

**SEC. 51P-887.107. EXHIBITS.**

The following exhibits are incorporated into this article:

(1) Exhibit 887A: District and Subdistrict Map.

(2) Exhibit 887B: Open Space Plan.

(3) Exhibit 887C: Streets Plan.

(4) Exhibit 887D: Subdistrict 3A Development Plan.

(5) Exhibit 887E: Subdistrict 6A Development Plan.

(6) Exhibit 887F: Subdistrict 1D Development Plan.

(7) Exhibit 887G: Subdistrict 1D Landscape Plan for Tract 1.

**SEC. 51P-887.108. SITE PLANS AND DEVELOPMENT PLANS.**

(a) Site plan.

(1) Except as provided in this article, a site plan that complies with the requirements of this article and Section 51A-13.703, "Site Plan Review," must be submitted to the building official when required by Section 51A-13.703(a).

(2) The site plan must also show the location and specifications of thoroughfares shown on the Thoroughfare Plan. A site plan does not act as a dedication of thoroughfares or infrastructure. See Section 51A-8.602 regarding dedications during platting.

(3) A site plan may be submitted as a single-page document or a multiple-page document.

(b) Development plan.

(1) In general. Except as provided in this section, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(2) Subdistrict 1D. Development and use of the Property must comply with the Subdistrict 1D development plan (Exhibit 887F). If there is a conflict between the text of this article and the Subdistrict 1D development plan, the text of this article controls.

(3[~~2~~]) Subdistrict 3A. Development and use of the Property must comply with the Subdistrict 3A development plan (Exhibit 887D). If there is a conflict between the text of this article and the Subdistrict 3A development plan, the text of this article controls.

(4 [~~3~~]) Subdistrict 6A. Development and use of the Property must comply with the Subdistrict 6A development plan (Exhibit 887E). If there is a conflict between the text of this article and the Subdistrict 6A development plan, the text of this article controls."

**SEC. 51P-887.109. SUBDISTRICT REGULATIONS.**

(a) Subdistricts 1, [~~and~~] 1C, and 1D.

(1) In general. Except as provided in this article, the district regulations for the WMU-12 Walkable Urban Mixed Use District apply.

(2) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 12.

(C) In Subdistrict 1C, maximum story height is 32 feet.

(D) For Tract 1 within Subdistrict 1D, minimum ground story height is 14 feet and maximum ground story height is 30 feet. No minimum story height for a structure which covers a fuel sales area.

(3) Urban form setback. Except as provided in this paragraph, an additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets except Preston Road. In Subdistrict 1C, an additional 20- foot setback is required for any portion of a structure above 95 feet fronting on all streets except Preston Road.

(4) Special provisions for a development that contains a mixed use shopfront with fuel sales in Tract 1 within Subdistrict 1D.

(A) Setbacks and frontage requirements.

(i) Alpha Road. Minimum setback is 30 feet. No maximum setback.

(ii) Preston Road. Minimum setback is 15 feet. No maximum setback.

(B) Entrance requirement. No public entrance is required to face Preston Road.

(C) Pedestrian amenities. The open spaces areas on Exhibit 887X must contain seating areas, trash receptacles, and pedestrian scale lighting. A minimum of one trash receptacle is required in each open space. A minimum of two benches are required in each open space area. Pedestrian scale lighting should be provided at one fixture per 75 feet of street frontage along Alpha Road and a minimum of three fixtures for the northern open space area.

(D) Transparency.

(i) Ground story. A minimum of 30 percent transparency is required on the primary street and side street facing facades.

(ii) Upper stories. A minimum of 10 percent transparency is required on the primary street and side street facing facades.

(iii) Interior view depth. A minimum of 60 percent of the street-fronting, street-level window pane surface area must allow views into the ground-story use for a depth of at least four feet.

(b) Subdistrict 1A.

*OMITTED FOR BREVITY*

(c) Subdistrict 1B.

*OMITTED FOR BREVITY*

(d) Subdistrict 2.

*OMITTED FOR BREVITY*

(e) Subdistricts 3 and 3A.

*OMITTED FOR BREVITY*

(f) Subdistrict 4.

(4) In general. Except as provided in this article, the district regulations for the WMU-12 Walkable Urban Mixed Use District apply.

(5) Uses. Retail uses must be small-format retail.

(6) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is 12.

(7) Urban form setback. An additional 20-foot setback from the minimum setback is required for any portion of a structure above five stories fronting on all streets.

(g) Subdistrict 4A.

*OMITTED FOR BREVITY*

(h) Subdistrict 5.

(8) In general. Except as provided in this article, the district regulations for the WR-5 Walkable Residential District apply.

(9) Residential proximity slope. The provisions of Section 51A-4.412, "Residential Proximity Slope," apply.

(10) Stories.

(A) Minimum number of stories above grade is two. The minimum height provisions of Section 51A-13.302(b)(2), (3), (4), and (5) also apply.

(B) Maximum number of stories above grade is five.

(i) Subdistricts 6 and 6A.

*OMITTED FOR BREVITY*

(j) Subdistrict 7.

*OMITTED FOR BREVITY*

**SEC. 51P-887.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. 29032)

**SEC. 51P-887.111. LANDSCAPING.**

(a) Except as provided in this section, l[~~L~~]andscaping must be provided in accordance with Article XIII.

(b) Plant materials must be maintained in a healthy, growing condition.

(c) Except for Tract 1 within Subdistrict 1D, o[~~O~~]ne street tree must be provided for each 30 feet of frontage. Except as provided in this subsection, street trees must be located in the planting zones shown in the Streets Plan. Street trees may be planted in the front setback as close as possible to the sidewalk if there is a conflict with utilities, driveways, or visibility triangles as determined by the city arborist. In Subdistrict [~~Subarea~~] 6A, street trees may be planted within the minimum sidewalk width with tree grates.

(d) In Subdistrict 1B, outdoor seating areas with open air shade structures and a maximum three-foot-high fence are allowed in the planting zone. Adequate clearance from parking and travel lanes must be provided.

(e) In Tract 1 within Subdistrict 1D, landscaping must be provided as shown on the landscape plan (Exhibit 887G). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

**SEC. 51P-887.112. OFF-STREET PARKING AND LOADING.**

(a) In general. Except as provided in this section, see Division 51A-13.400 for parking and loading regulations.

(b) Maximum surface parking. Except for Subdistrict 6A, no more than 15 percent of the area of a lot or building site may be used for surface parking. In Subdistrict 6A, no more than 15 percent of the area of private property may be used for surface parking. This requirement applies only to new construction or a major renovation. The director may increase the amount of surface parking to 25 percent of the area of a lot or building site if the director finds that:

(1) the surface parking area, other than ingress and egress points, does not directly abut a street frontage (for example, the surface parking is to the rear of the main structure); or

(2) the surface parking area has an enhanced perimeter buffer, as defined in Section 51A-10.126(a), between the surface parking area and the street.

(c) Hotels. One space for each unit for units 1 to 250; 3/4 space for each unit for units 251 to 500; 1/2 space for all units over 500; plus one space per 200 square feet of meeting room.

(d) Tract 1 within Subdistrict 1D. For a mixed use development type with fuel sales, off-street parking must be provided at a minimum of one per 275 square feet of floor area of the retail store. For an office use, parking must be provided at a minimum of one space for 375 square feet of floor area.

(e) Visitor parking for apartments in Subdistrict 3. Up to 12 visitor parking spaces may be provided in the front setback area for apartment development types fronting on

Peterson Lane in Subdistrict 3 provided that the building meets the 70 percent primary street frontage requirement. (Ord. Nos. 29032; 30682)

**SEC. 51P-887.113. OPEN SPACE.**

(a) Purpose. Open space requirements are intended to:

(1) provide a main central focal point for the special purpose district and smaller focal points for each subdistrict;

(2) promote economic development;

(3) improve the quality of life of residents and visitors;

(4) provide relief from a dense urban environment;

(5) prevent concentrations of paved areas;

(6) improve air quality; and

(7) assist with pedestrian movement.

(b) In general. Except as provided in this section, open space provided under this section must comply with the requirements for open space in Section 51A-13.303, "Open Space," and Section 51A-13.304(k), "Open Space Lot."

(c) Site plan. Compliance with open space requirements must be shown on a site plan and demonstrated at the time of application for any building permit for new construction or a major renovation.

(d) Amount required.

(1) Minimum on-site requirement.

(A) A minimum of four percent of a lot or building site must be maintained as open space.

(B) Lot or building sites in Subdistrict 3 may use the alternative methods of compliance listed in this section to meet the minimum on-site requirement.

(2) Additional open space requirement.

(A) In general.

(i) In addition to the minimum on-site requirement, one

square foot of open space must be provided for every 28 square feet of floor area. Fractions of additional open space are rounded up to the next whole number.

(ii) Additional open space must comply with the Open Space Plan (Exhibit 887B).

(iii) The block park framework and the green frame shown on the Open Space Plan are a conceptual guide to create a connected network of open spaces for programmed and informal activity that is achieved incrementally as development projects meet their additional open space requirements. It is encouraged that individual open spaces be combined to create a connected network of open spaces. Each open space may be designed to serve a variety of purposes suited to adjacent development. Alternative locations and configurations may be approved by the director if the open space:

(aa) provides equivalent function;

(bb) is located at street level; and

(cc) is not configured as landscaped median, private open space under 2,000 square feet, or commercial surface parking lot, as described in Section 51A-13.304(k)(5)(H), (J) and (K).

(iv) Additional open space may be provided on-site, through one of the alternate methods of compliance, or a combination of on-site and alternate methods of compliance.

(B) Alternative methods of compliance. Additional open space requirements may be met through one or more of the following alternative methods of compliance.

(i) Park dedication within the Midtown Commons. Property shown in the Open Space Plan as Midtown Commons may be acquired and offered to the city's park and recreation department. Each square foot of property is counted as two square foot of additional open space requirement. If the director of the park and recreation department does not accept the open space, the responsible party must comply with one or more of the other alternative methods of compliance.

(ii) Park dedication within the district. Off-site open space within this special purpose district that meets the requirements of this article may be offered to the city's park and recreation department. Each square foot of park dedication is counted as one square foot of additional open space requirement. If the director of the park and recreation department does not accept the open space, the responsible party must comply with one or more of the alternative methods of compliance.

(iii) Deed restricted open space within the district. Off-site open space within this special purpose district that meets the requirements of this article may

be deed restricted to ensure that it is privately maintained as open space. The deed restrictions must inure to the benefit of the city and must be approved as to form by the city attorney. Each square foot of deed restricted open space is counted as one square foot of additional open space requirement.

(iv) Open space fund.

(aa) A dollar amount per square foot of additional open space required may be contributed to the open space fund. The dollar amount is $36 per square foot of additional open space required in the year 2013, adjusted annually using the percentage change in total real property value in this special purpose district according to the Dallas Central Appraisal District certified tax roll. The annual adjustment is effective on January 1 of each year based on the previous year's certified tax roll.

(bb) The director shall administer the open space fund.

(cc) The open space fund may only be used to acquire, improve, or maintain public park land within the area covered by the Valley View - Galleria Area Plan. The open space fund may be used to reimburse the city for the cost of acquisition, improvement, or maintenance of public park land within the area covered by the Valley View - Galleria Area Plan.

(3) Subdistrict 3A.

(A) Open space may be provided on-site, through one of the alternate methods of compliance in Subsection (d)(2)(B) of this section, or a combination of on-site and alternate methods of compliance at the amounts listed in Subsection (d)(2) of this section.

(B) Open space may be provided through the use of an interior courtyard that is connected to a street with a minimum 12-foot wide pathway. The interior courtyard is not required to meet the configuration standards of Section 51A-13.304(k), "Open Space Lot." A maximum of 50 percent of one interior courtyard may be counted towards the open space requirements.

(C) Open space may be provided adjacent to a pedestrian access easement if it is not less than 10 feet in length and width and meets the requirements of Section 51A-13.303, "Open Space." The pedestrian access easement is not required to meet the configuration standards of Section 51A-13.304(k), "Open Space Lot."

(e) Maintenance.

(1) Open spaces, including landscaping and pedestrian amenities, must be maintained in a state of good repair and neat appearance. The property owner is responsible

for the regular maintenance of open spaces.

(2) Required plants that die must be replaced with another living plant in compliance with the approved site plan. Replacement plants must be planted within three months, unless the city arborist approves an alternative period that reflects optimal planting seasons. (Ord. Nos. 29032; 30087)

**SEC. 51P-887.114. SIGNS.**

(a) Except as provided in this section, signs must comply with Article XIII.

(b) Except as provided in this section, the provisions for attached signs in Section 51A-13.603(d)(3) apply.

(c) For facades facing Alpha Road, the Dallas North Tollway service road, the LBJ Freeway service road, Montfort Drive, Noel Road, and Preston Road, the provisions of Section 51A-7.305, "Attached Signs," apply.

(d) For Subdistrict 1C Tract 1, one detached sign is permitted in accordance with 51A-7.304, "Detached signs" on the Alpha Road frontage. The detached sign is limited to a maximum of six feet above the adjacent grade of Alpha Road and a maximum effective area of 20 square feet. Detached signs on Preston Road must comply with Article XIII.

**SEC. 51P-887.115. STREET STANDARDS.**

(a) In general.

(1) Except as provided in this section, streets, alleys, and driveways must be provided in accordance with Division 51A-13.500.

(2) Except as provided in this section, all public and private streets, and all private property abutting public and private streets, must be constructed in accordance with this section and the standards shown on the Streets Plan (Exhibit 887C).

(3) See Section 51A-8.604 for details on the portion of the street sections shown on the Streets Plan that must be constructed by the abutting property owner.

(4) The thoroughfares shown on the Streets Plan are intended to provide general guidance for the alignment and design of streets included in the Thoroughfare Plan.

(5) The proposed minor streets shown on the Streets Plan are conceptual and are intended to illustrate desired connectivity of streets. These new minor streets must be provided if new block requirements are triggered by Section 51A-13.502(a). Alternative alignments may be approved by the director of public works if they provide equivalent

connectivity, and comply with this section, the Streets Plan, and Section 51A-13.502.

(6) In Subdistrict 6A, a minimum 12-and-one-half-foot sidewalk width is required with a minimum six-and-one-half-feet unobstructed sidewalk width; the sidewalk must be located between the facade of the building and projected street curb as determined by the thoroughfare plan.

(b) Alternate street sections. To deviate from the street design standards shown on the Streets Plan, an alternate street section must be approved by the director of public works. To be approved, an alternate street section must provide a street width that reduces vehicle speeds and promotes a pedestrian-friendly environment. An alternate street section may not reduce the minimum sidewalk width or planting zone requirements.

(c) Maximum block size. Except in Subdistrict 6A, blocks as shown on a plat must comply with Section 51A-13.502(a). In Subdistrict 1D, block lengths may be broken with an ungated private drive connecting two streets.

(d) Driveways.

(1) Except in Subdistrict 6A, sidewalk material and level must be maintained across the driveway curb cut in order to create a continuous pedestrian passage.

(2) The following provisions apply to driveways provided in compliance with the Streets Plan along Preston Road, Peterson Lane (Alternative Street Type B), and the LBJ Freeway frontage:

(A) The minimum spacing of curb cuts on Preston Road is 400 feet. The minimum spacing of curb cuts on Peterson Lane (Alternative Street Type B) is 200 feet. The minimum spacing of curb cuts on LBJ Freeway frontage is 400 feet.

(B) Cross-access easements are required between adjacent parcels if deemed necessary by the city for compliance with curb cut spacing requirements or to ensure adequate emergency vehicle access within the block.

(C) Existing curb cuts in Subdistrict 1C Tract 1 are permitted as shown on Exhibit 887F.

(3) Compliance with this subsection is triggered by the platting process or requests for new curb cuts.

(e) Intersection of Peterson Lane and FN5.

(1) A traffic signal must be installed at the intersection of Peterson Lane and FN5 when warranted.

(2) Before the issuance of building permits for the first 100,000 square feet

of floor area in Subdistrict 1B, a dedicated left turn lane must be provided at the intersection of Peterson Lane and northbound FN5 in addition to the four lanes depicted on the Streets Plan. (Ord. Nos. 29032; 29788; 30682)

**SEC. 51P-887.116. ADDITIONAL PROVISIONS.**

(a) In general.

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

(2) 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.

(b) Nonconformity.

(1) Definitions. See Section 51A-2.102(89), which defines a nonconforming structure as a structure that does not conform to the regulations (other than use regulations), but which was lawfully constructed under the regulations in force at the time of construction. See Section 51A-2.102(90), which defines a nonconforming use as a use that does not conform to the use regulations, but which was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

(2) Nonconforming uses. See Section 51A-4.704 for details on nonconforming uses. Section 51A-4.704 provides that nonconforming uses may continue to operate indefinitely, except that the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more, the use becomes a conforming use, or the structure housing the nonconforming use is destroyed by the intentional act of the owner or his agent. Section 51A-4.704 also provides that a person may renovate, remodel, or repair a structure housing a nonconforming use if the work does not enlarge the nonconforming use.

(3) Nonconforming structures. See Section 51A-4.704 and Section 51A-13.102(S) for details on nonconforming structures. Section 51A-13.102(S) provides that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to building placement, building height, building facade, garage placement, open space, or landscaping regulations.

(4) Nonconforming signs. See Section 51A-7.701 and Section 51A-7.702 for details on nonconforming signs. Section 51A-7.702 provides that nonconforming signs may be repaired, except that no person may repair a nonconforming sign if the cost of repair is more than 60 percent of the cost of erecting a new sign of the same type at the same location, unless that sign is brought into conformity.

(5) Nonconforming parking. See Section 51A-4.704(b)(4) for details on nonconforming parking. Section 51A-4.704(b)(4) provides that the number of nonconforming

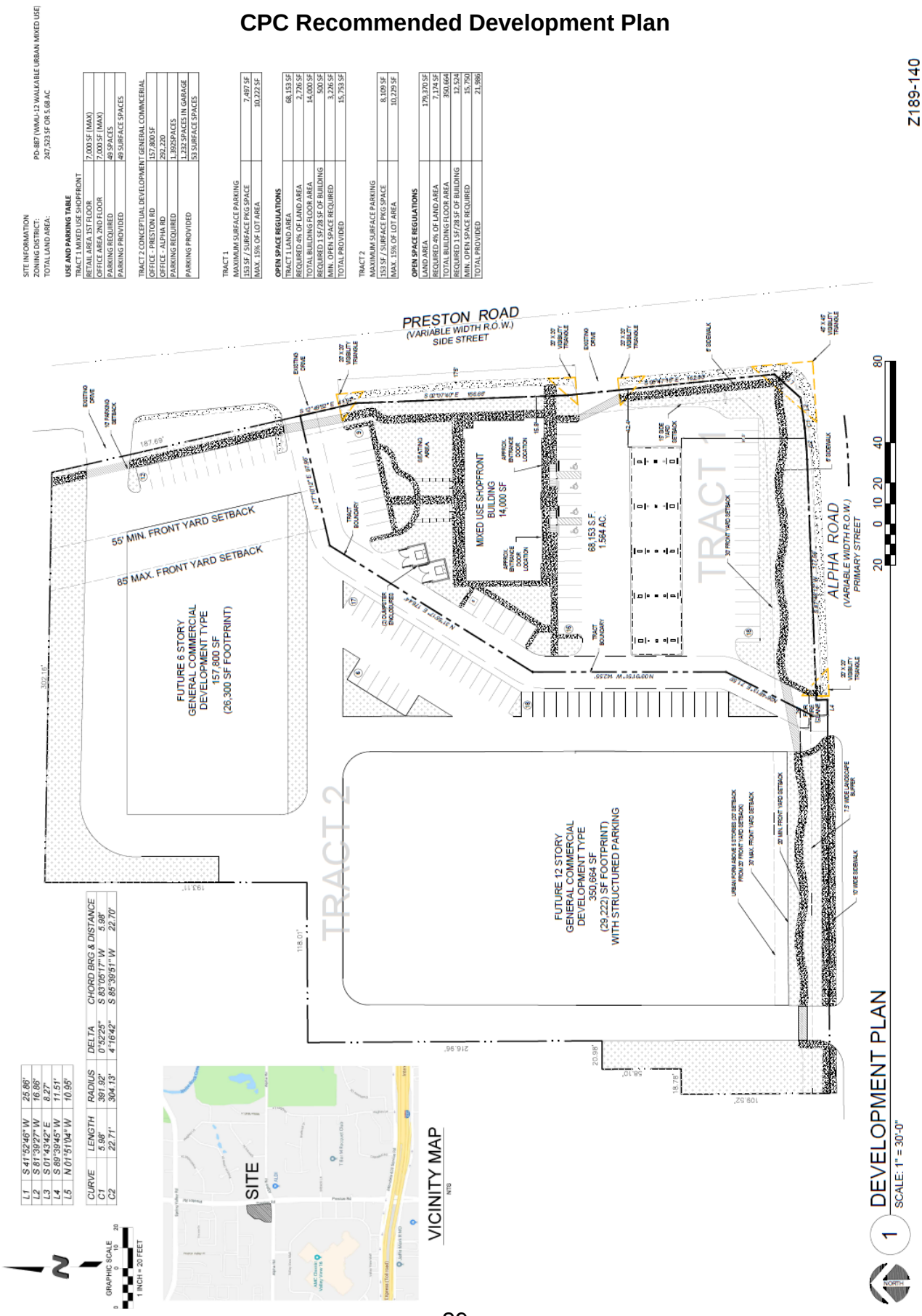
parking or loading spaces for a use may be carried forward when the use is converted or expanded. (Ord. 29032)

**SEC. 51P-887.117. COMPLIANCE WITH CONDITIONS.**

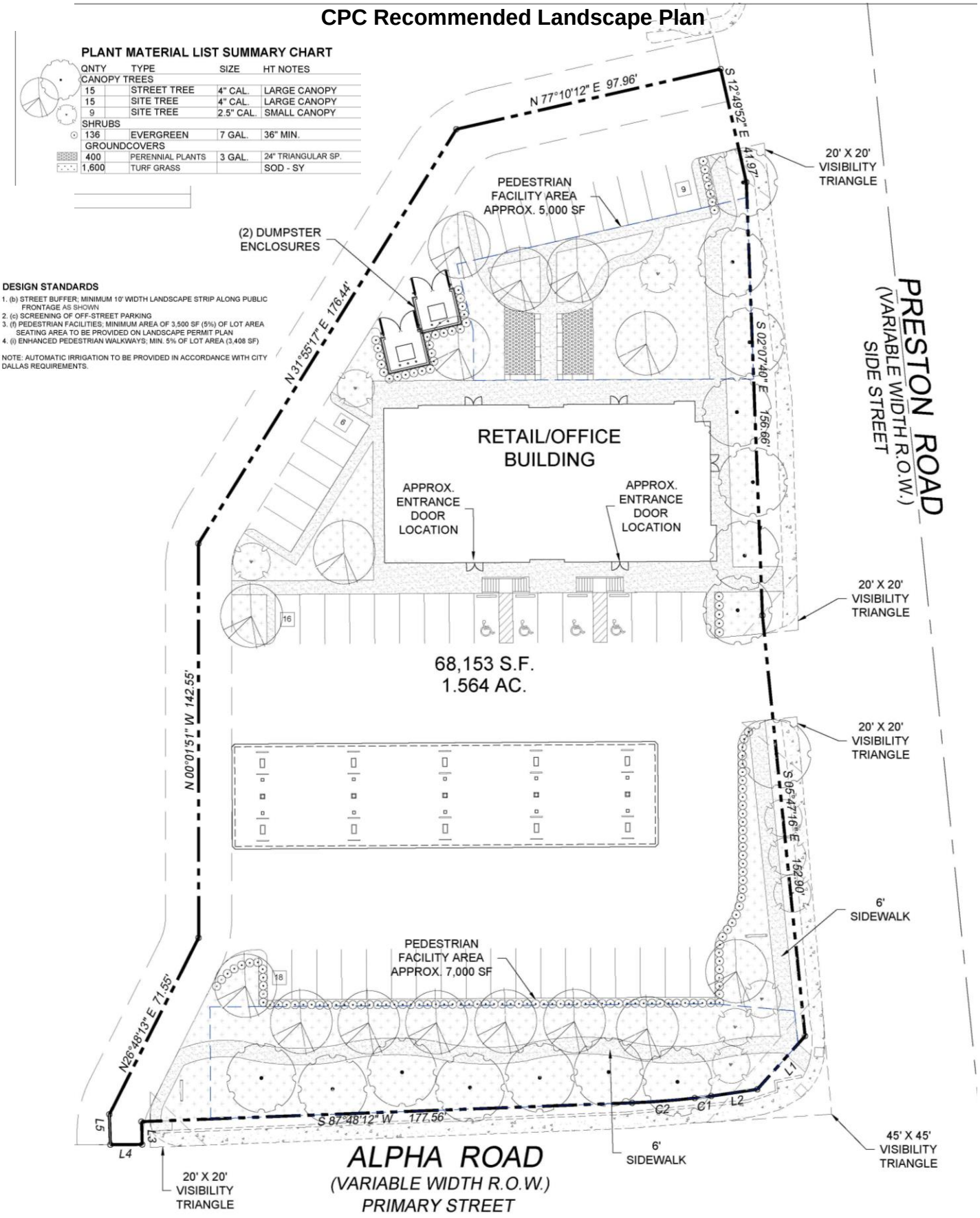
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 29032)

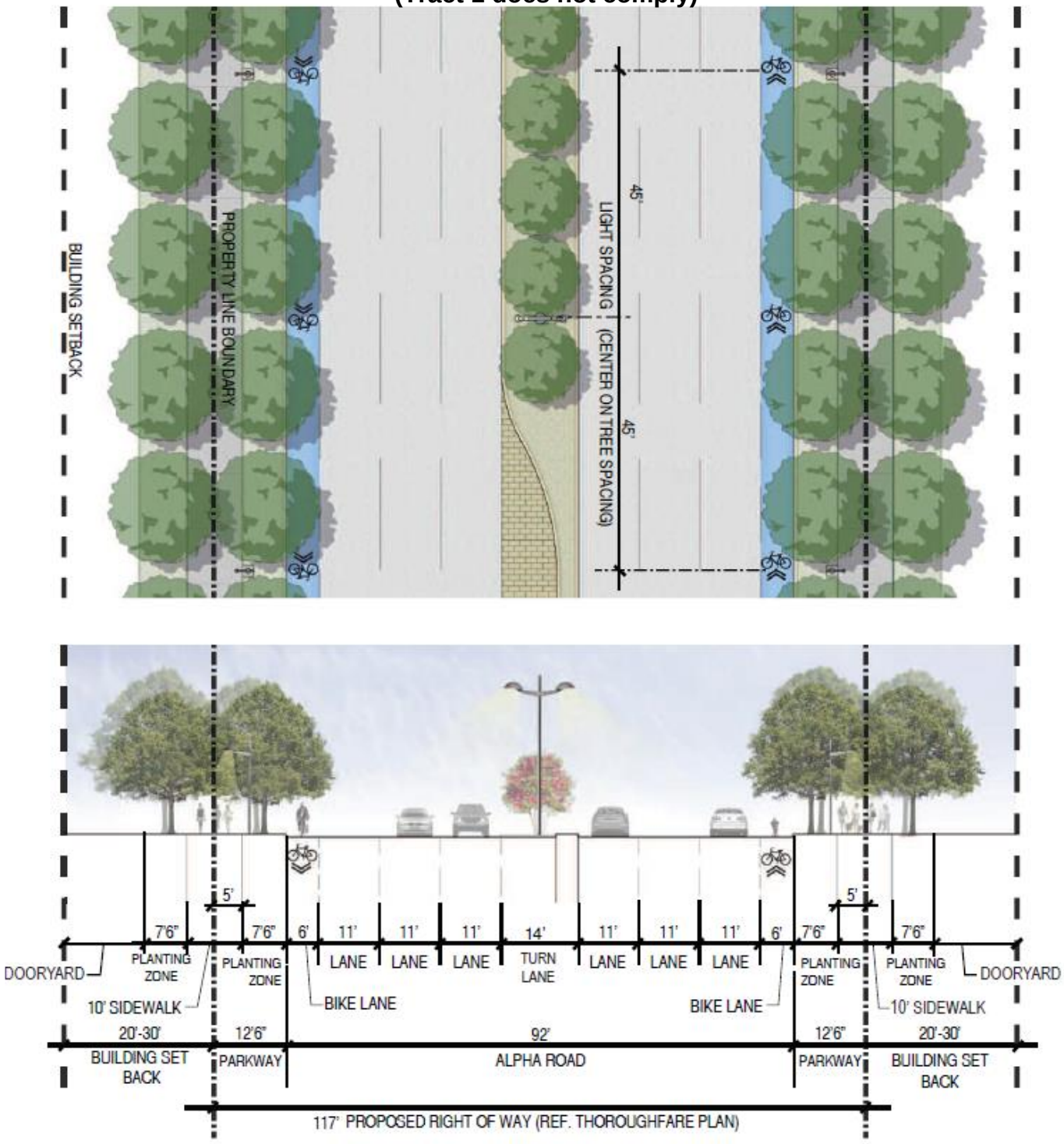
## CPC Recommended Development Plan



## CPC Recommended Landscape Plan



**Existing Alpha Road Street Section**
**(Tract 1 does not comply)**



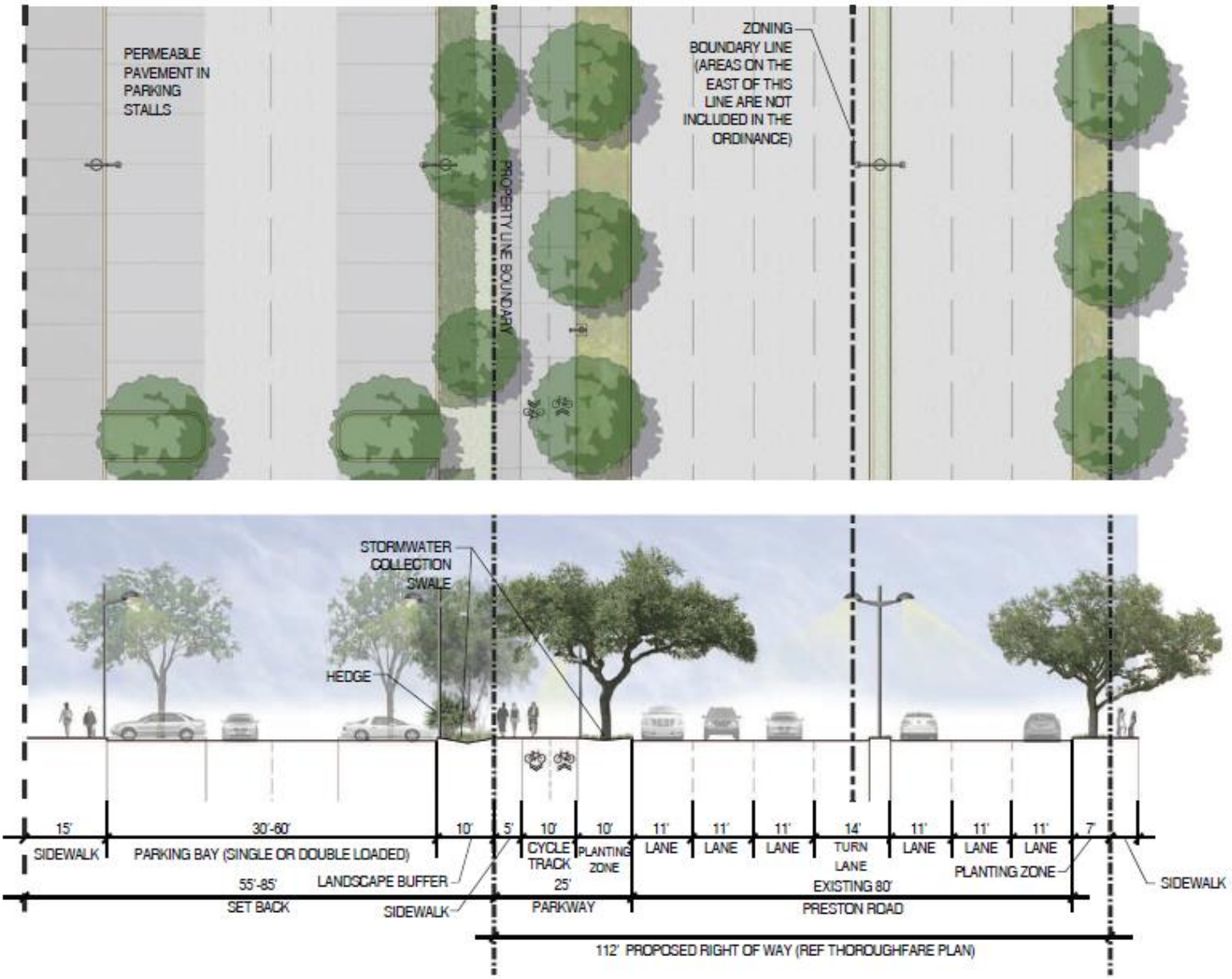

REFERENCE THE VALLEY VIEW - GALLERIA AREA PLAN FOR GUIDANCE ON TREE PLANTING SPECIES.

ALPHA ROAD
(EAST OF NOEL RD)

EXHIBIT 887C
STREETS PLAN

C. 7
MAY 15, 2013

**Existing Preston Road Street Section**
**(Tract 1 does not comply)**



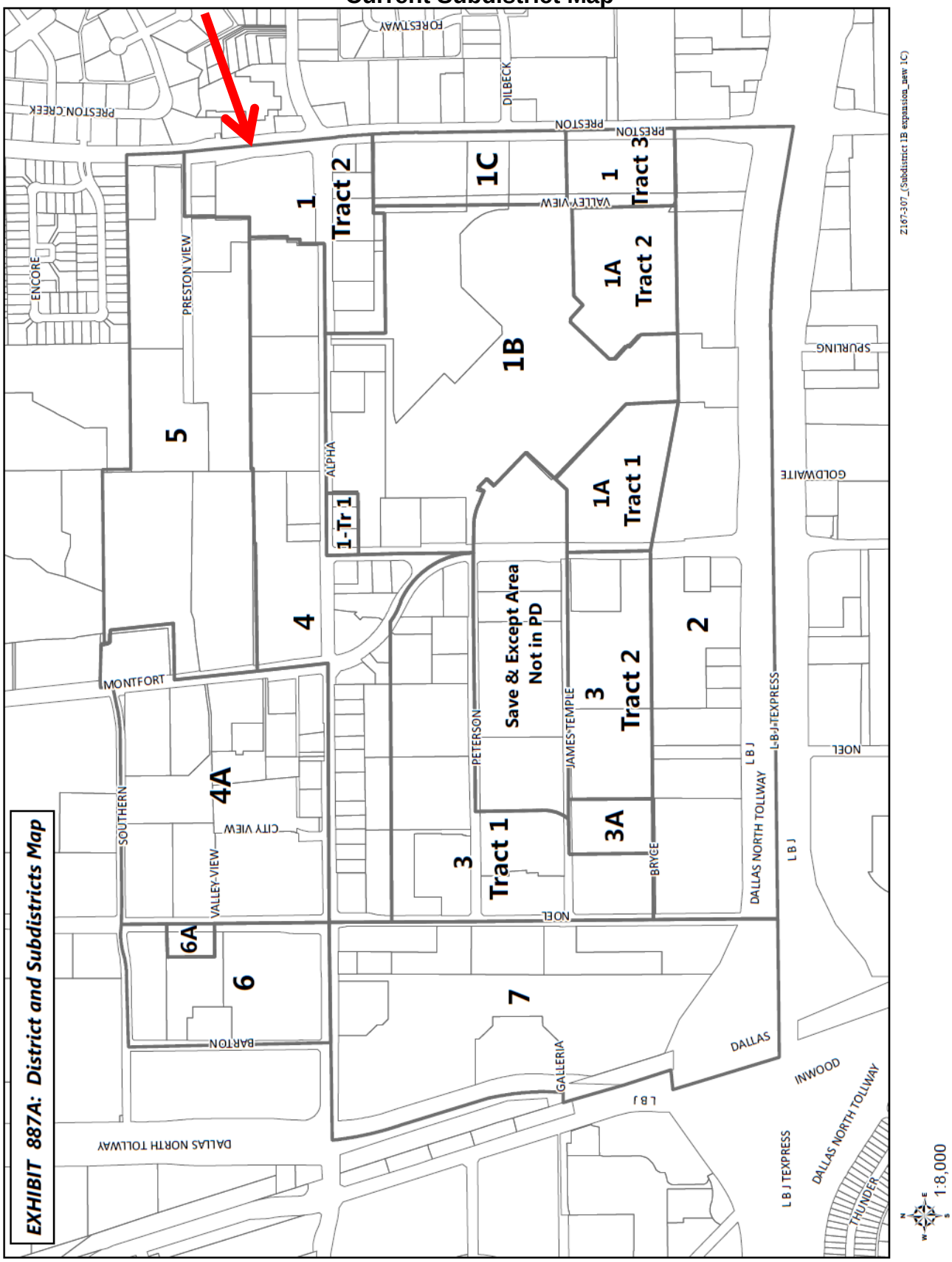

REFERENCE THE VALLEY VIEW - GALLERIA AREA PLAN FOR GUIDANCE ON TREE PLANTING SPECIES.

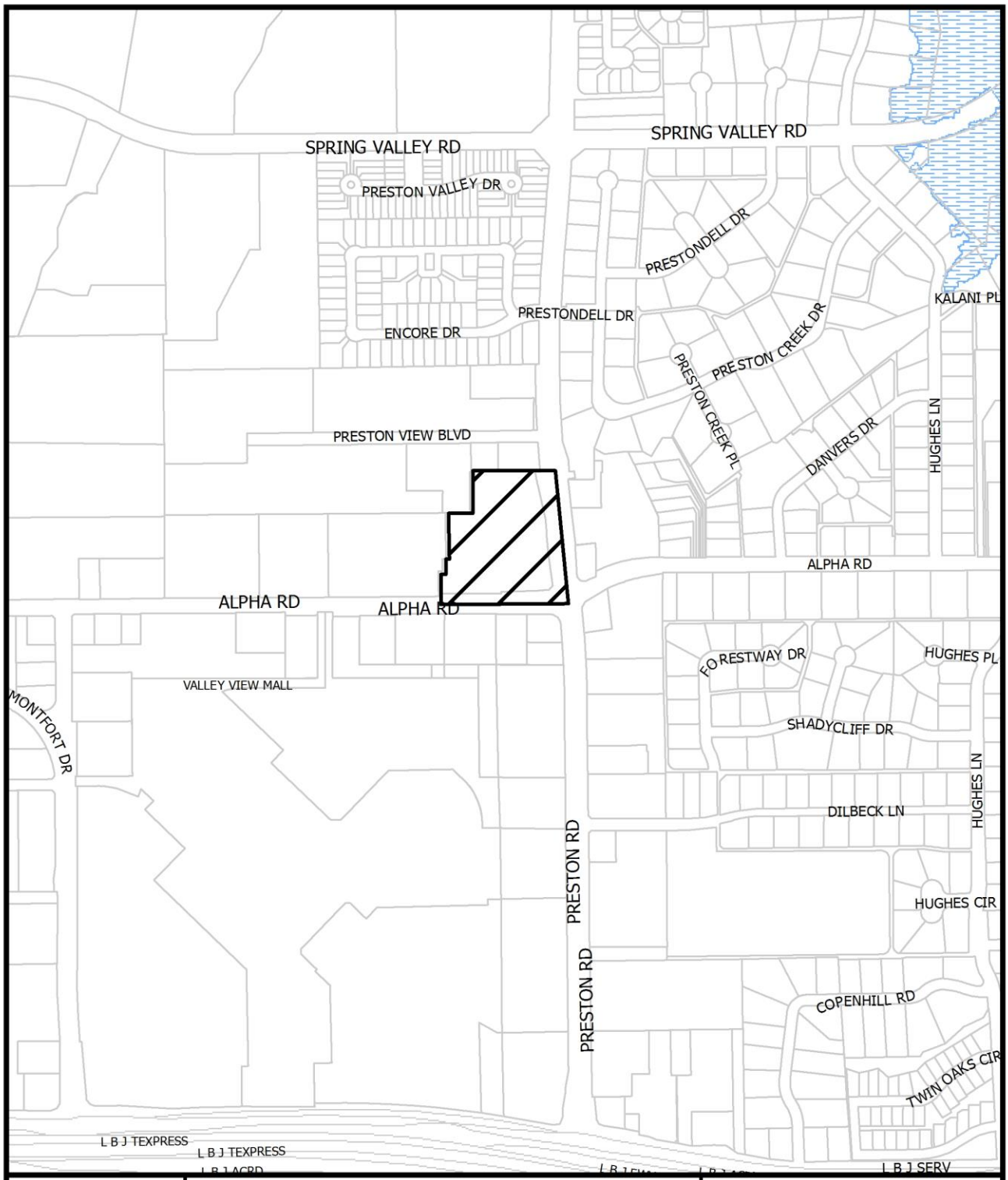
PRESTON ROAD
(FN8 TO NORTHERN BOUNDARY
OF STUDY AREA)

EXHIBIT 887C
STREETS PLAN

C. 2
MAY 15, 2013

**Current Subdistrict Map**



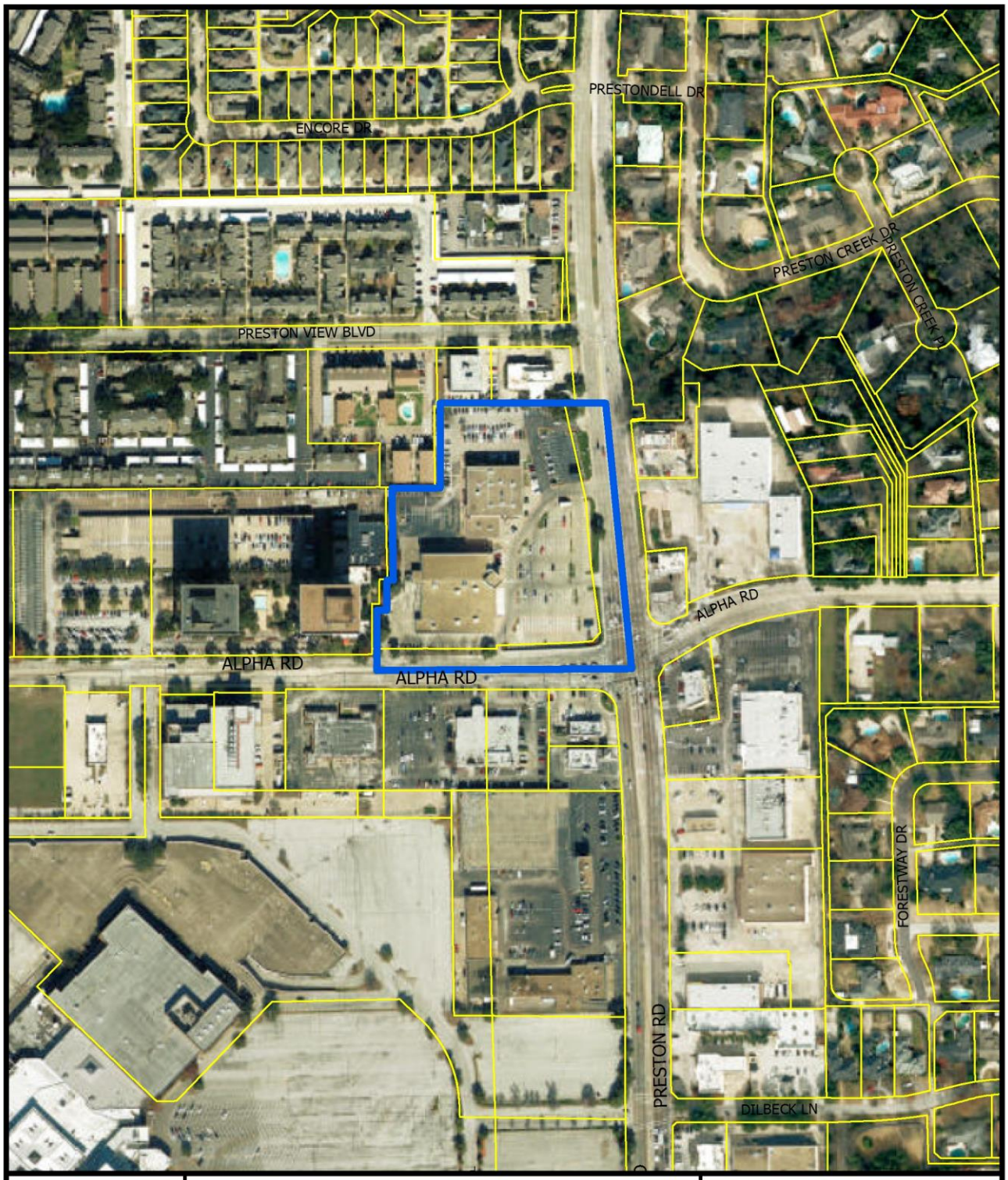


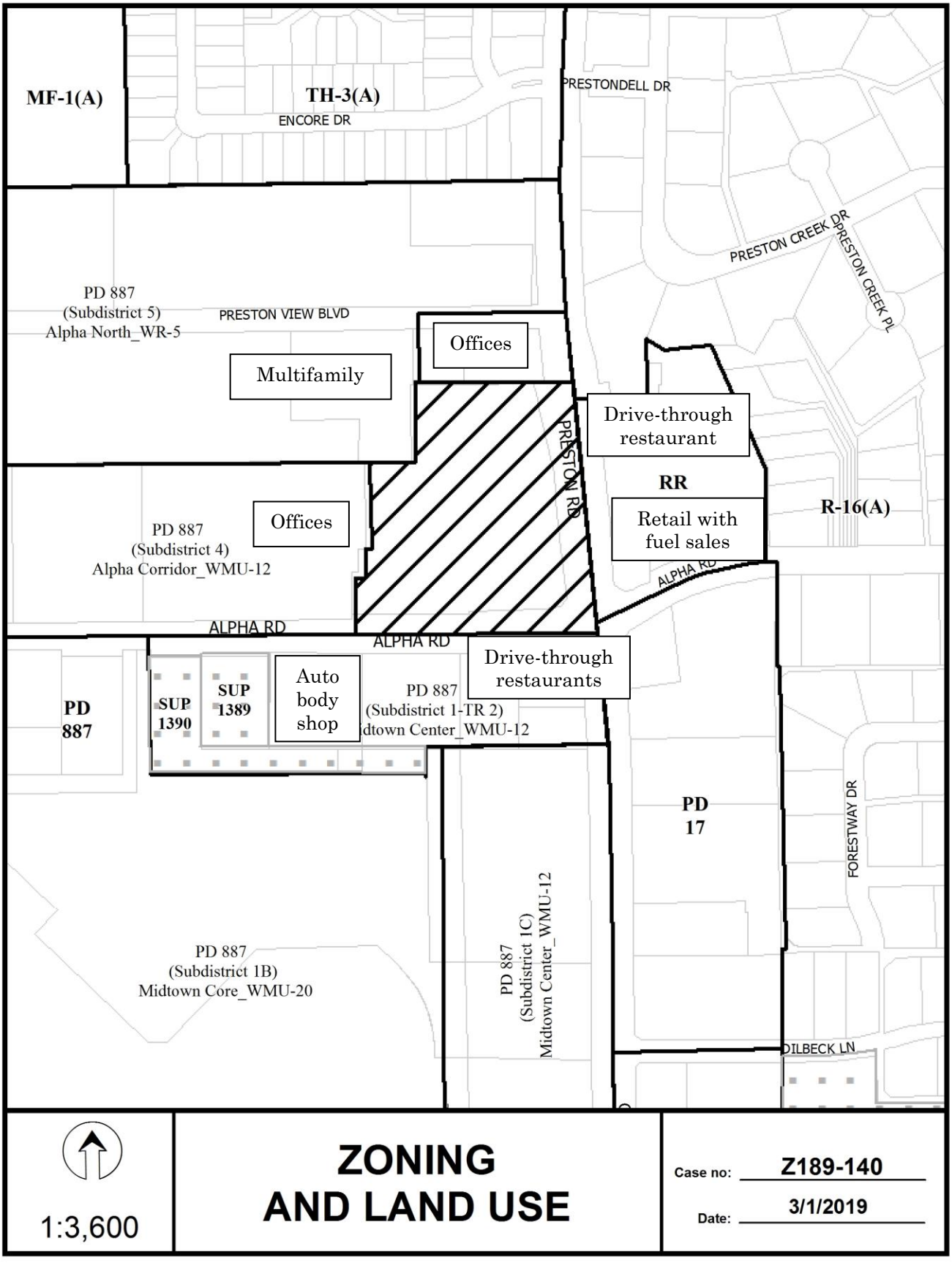

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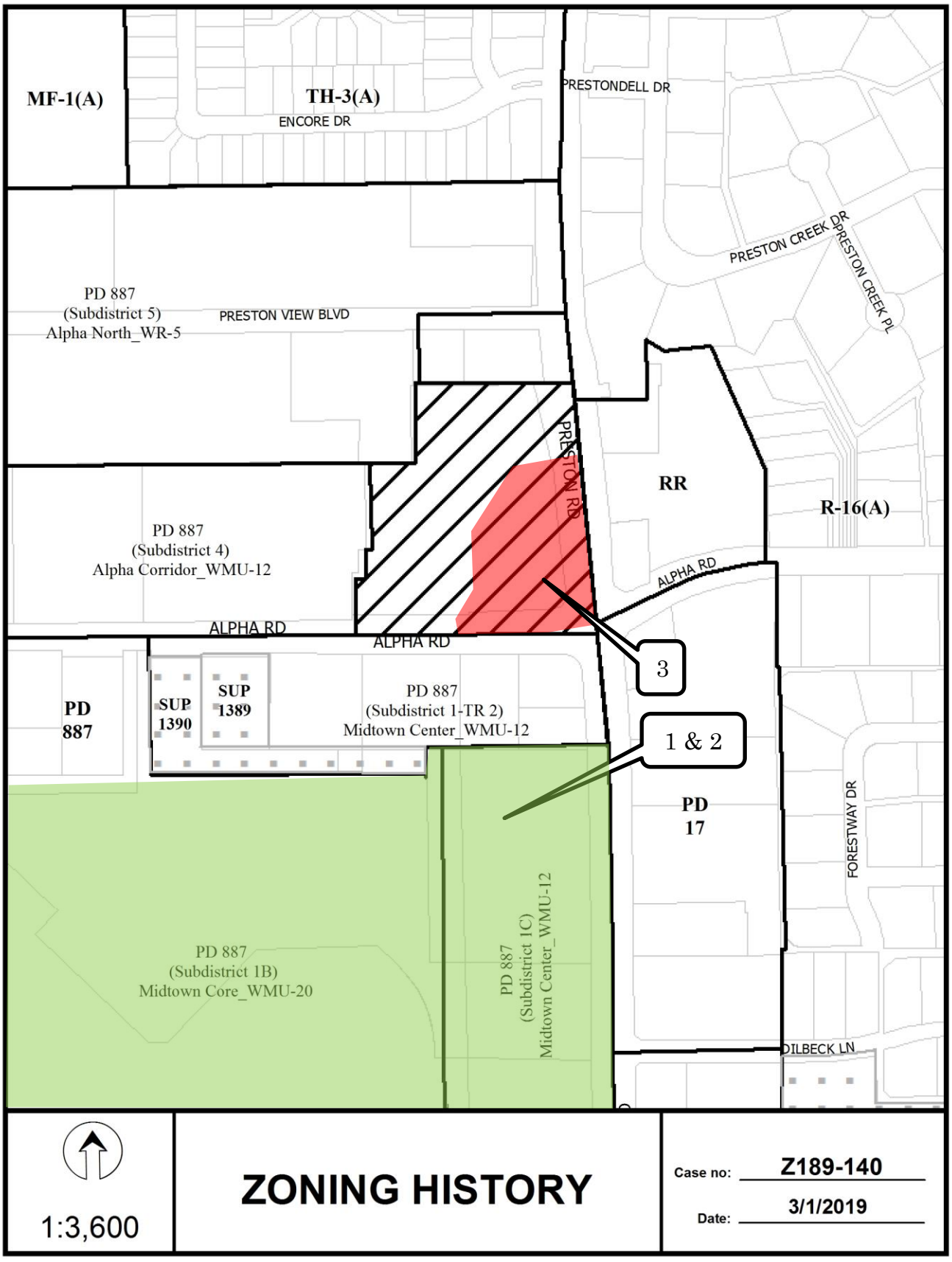
# VICINITY MAP

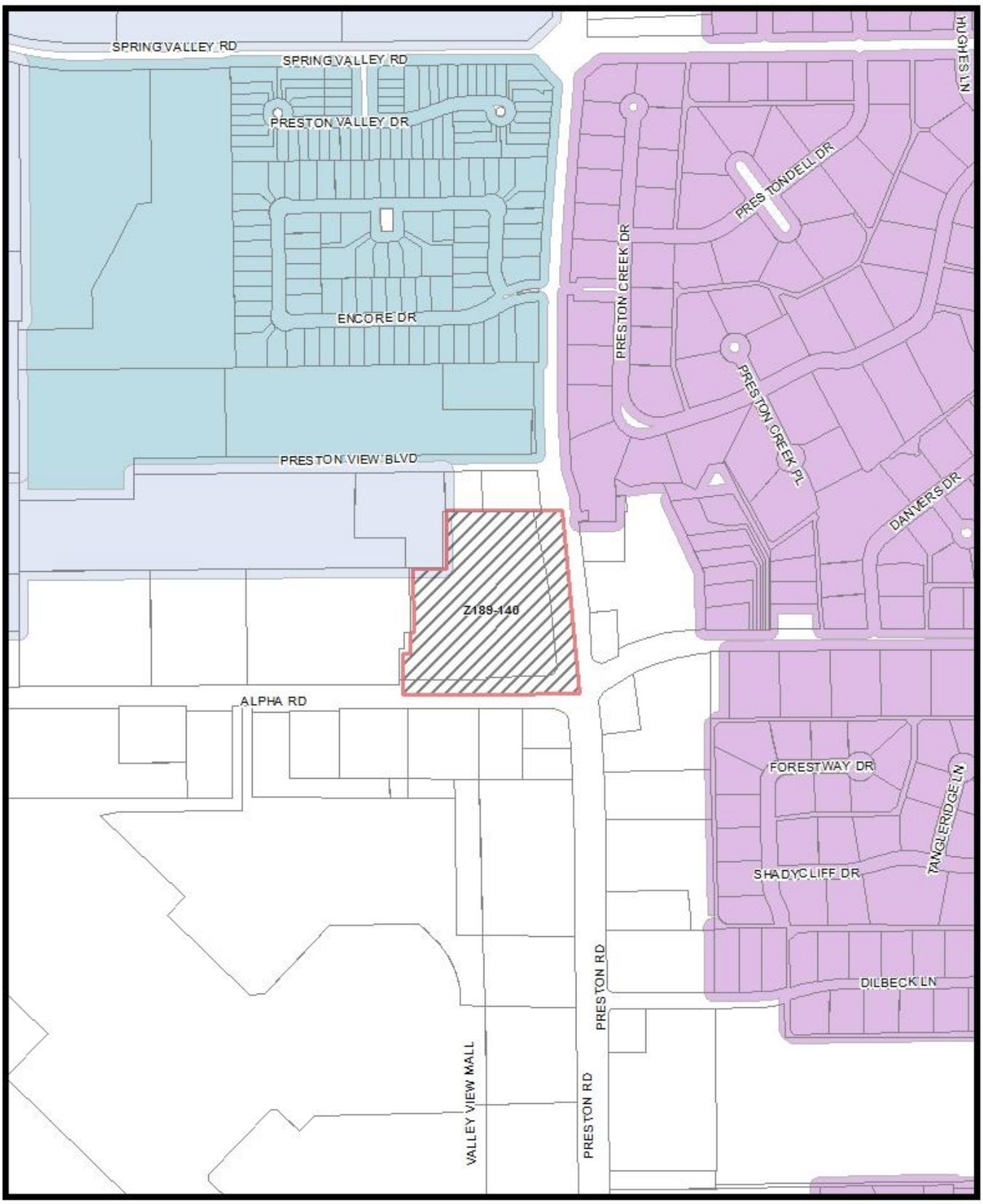
Case no: Z189-140

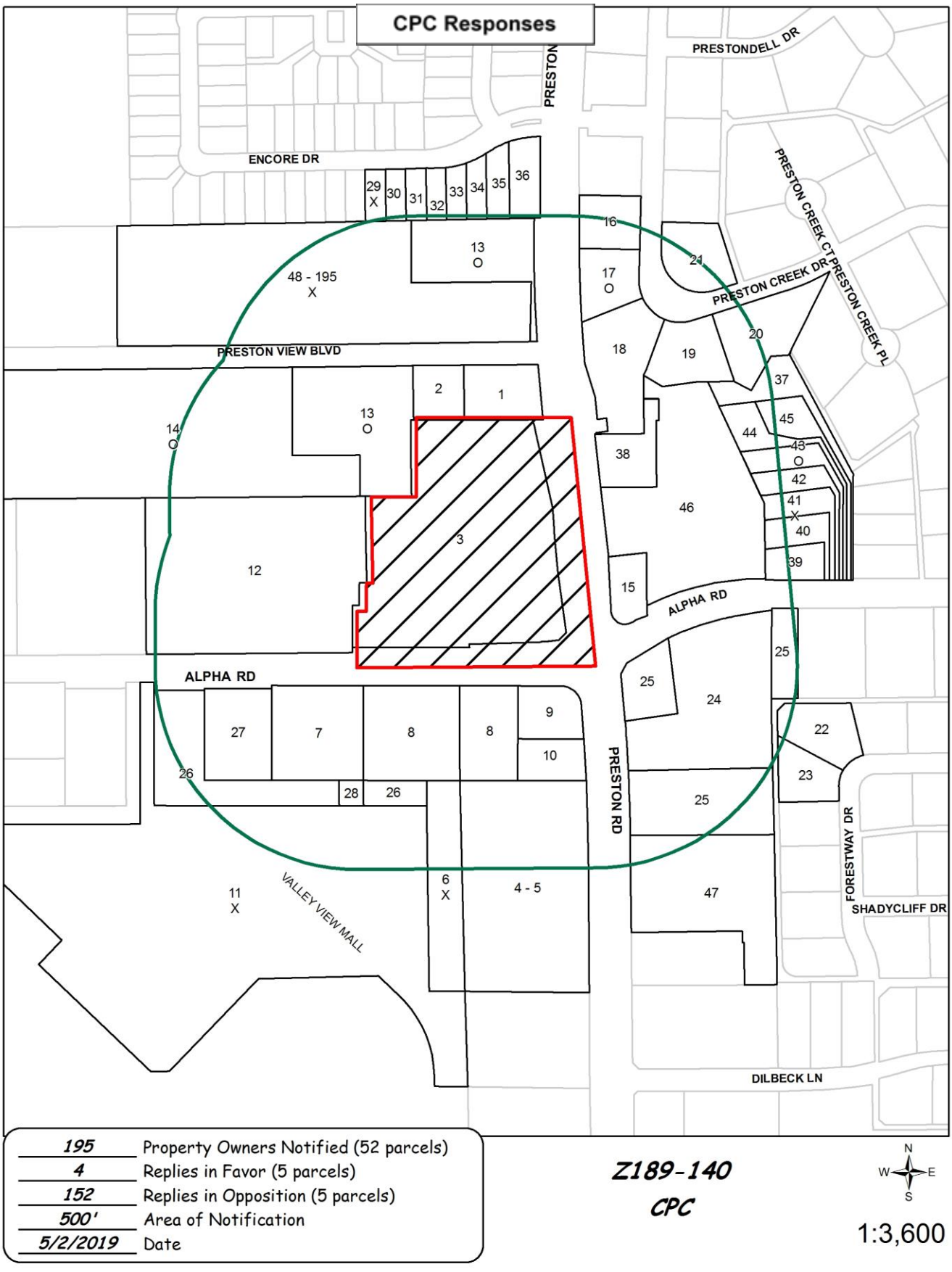
Date: 3/1/2019


PRESTONDELL DR
ENCORE DR
PRESTON CREEK DR
PRESTON CREEK PL
PRESTON VIEW BLVD
ALPHA RD
ALPHA RD
ALPHA RD
FORESTWAY DR
PRESTON RD
DILBECK LN
1:3,600
AERIAL MAP
Case no: Z189-140
Date: 3/1/2019


MF-1(A)
TH-3(A)
ENCORE DR
PRESTONDELL DR
PRESTON CREEK DR
PRESTON CREEK PL
PD 887
(Subdistrict 5)
Alpha North_WR-5
PRESTON VIEW BLVD
Offices
Multifamily
Drive-through restaurant
PRESTON RD
RR
R-16(A)
Retail with fuel sales
Offices
PD 887
(Subdistrict 4)
Alpha Corridor_WMU-12
ALPHA RD
ALPHA RD
ALPHA RD
Drive-through restaurants
PD 887
SUP 1390
SUP 1389
Auto body shop
PD 887
(Subdistrict 1-TR 2)
dtown Center_WMU-12
PD 17
FORESTWAY DR
PD 887
(Subdistrict 1B)
Midtown Core_WMU-20
PD 887
(Subdistrict 1C)
Midtown Center_WMU-12
DILBECK LN
1:3,600
ZONING
AND LAND USE
Case no: Z189-140
Date: 3/1/2019


MF-1(A)
TH-3(A)
ENCORE DR
PRESTONDELL DR
PRESTON CREEK DR
PRESTON CREEK PL
PD 887
(Subdistrict 5)
Alpha North_WR-5
PRESTON VIEW BLVD
PRESTON RD
RR
R-16(A)
PD 887
(Subdistrict 4)
Alpha Corridor_WMU-12
ALPHA RD
ALPHA RD
ALPHA RD
3
PD
887
SUP
1390
SUP
1389
PD 887
(Subdistrict 1-TR 2)
Midtown Center_WMU-12
1 & 2
PD
17
FORESTWAY DR
PD 887
(Subdistrict 1B)
Midtown Core_WMU-20
PD 887
(Subdistrict 1C)
Midtown Center_WMU-12
DILBECK LN
1:3,600
ZONING HISTORY
Case no: Z189-140
Date: 3/1/2019


SPRING VALLEY RD
SPRING VALLEY RD
PRESTON VALLEY DR
ENCORE DR
PRESTON VIEW BLVD
HUGHES LN
PRESTONDELL DR
PRESTON CREEK DR
PRESTON CREEK PL
DANVERS DR
Z189-140
ALPHA RD
FORESTWAY DR
TANGLERIDGE LN
SHADYCLIFF DR
DILBECK LN
PRESTON RD
PRESTON RD
VALLEY VIEW MALL
MVACluster
A
B
C
D
E
F
G
H
I
NA
1:4,800
Market Value Analysis
Printed Date: 3/1/2019


CPC Responses
PRESTONDELL DR
PRESTON
ENCORE DR
PRESTON CREEK CT
PRESTON CREEK PL
PRESTON CREEK DR
PRESTON VIEW BLVD
ALPHA RD
ALPHA RD
PRESTON RD
VALLEY VIEW MALL
FORESTWAY DR
SHADYCLIFF DR
DILBECK LN
48 - 195
X
4 - 5
195 Property Owners Notified (52 parcels)
4 Replies in Favor (5 parcels)
152 Replies in Opposition (5 parcels)
500' Area of Notification
5/2/2019 Date
Z189-140
CPC
N
W
E
S
1:3,600

*05/01/2019*

# *Reply List of Property Owners*

## *Z189-140*

***195 Property Owners Notified*** ***4 Property Owners in Favor*** ***152 Property Owners Opposed***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 1 | 13655 | PRESTON RD | NNN BROS LLC |
| | 2 | 5930 | PRESTON VIEW BLVD | WBSB PPTIES LLC |
| | 3 | 13601 | PRESTON RD | VALK PPTIES ONE LLC |
| | 4 | 13439 | PRESTON RD | ALGODON I LP |
| | 5 | 13439 | PRESTON RD | ALGODON PROPERTIES LLC |
| X | 6 | 13439 | PRESTON RD | ALGODON I LP |
| | 7 | 5840 | ALPHA RD | PRESTON ALPHA INVESTMENTS LLC |
| | 8 | 5954 | ALPHA RD | LAU FAMILY PS LTD |
| | 9 | 13555 | PRESTON RD | FOODMAKER INC |
| | 10 | 13535 | PRESTON RD | PRESTON ALPHA INVESTMENTS |
| X | 11 | 13343 | PRESTON RD | 13331 PRESTON RD LP |
| | 12 | 13601 | PRESTON RD | BOXER F2 LP |
| O | 13 | 13659 | PRESTON RD | CARILLON APARTMENTS |
| O | 14 | 5734 | PRESTON VIEW BLVD | REGAL COURT LLC |
| | 15 | 13608 | PRESTON RD | SCHWARTZ HYMIE TRUST ETAL |
| | 16 | 6120 | PRESTON CREEK DR | SIMCIK JEFFREY |
| O | 17 | 6130 | PRESTON CREEK DR | MONTEMAYOR MONTY |
| | 18 | 6136 | PRESTON CREEK DR | WANG CHYUNG YAU |
| | 19 | 6144 | PRESTON CREEK DR | LAWRENCE JAEN M & |
| | 20 | 6158 | PRESTON CREEK DR | DARVER ALAN M & SHARON R |
| | 21 | 6135 | PRESTON CREEK DR | ORSINI ROBERT W & |
| | 22 | 13423 | FORESTWAY DR | MARSHALL DEBRA L LIFE EST |
| | 23 | 13417 | FORESTWAY DR | PRENGLER HERSCHEL |
| | 24 | 13548 | PRESTON RD | GILLILAND PPTIES II LTD |
| | 25 | 6030 | ALPHA RD | GILLILAND PPTIES II LTD |
| | 26 | 5820 | ALPHA RD | SOUTHWESTERN BELL |

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 27 | 5820 | ALPHA RD | CROW COKER PPTY CO |
| | 28 | 5820 | ALPHA RD | PRESTON ALPHA INVESTMENTS LLC |
| X | 29 | 5940 | EN CORE DR | BOLINGER KIRSTEN |
| | 30 | 5944 | EN CORE DR | JAMES & ELEANOR TRUST THE |
| | 31 | 5948 | EN CORE DR | DICKEY LORELEI GAY |
| | 32 | 5952 | EN CORE DR | BOEMIA LANELL |
| | 33 | 5956 | EN CORE DR | TADE ENCORE LLC |
| | 34 | 5960 | EN CORE DR | LEHTOLA PATRICIA B |
| | 35 | 5964 | EN CORE DR | GREENBERG DAVID N & RUTH S |
| | 36 | 5968 | EN CORE DR | BENNECK CONBERT H & KATHARINA G |
| | 37 | 6117 | ALPHA RD | WOOD MAC DEVELOPMENT JV |
| | 38 | 13670 | PRESTON RD | NORTH TEXAS BELLS INVESTMENTS LLC |
| | 39 | 6103 | ALPHA RD | HUMPHREYS PATRICIA J |
| | 40 | 6105 | ALPHA RD | SCOTT RAY |
| X | 41 | 6107 | ALPHA RD | RENOUARD GEORGIANNA BUSBOOM |
| | 42 | 6109 | ALPHA RD | RAMOS PRESENTACION S |
| O | 43 | 6111 | ALPHA RD | BALLEM HEATHER L |
| | 44 | 6113 | ALPHA RD | MOKHTARI MOHAMAD & AZAR |
| | 45 | 6115 | ALPHA RD | MITTERER MICHAEL & |
| | 46 | 13612 | PRESTON RD | QUIKTRIP CORPORATION |
| | 47 | 13444 | PRESTON RD | FONBERG HOLDINGS LTD |
| X | 48 | 13715 | PRESTON RD | SHEYKO MIKHAIL |
| X | 49 | 13715 | PRESTON RD | TUVENG MILDRED A |
| X | 50 | 13715 | PRESTON RD | LIU DAVID |
| X | 51 | 13715 | PRESTON RD | TAYLOR BETTY JO |
| X | 52 | 13715 | PRESTON RD | KING DAVID GARDNER |
| X | 53 | 13715 | PRESTON RD | PRIDE ANGELA ROZENE |
| X | 54 | 13715 | PRESTON RD | DOMAINCO LLC SERIES D |
| X | 55 | 13715 | PRESTON RD | KHODAPARAST AMIR |
| X | 56 | 13715 | PRESTON RD | BALDWIN SAMMY L |
| X | 57 | 13715 | PRESTON RD | MUNGAI TABITHA NJOKI |

| *Reply* | *Label #* | *Address* | | *Owner* |
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| X | 58 | 13715 | PRESTON RD | NGANGA NAOMI |
| X | 59 | 13715 | PRESTON RD | COLINDRES MARIA E |
| X | 60 | 13715 | PRESTON RD | BERGMAN BETH |
| X | 61 | 13715 | PRESTON RD | ORTEGA MARLENE M |
| X | 62 | 13715 | PRESTON RD | PANG YAN |
| X | 63 | 13715 | PRESTON RD | JORDAN GEORGE ET AL |
| X | 64 | 13715 | PRESTON RD | RV 13715 PRESTON 280 SERIES LLC |
| X | 65 | 13715 | PRESTON RD | DOWDALL JOHN DALE |
| X | 66 | 13715 | PRESTON RD | GEORGE ERA JOSEPHINE |
| X | 67 | 13715 | PRESTON RD | AYANLOLA AYANTAYO |
| X | 68 | 13715 | PRESTON RD | MORO STEFANO & |
| X | 69 | 13715 | PRESTON RD | WOTTRICH RAYMOND |
| X | 70 | 13715 | PRESTON RD | PLOCH MARY R |
| X | 71 | 13715 | PRESTON RD | TIOH JINWEI |
| X | 72 | 5881 | PRESTON VIEW BLVD | RANEY SUSAN ELAINE |
| X | 73 | 5881 | PRESTON VIEW BLVD | ALLEN JOHN W & |
| X | 74 | 5881 | PRESTON VIEW BLVD | GUERRASCOTT SOFIA LAURA |
| X | 75 | 5881 | PRESTON VIEW BLVD | MCCREIGHT ROBERT R & CONNIE B |
| X | 76 | 5881 | PRESTON VIEW BLVD | PRESTON HILLS HOMEOWNERS |
| X | 77 | 5881 | PRESTON VIEW BLVD | GOMEZ MARIA A |
| X | 78 | 5881 | PRESTON VIEW BLVD | WALTERS JULIE ANN |
| X | 79 | 5881 | PRESTON VIEW BLVD | BURNS AMANDA |
| X | 80 | 5881 | PRESTON VIEW BLVD | PRIDE CHARLES DION |
| X | 81 | 5881 | PRESTON VIEW BLVD | RANEY ANDREW |
| X | 82 | 5881 | PRESTON VIEW BLVD | HAMILTON DORIS P |
| X | 83 | 5881 | PRESTON VIEW BLVD | KUNEMAN GARY M & KATHLEEN |
| X | 84 | 5881 | PRESTON VIEW BLVD | CAMPBELL RICHARD |
| X | 85 | 5881 | PRESTON VIEW BLVD | BALDWIN SAMMY & SUSAN |
| X | 86 | 5881 | PRESTON VIEW BLVD | CHIU DINGJUN |
| X | 87 | 5881 | PRESTON VIEW BLVD | RV PRESTON VIEW 269 SERIES LLC |
| X | 88 | 5881 | PRESTON VIEW BLVD | RUBACK KEVIN M |

| *Reply* | *Label #* | *Address* | | *Owner* |
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| X | 89 | 5881 | PRESTON VIEW BLVD | LEYS CATHERINE & DENNIS BRININGER |
| X | 90 | 5881 | PRESTON VIEW BLVD | SHOKOUH HADI REZAEI |
| X | 91 | 5881 | PRESTON VIEW BLVD | LEUZE NANCY L |
| X | 92 | 5881 | PRESTON VIEW BLVD | SISSON GARY & MAUREEN |
| X | 93 | 5881 | PRESTON VIEW BLVD | ERNST JAMES ROBERT |
| X | 94 | 5881 | PRESTON VIEW BLVD | AMIDI JOE & |
| X | 95 | 5881 | PRESTON VIEW BLVD | GOODHALL EDWARD |
| X | 96 | 5881 | PRESTON VIEW BLVD | KOETZLE JIMMIE L |
| X | 97 | 5881 | PRESTON VIEW BLVD | ARAN FRANCISCO |
| X | 98 | 5881 | PRESTON VIEW BLVD | RODRIGUEZ BERNARDO |
| X | 99 | 5881 | PRESTON VIEW BLVD | KULOBA BONVENTURE |
| X | 100 | 5881 | PRESTON VIEW BLVD | CANE KATHERINE |
| X | 101 | 5881 | PRESTON VIEW BLVD | MCADAMS JANE EMILY |
| X | 102 | 5881 | PRESTON VIEW BLVD | HUNTER PATRICIA A |
| X | 103 | 5881 | PRESTON VIEW BLVD | MORO STEFANO |
| X | 104 | 5881 | PRESTON VIEW BLVD | DOYLE ELISHA K |
| X | 105 | 5881 | PRESTON VIEW BLVD | SUAREZ ANA BELL GARCIA |
| X | 106 | 5881 | PRESTON VIEW BLVD | OMALLEY ELISABETH ASHBY PARKER |
| X | 107 | 5881 | PRESTON VIEW BLVD | DOMAINCO LLC SERIES C |
| X | 108 | 5881 | PRESTON VIEW BLVD | RV PRESTON VIEW 163 SERIES LLC |
| X | 109 | 5881 | PRESTON VIEW BLVD | DAVIS ROBERT EDWARD |
| X | 110 | 5881 | PRESTON VIEW BLVD | TOBEY ROBERT |
| X | 111 | 5881 | PRESTON VIEW BLVD | SIU STEPHEN KWONG CHEUNG & CHING M SIU |
| X | 112 | 5881 | PRESTON VIEW BLVD | RLC PRESTON HILLS PROPERTIES LLC |
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| X | 114 | 5881 | PRESTON VIEW BLVD | PARIENTE ZION |
| X | 115 | 5881 | PRESTON VIEW BLVD | RUBIO LUZ STELLA |
| X | 116 | 5881 | PRESTON VIEW BLVD | OMALLEY ELISABETH ASHBY PARKER |
| X | 117 | 5881 | PRESTON VIEW BLVD | BENNETT MICHAEL T |
| X | 118 | 5881 | PRESTON VIEW BLVD | SHARP KRIS JAMES & CAROL |
| X | 119 | 5881 | PRESTON VIEW BLVD | DESANGUINO TELMA B |

| *Reply* | *Label #* | *Address* | | *Owner* |
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| X | 120 | 5881 | PRESTON VIEW BLVD | CARDENOS MAGDALENA |
| X | 121 | 5881 | PRESTON VIEW BLVD | CAMPBELL RICHARD A |
| X | 122 | 5881 | PRESTON VIEW BLVD | WOTTRICH RAYMOND D |
| X | 123 | 5881 | PRESTON VIEW BLVD | RLC PRESTON HILLS PPTIES LLC |
| X | 124 | 5881 | PRESTON VIEW BLVD | WOTTRICH RAYMOND |
| X | 125 | 5881 | PRESTON VIEW BLVD | BALDWIN SAMMY L & SUSAN |
| X | 126 | 5881 | PRESTON VIEW BLVD | WOTTRICH RAY |
| X | 127 | 5881 | PRESTON VIEW BLVD | MARRS TREVOR W |
| X | 128 | 5881 | PRESTON VIEW BLVD | SANI BABAK N & HOMA R SHOKUH |
| X | 129 | 5881 | PRESTON VIEW BLVD | WERRA JUANITA L |
| X | 130 | 5881 | PRESTON VIEW BLVD | RESENDEZ ELVIRA |
| X | 131 | 5881 | PRESTON VIEW BLVD | SCOTT JONATHAN MICHAEL |
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| X | 133 | 5881 | PRESTON VIEW BLVD | FIVE VIEWS LLC |
| X | 134 | 5881 | PRESTON VIEW BLVD | BUI ANNIE BM |
| X | 135 | 5881 | PRESTON VIEW BLVD | FARMER GREGORY & |
| X | 136 | 5881 | PRESTON VIEW BLVD | STOVEY LAWRENCE A |
| X | 137 | 5881 | PRESTON VIEW BLVD | HUTT JEFFREY A & SONNY |
| X | 138 | 5881 | PRESTON VIEW BLVD | LOCICERO CLAUDIO P & |
| X | 139 | 5881 | PRESTON VIEW BLVD | SANGUINO JOSE JAIME |
| X | 140 | 5881 | PRESTON VIEW BLVD | MORROW MARY |
| X | 141 | 5881 | PRESTON VIEW BLVD | SOLIS MARTIN |
| X | 142 | 5881 | PRESTON VIEW BLVD | JAMOUKHA FOUAD & VIRGINIE DANIEL |
| X | 143 | 5881 | PRESTON VIEW BLVD | SAVAGE CLAUDETTE D |
| X | 144 | 5881 | PRESTON VIEW BLVD | GREENHAW JUDY ANN |
| X | 145 | 5881 | PRESTON VIEW BLVD | MARIAN ADRIAN P & MIRELA L |
| X | 146 | 5881 | PRESTON VIEW BLVD | BRADLEY JAMES |
| X | 147 | 5881 | PRESTON VIEW BLVD | SLAGLE JUDITH ANN |
| X | 148 | 5881 | PRESTON VIEW BLVD | ROSAMOND STEVEN DOUGLAS |
| X | 149 | 5881 | PRESTON VIEW BLVD | KHOSHNOUDI MAHBOOBEH S |
| X | 150 | 5881 | PRESTON VIEW BLVD | HOPKINS ALISSA A |

| *Reply* | *Label #* | *Address* | | *Owner* |
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| X | 152 | 5881 | PRESTON VIEW BLVD | ARELLANO JOHN C |
| X | 153 | 5881 | PRESTON VIEW BLVD | HARDWICK BARBARA JEAN |
| X | 154 | 5881 | PRESTON VIEW BLVD | BALDWIN SAMMY |
| X | 155 | 5881 | PRESTON VIEW BLVD | VALENCIA ALBERTO BARRERA |
| X | 156 | 5881 | PRESTON VIEW BLVD | GEORGE E J |
| X | 157 | 5881 | PRESTON VIEW BLVD | THOMAS JODY & |
| X | 158 | 5881 | PRESTON VIEW BLVD | MCELFISH C HAROLD JR |
| X | 159 | 5881 | PRESTON VIEW BLVD | KANT KRISHNA |
| X | 160 | 5881 | PRESTON VIEW BLVD | PENSCO TRUST CO NUMBER |
| X | 161 | 5881 | PRESTON VIEW BLVD | GEORGE E JOSEPHINE |
| X | 162 | 5881 | PRESTON VIEW BLVD | FRANCINGUES DANIELLE |
| X | 163 | 5881 | PRESTON VIEW BLVD | HIGGINS BRENDA K |
| X | 164 | 5881 | PRESTON VIEW BLVD | CAMERON ABRAHAM |
| X | 165 | 5881 | PRESTON VIEW BLVD | OSARHIEMEN JOEL & |
| X | 166 | 5881 | PRESTON VIEW BLVD | DOMAINCO LLC SERIES I |
| X | 167 | 5881 | PRESTON VIEW BLVD | KREUZ JENNIFER M |
| X | 168 | 5881 | PRESTON VIEW BLVD | HACKETT DAVE S |
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| X | 171 | 5881 | PRESTON VIEW BLVD | NEAL JARED & RANDALL |
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| X | 174 | 5881 | PRESTON VIEW BLVD | WALTERS SHARON L |
| X | 175 | 5881 | PRESTON VIEW BLVD | RV PRESTON VIEW 112 SERIES LLC |
| X | 176 | 5881 | PRESTON VIEW BLVD | RAABE JOHNATHAN DAVID |
| X | 177 | 5881 | PRESTON VIEW BLVD | STONE JESSICA JOLENE & TAL GROSSMAN |
| X | 178 | 5881 | PRESTON VIEW BLVD | RV PRESTON VIEW 211 SERIES LLC |
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| X | 180 | 5881 | PRESTON VIEW BLVD | MOSBY JOHN SINGLETON EST OF |
| X | 181 | 5881 | PRESTON VIEW BLVD | MOJICA JOSE JOAQUIN & |

| *Reply* | *Label #* | *Address* | | *Owner* |
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| X | 182 | 5881 | PRESTON VIEW BLVD | BURDORF RANDALL L |
| X | 183 | 5881 | PRESTON VIEW BLVD | OUZTS JOHN & CONNOR JAMES |
| X | 184 | 5881 | PRESTON VIEW BLVD | SHEARER ZACHARY SCOTT & |
| X | 185 | 5881 | PRESTON VIEW BLVD | RODRIGUEZ SANTIAGO ANDRES |
| X | 186 | 5881 | PRESTON VIEW BLVD | PANTALION JAMIE |
| X | 187 | 5881 | PRESTON VIEW BLVD | GOLDMAN EUGENE & LUCY |
| X | 188 | 5881 | PRESTON VIEW BLVD | RUEDEMANN NANCY |
| X | 189 | 5881 | PRESTON VIEW BLVD | QUACH QUYNH & |
| X | 190 | 5881 | PRESTON VIEW BLVD | ZIMMER CHRISTOPHER A |
| X | 191 | 5881 | PRESTON VIEW BLVD | KUNEMAN GARY M & KATHLEEN |
| X | 192 | 5881 | PRESTON VIEW BLVD | COMER DEBORAH C |
| X | 193 | 5881 | PRESTON VIEW BLVD | BAKER KATHLEEN K |
| X | 194 | 5881 | PRESTON VIEW BLVD | CASTRO ELIZABETH D |
| X | 195 | 5881 | PRESTON VIEW BLVD | ROYAUTE DORA SARDAS & |

# Agenda Information Sheet

**File #:** 19-880 **Item #:** 78.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, south of Great Trinity Forest Way, west of Murdock Road
Recommendation of Staff: Approval 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 for a two-year period, subject to a site plan and conditions
Z189-203(PD)



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**HONORABLE MAYOR & CITY COUNCIL** **WEDNESDAY, JUNE 26, 2019**

**ACM: Michael Mendoza**

**FILE NUMBER:** Z189-203(PD) **DATE FILED:** February 22, 2019

**LOCATION:** South of Great Trinity Forest Way, west of Murdock Road

**COUNCIL DISTRICT:** 8 **MAPSCO:** 58 Y

**SIZE OF REQUEST:** Approx. 28,836 sq. ft. **CENSUS TRACT:** 116.01

**APPLICANT:** Chevron Fuel Town

**OWNER:** R & R Suleiman LLC

**REPRESENTATIVE:** Parvez Malik, Business Zoom

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

**SUMMARY:** The purpose of the request is to sell alcoholic beverages for off-premise consumption in the existing convenience store [Chevron Fuel Town].

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

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

**BACKGROUND INFORMATION:**

- The request site is developed with a 1,999-square foot general merchandise or food store use and a motor vehicle fueling station.

- The request is to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property. The general merchandise use is permitted by right. The sale of alcoholic beverages on property in the D-1 Liquor Control Overlay requires a Specific Use Permit.

- On June 8, 2011, Specific Use Permit No. 1858 was approved by City Council for a two-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions. The request was never renewed, so the SUP ultimately expired.

**Zoning History:** There have been five zoning request in the area within the past five years.

1. **Z167-221:** On April 11, 2018, the City Council approved Specific Use Permit No. 2286 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subdistrict 5 within Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 with a D-1 Liquor Control Overlay, located on the northwest corner of C.F. Hawn Freeway and Great Trinity Forest Way.

2. **Z167-268:** On August 9, 2017, the City Council approved the renewal of Specific Use Permit No. 2118 for vehicle display, sales and services on property zoned Subdistrict 2 within Planned Development District No. 534, the C.F. Hawn Special Purpose District on the southwest side of C.F. Hawn Freeway, east of Murdock Road.

3. **Z156-309:** On January 25, 2017, the City Council approved Specific Use Permit No. 2228 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR-D-1 Regional Retail District with D-1 Liquor Control Overlay, located on the northeast corner of Murdock Road and Elkton Circle, southwest of C.F. Hawn Freeway.

4. **Z189-211:** An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, located on the northeast corner of Murdock Road and Elkton Circle, southwest of C.F. Hawn Freeway. Pending CC.

5. **Z189-193:** An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a RR-D-1 Regional Retail District with a D-1 Liquor

Control Overlay, located on the southwest corner of Great Trinity Forest Way (Loop 12) and Murdock Road. *Pending CC on 6-12-19*

6. **Z189-129:** An application for the renewal of Specific Use Permit No. 1966 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, located south of Great Trinity Forest Way (Loop 12), east of Oklaunion Drive. *Denied by CPC on March 21, 2019*

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type | Existing ROW |
|---|---|---|
| Great Trinity Forest Way (Loop 12) | Principal Arterial | 107 feet |
| Murdock Road | Principal Arterial | 100 feet |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed request and determined that the request will not have a negative impact on the existing street system.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

**URBAN DESIGN**

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

**ECONOMIC ELEMENT**

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

**Land Use:**

| | Zoning | Land Use |
|---|---|---|
| **Site** | RR-D-1 | General merchandise store with fueling station |
| **North** | PDD No. 533-D-1, SUP No. 2286 | General merchandise store with fueling station and restaurant with drive-through |
| **East** | RR-D-1 | General merchandise |
| **South** | RR-D-1 | Church |
| **West** | RR-D-1 | General merchandise with fueling station |

**Land Use Compatibility:**

The request site is currently developed with a fueling station and general merchandise or food store 3,500 square feet or less.

The proposed use is to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property. The general merchandise use is permitted by right. The sale of alcoholic beverages on property in the D-1 Liquor Control Overlay requires a Specific Use Permit.

On June 8, 2011, the City Council approved Specific Use No. 1858 for the sale of alcohol in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period with eligibility for automatic renewals for additional five-year periods subject to a site plan and conditions. The SUP was not automatically renewed in 2013 and subsequently expired on June 8, 2013. This application was submitted on February 17, 2019 with a new operator, Chevron Fuel Town.

The adjacent uses consist primarily of retail and general merchandise stores. A church is located south of the request site and is greater than 300 feet by front-door-to-front-door measurement, therefore complying with the distance separation requirement.

The D-1 Liquor Control Overlay District requires a business to obtain a Specific Use Permit to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises. The applicant is proposing the sale of alcoholic beverages for off-premise consumption.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect

on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

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

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

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. The Dallas Police Department has determined that the request site meets the standards in Chapter 12B.

**According to TABC records, the site has maintained the required TABC license:**

| | | | |
|---|---|---|---|
| **License #:** | BQ866023 | | |
| **Trade Name:** | CHEVRON FUEL TOWN | | |
| **Owner:** | FUEL TOWN INC. | | |
| **Location Address:** | 8000 GREAT TRINITY FOREST WAY<br>DALLAS , TX 75217 | **Mailing Address:** | 8000 GREAT TRINITY FOREST WAY<br>DALLAS , TX 75217 |
| **County:** | Dallas | **Orig. Issue Date:** | 3/12/2014 |
| **Status:** | Current | **Exp. Date:** | 3/11/2020 |
| | | **Wine Percent:** | 17 |
| **Location Phone No.:** | 214-391-0062 | | |
| **Subordinates:** | | | |
| **Related To:** | | **Gun Sign:** | BLUE |

The applicant's request, subject to the attached conditions and site plan, 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.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not located within an identified MVA cluster, residential properties to the southwest, and west are located within Category "G". An area to the southeast is within Category "H" across Murdock Road.

**Parking:**

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one space per 200 square feet of floor area. In addition, a motor vehicle fueling station requires two spaces.

Therefore, the proposed ±1999-square-foot convenience store requires 10 spaces plus two for the motor vehicle fueling station for a total of 12 spaces required with 27 spaces provided, as depicted on the site plan.

**Landscaping:**

Landscaping of any development will be in accordance with Article X, as amended. The proposed SUP will not require any additional landscaping since no new construction/additions are planned.

## Crime Statistics:

Crime statistics covering the period from May 19, 2012 to April 16, 2019 follows. The crime statistics reflect 375 calls, 36 offenses, and 169 arrests within a six year period.

## Offenses:

| ServYr | IncidentNum | ServNumID | OffIncident | Address | ZipCode | Premise | MBeat | MRA | Signal |
|---|---|---|---|---|---|---|---|---|---|
| 2012 | 0227800-2012 | 0227800-2012-01 | AGGRAVATED ASSAULT DW | 8000 GREAT TRINITY FOREST WAY | 75217 | CHEVRON GAS PUMP | 354 | 4530 | DA |
| 2013 | 0171674-2013 | 0171674-2013-01 | AGGRAVATED ROBBERY OF BUSINESS | 8000 GREAT TRINITY FOREST WAY | 75217 | 108 - CONVENIENCE | 354 | 4530 | 20 |
| 2013 | 0247417-2013 | 0247417-2013-01 | BMV | 8000 GREAT TRINITY FOREST WAY | 75217 | 910 - PUBLIC STRE | 354 | 4530 | 7X |
| 2014 | 20140069960 | 0069960-2014-01 | BURG OF BUSINESS | 8000 GREAT TRINITY FOREST WAY | 75217 | CONVENIENCE STORE | 354 | 4530 | 12 |
| 2015 | 014129-2015 | 014129-2015-01 | UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE | 8000 GREAT TRINITY FOREST WAY | 75217 | Convenience Store | 354 | 4530 | 09V - UUMV |
| 2015 | REDACTED | REDACTED | ASSAULT (AGG) -FAM VIO W/WEAPON (AGG) | 8000 GREAT TRINITY FOREST WAY | 75217 | Gas or Service Station | 354 | 4530 | 6XA - MAJOR DIST AMBULANCE |
| 2015 | 125905-2015 | 125905-2015-01 | THEFT FROM PERSON-PURSE SNATC | 8000 GREAT TRINITY FOREST WAY | 75217 | Retail Store | 354 | 4530 | 41/20 - ROBBERY - IN PROGRESS |
| 2015 | 129709-2015 | 129709-2015-01 | UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE | 8000 GREAT TRINITY FOREST WAY | 75217 | Gas or Service Station | 354 | 4530 | 58 - ROUTINE INVESTIGATION |
| 2015 | 145074-2015 | 145074-2015-01 | ROBBERY OF INDIVIDUAL (AGG) | 8000 GREAT TRINITY FOREST WAY | 75217 | Highway, Street, Alley ETC | 354 | 4530 | 20 - ROBBERY |
| 2015 | 169745-2015 | 169745-2015-01 | ROBBERY OF INDIVIDUAL (AGG) | 8000 GREAT TRINITY FOREST WAY | 75217 | Convenience Store | 354 | 4530 | 20 - ROBBERY |
| 2015 | 177388-2015 | 177388-2015-01 | ROBBERY OF INDIVIDUAL (AGG) | 8000 GREAT TRINITY FOREST WAY | 75217 | Convenience Store | 354 | 4530 | 20 - ROBBERY |
| 2015 | 198831-2015 | 198831-2015-01 | UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE | 8000 GREAT TRINITY FOREST WAY | 75217 | Convenience Store | 354 | 4530 | 09V - UUMV |
| 2016 | 025890-2016 | 025890-2016-01 | ASSAULT (AGG) -DEADLY WEAPON | 8000 GREAT TRINITY FOREST WAY | 75217 | Restaurant/Food Service/TABC Location | 354 | 4530 | 6XEA - DISTURBANCE EMERG AMB |
| 2016 | 056004-2016 | 056004-2016-01 | UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE | 8000 GREAT TRINITY FOREST WAY | 75217 | Retail Store | 354 | 4530 | 09V-01 UUMV JUST OCRD |
| 2016 | 060175-2016 | 060175-2016-01 | UCR - DEADLY CONDUCT | 8000 GREAT TRINITY FOREST WAY | 75217 | Retail Store | 354 | 4530 | 40/01 - OTHER |
| 2016 | 076385-2016 | 076385-2016-01 | THEFT OF PROP > OR EQUAL $750 BUT <$2,500 (NOT SHOPLIFT) | 8000 GREAT TRINITY FOREST WAY | 75217 | Gas or Service Station | 354 | 4530 | PSE/09 - THEFT |
| 2016 | 107842-2016 | 107842-2016-01 | UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE | 8000 GREAT TRINITY FOREST WAY | 75217 | Parking Lot (All Others) | 354 | 4530 | 09V - UUMV |
| 2016 | 176886-2016 | 176886-2016-01 | THEFT OF PROP > OR EQUAL $100 BUT <$750- NOT SHOPLIFT | 8000 GREAT TRINITY FOREST WAY | 75217 | Other | 354 | 4530 | 09/01 - THEFT |
| 2016 | 198226-2016 | 198226-2016-01 | BMV | 8000 GREAT TRINITY FOREST WAY | 75217 | Gas or Service Station | 354 | 4530 | 11V - BURG MOTOR VEH |
| 2016 | 218373-2016 | 218373-2016-01 | BMV | 8000 GREAT TRINITY FOREST WAY | 75217 | Parking Lot (All Others) | 354 | 4530 | 41/11V - BMV-IN PROGRESS |
| 2016 | 227724-2016 | 227724-2016-01 | THEFT OF PROP > OR EQUAL $100 BUT <$750- NOT SHOPLIFT | 8000 GREAT TRINITY FOREST WAY | 75217 | Commercial Property Occupied/Vacant | 354 | 4530 | 58 - ROUTINE INVESTIGATION |
| 2016 | 261714-2016 | 261714-2016-01 | ROBBERY OF INDIVIDUAL (AGG) | 8000 GREAT TRINITY FOREST WAY | 75217 | Highway, Street, Alley ETC | 354 | 4530 | 20 - ROBBERY |
| 2017 | 051954-2017 | 051954-2017-01 | UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE | 8000 GREAT TRINITY FOREST WAY | 75217 | Outdoor Area Public/Private | 354 | 4530 | 09V - UUMV |
| 2017 | 058194-2017 | 058194-2017-01 | ROBBERY OF INDIVIDUAL | 8000 GREAT TRINITY FOREST WAY | 75217 | Parking Lot (All Others) | 354 | 4530 | 41/20 - ROBBERY - IN PROGRESS |
| 2017 | 058194-2017 | 058194-2017-02 | UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE | 8000 GREAT TRINITY FOREST WAY | 75217 | Highway, Street, Alley ETC | 354 | 4530 | 41/20 - ROBBERY - IN PROGRESS |
| 2017 | 096153-2017 | 096153-2017-01 | THEFT FROM PERSON | 8000 GREAT TRINITY FOREST WAY | 75217 | Convenience Store | 354 | 4530 | 09/01 - THEFT |
| 2017 | 112468-2017 | 112468-2017-01 | ASSAULT (AGG) -DEADLY WEAPON | 8000 GREAT TRINITY FOREST WAY | 75217 | Highway, Street, Alley ETC | 354 | 4530 | 40/01 - OTHER |
| 2017 | 141537-2017 | 141537-2017-01 | UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE | 8000 GREAT TRINITY FOREST WAY | 75217 | Gas or Service Station | 354 | 4530 | 41/09V - UUMV IN PROGRESS |
| 2017 | 126586-2017 | 126586-2017-01 | UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE | 8000 GREAT TRINITY FOREST WAY | 75217 | Parking Lot (All Others) | 354 | 4530 | 58 - ROUTINE INVESTIGATION |
| 2017 | 224837-2017 | 224837-2017-01 | ASSAULT (AGG) -DEADLY WEAPON | 8000 GREAT TRINITY FOREST WAY | 75217 | Gas or Service Station | 354 | 4530 | 6XEA - DISTURBANCE EMERG AMB |
| 2018 | 132312-2018 | 132312-2018-01 | ROBBERY OF INDIVIDUAL (AGG) | 8000 GREAT TRINITY FOREST WAY | 75217 | Convenience Store | 354 | 4530 | 20 - ROBBERY |
| 2018 | 179681-2018 | 179681-2018-01 | ROBBERY OF INDIVIDUAL (AGG) | 8000 GREAT TRINITY FOREST WAY | 75217 | Gas or Service Station | 354 | 4530 | 14 - STABBING, CUTTING |
| 2018 | 187140-2018 | 187140-2018-01 | ROBBERY OF INDIVIDUAL (AGG) | 8000 GREAT TRINITY FOREST WAY | 75217 | Gas or Service Station | 354 | 4530 | DAEF-DIST ARMED ENCOUNTER FOOT |
| 2018 | 240950-2018 | 240950-2018-01 | UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE | 8000 GREAT TRINITY FOREST WAY | 75217 | Gas or Service Station | 354 | 4530 | 09V-01 UUMV JUST OCRD |
| 2018 | 249944-2018 | 249944-2018-01 | THEFT OF PROP > OR EQUAL $2,500 <$30K (NOT SHOPLIFT) PC31.03(e4A) | 8000 GREAT TRINITY FOREST WAY | 75217 | Gas or Service Station | 354 | 4530 | 58 - ROUTINE INVESTIGATION |
| 2019 | 000933-2019 | 000933-2019-01 | THEFT OF PROP <$100 -SHOPLIFTING - (NOT BY EMPLOYEE) | 8000 GREAT TRINITY FOREST WAY | 75217 | Business Office | 354 | 4530 | 6X - MAJOR DIST (VIOLENCE) |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 045994-2017 | 17-008124 | 2/27/2017 | 1:24:00 PM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 068455-2017 | 17-012376 | 3/27/2017 | 6:37:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 068455-2017 | 17-012376 | 3/27/2017 | 6:37:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 075455-2017 | 17-013727 | 4/5/2017 | 3:49:00 AM | 8000 GREAT TRINITY FOREST WY | TRAFFIC CHARGES | TRAFFIC VIOLATION - NON HAZARDOUS | MB | TRAF VIO -DRIV W/OUT LIC INV W/PREV CONV/SUSP/W/O FIN RES |
| 075969-2017 | 17-013802 | 4/5/2017 | 6:30:00 PM | 8000 GREAT TRINITY FOREST WY | ALL OTHER M\C CHARGES | TRAFFIC VIOLATION - NON HAZARDOUS | MC | TRAFFIC VIOLATION - NON HAZARDOUS |
| 075969-2017 | 17-013802 | 4/5/2017 | 6:30:00 PM | 8000 GREAT TRINITY FOREST WY | ALL OTHER M\C CHARGES | TRAFFIC VIOLATION - NON HAZARDOUS | MC | TRAFFIC VIOLATION - NON HAZARDOUS |
| 075969-2017 | 17-013802 | 4/5/2017 | 6:30:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 081541-2017 | 17-014853 | 4/12/2017 | 12:00:00 PM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 108798-2017 | 17-019869 | 5/15/2017 | 10:28:00 AM | 8000 GREAT TRINITY FOREST WY | APOWW | APOWW | NA | APOWW (SOCIAL SERVICES REFERRAL) |
| 117589-2017 | 17-021467 | 5/25/2017 | 4:15:00 PM | 8000 GREAT TRINITY FOREST WY | AUTO THEFT | UUMV | FS | UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE |
| 117589-2017 | 17-021467 | 5/25/2017 | 4:15:00 PM | 8000 GREAT TRINITY FOREST WY | OTHER | FALSE PRETENSES/ SWINDLE/ CONFIDENCE GAME | MA | FAIL TO ID -FUGITIVE INTENT GIVE FALSE INFO |
| 117589-2017 | 17-021467 | 5/25/2017 | 4:15:00 PM | 8000 GREAT TRINITY FOREST WY | OTHER | ALL OTHER OFFENSES | F* | OTHER OFFENSE - FELONY |
| 117589-2017 | 17-021467 | 5/25/2017 | 4:15:00 PM | 8000 GREAT TRINITY FOREST WY | TRAFFIC CHARGES | TRAFFIC VIOLATION - HAZARDOUS | MB | TRAF VIO -RECKLESS DRIVING |
| 117589-2017 | 17-021467 | 5/25/2017 | 4:15:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 137965-2017 | 17-025121 | 6/18/2017 | 12:30:00 PM | 8000 GREAT TRINITY FOREST WY | APOWW | APOWW | NA | APOWW (SOCIAL SERVICES REFERRAL) |
| 157152-2017 | 17-028486 | 7/11/2017 | 9:05:00 AM | 8000 GREAT TRINITY FOREST WY | OTHER | ALL OTHER OFFENSES | MA | EVADING ARREST DETENTION |
| 157152-2017 | 17-028486 | 7/11/2017 | 9:05:00 AM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (CAPIAS) | NA | WARRANT-DALLAS PD (CAPIAS) |
| 160324-2017 | 17-029048 | 7/14/2017 | 9:32:00 PM | 8000 GREAT TRINITY FOREST WY | APOWW | APOWW | NA | APOWW (SOCIAL SERVICES REFERRAL) |
| 170657-2017 | 17-030882 | 7/27/2017 | 4:25:00 PM | 8000 GREAT TRINITY FOREST WY | NARCOTIC CHARGES | DRUG/ NARCOTIC VIOLATIONS | F1 | MAN DEL CONT SUB PEN GRP 1 > OR EQUAL 4G<200G |
| 170657-2017 | 17-030882 | 7/27/2017 | 4:25:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 172743-2017 | 17-031236 | 7/30/2017 | 1:40:00 AM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 189208-2017 | 17-034117 | 8/19/2017 | 12:30:00 AM | 8000 GREAT TRINITY FOREST WY | OTHER /AGAINST CHILD | FAMILY OFFENSES, NONVIOLENT | F3 | VIO PROTECT ORDER BIAS/PREJUD W/2+ PREV CONV. |
| 189208-2017 | 17-034117 | 8/19/2017 | 12:30:00 AM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 234464-2017 | 17-041868 | 10/13/2017 | 1:20:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 258566-2017 | 17-045821 | 11/12/2017 | 5:55:00 PM | 8000 GREAT TRINITY FOREST WAY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 082225-2018 | 18-012951 | 4/19/2018 | 2:05:00 PM | 8000 GREAT TRINITY FOREST WAY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 094588-2018 | 18-014843 | 5/4/2018 | 10:05:00 PM | 8000 GREAT TRINITY FOREST WAY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 100262-2018 | 18-015741 | 5/11/2018 | 8:30:00 PM | 8000 GREAT TRINITY FOREST WAY | NULL | COUNTERFEITING / FORGERY | F3 | TAMPER FABRICATE PHYSICAL EVID WITH INTENT TO IMPAIR |
| 100262-2018 | 18-015741 | 5/11/2018 | 8:30:00 PM | 8000 GREAT TRINITY FOREST WAY | NARCOTIC CHARGES | DRUG/ NARCOTIC VIOLATIONS | FS | POSS CONT SUB PEN GRP 2 < 1G |
| 100262-2018 | 18-015741 | 5/11/2018 | 8:30:00 PM | 8000 GREAT TRINITY FOREST WAY | UCW/CPW | WEAPON LAW VIOLATIONS | F3 | UNLAWFUL POSS FIREARM BY FELON |
| 101778-2018 | 18-016027 | 5/13/2018 | 7:35:00 PM | 8000 GREAT TRINITY FOREST WAY | DWI | DUI | MB | DWI |
| 137674-2018 | 18-021847 | 6/25/2018 | 9:10:00 AM | 8000 GREAT TRINITY FOREST WAY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 137674-2018 | 18-021847 | 6/25/2018 | 9:10:00 AM | 8000 GREAT TRINITY FOREST WAY | ALIAS/CAPIAS | WARRANT-DALLAS PD (CAPIAS) | NA | WARRANT-DALLAS PD (CAPIAS) |
| 163474-2018 | 18-026180 | 7/26/2018 | 9:01:00 AM | 8000 GREAT TRINITY FOREST WAY | | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 168853-2018 | 18-027085 | 8/1/2018 | 8:35:00 PM | 8000 GREAT TRINITY FOREST WAY | | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 168853-2018 | 18-027085 | 8/1/2018 | 8:35:00 PM | 8000 GREAT TRINITY FOREST WAY | | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 242256-2017 | 18-034245 | 9/21/2018 | 3:50:00 PM | 8000 GREAT TRINITY FOREST WAY | | WARRANT DALLAS PD (UUMV) | NA | WARRANT DALLAS PD (UUMV) |
| 242256-2017 | 18-034245 | 9/21/2018 | 3:50:00 PM | 8000 GREAT TRINITY FOREST WAY | | ALL OTHER OFFENSES | MA | FAIL TO ID -FUGITIVE INTENT GIVE FALSE INFO |
| 218964-2018 | 18-035787 | 10/4/2018 | 9:30:00 AM | 8000 GREAT TRINITY FOREST WAY | | DRUG/ NARCOTIC VIOLATIONS | MA | POSS CONT SUB PEN GRP 3 < 28G |
| 218964-2018 | 18-035787 | 10/4/2018 | 9:30:00 AM | 8000 GREAT TRINITY FOREST WAY | | DRUG/ NARCOTIC VIOLATIONS | MA | POSS CONT SUB PEN GRP 3 < 28G |
| 218964-2018 | 18-035787 | 10/4/2018 | 9:30:00 AM | 8000 GREAT TRINITY FOREST WAY | | DRUG/ NARCOTIC VIOLATIONS | MB | POSS MARIJUANA <2OZ |
| 218964-2018 | 18-035787 | 10/4/2018 | 9:30:00 AM | 8000 GREAT TRINITY FOREST WAY | | ALL OTHER OFFENSES | MA | FAIL TO ID -FUGITIVE INTENT GIVE FALSE INFO |
| 218964-2018 | 18-035787 | 10/4/2018 | 9:30:00 AM | 8000 GREAT TRINITY FOREST WAY | | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 233546-2018 | 18-038156 | 10/25/2018 | 10:55:00 AM | 8000 GREAT TRINITY FOREST WAY | | WARRANT DALLAS PD (ASSAULT - FV) | NA | WARRANT DALLAS PD (ASSAULT - FV) |
| 233546-2018 | 18-038156 | 10/25/2018 | 10:55:00 AM | 8000 GREAT TRINITY FOREST WAY | | DRUG/ NARCOTIC VIOLATIONS | FS | POSS CONT SUB PEN GRP 1 <1G |
| 233546-2018 | 18-038156 | 10/25/2018 | 10:55:00 AM | 8000 GREAT TRINITY FOREST WAY | | DRUG/ NARCOTIC VIOLATIONS | MB | POSS MARIJUANA <2OZ |
| 240606-2018 | 18-039351 | 11/5/2018 | 3:16:00 AM | 8000 GREAT TRINITY FOREST WAY | | PUBLIC INTOXICATION | MC | PUBLIC INTOXICATION |
| 239340-2018 | 18-039356 | 11/5/2018 | 2:40:00 AM | 8000 GREAT TRINITY FOREST WAY | | ALL OTHER LARCENY | F3 | THEFT OF PROP > OR EQUAL $2,500 <$30K ENH (NOT SHOPLIFT) PC31.03(f) |
| 239340-2018 | 18-039356 | 11/5/2018 | 2:40:00 AM | 8000 GREAT TRINITY FOREST WAY | | DRUG/ NARCOTIC VIOLATIONS | FS | POSS CONT SUB PEN GRP 1 <1G |
| 253117-2018 | 18-041408 | 11/24/2018 | 1:18:00 AM | 8000 GREAT TRINITY FOREST WAY | | WARRANT DALLAS PD (OTHERS) | NA | WARRANT DALLAS PD (OTHERS) |
| 273420-2018 | 18-044780 | 12/22/2018 | 6:45:00 PM | 8000 GREAT TRINITY FOREST WAY | | DRUG/ NARCOTIC VIOLATIONS | MB | POSS CONT SUB PEN GRP 2-A < OR EQUAL 2 OZ |
| 273420-2018 | 18-044780 | 12/22/2018 | 6:45:00 PM | 8000 GREAT TRINITY FOREST WAY | | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 002768-2019 | 19-000434 | 1/5/2019 | 3:45:00 AM | 8000 GREAT TRINITY FOREST WAY | | PUBLIC INTOXICATION | MC | PUBLIC INTOXICATION |
| 019235-2019 | 19-003341 | 1/29/2019 | 2:10:00 AM | 8000 GREAT TRINITY FOREST WAY | | DRUG/ NARCOTIC VIOLATIONS | FS | POSS CONT SUB PEN GRP 1 <1G |
| 019235-2019 | 19-003341 | 1/29/2019 | 2:10:00 AM | 8000 GREAT TRINITY FOREST WAY | | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 030843-2019 | 19-005396 | 2/14/2019 | 4:30:00 PM | 8000 GREAT TRINITY FOREST WAY | | PUBLIC INTOXICATION | MC | PUBLIC INTOXICATION |
| 036680-2019 | 19-006470 | 2/22/2019 | 10:20:00 PM | 8000 GREAT TRINITY FOREST WAY | | DRUG/ NARCOTIC VIOLATIONS | FS | POSS CONT SUB PEN GRP 1 <1G |
| 036680-2019 | 19-006470 | 2/22/2019 | 10:20:00 PM | 8000 GREAT TRINITY FOREST WAY | | DRUG/ NARCOTIC VIOLATIONS | FS | POSS CONT SUB PEN GRP 1 <1G |
| 036680-2019 | 19-006470 | 2/22/2019 | 10:20:00 PM | 8000 GREAT TRINITY FOREST WAY | | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 038578-2019 | 19-006880 | 2/25/2019 | 1:50:00 PM | 8000 GREAT TRINITY FOREST WAY | | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 038578-2019 | 19-006880 | 2/25/2019 | 1:50:00 PM | 8000 GREAT TRINITY FOREST WAY | | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 038578-2019 | 19-006880 | 2/25/2019 | 1:50:00 PM | 8000 GREAT TRINITY FOREST WAY | | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 038578-2019 | 19-006880 | 2/25/2019 | 1:50:00 PM | 8000 GREAT TRINITY FOREST WAY | | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 073918-2019 | 19-013018 | 4/14/2019 | 12:10:00 PM | 8000 GREAT TRINITY FOREST WAY | | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |

## Arrests:

| IncidentNum | ArrestNumber | ArArrestDate | ArArrestTime | ArLAddress | UCRArrestChg | NIBRS_Crime | PClass | ChargeDesc |
|---|---|---|---|---|---|---|---|---|
| 135435-2014 | 14-024401 | 6/4/2014 | 11:45:00 PM | 8000 GREAT TRINITY FOREST WAY | NARCOTIC CHARGES | DRUG/ NARCOTIC VIOLATIONS | FS | POSS CONT SUB PEN GRP 1 <1G |
| 135435-2014 | 14-024401 | 6/4/2014 | 11:45:00 PM | 8000 GREAT TRINITY FOREST WAY | NARCOTIC CHARGES | DRUG/ NARCOTIC VIOLATIONS | MA | POSS CONT SUB PEN GRP 3 < 28G |
| 165799-2014 | 14-029817 | 7/10/2014 | 5:40:00 PM | 8000 GREAT TRINITY FOREST WAY | OTHER | ALL OTHER OFFENSES | M* | OTHER OFFENSE - MISDEMEANOR |
| 165799-2014 | 14-029817 | 7/10/2014 | 5:40:00 PM | 8000 GREAT TRINITY FOREST WAY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 196955-2014 | 14-035692 | 8/16/2014 | 12:15:00 PM | 8000 GREAT TRINITY FOREST WAY | PUBLIC INTOXICATION | PUBLIC INTOXICATION | MC | PUBLIC INTOXICATION |
| 198109-2014 | 14-035904 | 8/17/2014 | 7:24:00 PM | 8000 GREAT TRINITY FOREST WAY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 222921-2014 | 14-040374 | 9/16/2014 | 12:18:00 AM | 8000 GREAT TRINITY FOREST WAY | OTHER /ASSAULT | SIMPLE ASSAULT | MA | ASSAULT -FAMILY VIOLENCE - BODILY INJURY ONLY |
| 236081-2014 | 14-042692 | 10/1/2014 | 4:30:00 PM | 8000 GREAT TRINITY FOREST WAY | ALIAS/CAPIAS | WARRANT-DALLAS PD (CAPIAS) | NA | WARRANT-DALLAS PD (CAPIAS) |
| 298139-2014 | 14-053354 | 12/16/2014 | 3:00:00 AM | 8000 GREAT TRINITY FOREST WAY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 303929-2014 | 14-054255 | 12/23/2014 | 9:41:00 AM | 8000 GREAT TRINITY FOREST WAY | APOWW | APOWW | NA | APOWW (SOCIAL SERVICES REFERRAL) |
| 307135-2014 | 14-054749 | 12/27/2014 | 8:45:00 PM | 8000 GREAT TRINITY FOREST WAY | APOWW | APOWW | NA | APOWW (SOCIAL SERVICES REFERRAL) |
| 015489-2015 | 15-002736 | 1/20/2015 | 5:30:00 PM | 8000 GREAT TRINITY FOREST WAY | PUBLIC INTOXICATION | PUBLIC INTOXICATION | MC | PUBLIC INTOXICATION |
| 051367-2015 | 15-009015 | 3/7/2015 | 10:05:00 PM | 8000 GREAT TRINITY FOREST WAY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 071463-2015 | 15-012578 | 4/1/2015 | 1:19:00 AM | 8000 GREAT TRINITY FOREST WAY | OTHER /ASSAULT | SIMPLE ASSAULT | MA | ASSAULT -FAMILY VIOLENCE - BODILY INJURY ONLY |
| 089885-2015 | 15-016032 | 4/22/2015 | 5:40:00 PM | 8000 GREAT TRINITY FOREST WY | NARCOTIC CHARGES | DRUG/ NARCOTIC VIOLATIONS | FS | POSS CONT SUB PEN GRP 1 <1G |
| 089885-2015 | 15-016032 | 4/22/2015 | 5:40:00 PM | 8000 GREAT TRINITY FOREST WY | NARCOTIC CHARGES | DRUG/ NARCOTIC VIOLATIONS | MB | POSS MARIJUANA <2OZ |
| 089885-2015 | 15-016032 | 4/22/2015 | 5:40:00 PM | 8000 GREAT TRINITY FOREST WY | UCW/CPW | WEAPON LAW VIOLATIONS | MA | PROHIBITED WEAPON KNUCKLES |
| 089885-2015 | 15-016032 | 4/22/2015 | 5:40:00 PM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 091517-2015 | 15-016325 | 4/24/2015 | 1:35:00 PM | 8000 GREAT TRINITY FOREST WY | APOWW | APOWW | NA | APOWW (SOCIAL SERVICES REFERRAL) |
| 106827-2015 | 15-018959 | 5/12/2015 | 1:10:00 PM | 8000 GREAT TRINITY FOREST WY | PROSTITUTION | PURCHASING PROSTITUTION | MA | PROSTITUTION W/1OR2 PREV CONVICTIONS |
| 125905-2015 | 15-022223 | 6/3/2015 | 2:10:00 PM | 8000 GREAT TRINITY FOREST WY | FELONY THEFT | PURSE-SNATCHING | FS | THEFT FROM PERSON-PURSE SNATC |
| 125905-2015 | 15-022223 | 6/3/2015 | 2:10:00 PM | 8000 GREAT TRINITY FOREST WY | NARCOTIC CHARGES | DRUG/ NARCOTIC VIOLATIONS | FS | POSS CONT SUB PEN GRP 1 <1G |
| 125905-2015 | 15-022223 | 6/3/2015 | 2:10:00 PM | 8000 GREAT TRINITY FOREST WY | NARCOTIC CHARGES | DRUG/ NARCOTIC VIOLATIONS | MB | POSS MARIJUANA <2OZ |
| 143548-2015 | 15-025106 | 6/23/2015 | 8:20:00 PM | 8000 GREAT TRINITY FOREST WY | APOWW | APOWW | NA | APOWW (SOCIAL SERVICES REFERRAL) |
| 170753-2015 | 15-029714 | 7/25/2015 | 10:30:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 205994-2015 | 15-035725 | 9/4/2015 | 8:02:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 223842-2015 | 15-038654 | 9/26/2015 | 7:10:00 PM | 8000 GREAT TRINITY FOREST WY | APOWW | APOWW | NA | APOWW (SOCIAL SERVICES REFERRAL) |
| 255082-2015 | 15-043506 | 11/2/2015 | 10:00:00 AM | 8000 GREAT TRINITY FOREST WY | OTHER /ASSAULT | SIMPLE ASSAULT | MA | ASSAULT -FAMILY VIOLENCE - BODILY INJURY ONLY |
| 255082-2015 | 15-043506 | 11/2/2015 | 10:00:00 AM | 8000 GREAT TRINITY FOREST WY | ALL OTHER M\C CHARGES | SIMPLE ASSAULT | MC | ASSAULT -FAM VIOL OFFENSIVE CONTACT PC 22.01(A)(3) |
| 275507-2015 | 15-046607 | 11/26/2015 | 9:30:00 PM | 8000 GREAT TRINITY FOREST WY | NARCOTIC CHARGES | DRUG/ NARCOTIC VIOLATIONS | FS | POSS CONT SUB PEN GRP 1 <1G |
| 275507-2015 | 15-046607 | 11/26/2015 | 9:30:00 PM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 296873-2015 | 15-049983 | 12/22/2015 | 4:40:00 AM | 8000 GREAT TRINITY FOREST WY | TRAFFIC CHARGES | TRAFFIC VIOLATION - NON HAZARDOUS | MB | TRAF VIO-WRONG FICT/ALTERED/OBSCURED VEH PLATE/REG |
| 302175-2015 | 15-050799 | 12/29/2015 | 2:07:00 AM | 8000 GREAT TRINITY FOREST WY | ROBBERY | ROBBERY-INDIVIDUAL | F1 | ROBBERY OF INDIVIDUAL (AGG) |
| 302366-2015 | 15-050798 | 12/29/2015 | 3:01:00 AM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 021810-2016 | 16-003572 | 1/27/2016 | 10:20:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 029414-2016 | 16-005014 | 2/5/2016 | 10:15:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 029414-2016 | 16-005014 | 2/5/2016 | 10:15:00 PM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 032142-2016 | 16-005520 | 2/9/2016 | 11:15:00 AM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 032142-2016 | 16-005520 | 2/9/2016 | 11:15:00 AM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 032142-2016 | 16-005524 | 2/9/2016 | 11:15:00 AM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 032142-2016 | 16-005524 | 2/9/2016 | 11:15:00 AM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 038934-2016 | 16-006788 | 2/17/2016 | 12:00:00 AM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 059332-2016 | 16-010516 | 3/11/2016 | 8:20:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 082489-2016 | 16-014697 | 4/7/2016 | 6:00:00 PM | 8000 GREAT TRINITY FOREST WY | OTHER | FALSE PRETENSES/ SWINDLE/ CONFIDENCE GAME | MA | FAIL TO ID -FUGITIVE INTENT GIVE FALSE INFO |
| 082489-2016 | 16-014697 | 4/7/2016 | 6:00:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 084387-2016 | 16-015049 | 4/9/2016 | 6:50:00 PM | 8000 GREAT TRINITY FOREST WY | OTHER | FALSE PRETENSES/ SWINDLE/ CONFIDENCE GAME | MA | FAIL TO ID -FUGITIVE INTENT GIVE FALSE INFO |
| 084387-2016 | 16-015049 | 4/9/2016 | 6:50:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 091421-2016 | 16-016377 | 4/17/2016 | 6:00:00 PM | 8000 GREAT TRINITY FOREST WY | PUBLIC INTOXICATION | PUBLIC INTOXICATION | MC | PUBLIC INTOXICATION |
| 114834-2016 | 16-020806 | 5/14/2016 | 3:42:00 AM | 8000 GREAT TRINITY FOREST WY | APOWW | APOWW | NA | APOWW (SOCIAL SERVICES REFERRAL) |
| 144461-2016 | 16-026394 | 6/15/2016 | 2:00:00 AM | 8000 GREAT TRINITY FOREST WY | ALL OTHER M\C CHARGES | TRAFFIC VIOLATION - NON HAZARDOUS | MC | TRAFFIC VIOLATION - NON HAZARDOUS |
| 144461-2016 | 16-026394 | 6/15/2016 | 2:00:00 AM | 8000 GREAT TRINITY FOREST WY | ALL OTHER M\C CHARGES | TRAFFIC VIOLATION - NON HAZARDOUS | MC | TRAFFIC VIOLATION - NON HAZARDOUS |
| 144461-2016 | 16-026394 | 6/15/2016 | 2:00:00 AM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 148483-2016 | 16-027087 | 6/19/2016 | 6:30:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 163630-2016 | 16-029914 | 7/6/2016 | 7:35:00 AM | 8000 GREAT TRINITY FOREST WY | OTHER /CRIMINAL TRESPASS | TRESPASS OF REAL PROPERTY | MB | CRIMINAL TRESPASS |
| 163630-2016 | 16-029914 | 7/6/2016 | 7:35:00 AM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 166007-2016 | 16-030340 | 7/9/2016 | 5:20:00 AM | 8000 GREAT TRINITY FOREST WY | PUBLIC INTOXICATION | PUBLIC INTOXICATION | MC | PUBLIC INTOXICATION |
| 197500-2016 | 16-035573 | 8/16/2016 | 6:30:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 198912-2016 | 16-035826 | 8/18/2016 | 1:41:00 PM | 8000 GREAT TRINITY FOREST WY | OTHER | ALL OTHER OFFENSES | FS | EVADING ARREST DETENTION W/VEH |
| 198912-2016 | 16-035826 | 8/18/2016 | 1:41:00 PM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 199066-2016 | 16-035848 | 8/18/2016 | 5:15:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 207484-2016 | 16-037382 | 8/28/2016 | 7:40:00 PM | 8000 GREAT TRINITY FOREST WY | DWI | DUI | MA | DWI BAC > OR EQUAL TO 0.15 |
| 233700-2016 | 16-041962 | 9/28/2016 | 5:55:00 PM | 8000 GREAT TRINITY FOREST WY | OTHER SEX OFFENSES | ALL OTHER OFFENSES | MB | INDECENT EXPOSURE |
| 233557-2016 | 16-041922 | 9/28/2016 | 2:00:00 PM | 8000 GREAT TRINITY FOREST WY | PUBLIC INTOXICATION | PUBLIC INTOXICATION | MC | PUBLIC INTOXICATION |
| 255016-2016 | 16-045533 | 10/23/2016 | 7:43:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 263802-2016 | 16-046983 | 11/3/2016 | 3:00:00 PM | 8000 GREAT TRINITY FOREST WY | PUBLIC INTOXICATION | PUBLIC INTOXICATION | MC | PUBLIC INTOXICATION |
| 289058-2016 | 16-050971 | 12/4/2016 | 4:15:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 289058-2016 | 16-050971 | 12/4/2016 | 4:15:00 PM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 289033-2016 | 16-050974 | 12/4/2016 | 4:23:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 289033-2016 | 16-050974 | 12/4/2016 | 4:23:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 019091-2017 | 17-003147 | 1/25/2017 | 12:47:00 AM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 024278-2017 | 17-004086 | 1/31/2017 | 3:35:00 PM | 8000 GREAT TRINITY FOREST WAY | PROSTITUTION | PROSTITUTION | FS | PROSTITUTION W/3 OR MORE CONVICTIONS (SELLER) |
| 029416-2017 | 17-005042 | 2/6/2017 | 7:46:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 036706-2017 | 17-006372 | 2/15/2017 | 2:50:00 PM | 8000 GREAT TRINITY FOREST WY | PROSTITUTION | PROSTITUTION | FS | PROSTITUTION W/3 OR MORE CONVICTIONS (SELLER) |
| 039716-2017 | 17-006971 | 2/19/2017 | 11:26:00 AM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 039716-2017 | 17-006971 | 2/19/2017 | 11:26:00 AM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (CAPIAS) | NA | WARRANT-DALLAS PD (CAPIAS) |
| 040522-2017 | 17-007097 | 2/20/2017 | 1:00:00 PM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 041921-2017 | 17-007342 | 2/22/2017 | 9:25:00 AM | 8000 GREAT TRINITY FOREST WY | ALIAS/CAPIAS | WARRANT-DALLAS PD (ALIAS) | NA | WARRANT-DALLAS PD (ALIAS) |
| 045994-2017 | 17-008124 | 2/27/2017 | 1:24:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |
| 045994-2017 | 17-008124 | 2/27/2017 | 1:24:00 PM | 8000 GREAT TRINITY FOREST WY | HOLDS DSO | WARRANT HOLD (OUTSIDE AGENCY) | NA | WARRANT HOLD (OUTSIDE AGENCY) |

| IncidentNum | ArrestNumber | ArrestYr | ARArrestDate | ArArrestTime | ArChgNumID | ChargeDesc | PClass | UCRWord | UCR | ArLAddress |
|---|---|---|---|---|---|---|---|---|---|---|
| - | 11054030 | 2011 | 10/10/2011 | 10:00:00 AM | 0054030-2011-01 | 06 DSO 1/$15000.00 | | HOLD | | 8000 GREAT TRINITY FOREST WAY |
| - | 11054030 | 2011 | 10/10/2011 | 10:00:00 AM | 0054030-2011-02 | 99 WILMER PD 2/$710.00 | | HOLD | | 8000 GREAT TRINITY FOREST WAY |
| - | 11054030 | 2011 | 10/10/2011 | 10:00:00 AM | 0054030-2011-03 | 99 DALLAS PD 8/$3186.45 | | HOLD | | 8000 GREAT TRINITY FOREST WAY |
| - | 11064418 | 2011 | 12/11/2011 | 10:00:00 PM | 0064418-2011-01 | DPD/3@982.85 | | ALIAS | | 8000 GREAT TRINITY FOREST WAY |
| - | 12045388 | 2012 | 9/19/2012 | 5:15:00 PM | 0045388-2012-01 | PUBLICINTOXICATION | MC | D&D | | 8000 GREAT TRINITY FOREST WAY |
| - | 12052345 | 2012 | 11/1/2012 | 8:45:00 AM | 0052345-2012-01 | 99 DSO 1/$250.00 | | HOLD | | 8000 GREAT TRINITY FOREST WAY |
| - | 12052345 | 2012 | 11/1/2012 | 8:45:00 AM | 0052345-2012-02 | 99 CARROLLTON 1/$494.00 | | HOLD | | 8000 GREAT TRINITY FOREST WAY |
| 20120302192 | 12057790 | 2012 | 12/6/2012 | 5:30:00 PM | 0057790-2012-01 | CRIM TRESPASS/BLDG/PROP | MB | OTHERS | | 8000 GREAT TRINITY FOREST WAY |
| - | 13006308 | 2013 | 2/9/2013 | 11:20:00 AM | 0006308-2013-01 | DPD 2@1134.90 | | ALIAS | | 8000 GREAT TRINITY FOREST WAY |
| 20130046462 | 13009155 | 2013 | 2/26/2013 | 3:30:00 AM | 0009155-2013-01 | FAIL MAINT FIN RESP | MC | TRAFNH | | 8000 GREAT TRINITY FOREST WAY |
| 20130046462 | 13009155 | 2013 | 2/26/2013 | 3:30:00 AM | 0009155-2013-01 | POS/MARIJ/6.4G | MB | NARC | | 8000 GREAT TRINITY FOREST WAY |
| - | 13022341 | 2013 | 5/14/2013 | 11:35:00 PM | 0022341-2013-01 | 99/GARLAND12@$5275.79 | | HOLD | | 8000 GREAT TRINITY FOREST WAY |
| - | 13026182 | 2013 | 6/7/2013 | 12:45:00 AM | 0026182-2013-01 | APPOW/CIT | | OTHERS | | 8000 GREAT TRINITY FOREST WAY |
| - | 13030050 | 2013 | 6/29/2013 | 5:45:00 PM | 0030050-2013-01 | PUBLICINTOXICATION | MC | D&D | | 8000 GREAT TRINITY FOREST WAY |
| 20130252087 | 13046809 | 2013 | 10/1/2013 | 3:45:00 PM | 0046809-2013-01 | PROSTITUTION/>=3 PRIORS | SJ | PROST | | 8000 GREAT TRINITY FOREST WAY |
| 20130252087 | 13046809 | 2013 | 10/1/2013 | 3:45:00 PM | 0046809-2013-02 | POS/DRUG PARA | MC | NARC | | 8000 GREAT TRINITY FOREST WAY |
| 20140018186 | 14003260 | 2014 | 1/22/2014 | 8:30:00 PM | 0003260-2014-01 | 99WILMERPD 2/$500.00 | | HOLD | | 8000 GREAT TRINITY FOREST WAY |
| 20140018186 | 14003260 | 2014 | 1/22/2014 | 8:30:00 PM | 0003260-2014-02 | 99SEAGOVILLEPD5/$1477.2 | | HOLD | | 8000 GREAT TRINITY FOREST WAY |
| 20140018186 | 14003260 | 2014 | 1/22/2014 | 8:30:00 PM | 0003260-2014-03 | UNAUTHORIZE USE VEHICLE | SJ | ATTH | | 8000 GREAT TRINITY FOREST WAY |
| - | 14011595 | 2014 | 3/16/2014 | 4:15:00 PM | 0011595-2014-01 | SOLICIT OF VEHICLES | MC | DISCD | | 8000 GREAT TRINITY FOREST WAY |
| - | 14011595 | 2014 | 3/16/2014 | 4:15:00 PM | 0011595-2014-02 | DALLAS PD 1/$512.20 | | ALIAS | | 8000 GREAT TRINITY FOREST WAY |
| 20140071705 | 14013223 | 2014 | 3/27/2014 | 1:30:00 AM | 0013223-2014-01 | DWI/0.15 OR > | MA | DWI | | 8000 GREAT TRINITY FOREST WAY |
| 20140100278 | 14018369 | 2014 | 4/27/2014 | 10:00:00 AM | 0018369-2014-01 | DPD 3/$1,322.40 | | ALIAS | | 8000 GREAT TRINITY FOREST WAY |
| 20140100278 | 14018369 | 2014 | 4/27/2014 | 10:00:00 AM | 0018369-2014-02 | POS/MARIJ/651.3 GRAMS | SJ | NARC | | 8000 GREAT TRINITY FOREST WAY |
| 20140100278 | 14018369 | 2014 | 4/27/2014 | 10:00:00 AM | 0018369-2014-03 | UNLAW POS FIREARM/FELON | F3 | CPW | | 8000 GREAT TRINITY FOREST WAY |
| - | 14018454 | 2014 | 4/28/2014 | 1:50:00 AM | 0018454-2014-01 | 99/BLHSPRINGS4@$1555.80 | | HOLD | | 8000 GREAT TRINITY FOREST WAY |

**CPC Action:**
**May 16, 2019**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period, subject to a site plan and conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, south of Great Trinity Forest Way (Loop 12), west of Murdock Road.

Maker: Lewis
Second: Criss
Result: Carried: 13 to 0

For: 13 - MacGregor, Criss, Johnson, Shidid, Carpenter, Brinson, Lewis, Jung, Housewright, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schulte
Vacancy: 1 - District 12

**Notices:** Area: 200 Mailed: 9
**Replies:** For: 1 Against: 0

**Speakers**: For: Parvez Malik, 320 Decker Dr., Las Colinas, TX, 75062
Against: None

**LIST OF OFFICERS**
R & R Suleiman LLC

Rabeh Suleiman, Manager/Member

**LIST OF OFFICERS**
Fuel Town Inc

Jawed Sagani, President/Secretary

## CPC Recommended Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on _____ (two years).

4. FLOOR AREA: The maximum floor area for this use is 1,999 square feet.

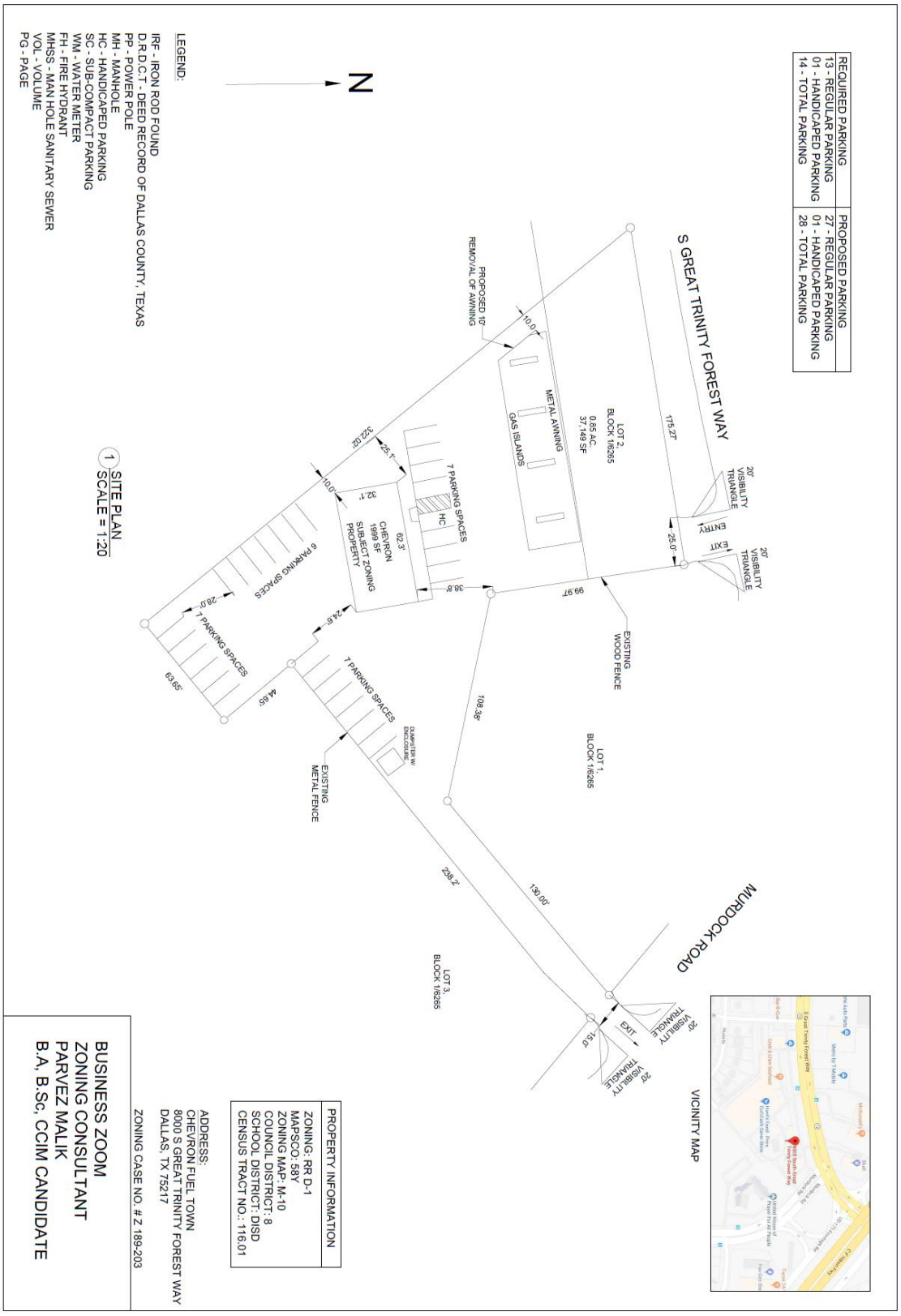
5. INGRESS/EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.

6. PARKING: Off-street parking must be located as shown on the attached site plan.

7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

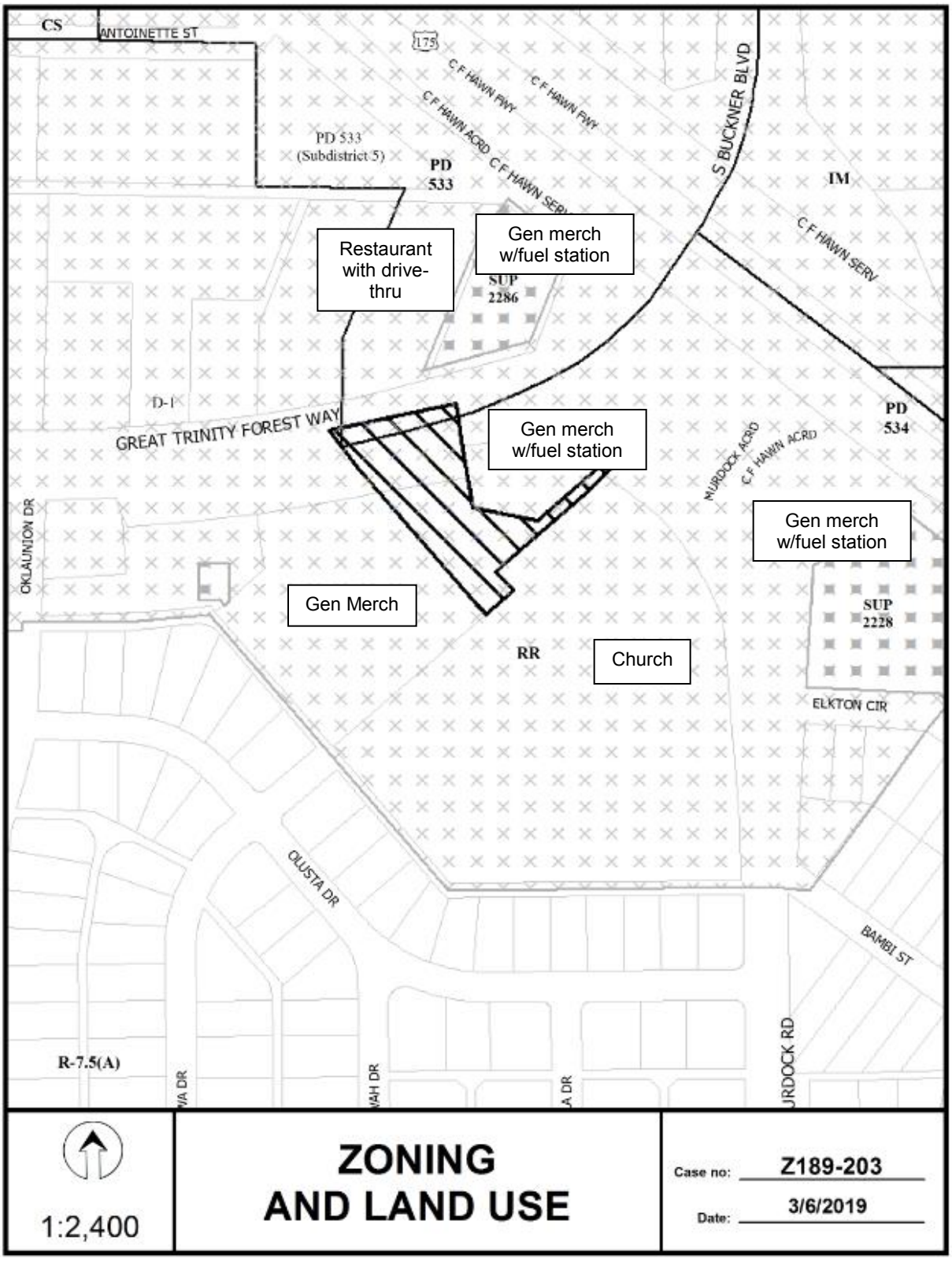
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

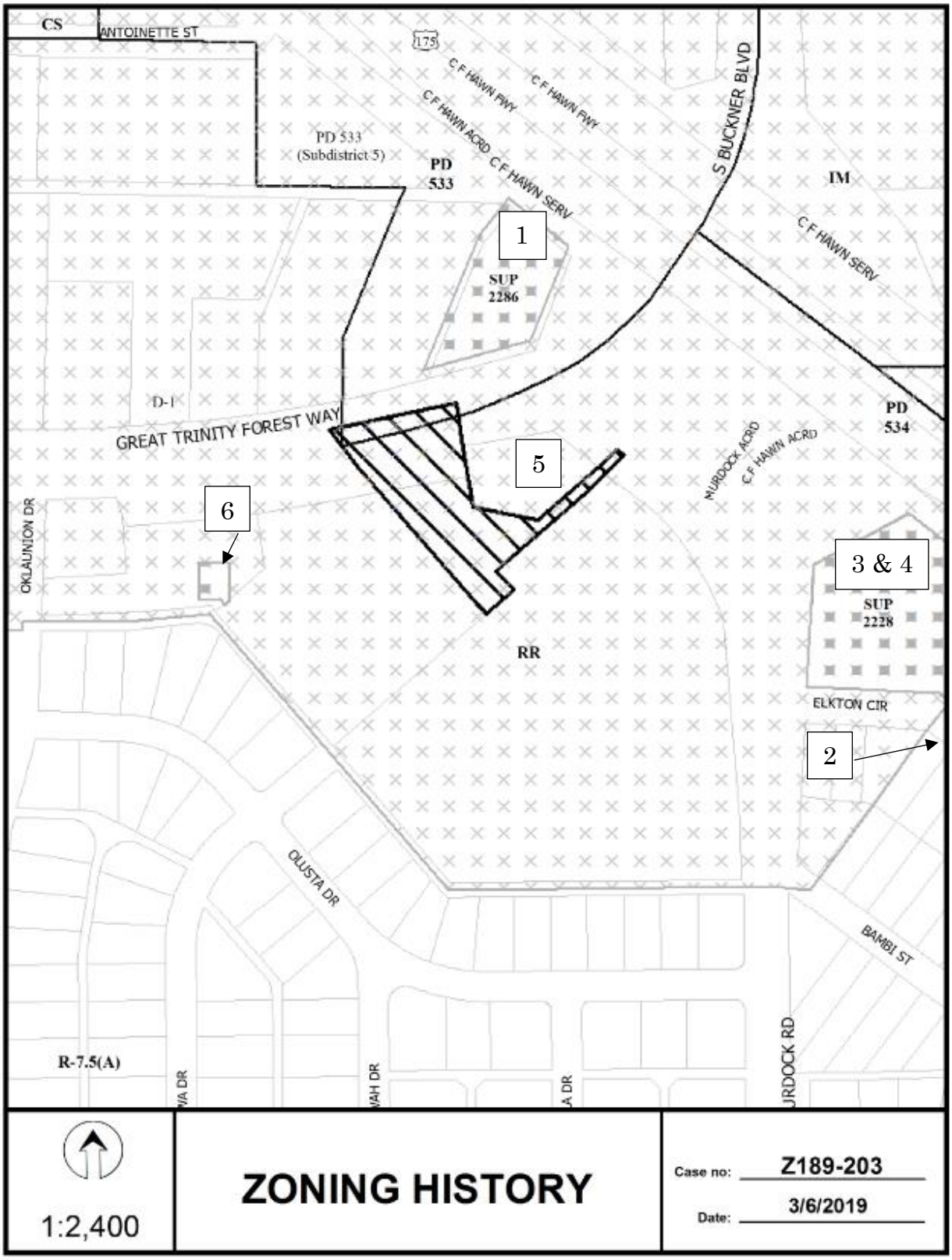
## Proposed Site Plan

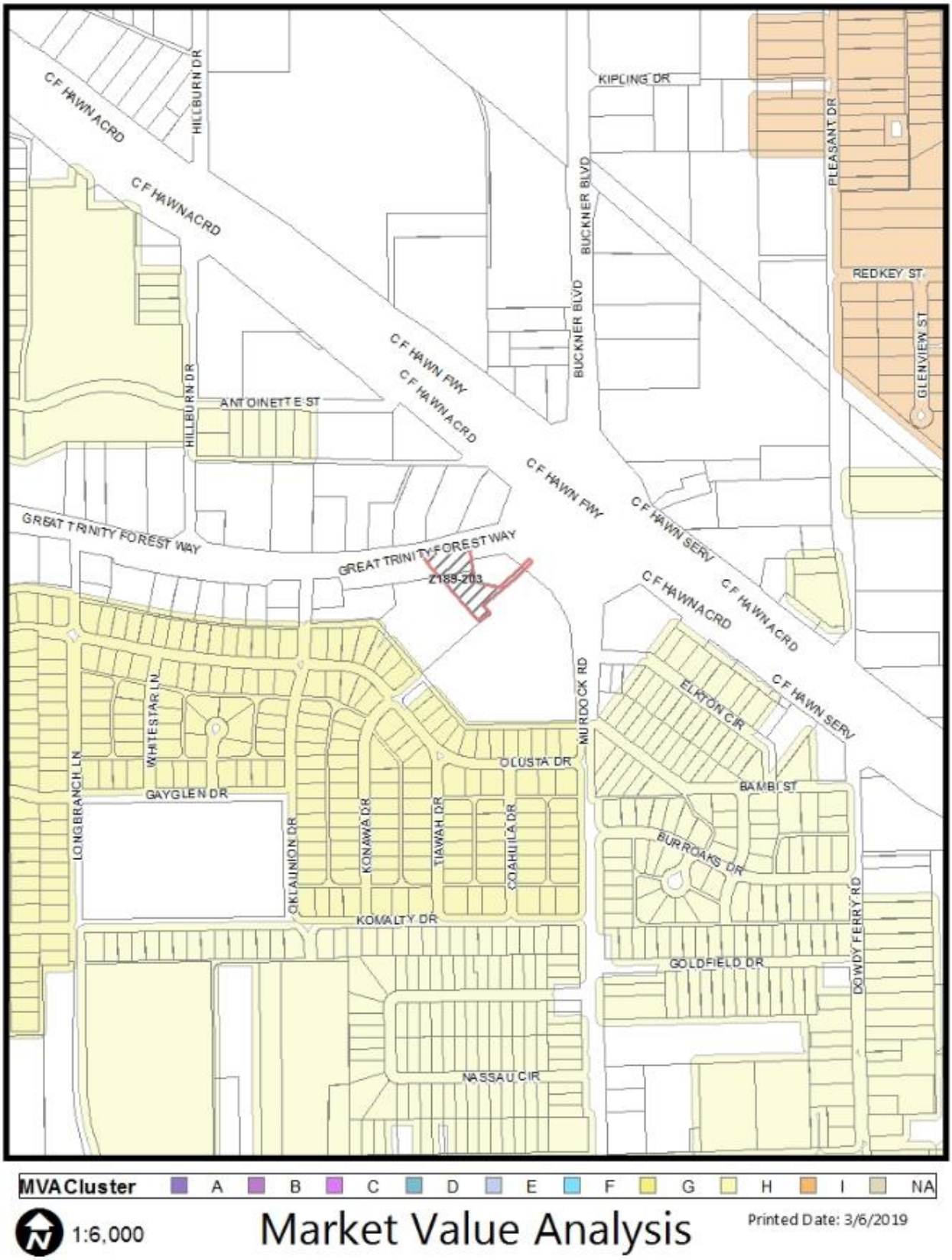



175
C F HAWN ACRD
HILLBURN DR
S BUCKNER BLVD
PLEASANT DR
REDKEY ST
ANTOINETTE ST
C F HAWN FWY
C F HAWN SERV
GREAT TRINITY FOREST WAY
OLUSTA DR
LONGBRANCH LN
WHITESTAR LN
GAYGLEN DR
Blair
OKLAUNION DR
KONAWA DR
TIAWAH DR
COAHUILA DR
KOMALTY DR
ELKTON CIR
BAMBI ST
BURROAKS DR
MURDOCK RD
GOLDFIELD DR
DOWDY FERRY RD
N NASSAU CIR
S NASSAU CIR
1:6,000
VICINITY MAP
Case no: Z189-203
Date: 3/6/2019


ANTOINETTE ST
175
C F HAWN FWY
C F HAWN FWY
C F HAWN ACRD
C F HAWN SERV
S BUCKNER BLVD
S BUCKNER BLVD
GREAT TRINITY FOREST WAY
GREAT TRINITY FOREST WAY
MURDOCK ACRD
C F HAWN ACRD
OKLAUNION DR
ELKTON CIR
CLUSTA DR
MURDOCK RD
BAMBI ST
1:2,400
AERIAL MAP
Case no: Z189-203
Date: 3/6/2019


CS
ANTOINETTE ST
175
C F HAWN FWY
C F HAWN FWY
C F HAWN ACRD
C F HAWN SERV
S BUCKNER BLVD
PD 533
(Subdistrict 5)
PD
533
IM
C F HAWN SERV
Restaurant with drive-thru
Gen merch w/fuel station
SUP
2286
D-1
GREAT TRINITY FOREST WAY
Gen merch w/fuel station
PD
534
MURDOCK ACRD
C F HAWN ACRD
Gen merch w/fuel station
OKLAUNION DR
Gen Merch
SUP
2228
RR
Church
ELKTON CIR
OLUSTA DR
BAMBI ST
R-7.5(A)
URDOCK RD
1:2,400
ZONING
AND LAND USE
Case no: Z189-203
Date: 3/6/2019


CS
ANTOINETTE ST
175
C F HAWN FWY
C F HAWN FWY
C F HAWN ACRD
C F HAWN SERV
S BUCKNER BLVD
PD 533
(Subdistrict 5)
PD
533
IM
C F HAWN SERV
1
SUP
2286
D-1
GREAT TRINITY FOREST WAY
PD
534
MURDOCK ACRD
C F HAWN ACRD
5
6
OKLAUNION DR
3 & 4
SUP
2228
RR
ELKTON CIR
2
OLUSTA DR
BAMBI ST
R-7.5(A)
URDOCK RD
1:2,400
ZONING HISTORY
Case no: Z189-203
Date: 3/6/2019


C F HAWN ACRD
HILLBURN DR
KIPLING DR
BUCKNER BLVD
PLEASANT DR
REDKEY ST
GLENVIEW ST
C F HAWN FWY
ANTOINETTE ST
GREAT TRINITY FOREST WAY
Z189-203
C F HAWN SERV
MURDOCK RD
ELKTON CIR
OLUSTA DR
BAMBI ST
WHITESTAR LN
LONGBRANCH LN
GAYGLEN DR
OKLAUNION DR
KONAWA DR
TIAWAH DR
COAHUILA DR
KOMALTY DR
BURROAKS DR
DOWDY FERRY RD
GOLDFIELD DR
NASSAU CIR
MVA Cluster
A
B
C
D
E
F
G
H
I
NA
1:6,000
Market Value Analysis
Printed Date: 3/6/2019

## CPC Responses



*05/15/2019*

# *Reply List of Property Owners*

## *Z189-203*

***9 Property Owners Notified*** ***1 Property Owner in Favor*** ***0 Property Owners Opposed***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| O | 1 | 8000 | GREAT TRINITY FOREST WAY | R & R SULEIMAN LLC |
| | 2 | 8098 | GREAT TRINITY FOREST WAY | ENIGMA ENTERPRISES INC |
| | 3 | 7932 | GREAT TRINITY FOREST WAY | KIMODALE INC |
| | 4 | 7932 | GREAT TRINITY FOREST WAY | KANG SOON YOUNG |
| | 5 | 121 | MURDOCK RD | UNITED HOUSE OF PRAYER |
| | 6 | 8015 | C F HAWN FWY | DFW DISTRIBUTOR PETROLEUM INC |
| | 7 | 8055 | GREAT TRINITY FOREST WAY | BENJAMIN FRANKLIN FEDERAL |
| | 8 | 7900 | GREAT TRINITY FOREST WAY | COLE FD PORTFOLIO IV LLC |
| | 9 | 7900 | GREAT TRINITY FOREST WAY | WILLIAMS FRIED CHICKEN |

# Agenda Information Sheet

**File #:** 19-652 **Item #:** 79.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing to receive comments regarding an application for an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District, on the southwest corner of Great Trinity Forest Way and Interstate Highway 45
Recommendation of Staff and CPC: Denial without prejudice
Z178-104(PD)
Note: This item was deferred by the City Council before opening the public hearings on February 13, 2019 and April 24, 2019, and is scheduled for consideration on June 26, 2019



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**HONORABLE MAYOR & CITY COUNCIL** **WEDNESDAY, JUNE 26, 2019**

**ACM: Michael Mendoza**

| | | | |
|---|---|---|---|
| **FILE NUMBER:** | Z178-104(PD) | **DATE FILED:** | October 9, 2017 |
| **LOCATION:** | Southwest corner of Great Trinity Forest Way and Interstate Highway 45 | | |
| **COUNCIL DISTRICT:** | 8 | **MAPSCO:** | 66 C; G |
| **SIZE OF REQUEST:** | ±142.86 acres | **CENSUS TRACT:** | 114.01, 87.01 |

**APPLICANT/OWNER:** Flowerdale LLC

**REPRESENTATIVE:** Haben Tewelde, Tailim Song Law Firm

**REQUEST:** An application for an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District.

**SUMMARY:** The purpose of the request is to allow for the construction of an approximately 2,000,000-square-foot warehouse and distribution center.

**CPC RECOMMENDATION:** **Denial without prejudice**.

**STAFF RECOMMENDATION:** **Denial without prejudice**.

**BACKGROUND INFORMATION:**

- The area of request is approximately 142.86 acres of undeveloped land that possesses a significant inventory of native trees.

- The applicant proposes to develop 46 acres with a 2,000,000-square-foot warehouse and distribution center.

- While residential districts surround the area of request on all sides, the properties to the east, south and west lie undeveloped.

- The properties to the north are developed with low and medium density residential uses and church uses.

- Because floodplain traverses more than 50 percent of the request site along the southern portion, the proposed 2,000,000-square-foot warehouse and distribution center will be developed in close proximity to the northern portion of the site.

**Zoning History:** There has been one zoning change requested in the vicinity within the past five years.

1. **Z134-186:** On October 22, 2014, the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit No. 2112 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D Community Retail District with a D Liquor Control Overlay.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Function | ROW |
|---|---|---|
| Great Trinity Forest Way | Principal Arterial | 107 feet |
| Wadsworth Drive | Community Collector | 60 feet |
| Haas Drive | Community Collector | 60 feet |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that while the proposed development will not have a negative impact on the surrounding street system, concerns of access will be addressed during the permitting phase through review of the development's civil plans. Additionally, the plans will require construction of a deceleration lane and design of any acceleration lane will need to be coordinated with TxDOT.

**Land Use:**

| | Zoning | Land Use |
|---|---|---|
| **Site** | R-7.5(A), MF-2(A) | Undeveloped; Heavily Wooded |
| **North** | R-7.5(A), MF-2(A) | Single Family, Church, Vacant |
| **East** | R-7.5(A) | Undeveloped, Wooded, Railroad |
| **South** | R-7.5(A) | Undeveloped, Heavily Wooded |
| **West** | R-7.5(A) | Undeveloped, Heavily Wooded |

**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 request does not comply with the following land use goals and policies of the comprehensive plan.

**LAND USE ELEMENT**

**GOAL 1.3** PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

**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.

**GOAL 5.2** Strengthen community and neighborhood identity.

Policy 5.2.1 Maintain neighborhood scale and character.

**NEIGHBORHOOD PLUS**

**GOAL 5.2** Encourage infill development and existing home improvements in target neighborhoods to attract and retain homeowners.

Policy 5.2.2 Partner with Dallas Homebuilders Association and others to pilot an Affordable Street of Dreams program to develop well designed affordable infill housing options in target neighborhoods, using city-owned or land bank lots.

**Land Use Compatibility:**

The request site is undeveloped with designated flood plain traversing the southern portion of the site. The applicant is proposing to develop the site with a 2,000,000-square-foot warehouse and distribution center.

The site is located in an area generally providing for residential zoning. The request is surrounded by low density and medium density residential development to the north with scattered undeveloped parcels, the parcels to the east, south and west are heavily wooded and mostly lies within the 100-year floodplain. Additionally, the parcel to the east contains a railroad corridor.

With a sensitivity towards ensuring these residential uses are recognized and protected as the area begins to develop/redevelop, below are items of concern related to the applicant's proposed zoning request and intent of developing a 2,000,000-square-foot warehouse and distribution center:

1) Potential truck access and traffic through Cranfill Drive and Wadsworth Drive;

2) No regulation of days/hours of operation;

3) Potential mechanical service on trucks and equipment associated with the development within proximity to existing residential development to the north;

4) Incompatible yard, lot, and space regulations (setbacks, height, massing of floor area); and,

5) No defined location and orientation of open dock and service areas.

Regardless of the applicant's intended development (warehouse/distribution) or other permitted uses afforded by the requested LI District, the following development standards would permit an encroachment of improvements on these residential uses with:

1) A minimum 15-foot front yard setback and no minimum side and rear yard setback;

2) residential proximity slope regulations (structure height greater than 26 feet) not applicable;

3) A maximum structure height of 70 feet;

4) The lack of solid screening for certain outside components of permitted uses; and,

5) Permitting by right many uses incompatible with the existing residential uses.

Additionally, the applicant has not demonstrated that they are willing to provide protective measures to help mitigate against any potential adverse impacts as related to the request, thus part of the basis for staff's denial. In summary, staff has concluded that the requested LI District will ultimately permit development of incompatible uses and development standards, and will potentially possess negative operational characteristics that would not be appropriate in close proximity to these residential uses, thus negatively affecting residential quality of life.

**Development Standards:**

| DISTRICT | SETBACKS | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|---|---|---|---|---|---|---|---|
| | Front | Side/Rear | | | | | |
| R-7.5(A)<br>Existing<br>Single Family | 25' | 5' | Min lot 7,500 sq. ft. | 30' | 45% | Proximity Slope | Single Family |
| MF-2(A)<br>Existing<br>Multifamily | 15' | 15' | Min lot 1,000 sq. ft.<br>800 sq ft – E<br>1,000 sq. ft – 1 BR<br>1,200 sq ft – 2 BR<br>+150 sq ft each add BR | 36' | 60% | Proximity Slope | Multifamily, duplex, single family |
| LI<br>Proposed use | 15' | 30' adjacent to residential OTHER: No Min. | No max<br>0.5 FAR, retail and personal srvc,<br>0.75 FAR, combo of logding, office, retail & personal srvc<br>1.0 FAR for all uses combined | RPS<br>70'; 5 stories | 80% | Proximity Slope<br>Development Impact Review<br>Visual Intrusion | Office, retail & personal service, lodging, residential |

**Parking:**

Required off-street parking must be provided in accordance with the Dallas Development Code. If the applicant develops the site with the proposed warehouse and distribution center the following parking ratios are required: one space per 1,000 square feet of floor area up to 20,000 square feet, and one space per 4,000 square feet of floor area over 20,000 square feet. Additionally, if more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

**Landscaping:**

A tree survey to determine the extent of tree mitigation will be required. An earlier tree mitigation plan submitted to the Arborist did not include the southern half of the property which is in a heavily forested floodplain. If this request is approved, a revised landscape plan must be submitted for review and approval. Additionally, the site will be required to comply with Article X requirements, as amended and urban forest conservation.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is not within an MVA cluster, however the site is adjacent to category "E" to the north.

## Comparison Use Chart

| | Proposed | Existing | Existing |
|---|---|---|---|
| **Use** | **LI** | **MF-2(A)** | **R-7.5(A)** |
| Crop production. | X | X | X |
| Gas Drilling. | | SUP | SUP |
| Temporary Concrete or asphalt batch plant. | | L | L |
| Adult day care facility. | X | SUP | SUP |
| Cemetery or mausoleum. | SUP | SUP | SUP |
| Child-care facility. | X | SUP | SUP |
| Church. | X | X | X |
| College, university, or seminary. | X | SUP | SUP |
| Community service center. | SUP | SUP | SUP |
| Convent or monastery. | | X | SUP |
| Convalescent and nursing homes, hospice care, and related institutions. | | RAR | |
| Foster home. | | X | SUP |
| Library, art gallery, or museum. | | SUP | SUP |
| Public or private school. | | SUP | SUP |
| Lodging or boarding | X | X | |
| Carnival or circus (temporary). | L | L | L |
| Temporary construction or sales office. | X | X | X |
| County club with private membership. | X | RAR | SUP |
| Private recreation center, club, or area. | X | SUP | SUP |
| Public park, playground, or golf course. | X | X | X |
| Handicapped group dwelling. | | L | L |
| College, dormitory, fraternity, or sorority house. | | X | |
| Duplex. | | X | |
| Group Residential Facility. | | L | |
| Handicapped group dwelling. | | L | |
| Single Family. | | | X |
| Multifamily. | | X | |

| | | | |
|---|---|---|---|
| Residential hotel. | | X | |
| Retirement housing. | | X | |
| Private street or alley. | | | SUP |
| Transit passenger shelter. | X | X | L |
| Transit passenger station or transfer center. | SUP | SUP | SUP |
| Electrical substation. | X | SUP | SUP |
| Local Utilities. | SUP/RAR | SUP/RAR | SUP/RAR |
| Police or fire station. | X | SUP | SUP |
| Radio, television, or microwave tower. | RAR | SUP | SUP |
| Tower/antenna for cellular communication. | L | L | L |
| Utility or government installation other than listed. | SUP | SUP | SUP |
| Recycling drop-off container. | L | L | Ln |
| Recycling drop-off for special occasion collection. | L | L | L |
| Accessory helistop. | SUP | SUP | |
| Accessory medical/infectious waste incinerator. | L | L | |
| Building repair and maintenance shop. | RAR | | |
| Bus or rail transit vehicle maintenance or storage facility. | RAR | | |
| Catering service. | X | | |
| Commercial bus station and terminal. | X | | |
| Commercial cleaning or laundry plant. | RAR | | |
| Custom business services. | X | | |
| Custom woodworking, furniture construction, or repair | X | | |
| Electronics service center. | X | | |
| Job or lithographic printing. | RAR | | |
| Labor hall. | SUP | | |
| Machine or welding shop. | RAR | | |
| Machinery, heavy equipment, or truck sales and services. | RAR | | |
| Medical or scientific laboratory | X | | |
| Technical school. | X | | |
| Tool or equipment rental. | X | | |
| Vehicle or engine repair or maintenance. | X | | |

| | | | |
|---|---|---|---|
| Alcoholic beverage manufacturing. | **RAR** | | |
| Gas drilling and production. | **SUP** | | |
| Industrial (inside) for light manufacturing. | **X** | | |
| Inside industrial. | **RAR** | | |
| Temporary concrete or asphalt batching plant. | **L** | | |
| Halfway house. | **SUP** | | |
| Hospital. | **SUP** | | |
| Open-enrollment charter school or private school. | **SUP** | | |
| Public school other than an open-enrollment charter school. | **RAR** | | |
| Extended stay hotel or motel. | **SUP** | | |
| Hotel or motel. | **RAR or SUP** | | |
| Overnight general purpose. | **L** | | |
| Attached non-premise sign. | **SUP** | | |
| Alternative financial establishment. | **SUP** | | |
| Financial institution without drive-in window. | **X** | | |
| Financial institution with drive-in window. | **RAR** | | |
| Medical clinic or ambulatory surgical center. | **X** | | |
| Office. | **X** | | |
| Alcoholic beverage establishments. | **L** | | |
| Animal shelter or clinic without outside runs. | **X** | | |
| Animal shelter or clinic with outside runs. | **SUP** | | |
| Auto service center. | **RAR** | | |
| Business school. | **X** | | |
| Carwash. | **RAR** | | |
| Commercial amusement (inside). | **SUP** | | |
| Commercial motor vehicle parking. | **SUP, if 500'** | | |
| Commercial parking lot or garage. | **RAR** | | |
| Dry cleaning or laundry store. | **X** | | |
| Furniture store. | **X** | | |
| General merchandise or food store 3,500 sqft or less. | **X** | | |
| General merchandise or food store 100,000 sqft or more. | **SUP** | | |

| | | | |
|---|---|---|---|
| Home improvement center, lumber, brick or building materials sales yard. | **RAR** | | |
| Household equipment and appliance | **X** | | |
| Liquefied natural gas fueling station. | **SUP** | | |
| Motor vehicle fueling station. | **X** | | |
| Personal service uses. | **X** | | |
| Restaurant without drive-in or drive-through service. | **RAR** | | |
| Restaurant with drive-in or drive-through service. | **DIR** | | |
| Taxidermist. | **X** | | |
| Temporary retail use. | **X** | | |
| Truck stop. | **SUP** | | |
| Vehicle display, sales, and service. | **RAR** | | |
| Commercial bus station and terminal. | **RAR** | | |
| Heliport. | **SUP** | | |
| Helistop. | **SUP** | | |
| Railroad passenger station. | **SUP** | | |
| Commercial radio or television transmitting station. | **SUP** | | |
| Electrical Substation. | **X** | | |
| Post office. | **X** | | |
| Freight terminal. | **RAR** | | |
| Manufacturing building sales lot. | **RAR** | | |
| Mini-warehouse | **X** | | |
| Office showroom/warehouse | **X** | | |
| Outside storage (visual screening). | **RAR** | | |
| Recycling buy-back center. | **L** | | |
| Recycling collection center. | **L** | | |
| Trade center. | **X** | | |
| Warehouse | **RAR** | | |
| ***X*** *indicates permitted by right.*<br>***SUP*** *indicates permitted with a Specific Use Permit.*<br>***L*** *indicates use permitted by right as limited use, special authorization or additional use regulations* | | | |

**CPC Action**
**December 13, 2018**

**Motion:** It was moved to recommend **denial without prejudice** of an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District, on the southwest corner of Great Trinity Forest Way and Interstate Highway 45.

Maker: Lewis
Second: Davis
Result: Carried: 12 to 0

For: 12 - MacGregor, Rieves, Davis, Shidid, Carpenter, Lewis, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 2 - District 3, District 7

**Notices:** Area: 500 Mailed: 54
**Replies:** For: 0 Against: 0

**Speakers**: For: Tailim Song, 8111 LBJ Fwy., Dallas, TX, 75251
Lonnie Ruffo, 1 Dupont St., Plainview, NY, 11803
Haben Tewelde, 8111 LBJ Fwy., Dallas, TX, 75251
Paul Carden, 2007 Harlandale Ave., Dallas, TX, 75216
Sandra Crenshaw, 1431 Quartet Dr., Dallas, TX, 75241
For (Did not speak): Eshwur Kosuri, 1 Dupont St., Plainview, NY, 11803
Against: Connie Buford, 1416 Hudspeth Ave., Dallas, TX, 75216
Gail Terrell, 1445 Firebird Dr., Dallas, TX, 75241
Neutral (Did not speak): Henrietta Roby, 5018 Cranfill Dr., Dallas, TX, 75241

Texas Department of Transportation

# MEMO

January 11, 2018

**To:** Jason Mashell, P.E.
Dallas County Area Engineer
Attn. James Brummett

**From:** Andrew R. Oberlander, P.E.
District Transportation Operations Engineer

**Subject:** TIA/Deviation Request – Warehouse Facility
**C-S:** 0581-01
**HWY:** Loop 12
**County:** Dallas

Our office has reviewed the deviation request for Warehouse Facility at the southwest corner of Loop 12 and IH 45 in the City of Dallas, Dallas County. We have the following response to the deviation request:

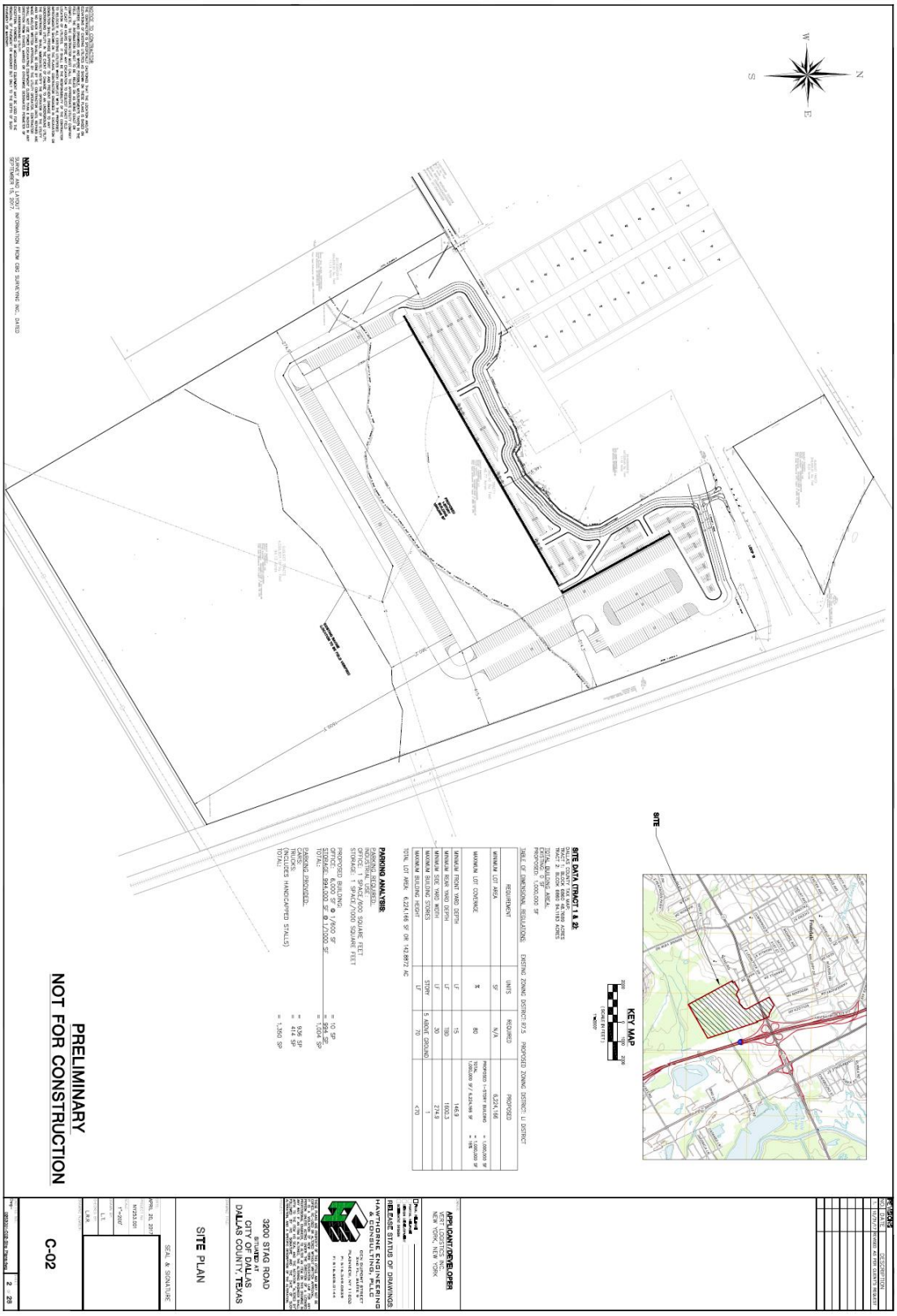
- Considering the location of the proposed Warehouse Facility and the existing restrictions to access the property, we approve the proposed access from Loop 12 with right-turn and left-turn deceleration lanes, however we don't agree with right-turn acceleration lane to Loop 12 as shown on the plans.

For any additional information, please contact Bahman Afsheen, P.E. at 214-320-6229.

**CC:** Traffic –Dallas County TIA
Hudspeth
Oberlander/Cortez
TF

# Site Plan

For Illustrative Purposes Only



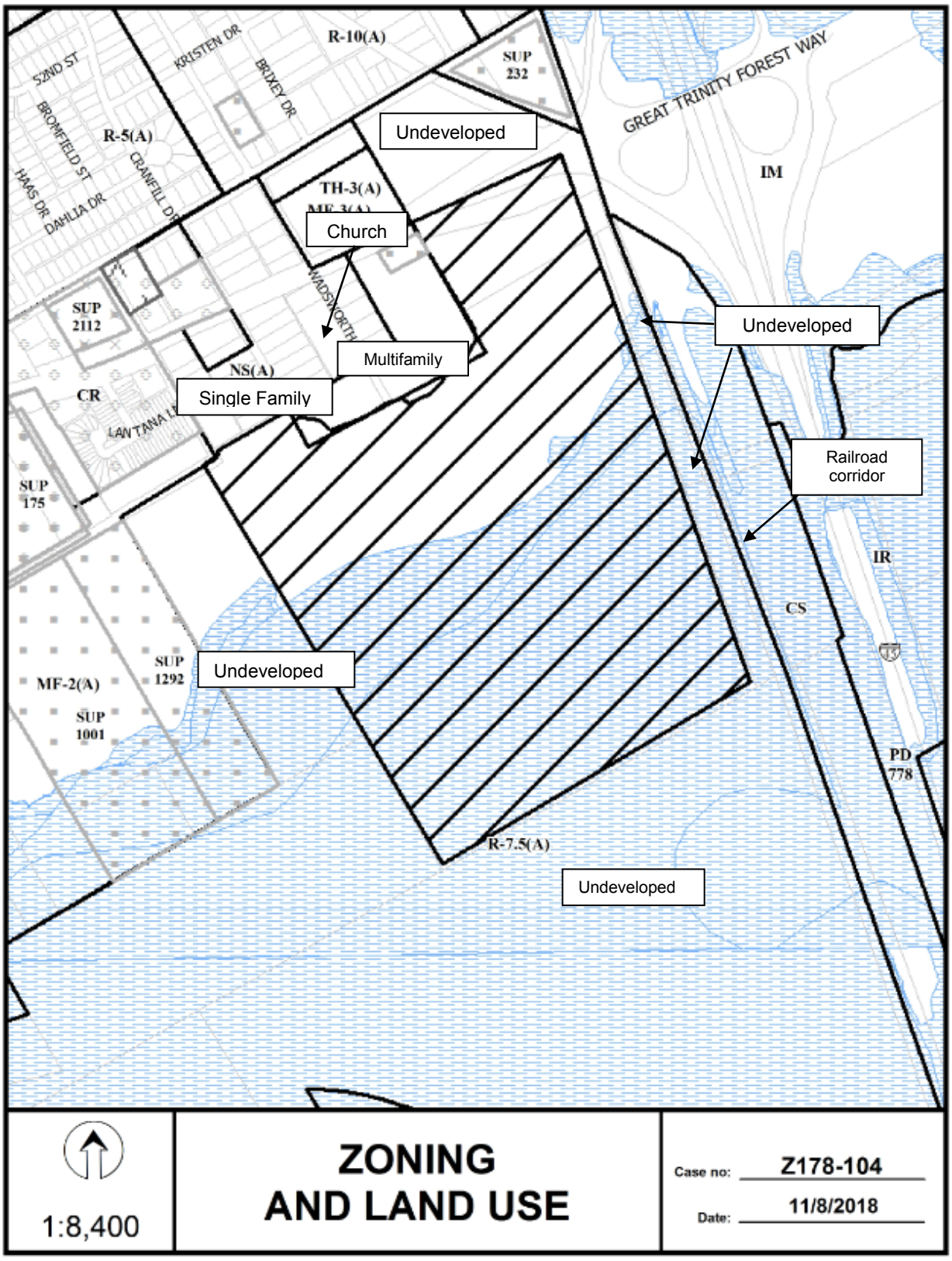
List of Officers/Partners/Principals

**Flowerdale, LLC**

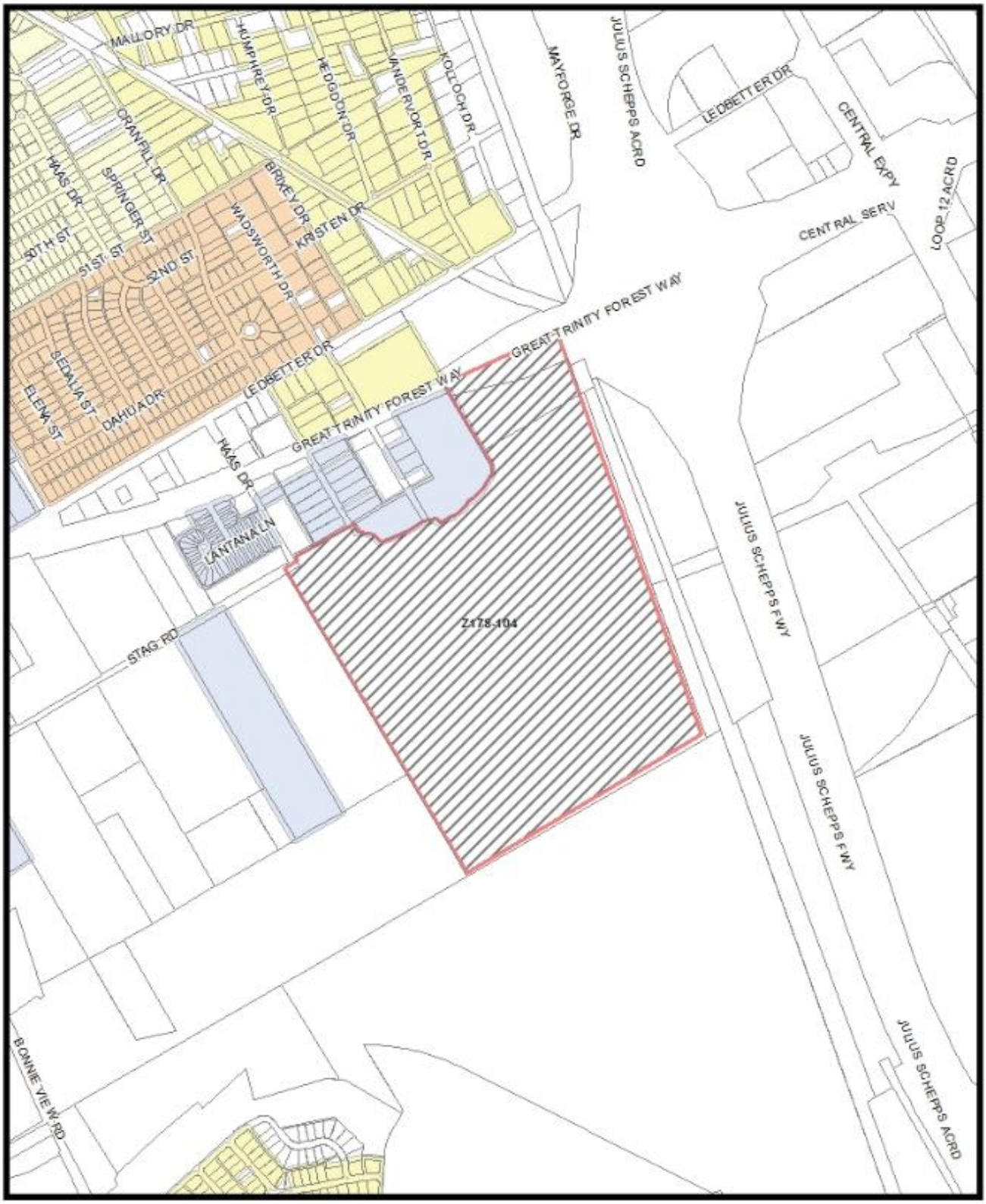
**Moshe Zuchaer, sole owner**


MARJORIE AVE
CRAWFILL DR
SPRINGER ST
HAAS DR
SOUTH ST
51ST ST
52ND ST
BROMFIELD ST
WADSWORTH DR
HEDGDON DR
KRISTEN DR
VANDERVORT DR
KOLLOCH DR
BRIXEY DR
E LEDBETTER DR
GREAT TRINITY FOREST WAY
SEDALIA ST
BISMARK DR
DAHLIA DR
ELENA ST
HAAS DR
LANTANA LN
Jackson, M.
STAG RD
Smith
WOODS DR
KEYRIDGE DR
1:10,800
VICINITY MAP
Case no: Z178-104
Date: 11/8/2018

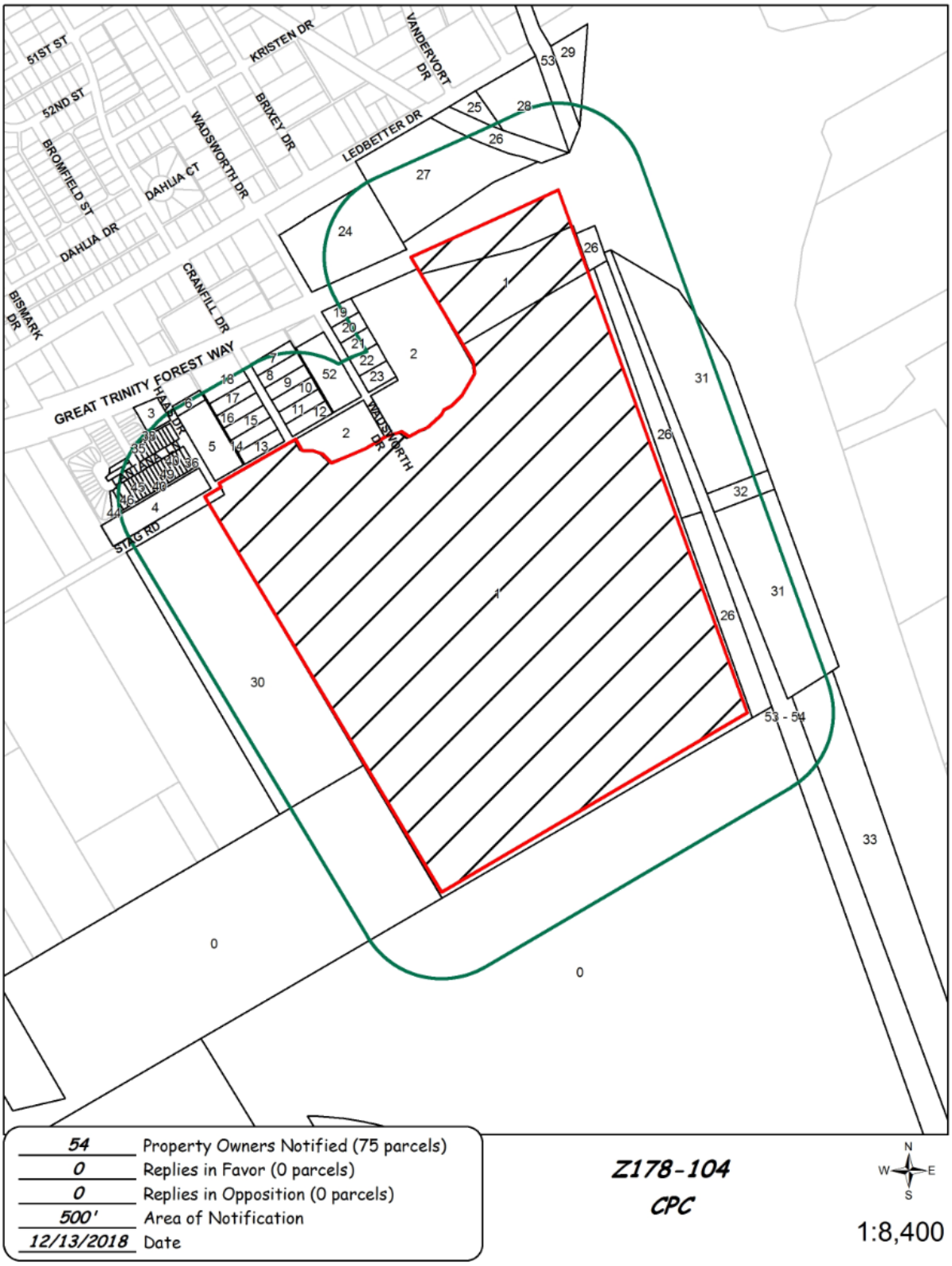

GREAT TRINITY FOREST WAY
GREAT TRINITY FOREST WAY
DAHLIA DR
DAHLIA DR
KIESTER BLVD
PRYOR DR
HAMILTON DR
HAAS DR
HAAS DR
WADSWORTH DR
FAG RD
30
1:8,400
AERIAL MAP
Case no: Z178-104
Date: 11/8/2018


R-10(A)
SUP 232
KRISTEN DR
SZND ST
BROMFIELD ST
BRIXEY DR
R-5(A)
CRANFILL DR
HAAS DR
DAHLIA DR
TH-3(A)
Undeveloped
GREAT TRINITY FOREST WAY
IM
Church
WADSWORTH
SUP 2112
Undeveloped
Multifamily
NS(A)
Single Family
CR
LANTANA
Railroad corridor
SUP 175
IR
CS
SUP 1292
Undeveloped
MF-2(A)
SUP 1001
PD 778
R-7.5(A)
Undeveloped
1:8,400
ZONING AND LAND USE
Case no: Z178-104
Date: 11/8/2018


R-10(A)
SUP 232
GREAT TRINITY FOREST WAY
IM
52ND ST
KRISTEN DR
BRIXEY DR
BROMFIELD ST
R-5(A)
CRANFILL DR
HAAS DR
DAHLIA DR
TH-3(A)
MF-3(A)
WADSWORTH DR
SUP 2112
1
NS(A)
CR
LANTANA LN
SUP 175
IR
CS
SUP 1292
MF-2(A)
SUP 1001
PD 778
R-7.5(A)
1:8,400
ZONING HISTORY
Case no: Z178-104
Date: 11/8/2018


MALLORY DR
HUMPHREY DR
MEGGDON DR
WANDERVORT DR
KOLLOCH DR
MAYFORGE DR
JULIUS SCHEPPS ACRD
LEDBETTER DR
CENTRAL EXPY
LOOP 12 ACRD
CENTRAL SERV
CRANFILL DR
SPRINGER ST
HAAS DR
BIRKEY DR
KRISTEN DR
WADSWORTH DR
50TH ST
51ST ST
52ND ST
GREAT TRINITY FOREST WAY
SEDALIA ST
ELENA ST
DAHLIA DR
LEDBETTER DR
HAAS DR
LANTANA LN
Z178-104
STAG RD
JULIUS SCHEPPS FWY
JULIUS SCHEPPS FWY
JULIUS SCHEPPS ACRD
BONNIE VIEW RD
MVACluster
A
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NA
1:10,800
Market Value Analysis
Printed Date: 11/9/2018

## CPC RESPONSES



***12/12/2018***

# *Reply List of Property Owners*

## *Z178-104*

***54 Property Owners Notified*** ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 1 | 3500 | GREAT TRINITY FOREST WAY | FLOWERDALE LLC |
| | 2 | 3432 | GREAT TRINITY FOREST WAY | AEMEILL PROPERTIES LLC |
| | 3 | 3192 | GREAT TRINITY FOREST WAY | HAMM JAMES & |
| | 4 | 3141 | STAG RD | NEW BIRTH WORSHIP CENTER |
| | 5 | 5018 | HAAS DR | CHURCH OF THE BLOOD |
| | 6 | 5014 | HAAS DR | DAVIS KENNETH CARLTON ESTATE OF |
| | 7 | 5012 | CRANFILL DR | CARL KAREN LEE & |
| | 8 | 5018 | CRANFILL DR | ROBY HENRIETTA |
| | 9 | 5024 | CRANFILL DR | REED KENTOINETTE L WRIGHT |
| | 10 | 5030 | CRANFILL DR | RODRIGUEZ FROILAN |
| | 11 | 5036 | CRANFILL DR | PROMISE LAND MISSIONARY BAPTIST CH |
| | 12 | 5044 | CRANFILL DR | RODRIGUEZ JOSE & IGNACIA |
| | 13 | 5045 | CRANFILL DR | RODRIGUEZ ELIAZAR & |
| | 14 | 5037 | CRANFILL DR | RANSOM MARGARITA P |
| | 15 | 5029 | CRANFILL DR | LEON SILVANO & ETELVINA |
| | 16 | 5025 | CRANFILL DR | MONTESFLORES JUAN M & |
| | 17 | 5015 | CRANFILL DR | MITCHELL VERA |
| | 18 | 5011 | CRANFILL DR | CLARK RAQUELL & |
| | 19 | 5006 | WADSWORTH DR | HERROD MARY MARTIN |
| | 20 | 5018 | WADSWORTH DR | ENNIS DON E |
| | 21 | 5022 | WADSWORTH DR | LOPEZ ANTONIO |
| | 22 | 5030 | WADSWORTH DR | WAGNON RICHARD N JR |
| | 23 | 5040 | WADSWORTH DR | ARMSTEAD CECIL |
| | 24 | 4950 | WADSWORTH DR | WADSWORTH APTS LLC |
| | 25 | 3528 | S LEDBETTER DR | ORTEGA JOSE |
| | 26 | 3532 | S LEDBETTER DR | TEXAS UTILITIES ELEC CO |

***12/12/2018***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 27 | 3500 | S LEDBETTER DR | TJ MANAGEMENT GROUP LLC |
| | 28 | 3590 | S LEDBETTER DR | MDA KHAFAF LLC |
| | 29 | 4000 | E LEDBETTER DR | RKCJ LLC |
| | 30 | 3160 | STAG RD | ROAL GLOBAL CORPORATION |
| | 31 | 8601 | S JULIUS SCHEPPS FWY | ACKELS HENRY J |
| | 32 | 8689 | S CENTRAL EXPY | TEXAS UTILITIES ELEC CO |
| | 33 | 8901 | S JULIUS SCHEPPS FWY | ACKELS HENRY J |
| | 34 | 3103 | LANTANA LN | ARCHILLA RUBEN |
| | 35 | 3107 | LANTANA LN | JJW PPTIES LLC |
| | 36 | 3111 | LANTANA LN | JJW PROPERTIES LLC |
| | 37 | 3115 | LANTANA LN | BIGA INC |
| | 38 | 3119 | LANTANA LN | MINOR VINCENT |
| | 39 | 3123 | LANTANA LN | ARCE NOEL |
| | 40 | 3127 | LANTANA LN | MATTHEWS EDWARD L |
| | 41 | 3135 | LANTANA LN | MATTHEWS EDWARD |
| | 42 | 3139 | LANTANA LN | BROWN GLORIA D |
| | 43 | 5043 | GREENCREST DR | HILL JOHNNY R |
| | 44 | 3006 | LANTANA LN | BOND FLORA J & FREEDIE B |
| | 45 | 3010 | LANTANA LN | WARE JEFFREY & KENYA |
| | 46 | 3018 | LANTANA LN | J J W PROPERTIES LLC |
| | 47 | 3038 | LANTANA LN | KING ROYLE & MARY |
| | 48 | 3102 | LANTANA LN | OWENS SHIRLEY |
| | 49 | 3110 | LANTANA LN | JJW PROP LLC |
| | 50 | 3126 | LANTANA LN | COUCH MTG CO |
| | 51 | 3130 | LANTANA LN | TURNEY WILLIAM O JR TR |
| | 52 | 5023 | WADSWORTH DR | GOLDEN CHAIN MISSIONARY |
| | 53 | 2300 | AL LIPSCOMB WAY | BNSF RAILWAY |
| | 54 | 2300 | AL LIPSCOMB WAY | BNSF RAILWAY |

# Agenda Information Sheet

**File #:** 19-650 **Item #:** 80.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 4

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and a renewal of Specific Use Permit No. 1774 for an open-enrollment charter school on property zoned a CR Community Retail District, on the northeast line of South Lancaster Road, north of East Kiest Boulevard
Recommendation of Staff and CPC: Approval for a two-year period, subject to a revised site plan, a revised traffic management plan, and conditions
Z178-261(PD)
Note: This item was deferred by the City Council before opening the public hearing on April 24, 2019, and is scheduled for consideration on June 26, 2019



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**HONORABLE MAYOR & CITY COUNCIL** **WEDNESDAY, JUNE 26, 2019**

**ACM: Michael Mendoza**

**FILE NUMBER:** Z178-261(PD) **DATE FILED:** March 22, 2018

**LOCATION:** Northeast line of South Lancaster Road, north of East Kiest Boulevard

**COUNCIL DISTRICT:** 4 **MAPSCO:** 55 X

**SIZE OF REQUEST:** ±9.89 acres **CENSUS TRACT:** 88.01

**REPRESENTATIVE:** Rob Baldwin, Baldwin Associates

**APPLICANT:** KIPP Truth Academy, KIPP DFW

**OWNER:** Routh Group

**REQUEST:** An application for an amendment to and a renewal of Specific Use Permit No. 1774 for an open enrollment charter school on property zoned a CR Community Retail District.

**SUMMARY:** The applicant proposes to continue the operation of the open enrollment charter school (KIPP Truth Academy) but change the distribution of grade levels from 10 elementary and eight middle school classrooms to 18 high school classrooms.

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

**STAFF RECOMMENDATION:** **Approval** for a two-year period, subject to a revised site plan, a revised traffic management plan, and conditions.

**BACKGROUND INFORMATION:**

- The ±9.89-acre request site is developed as a shopping center, of which ±28,650 square feet is comprised of the open enrollment charter school use, operating under SUP No. 1774.

- SUP No. 1520, for an open enrollment charter school, was approved on June 25, 2003, for a five-year time period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions. However, an application for the SUP was not submitted for automatic renewal in 2008 and the SUP expired as a result.

- SUP No. 1774, for an open enrollment charter school was approved by City Council on October 28, 2009, for a ten-year time period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions with an expiration date of October 28, 2019.

- Additionally, the approval of SUP No. 1774, not only expanded the floor area of the open enrollment charter school to 28,650 square feet from 14,125 square feet but also increased the number of classrooms from 12 to 18.

- While the SUP No. 1774 allows 18 10 elementary classrooms and 8 middle school classrooms, the proposed amendment will now allow 18 high school classrooms for 9th and 10th grade students. The amendment proposes to continue to operate between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday.

- The representative has stated that the proposed request to amend SUP No. 1774 to accommodate high school students will only be in effect for one-year due to proposed relocation efforts. Enrollment is proposed to decrease from a maximum of 450 students to 300 students.

**Zoning History:** There has been one zoning request within the vicinity in the past five years.

1. **Z123-217:** On January 8, 2014, the City Council approved an ordinance for a Planned Development District for mixed uses on property zoned a CR Community Retail District, an NO(A) Neighborhood Office District and an R-7.5(A) Single Family District.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type | Existing ROW |
|---|---|---|
| Lancaster Road | Principal Arterial | 90 feet |
| Kiest Boulevard | Principal Arterial | 100 feet |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department reviewed the requested amendment and determined that while the proposed use will not significantly impact the surrounding roadway system, the proposed use may discourage walkability and adversely affect pedestrian safety.

**Land Use:**

| | Zoning | Land Use |
|---|---|---|
| **Site** | CR | Shopping Center; Open enrollment charter school |
| **North** | R-7.5(A) | Single Family |
| **East** | CS; PD 235 | Shopping Center; Post office |
| **South** | CR with SUP No. 1571; CS; PDD No. 426 | Shopping center; DART station; Cell tower |
| **West** | CR | Food store; Retail |

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The comprehensive plan does not make a specific land use recommendation related to the request, however the ***forwardDallas! Vision Illustration***, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as within a *Residential Neighborhood*. While single family dwellings are the dominate land use in such areas, shops, restaurants, or institutional land uses that serve residents may be located at the edges or at key intersections.

In general, the applicant's proposal to continue the operation of an open enrollment charter school at this location is consistent with the following goal and policy of the Comprehensive Plan.

**LAND USE ELEMENT**

GOAL 1.1 Align land use strategies with economic development priorities

> Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

**NEIGHBORHOOD PLUS**

Policy 4.2 Support and leverage emerging school quality and school choice programs.

In general, the applicant's proposal to amend the operation of an open enrollment charter school at this location is consistent with the following goals and policies of the Comprehensive Plan.

**TRANSPORTATION ELEMENT**

GOAL 4.2 Promote a variety of transportation options

Policy 4.2.2 Promote the network of on-street and off street walking and biking Paths.

Implementation Measure 4.2.2.3 Use "Context Sensitive Design" standards for public street improvements to ensure safe and convenient bike and pedestrian movement.

Implementation Measure 4.2.2.6 Create new zoning districts and amend existing districts to encourage new projects to provide enhanced pedestrian and bike amenities such as wider sidewalks, trees, pedestrian lighting, safe bike routes and bike racks.

**URBAN DESIGN**

GOAL 5.3 Establish walk-to convenience

Policy 5.3.2 Direct pedestrian routes to home, school or work.

Implementation Measure 5.3.2.3 Collaborate with the school districts to identify neighborhoods served by elementary schools. Ensure that safe, accessible and direct routes are available for schoolchildren and their parents. Minimize walking distances and conflicts with traffic. Adopt measures to reduce traffic speed and volume.

Policy 5.3.3 Encourage transit oriented developments and transit centers.

Implementation Measure 5.3.3.3 Establish standards for public improvements in transit-oriented development areas that foster a quality pedestrian environment.

**Land Use Compatibility:**

The ±9.89-acre request site is developed as an approximately 295,959-square-foot shopping center, of which ±28,650 square feet are devoted to an open enrollment charter school use [KIPP High School]. While the applicant proposes to continue operation of the school, the request seeks to amend the grade levels from 10 elementary and eight middle school classrooms to 18 high school classrooms.

The request site is surrounded by single family to the north, a shopping center and post office to the east, a shopping center, DART station, and cell tower to the south; and a food store and retail to the west.

While the existing Traffic Management Plan, (TMP) was noncompliant with the loading bay requirement, the proposed TMP provides for bays to be painted with white paint to mark each bay for a minimum of four bays required.

Additionally, the TMP states that due to the school site's adjacency to the Kiest Station of the DART Blue Line and the Lancaster at Corning DART Bus stop, the school expects 10 percent of the students to arrive at school by utilization of public transit or walking. The vehicular drop-off and pick-up circulation have enough surplus queuing distance to accommodate use by all students if actual transit or walking is as forecasted.

A high school requires a larger off-street parking ratio at 9.5 spaces per classroom. For 18 classrooms, 171 off-street parking spaces are required; however, the request has a deficit of 121 off-street parking spaces. Staff does not envision any concerns with the proposed off-street parking due to the site being located within a larger shopping center that provides 520 off-street parking spaces inclusive of the spaces reserved for the proposed open enrollment charter school with only 425 spaces required. This ensures a surplus of 95 off-street spaces remain.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable

effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The City Council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the

public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the City.

The applicant's request, subject to a revised site plan, a revised traffic management plan and conditions, complies with the general provisions for consideration of an SUP. Additionally, staff is supportive of a two-year time period because the representative maintains that the open enrollment charter school will only operate in a high school capacity for one to two years.

**Parking:**

The requirement for off-street parking for the school is derived by two criterions: 1) the number of classrooms and 2) the type of institution that serves the students (e.g., elementary, middle or high school). The requirements for off-street parking are as follows:

- one and one-half spaces for each elementary school classroom,
- three and one-half spaces for each middle school classroom; and
- nine and one-half spaces for each senior high school classroom

The total number of proposed classrooms will determine the number of required parking spaces and the school is proposing 18 classrooms on site. Therefore, the number of required off-street parking spaces for the campus is 171 spaces with 50 off-street parking spaces proposed by the applicant.

**Landscaping:**

Landscaping is required per Article X, as amended of the Dallas Development Code. The applicant is not proposing any new construction or paving therefore landscape requirements will not be triggered.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund.

Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from

purple representing the strongest markets to orange, representing the weakest markets. The area of request is while not in an MVA category is surrounded by an MVA “F” category to the north and “I” to the southeast.

## List of Officers

**KIPP DFW Schools**

| | |
|---|---|
| Dr. Michawl A. Horne, | Superintendent |
| Laura Farber, | Chief Academic Officer |
| Dominick DiFalco, | Chief Strategy Officer |
| Chris Smith, | Chief Operating Officer |
| Cara Eng, | Managing Director of Regional Operations |
| Amanda Wyatt, | Managing Director of KIPP Finance |
| Ariana Moore, | Managing Director of KIPP Through College |
| Joy Crosby, | Managing Director of Development |
| Ellen Prueitt, | KIPP Truth Academy School Leader |
| Katie Hill, | KIPP Truth Elementary School Leader |
| Esmeralda Cardoso, | KIPP Destiny Middle School Leader |
| Tori Lee, | KIPP Destiny Elementary School Leader |
| Delshon Henry, | KIPP Pleasant Grove Middle School Leader |
| Dexter Chaney II, | KIPP Pleasant Grove Primary School Leader |
| Aaron Aguirre-Castillo, | School Leader |

**CPC ACTION:**
**March 21, 2019**

**Motion:** It was moved to recommend **approval** of an amendment to and a renewal of Specific Use Permit No. 1774 for an open-enrollment charter school for a two-year period, subject to a revised site plan, a revised traffic management plan, and conditions on property zoned a CR Community Retail District, on the northeast line of South Lancaster Road, north of East Kiest Boulevard.

Maker: Shidid
Second: Criss
Result: Carried: 9 to 0

For: 9 - Criss, Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 3 - District 4, District 7, District 12
Abstain: 2 - MacGregor***, Schulte***

***abstained due to absence from bus tour

**Notices:** Area: 400 Mailed: 76
**Replies:** For: 1 Against: 0

**Speakers**: For: None
For (Did not speak): Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

## CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is an open-enrollment charter school.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

~~1.~~ 3. TIME LIMIT: This specific use permit expires on ~~October 28, 2019~~ (two-years) (from the passage of the ordinance), ~~but is eligible for automatic renewal for additional ten-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. CLASSROOMS: The maximum number of classrooms is ~~10 elementary and eight middle school~~ 18 high school classrooms.

5. DROP-OFF/PICK-UP: A student pick-up and drop-off area must be provided as shown on the attached site plan.

6. ENROLLMENT: Enrollment in the open-enrollment charter school may not exceed ~~450~~ 300.

7. HOURS OF OPERATION: The open-enrollment charter school may only operate between 7:00 a.m. and 5:00 p.m., Monday through Saturday.

8. INGRESS/ EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.

9. PARKING: Parking must be located as shown on the attached site plan.

10. TRAFFIC MANAGEMENT PLAN:

a. In general. The open-enrollment charter school must comply with the attached traffic management plan.

b. Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

c. Traffic study.

i. The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by November 1, 2020. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the director by November 1st of each year.

ii. The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

A. ingress and egress points;

B. queue lengths;

C. number and location of personnel assisting with loading and unloading of students;

D. drop-off and pick-up locations;

E. drop-off and pick-up hours for each grade level;

F. hours for each grade level; and

G. circulation.

iii. Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

A. If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

B. If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

d. Amendment process.

i. A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section

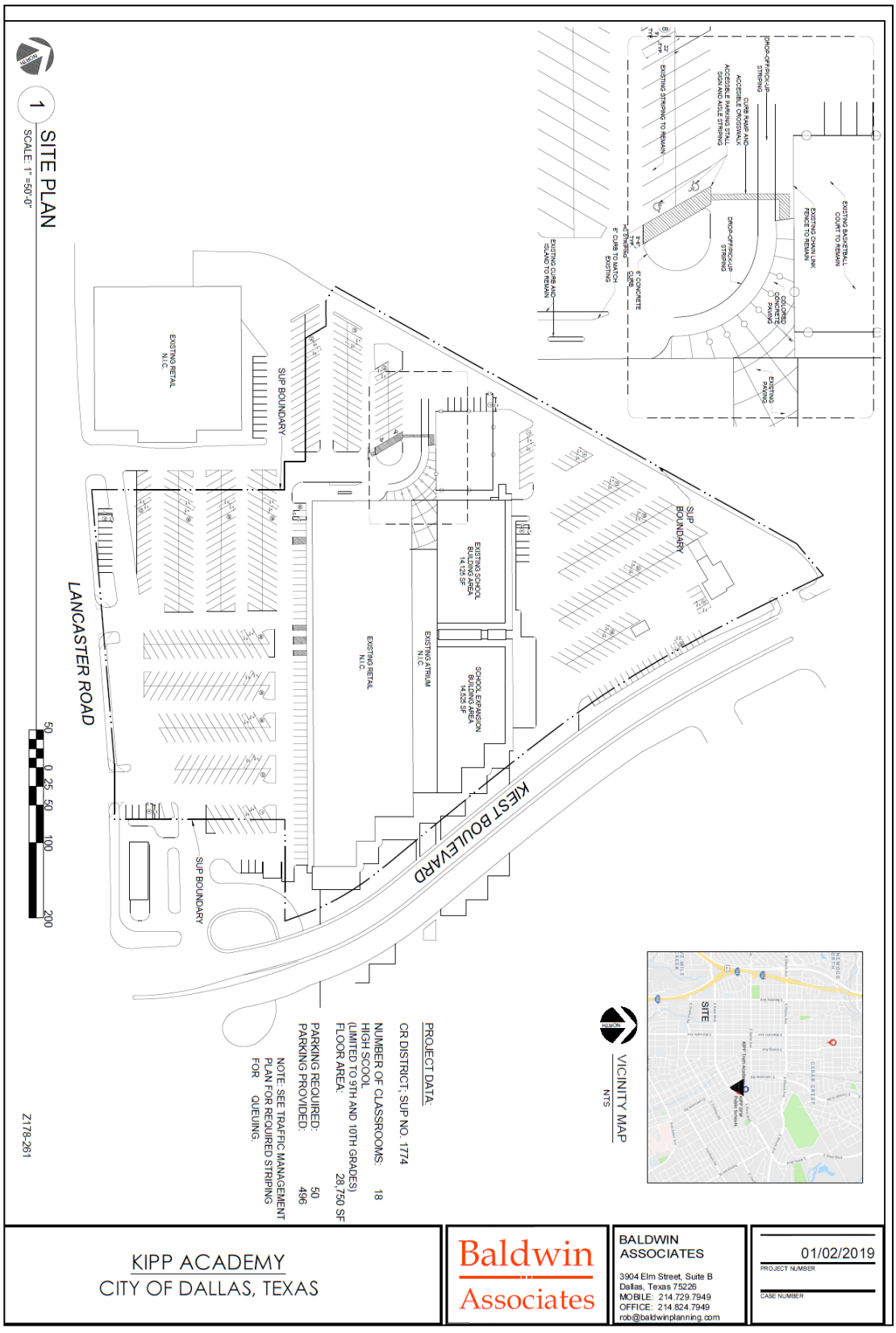
51A-1.105(k)(3) of Chapter 51A of the Dallas City Code, as amended.

ii. The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

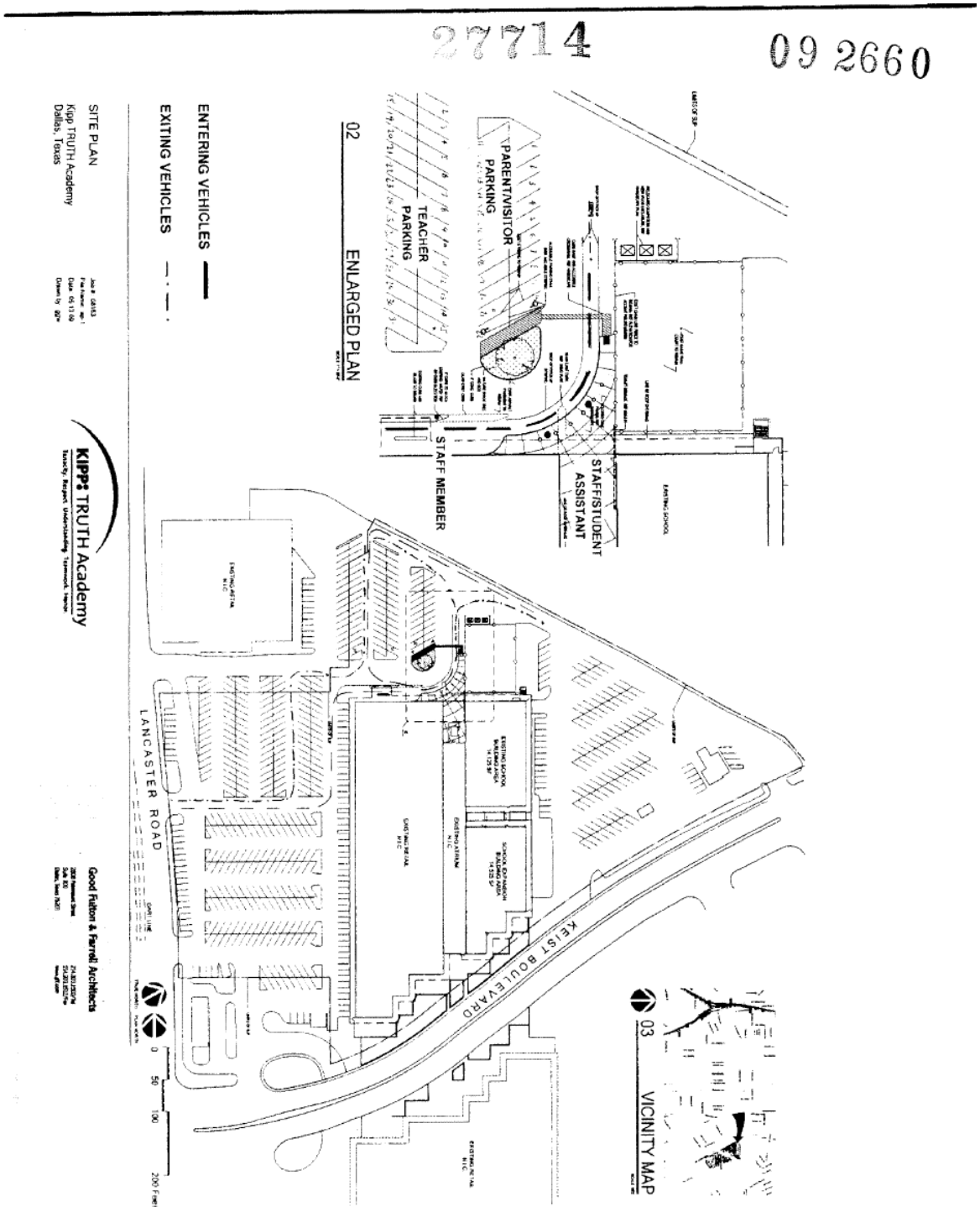
11. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

12. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

## Proposed Site Plan



**Existing Site Plan**



## Proposed Traffic Management Plan

**Traffic Management Plan and Queuing Analysis**
**KIPP High School**
**3200 S. Lancaster Road, Dallas, TX**
**November 12, 2018**

### Introduction:

This TMP and queuing analysis examines conditions on the KIPP High School campus, which will load from the eastern, Kiest Boulevard side of the campus. This TMP would be in effect once the High School begins operation. In recent years, the 3200 S Lancaster KIPP campus has been unused. From 2003-2015 it operated as a middle school with an enrollment of 380 students.

The KIPP high school campus is located on the northeast corner of the intersection of Lancaster Road, a four-lane divided roadway with the DART Blue light-rail line running along its median, and Kiest Boulevard, a six-lane divided roadway.

The high school will have approximately 300 students at buildout. The school will begin with only 150 9th graders the first year, and will grow to include 10th graders the next year. **Table 1** shows the projected distribution of students for the 2019-2020 school year, after the school reaches its intended capacity. The school does not expect to grow past 10th grade in this location. Traffic conditions for further could be accommodated by the site, with the TMP needing to be updated for the additional grades.

**Table 1 – 2019-2020 Student Grade and Arrival/Dismissal Time Distribution**

| Grade | Approx. Number of 2019-2020 Students | Drop-Off Time | Dismissal Time |
|---|---|---|---|
| 9th Grade | 150 | 8:15 AM | 4:30 PM |
| 10th Grade | 150 | 8:15 AM | 4:30 PM |
| **KIPP High School Total:** | **300** | | |

Morning drop-off is from before 8:15 AM. Afternoon dismissal is at 4:30 PM. The pick-up and drop-off times can be modified to match the school operations. The pick-up time periods can be modified, or multiple dismissal groups used, as long as pick-ups are divided into groups that are separated by at least 15 minutes.

### Proposed TMP Operations:

The circulation pattern for the school can be found in the attached **TMP-1** plan sheet. The proposed TMP has two loading areas which will operate the same in both the drop-off and pick-up time periods.

The school seeks to be good neighbors and separate most of the school traffic from the existing busy retail areas fronting Lancaster Road. The eastern parking area is very lightly used, so school activity there will not affect any other tenants or users. The eastern parking area has driveway access to a full median opening on Kiest Boulevard, approximately 1,100' east of the Kiest Boulevard intersection with Lancaster Road. For both arrival and departure, the drivers enter from the eastern Kiest Boulevard entrance and queue along the north side of the parking lot, where there is enough width to store two side-by-side queues if necessary. The route goes to the eastern loading area of the site before returning to the eastern exit through the parking lot. Drivers exit back to Kiest Boulevard.

With the proposed queuing path, the stacking capacity of the school queue is 900' (38 vehicles). The drive aisle along the west boundary of the site is 30' wide, so it can support two inbound stacking lanes with a single outbound lane. Striping should be installed or cones should be used to assist drivers in staying within their lanes.

The eastern loading area is located at a lower elevation than the school, so students will use the existing stairwell to move between levels. At least one school staffer will administer the loading area during drop-off and pick-up. High-school students load and unload themselves from vehicles, so there is no need for staffers at each loading position. All loading and unloading is performed on the passenger side of the vehicles.

All normal drop-off and pick-up operations will use the eastern loading area. The only exception would be students covered under the ADA. Vehicles for these students may use the western loading area, which is at grade with the entrance. Vehicular access to the western loading area is from Lancaster Road or Kiest Boulevard. Staff and visitor parking will also be accommodated in the parking near the western loading area.

Due to the school site's adjacency to the Kiest Station of the DART Blue Line and the Lancaster @ Corning DART Bus stop, the school expects 10% of the students to arrive at school by either using public transit or walking. The vehicular drop-off and pick-up circulation has enough surplus queuing distance to accommodate use by all students if actual transit or walking is less than forecast.

Pedestrians to and from the Kiest Station and bus stops will walk on the City sidewalks along Lancaster Road, then use the commercial center's sidewalks to reach the western loading area. Although some of these sidewalks are narrow or rough, and students are apt to take shortcuts, there is considerable existing pedestrian activity within the commercial center and drivers expect to see pedestrians in all areas. Due to the existing pedestrian activity and the numerous available routes, no specific signage or crosswalk modifications are necessary to support the pedestrian demand.

There are no busses being operated by the KIPP organization at this location, and by policy students will not be allowed to drive themselves to school.

**Queue Analysis:**

Based on observations of other high school TMP operations, a ratio of 1 vehicle per 20 arriving students was used to calculate the maximum drop-off queues for the analysis, and the vehicle spacing used is 23.5' per vehicle. **Table 2** shows the comparison between the calculated maximum queue and the available stacking space in the eastern loading area. The drop-off queue of 330' (14 vehicles) is able to be contained in the 900' (38 vehicle) queue capacity, leaving an excess of 570' of queue capacity for the AM drop-off period. The maximum morning queue can be contained even if the double stacking along the northern edge of the site is not employed.

During the PM pick-up period, the maximum queue was calculated using a rate of 1 vehicle per 10 dismissed students. **Table 3** shows the pick-up queueing summary for the eastern loading area. The maximum queue is 660' (28 vehicles), which leaves a surplus of 240' (10 vehicles) of queueing space. The traffic plan as proposed has the capacity to handle both the AM and PM maximum queues.

Based on the ADA standards for requiring accessible parking spaces, 7 out of the 300 students would be expected to load or unload in the western loading area. These activities are spread across the

drop-off and pick-up times and would not have all the vehicles present at one time. The western loading area can accommodate at least 4 vehicles at one time for loading/unloading, and the queue would not be expected to extend out of the loading area proper. However, the drive aisle on the western face of the building has additional space for at least 4 more vehicles before it touches the area with retail parking activity, so there is ample extra space available for the western loading area.

**Tables 2** and 3 shows the calculated AM drop-off and PM pick-up queue summaries for the eastern loading area.

**Table 2 – AM Drop-Off Queuing Summary**

| Drop-Off Queuing Summary | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Group** | **Arrival Time** | **Students Arriving** | **Walking or Transit** | **Maximum Queue Calculated** | | **Available Queue** | **Surplus (Deficiency)** |
| 9th Grade | 8:15 AM | 150 | 15 | 7 Vehicles 165' | 14 Vehicles 330' | 38 Vehicles 900' | 24 Vehicles 570' |
| 10th Grade | 8:15 AM | 150 | 15 | 7 Vehicles 165' | | | |

Maximum Queues were calculated using a ratio of 1 vehicle per 20 arriving students.
Maximum Queue within the Western ADA Loading/Unloading Zone will be less than 4 vehicles, contained within the loading area

**Table 3 – PM Pick-Up Queuing Summary**

| Pick-Up Queuing Summary | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Group** | **Dismissal Time** | **Students Dismissed** | **Walking or Transit** | **Maximum Queue Calculated** | | **Available Queue** | **Surplus (Deficiency)** |
| 9th Grade | 4:30 PM | 150 | 15 | 14 Vehicles 330' | 28 Vehicles 660' | 38 Vehicles 900' | 10 Vehicles 240' |
| 10th Grade | 4:30 PM | 150 | 15 | 14 Vehicles 330' | | | |

Maximum Queues were calculated using a ratio of 1 vehicle per 10 dismissed students.
Maximum Queue within the Western ADA Loading/Unloading Zone will be less than 4 vehicles, contained within the loading area

The available queue distance is in line with the high school queue distance recommendations found in the FHWA & TTI report #4286-2 *Operations and Safety Around Schools*.

**Summary:**

This TMP shows the drop-off and pick-up procedures which will be applied by the KIPP High School. With the proposed TMP operating, the school traffic will not need to queue vehicles in the ROW of any City street. Inbound vehicles will always have an open receiving space on the campus. There may be reasonable delays from opposing traffic when making the entering or exiting maneuver, but this will not form static queues of waiting vehicles within City ROWs. The property owner/school administrator is responsible for the administration of the TMP and minimizing the impact of the vehicle traffic on the City streets.

In order to ensure that all queuing of vehicles is completely accommodated on school property, KIPP high school administrative officials should implement the Traffic Management Plan, monitor the operation on a continuing basis, and if any vehicle queuing should begin to occur on public right-of-way, take the necessary action to mitigate it.

Prepared by:
**Kimley-Horn and Associates, Inc.**
Scot A. Johnson, P.E., PTOE
13455 Noel Road
Two Galleria Office Tower
Suite 700
Dallas, TX 75240
(972) 770-1300




**SCHOOL TMP REVIEW AND COMMITMENT**

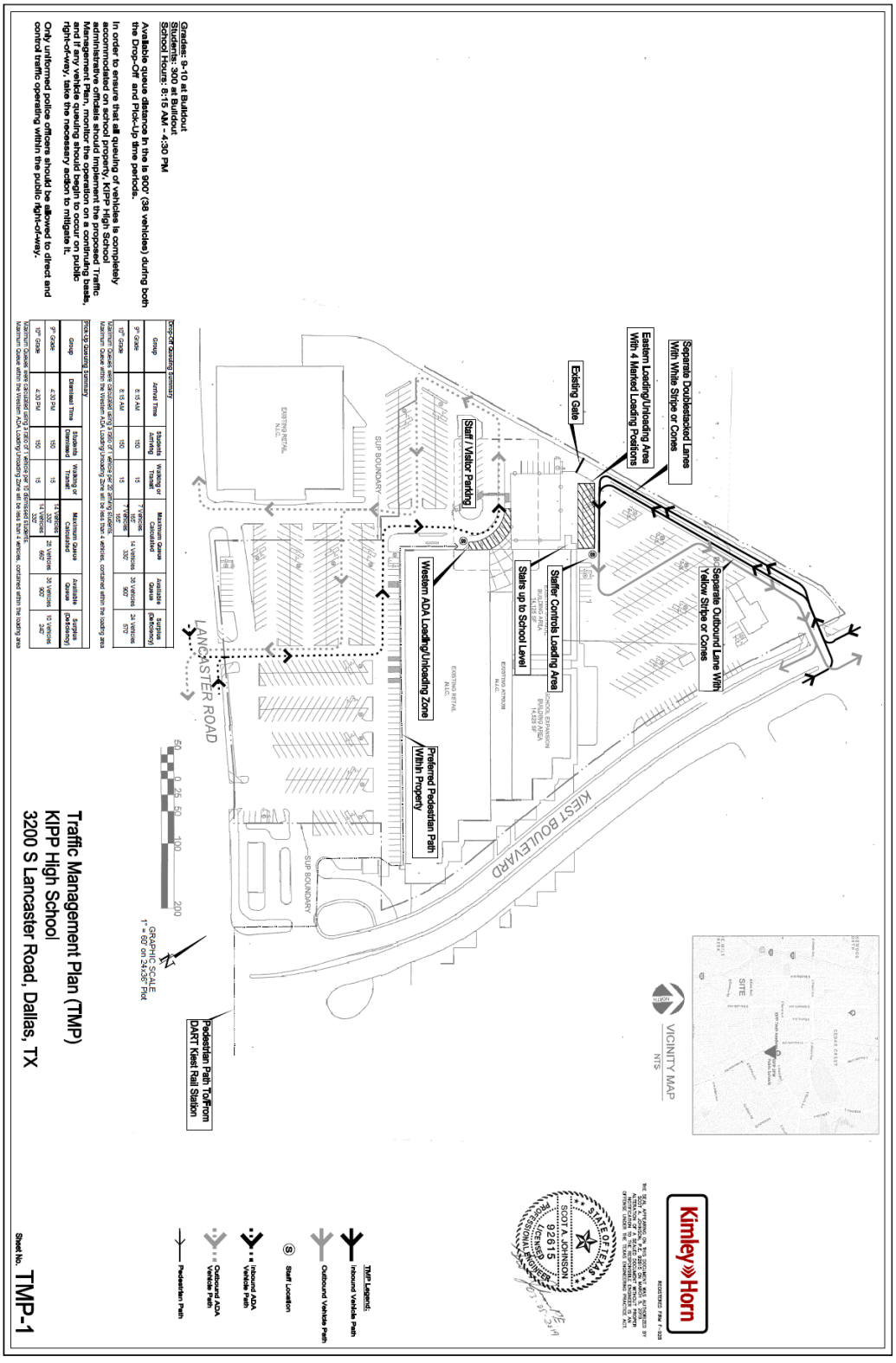
The school traffic management plan (TMP) for KIPP Oak Cliff Academy School was developed with the intent of optimizing safety and efficiently accommodating vehicular traffic generated during the school's typical student drop-off and pick-up periods. It is important to note that a concerted and ongoing effort by and the full participation of the school administration are essential to accomplish these goals.

By the endorsement provided below, the school administration hereby agrees to implement, adhere to, and support the strategies presented in this TMP for which the school is held responsible until or unless the City of Dallas deems those strategies are no longer necessary or that other measures are more appropriate.

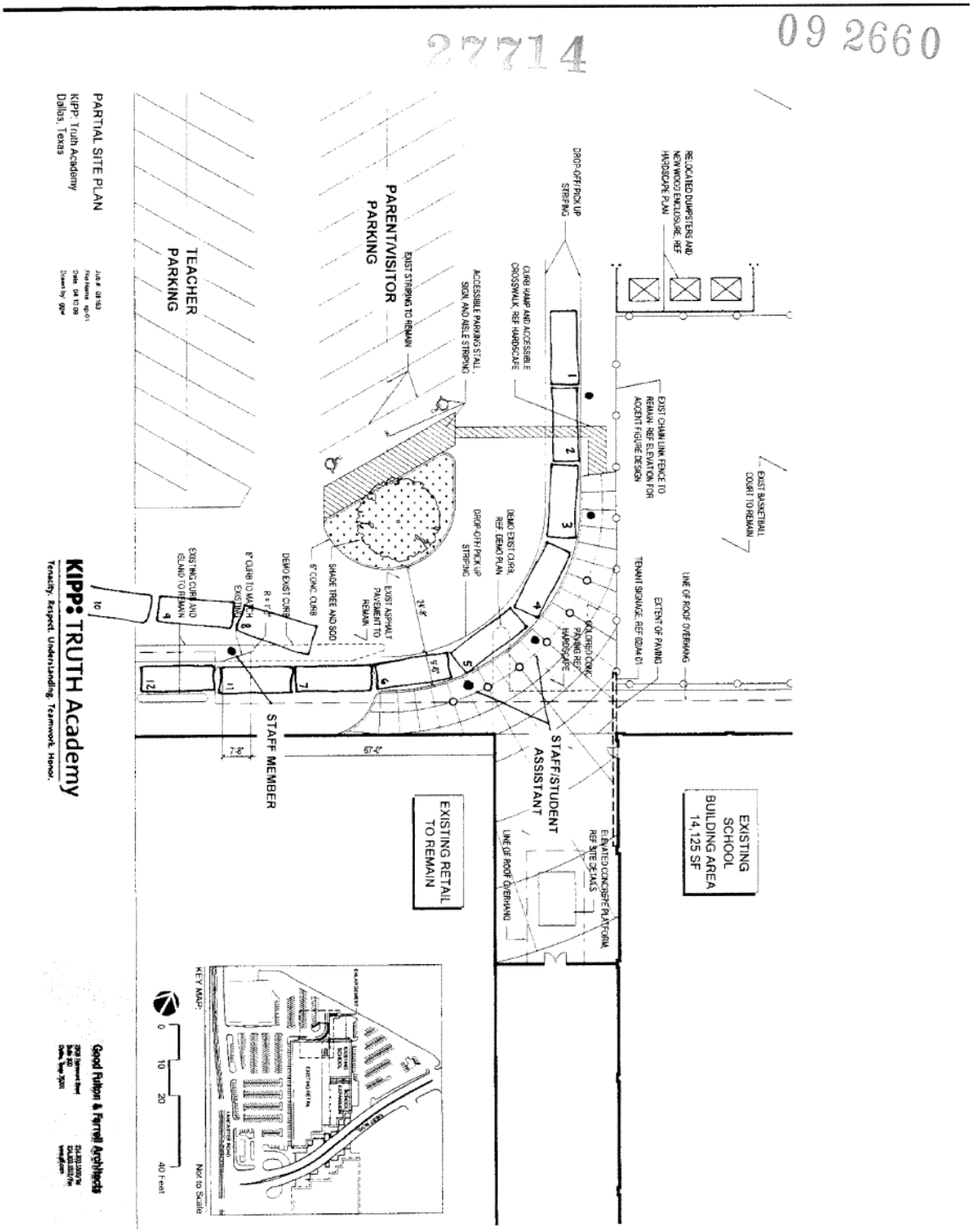
Aaron Aguirre - Castillo — Signature
11/16/18 — Date

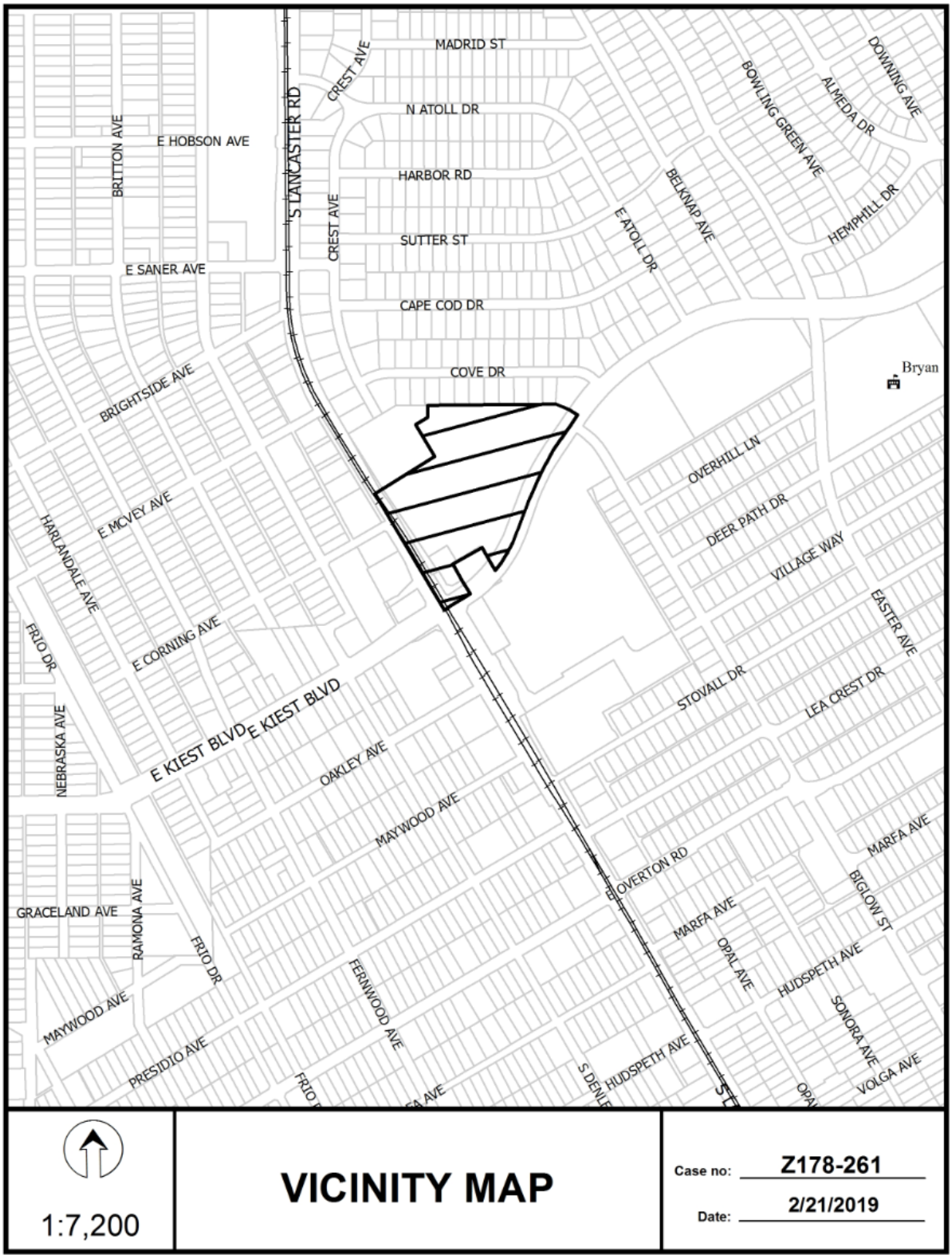
Name: Aaron Aguirre- Castillo
Title: Principal

## Proposed Traffic Management Plan



**Existing Traffic Management Plan**





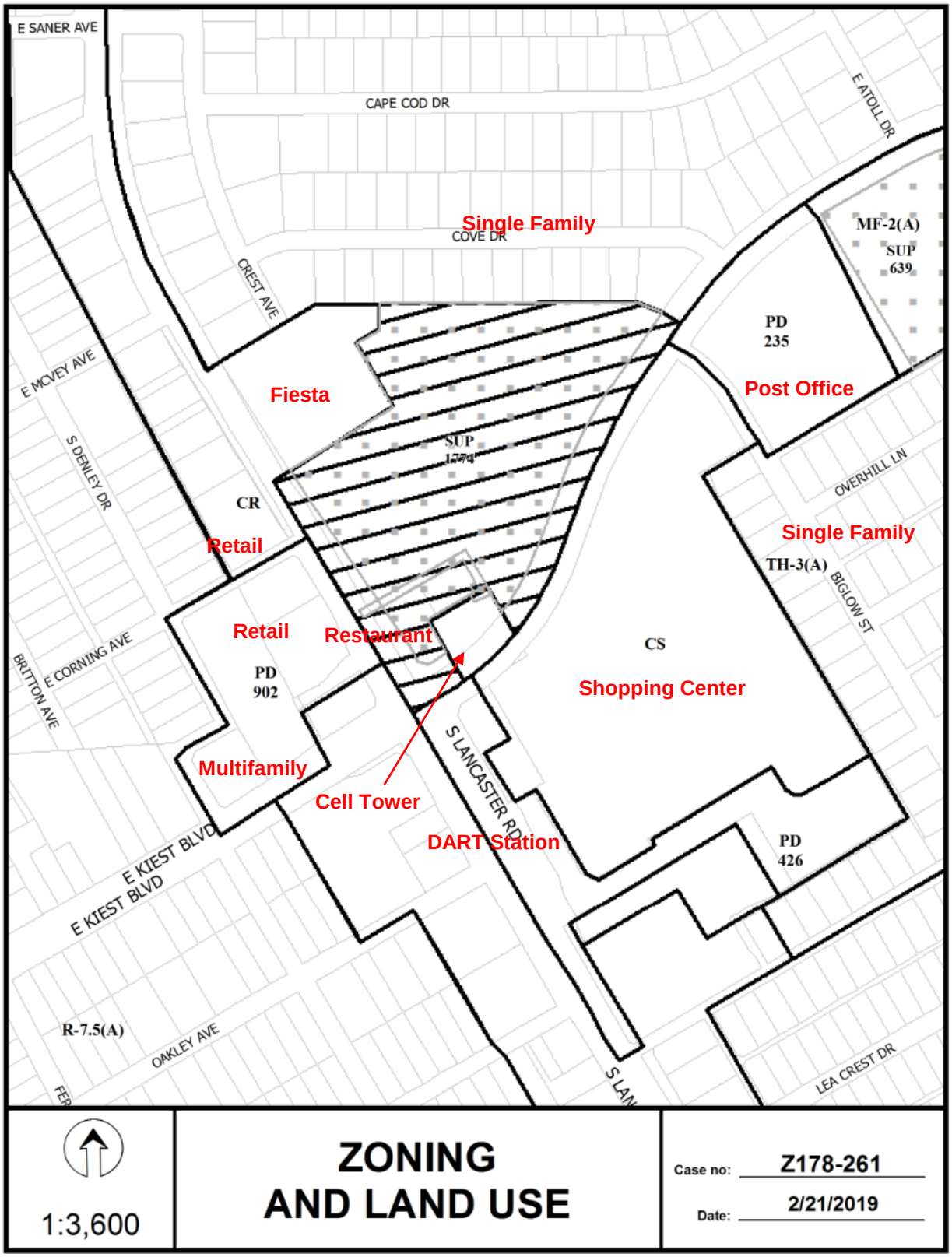

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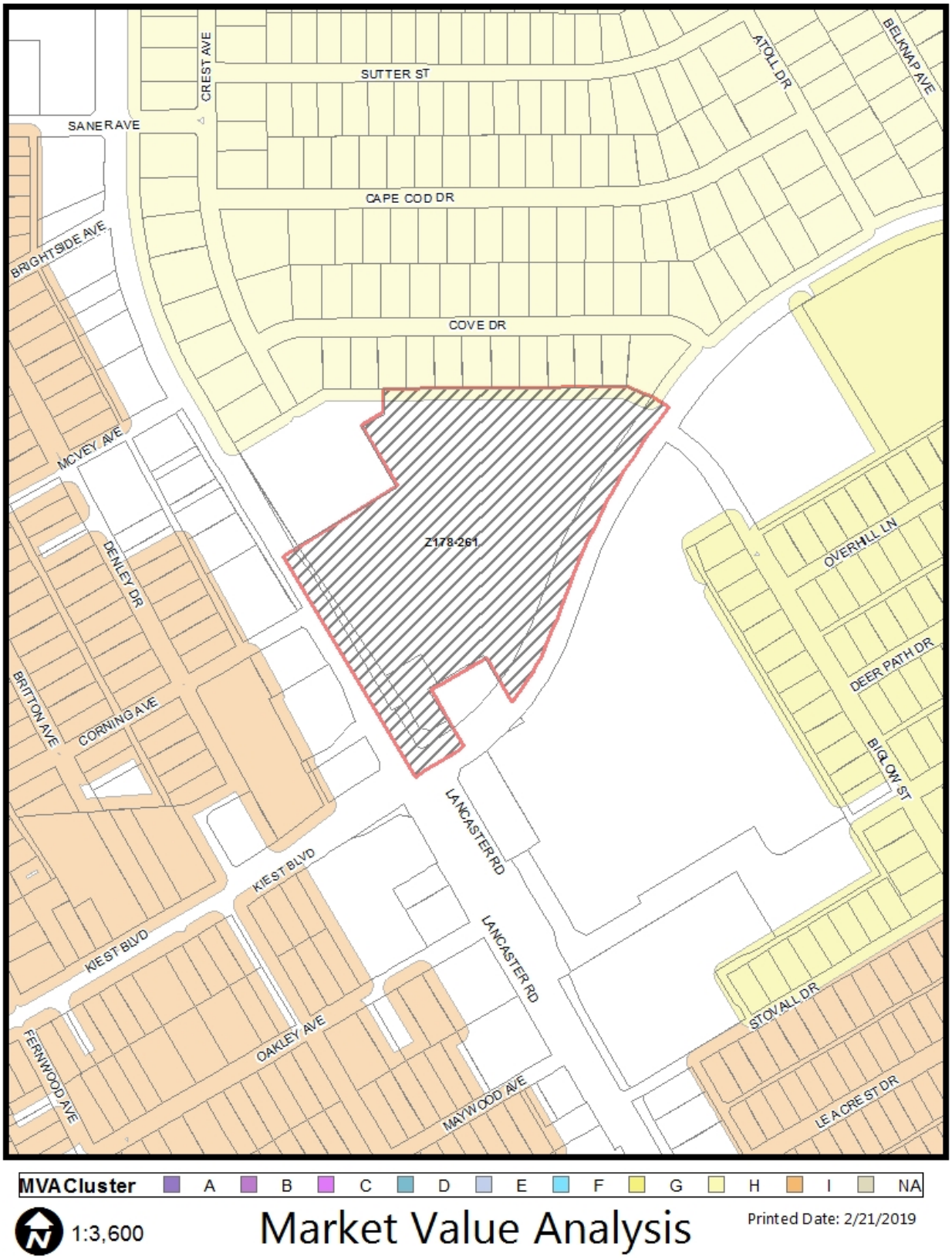
# VICINITY MAP

Case no: Z178-261

Date: 2/21/2019


E SAINER AVE
CAPE COD DR
COVE DR
CREST AVE
E MCVEY AVE
S DENLEY DR
E CORNING AVE
BRITTON AVE
E KIEST BLVD
S LANCASTER RD
OVERHILL LN
BIGLOW ST
VILLAGE WAY
STOWELL DR
OAKLEY AVE
1:3,600
AERIAL MAP
Case no: Z178-261
Date: 2/21/2019


E SANER AVE
CAPE COD DR
E ATOLL DR
Single Family
COVE DR
MF-2(A)
SUP
639
CREST AVE
PD
235
Post Office
Fiesta
E MCVEY AVE
S DENLEY DR
SUP
1774
OVERHILL LN
CR
Retail
Single Family
TH-3(A)
BIGLOW ST
Retail
Restaurant
CS
Shopping Center
E CORNING AVE
BRITTON AVE
PD
902
Multifamily
Cell Tower
S LANCASTER RD
DART Station
PD
426
E KIEST BLVD
E KIEST BLVD
R-7.5(A)
OAKLEY AVE
LEA CREST DR
1:3,600
ZONING
AND LAND USE
Case no: Z178-261
Date: 2/21/2019


SUTTER ST
CREST AVE
ATOLL DR
BELKNAP AVE
SANE AVE
CAPE COD DR
BRIGHTSIDE AVE
COVE DR
MCVEY AVE
Z178-261
DENLEY DR
OVERHILL LN
DEER PATH DR
BRITTON AVE
CORNING AVE
BIGLOW ST
LANCASTER RD
KIEST BLVD
KIEST BLVD
LANCASTER RD
STOVALL DR
OAKLEY AVE
FERNWOOD AVE
MAYWOOD AVE
LEACREST DR
MVACluster
A
B
C
D
E
F
G
H
I
NA
1:3,600
Market Value Analysis
Printed Date: 2/21/2019

## CPC RESPONSES



*03/20/2019*

# *Reply List of Property Owners*

## *Z178-261*

***76 Property Owners Notified*** ***1 Property Owner in Favor*** ***0 Property Owners Opposed***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 1 | 3050 | S LANCASTER RD | WEATHERFORD PLAZA LLC |
| | 2 | 3030 | S LANCASTER RD | FIESTA MART INC & |
| | 3 | 1507 | E KIEST BLVD | WENDYS PROPERTIES LLC |
| | 4 | 1526 | COVE DR | DABBS ROY LEE & |
| | 5 | 1507 | E KIEST BLVD | DART |
| | 6 | 1515 | E KIEST BLVD | DENTON ESTA |
| | 7 | 3304 | S LANCASTER RD | DALLAS AREA RAPID TRANSIT |
| | 8 | 3018 | S DENLEY DR | GREATER SOUTH CENTRAL |
| | 9 | 3026 | S DENLEY DR | WORKS GEORGE W JR ET AL |
| | 10 | 3034 | S DENLEY DR | GUZMAN SARA & |
| | 11 | 3038 | S DENLEY DR | TORRES LEONEL CANTU |
| | 12 | 3042 | S DENLEY DR | MACHADO RIGOBERTO |
| | 13 | 3046 | S DENLEY DR | BROWN GLADYS EST OF |
| | 14 | 3005 | S LANCASTER RD | IRVING BERNARD C & BETTY |
| | 15 | 1435 | E KIEST BLVD | DOJO LP |
| | 16 | 3231 | S LANCASTER RD | REALTY INCOME PROPERTIES 25 LLC |
| | 17 | 1500 | E KIEST BLVD | U S POSTAL SERVICE |
| | 18 | 2931 | CREST AVE | JAMES ZACHARY |
| | 19 | 3007 | CREST AVE | VILCHIS CARLOS |
| | 20 | 3011 | CREST AVE | HERNANDEZ LUIS DANIEL |
| | 21 | 1422 | CAPE COD DR | ELSTON RUSSELL JR |
| | 22 | 1426 | CAPE COD DR | SHEPHARD BOBBIE |
| | 23 | 1432 | CAPE COD DR | WILLIAMS JACQUELINE |
| | 24 | 1438 | CAPE COD DR | JOHNSON JIMMY |
| | 25 | 1444 | CAPE COD DR | JOHNSON AARON B |
| | 26 | 1450 | CAPE COD DR | RENDON ANA JANETT |

*03/20/2019*

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 27 | 1456 | CAPE COD DR | GUY VELMA JEAN |
| | 28 | 1462 | CAPE COD DR | TODD MICHAEL J & |
| | 29 | 1502 | CAPE COD DR | ARDIZZONI DENNIS |
| | 30 | 1510 | CAPE COD DR | DCS BUILDERS |
| | 31 | 1514 | CAPE COD DR | MARTINEZ DAVID |
| | 32 | 1520 | CAPE COD DR | TURNER MURLENE |
| | 33 | 1526 | CAPE COD DR | LACY HERMAN & HETTIE |
| | 34 | 1532 | CAPE COD DR | RAND BUFORD M |
| | 35 | 1585 | E KIEST BLVD | ARNOLD C M |
| | 36 | 1581 | E KIEST BLVD | MCGRIFF CHARLES E |
| | 37 | 1531 | COVE DR | STEELE JONATHAN DWAIN |
| | 38 | 1527 | COVE DR | HENDERSON CHESTER R & |
| | 39 | 1523 | COVE DR | JOHNSON DOROTHY L |
| | 40 | 1517 | COVE DR | GRACE BEVERLY LYNN & |
| | 41 | 1511 | COVE DR | LOREDO MARTIN |
| | 42 | 1505 | COVE DR | BAKER JAMES |
| | 43 | 1455 | COVE DR | GUEL ENRIQUE ESQUIVEL |
| | 44 | 1451 | COVE DR | LOPEZ OVIDIO & |
| | 45 | 1445 | COVE DR | FOSTER UTAH |
| | 46 | 1439 | COVE DR | LOPEZ OVIDIO G & AIDE I |
| | 47 | 1433 | COVE DR | NELSON CARRIE |
| | 48 | 1427 | COVE DR | BOLDEN MARY HOLLAND |
| | 49 | 1421 | COVE DR | BRYANT DON WINSTON & |
| | 50 | 1415 | COVE DR | HICKS SONDRA G |
| | 51 | 1407 | COVE DR | MILLER MARY L |
| | 52 | 1410 | COVE DR | ALVELAIS BILLIE J |
| | 53 | 1416 | COVE DR | CAVADIAN PROPERTIES LLC |
| | 54 | 1422 | COVE DR | CASTANEDA SORAYA |
| | 55 | 1428 | COVE DR | HOLT OWEDA |
| | 56 | 1434 | COVE DR | PUMPHREY KENNETH |
| | 57 | 1440 | COVE DR | MCMILLAN TRACI BALDWIN & |

*03/20/2019*

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 58 | 1446 | COVE DR | LOPEZ OVIDIO G & AIDE IVON |
| | 59 | 1450 | COVE DR | ALVELAIS VICTOR TELLO |
| | 60 | 1504 | COVE DR | WHITE CLARENCE EST OF |
| | 61 | 1516 | COVE DR | GARDNER JULIUS |
| | 62 | 1522 | COVE DR | HENDERSON CHESTER R & |
| | 63 | 3117 | BIGLOW ST | MALAGON AZUSENA & ERIC MAY CHAN |
| | 64 | 3113 | BIGLOW ST | KING HOME BUILDERS LLC |
| | 65 | 3107 | BIGLOW ST | WEST TOMMY JR |
| | 66 | 1701 | OVERHILL LN | MCNEELY RODNEY |
| O | 67 | 3107 | S LANCASTER RD | CITY WIDE COMMUNITY DEVELOPMENT CORPORATION |
| | 68 | 3124 | S DENLEY DR | CITY WIDE SERENITY PLACE APARTMENTS LP |
| | 69 | 3107 | S LANCASTER RD | EDWARDS RUDOLPH |
| | 70 | 3115 | S LANCASTER RD | CITY WIDE COMMUNITY DEVELOPMENT CORP |
| | 71 | 3211 | LANCASTER RD | GOTTLIEB DALLAS DRUGSTORE LLC |
| | 72 | 3200 | S LANCASTER RD | CITIBANK TEXAS NA |
| | 73 | 3202 | S LANCASTER RD | WEATHERFORD PLAZA LLC |
| | 74 | 403 | REUNION BLVD | DALLAS AREA RAPID TRANSIT |
| | 75 | 403 | REUNION BLVD | DALLAS AREA RAPID TRANSIT |
| | 76 | 403 | REUNION BLVD | DALLAS AREA RAPID TRANSIT |

# Agenda Information Sheet

**File #:** 19-832 **Item #:** 81.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District on property zoned an NO(A) Neighborhood Office District, on the east side of North Fitzhugh Avenue, south of Ross Avenue
Recommendation of Staff and CPC: Approval
Z189-192(JM)
Note: This item was deferred by the City Council before opening the public hearing on May 22, 2019, and is scheduled for consideration on June 26, 2019



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| | | | |
|---|---|---|---|
| **FILE NUMBER:** | Z189-192(JM) | **DATE FILED:** | February 7, 2019 |
| **LOCATION:** | East side of North Fitzhugh Avenue, south of Ross Avenue | | |
| **COUNCIL DISTRICT:** | 2 | **MAPSCO:** | 46 A |
| **SIZE OF REQUEST:** | ± 0.332 acres | **CENSUS TRACT:** | 15.03 |

**APPLICANT/OWNER:** PGH Purple, LLC [Neal Morris]

**REQUEST:** An application for an MF-2(A) Multifamily District on property zoned an NO(A) Neighborhood Office District.

**SUMMARY:** The applicant requests to allow a multifamily use on the subject property.

**CPC RECOMMENDATION:** **Approval.**

**STAFF RECOMMENDATION:** **Approval.**

**BACKGROUND INFORMATION:**

- The subject site contains a part of three lots with a total of 0.332 acres of land. The site is currently undeveloped, but previously held two single family homes which were recently razed.
- The area of request was originally zoned an MF-2 District in 1965 with the adoption of Chapter 51. At the time of the Chapter 51A transition in 1988, the property was identified as being an O-1 Office District and transitioned to an NO(A) Neighborhood Office District. Through a review of historic aerials, DCAD tax data, and City records for Certificate of Occupancy, it seems that two structures existed at the site since the earliest aerials in 1952. In the 1980s, a CO was issued for an office use. Beginning in 2004 and 2005, the new property owners claimed a homestead exemption at each site until 2018, when the existing owner purchased the properties and demolished the buildings.
- The existing NO(A) Neighborhood Office Zoning District does not allow residential development including single family and multifamily uses.
- The proposed MF-2(A) Multifamily District would allow for the construction of a multifamily development on multiple lots on the corner of the block, at North Fitzhugh Avenue and San Jacinto Street.

**Zoning History:** There has been one recent zoning request in the area within the last five years.

1. **Z178-186:** On April 25, 2018, the City Council approved the Oak Lawn/East Dallas Demolition Delay Overlay District in an area generally bound by Live Oak Street, Bryan Parkway, Matilda Street, Martel Avenue, municipal boundary of Dallas and Highland Park, Lemmon Avenue, Dallas North Tollway, Turtle Creek Boulevard, Carlisle Street, Blackburn Street, and Haskell Avenue to Main Street, both sides of Main Street from Haskell Avenue to Carroll Avenue, Main Place, Prairie Avenue, Columbia Avenue, and Fitzhugh Avenue; and containing approximately 3,277.30 acres.

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---|---|---|---|
| North Fitzhugh Avenue | Local | 50 ft. | -- |

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed request and determined that the request will not have a negative impact on the existing street system.

## STAFF ANALYSIS

### Comprehensive Plan:

The *forwardDallas! Comprehensive Plan*, was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with land use goals and policies of the Comprehensive Plan.

**GOAL 1.1** Align land use strategies with economic development priorities.

**Policy 1.1.5** Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

### NEIGHBORHOOD PLUS PLAN

**GOAL 4.3** Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

### Area Plans

The subject site is located within the East Dallas portion of the Dallas 360 Plan, adopted in 2011. The East Dallas area contains architecturally significant homes and historic commercial structures from the late nineteenth and early twentieth centuries among newly constructed multifamily projects. The 360 Plan emphasizes several District Connectors with recommendations for multi-modal improvements that will better connect East Dallas and Bryan Place to Downtown and surrounding areas, including Ross Avenue, Live Oak, Hall, and Washington. One major goal of the 360 Plan is to build complete neighborhoods. This includes diversifying and growing housing.

### Surrounding Land Uses:

| Area | Zone | Use |
|---|---|---|
| **Site** | NO(A) | Undeveloped |
| **Northwest** | CR | Pawn shop and office |
| **Northeast** | MF-2(A) | Multifamily |
| **Southeast** | MF-2(A) | Single family and undeveloped |
| **Southwest** | PD No. 298, Subarea 4A, Historic Overlay No. 77 | Public school |

**Land Use Compatibility:**

The subject site contains a part of three lots with a total of 0.332 acres of land. The site is currently undeveloped, but previously contained two single family homes which were recently razed.

Surrounding properties contain retail (pawn shop) and office uses to the northwest; multifamily uses to the northeast; single family and undeveloped uses to the southeast; and, a public school to the southwest.

The existing NO(A) Neighborhood Office Zoning District does not allow residential development including single family and multifamily uses.

The proposed MF-2(A) Multifamily District would allow for the construction of a multifamily development on multiple lots on the corner of the block, at North Fitzhugh Avenue and San Jacinto Street.

The area of request was originally zoned an MF-2 District in 1965 with the adoption of Chapter 51. At the time of the Chapter 51A transition in 1988, the property was identified as being an O-1 Office District and transitioned to an NO(A) Neighborhood Office District. Through a review of historic aerials, DCAD tax data, and City records for Certificate of Occupancy, it seems that two structures existed at the site since the earliest aerials in 1952. In the 1980s, a CO was issued for an office use. Beginning in 2004 and 2005, the new property owners claimed a homestead exemption at each site until 2018, when the existing owner purchased the properties and demolished the buildings. While this is not an expansive view of the history of the use of the site, rezoning the property to allow for a multifamily development seems to coincide with the neighborhood development pattern. Finally, it appears the site operated limitedly as an office, and primarily as residential structures over time.

**Development Standards:**

| District | Setbacks | | Height | Lot Coverage | Special Standards | Primary Uses |
|---|---|---|---|---|---|---|
| | Front | Side/Rear | | | | |
| **Existing:** NO(A) | 15’ | 20’ adj. to res.<br>0’ all others | 30-35’ | 50% | RPS | Neighborhood serving office and institutional and community service uses. |
| **Proposed:** MF-2(A) | 15’ | 0’ for SF<br>5-15’ Others | 36’ | 60% | RPS<br>15’ spacing between each group of 8 SF units | Residential and institutional and community service uses. |
| **Adjacent:** CR | 15’ | 20’ adj. to res.<br>0’ all others | 54’ | 60% | RPS | Retail and personal service, institutional and community service, office, recreation, utility and public service, and commercial and business service uses. |

The front yard setback will be maintained and RPS still applies; however, the origination site is closer to the commercial properties adjacent to the site facing Ross Avenue, all within the CR Community Retail District. Additionally, while the adjacent properties in the CR District seem to be built to the district standards, primarily in consideration of height and setbacks, upon redevelopment the site adjacent to the subject property would have to provide the 20-foot setback instead of zero feet. Also, RPS would require that the future development be limited in height to 26 feet until a 50-foot setback is provided, at which point the future structure could reach the district maximum height of 54 feet. The existing structure adjacent to the site to the northwest was erected in 1925.

Going from an NO(A) to and MF-2(A) District will allow for an increase in lot coverage from 50 to 60 percent.

Finally, the change in land uses equates from providing three office uses and other institutional and community service uses to now strictly allowing residential and institutional and community service uses mostly by SUP.

While the change in development rights for the existing CR District properties along Ross Avenue is impactful, the existing zoning district boundary seems askew with the development pattern and typical neighborhood outlines/block patterns. These two lots are oriented towards North Fitzhugh Avenue, contrary to the original subdivision lots platted in a pattern oriented towards San Jacinto Street. Indeed, the area of request constitutes a part of Lots 9-11 of the original subdivision dated June 18, 1888.

For all of these reasons, staff supports returning the site to the original zoning of an MF-2(A) Multifamily District.

**Market Value Analysis:**

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is categorized as being within a “E” MVA cluster, as well as all surrounding properties to the northeast, southeast, and further northwest. Properties located across San Jacinto Street I to the west are designated a Category “G”.

**Parking:**

Parking will be in accordance with the parking regulations of Chapter 51A. If a multifamily development is constructed, one parking space will be required per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per

dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

**Landscaping:**

Landscaping will be in accordance with the landscape regulations of Article X, as amended.

**CPC Action**
**April 18, 2019**

**Motion:** It was moved to recommend **approval** of an MF-2(A) Multifamily District on property zoned an NO(A) Neighborhood Office District, on the east side of North Fitzhugh Avenue, south of Ross Avenue.

Maker: Schulte
Second: Housewright
Result: Carried: 13 to 0

For: 13 - MacGregor, Schulte, Criss, Johnson, Shidid*, Carpenter, Lewis, Jung, Housewright, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 7, District 12

*out of the room, shown voting in favor

**Notices:** Area: 200 Mailed: 14
**Replies:** For: 0 Against: 0

**Speakers**: For: None
For (Did not speak): Gerard Whelan, 4516 Lovers Ln., Dallas, TX, 75225
Against: None

**List of Officers**

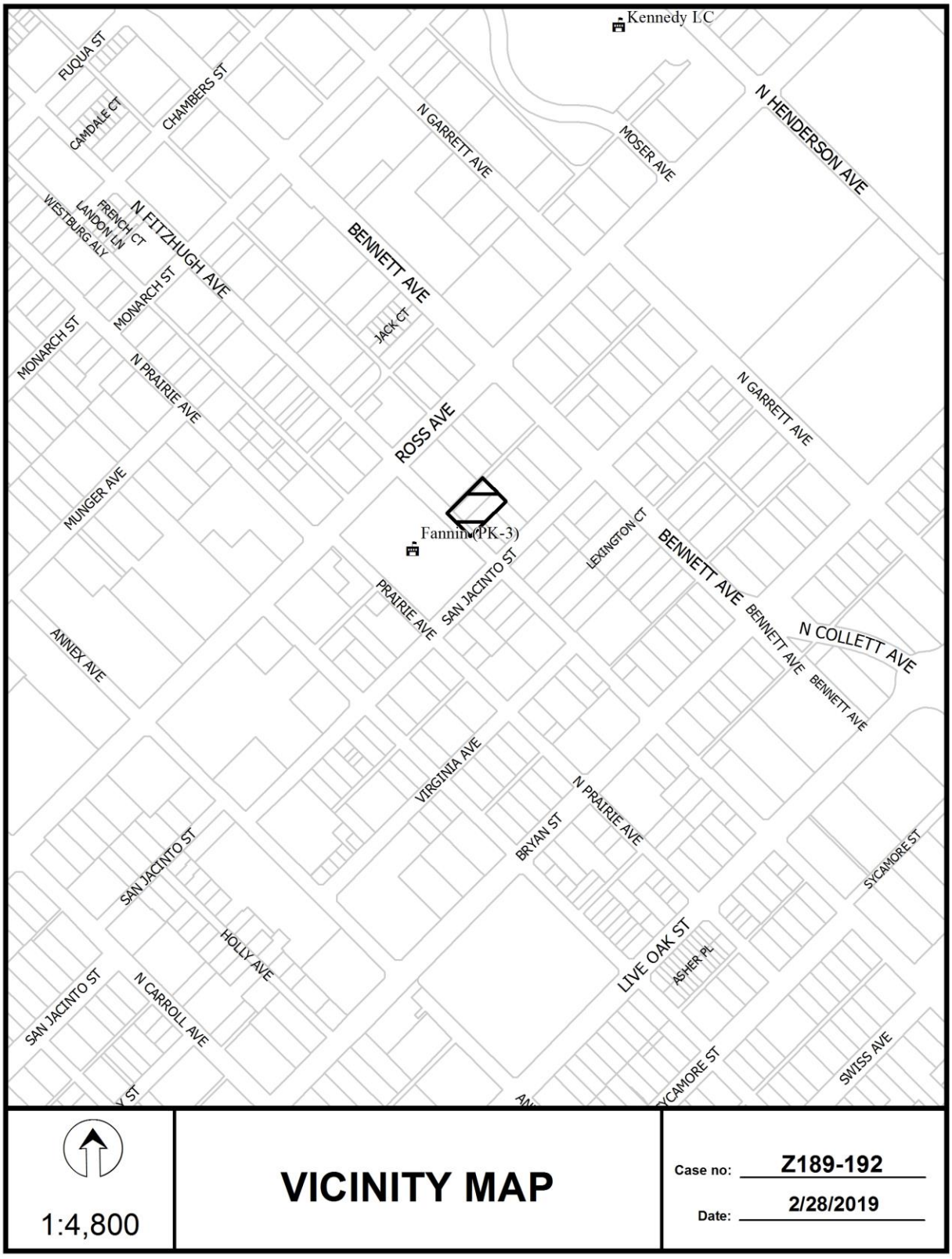
# 1610 AND 1614 N. FITZHUGH AVE.

## PGH PURPLE, LLC- LIST OF PARTNERS/PRINCIPALS/ OFFICERS:

## NEAL MORRIS- MANAGER

## GRANT GUEST- MANAGER

Z 189-192


Kennedy LC
FUQUA ST
CHAMBERS ST
CAMDALE CT
N GARRETT AVE
MOSER AVE
N HENDERSON AVE
FRENCH CT
LANDON LN
WESTBURG ALY
N FITZHUGH AVE
BENNETT AVE
MONARCH ST
JACK CT
MONARCH ST
N PRAIRIE AVE
N GARRETT AVE
ROSS AVE
MUNGER AVE
Fannin (PK-3)
LEXINGTON CT
BENNETT AVE
PRAIRIE AVE
SAN JACINTO ST
BENNETT AVE
N COLLETT AVE
BENNETT AVE
ANNEX AVE
VIRGINIA AVE
N PRAIRIE AVE
BRYAN ST
SAN JACINTO ST
SYCAMORE ST
HOLLY AVE
LIVE OAK ST
ASHER PL
SAN JACINTO ST
N CARROLL AVE
SYCAMORE ST
SWISS AVE
1:4,800
VICINITY MAP
Case no: Z189-192
Date: 2/28/2019

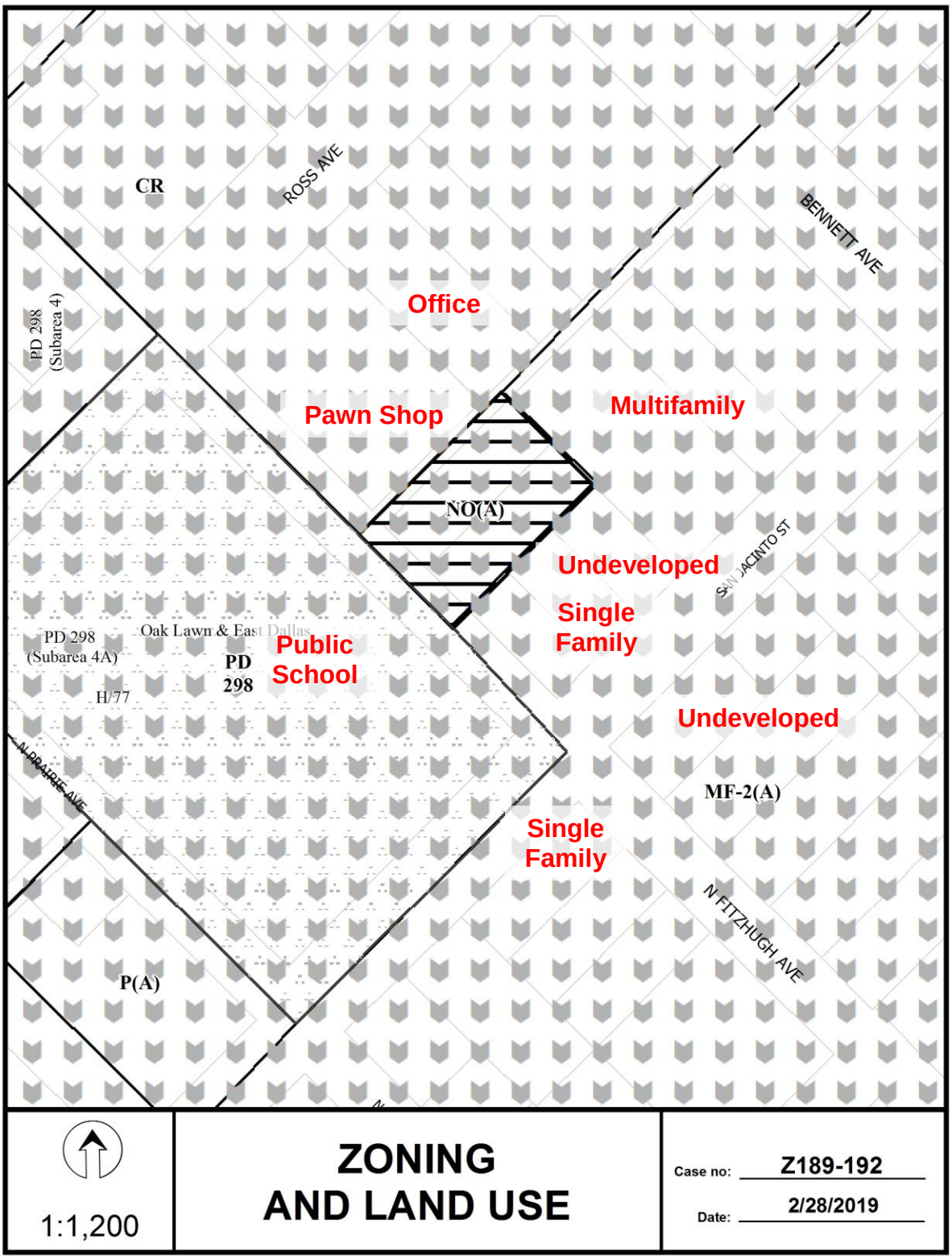


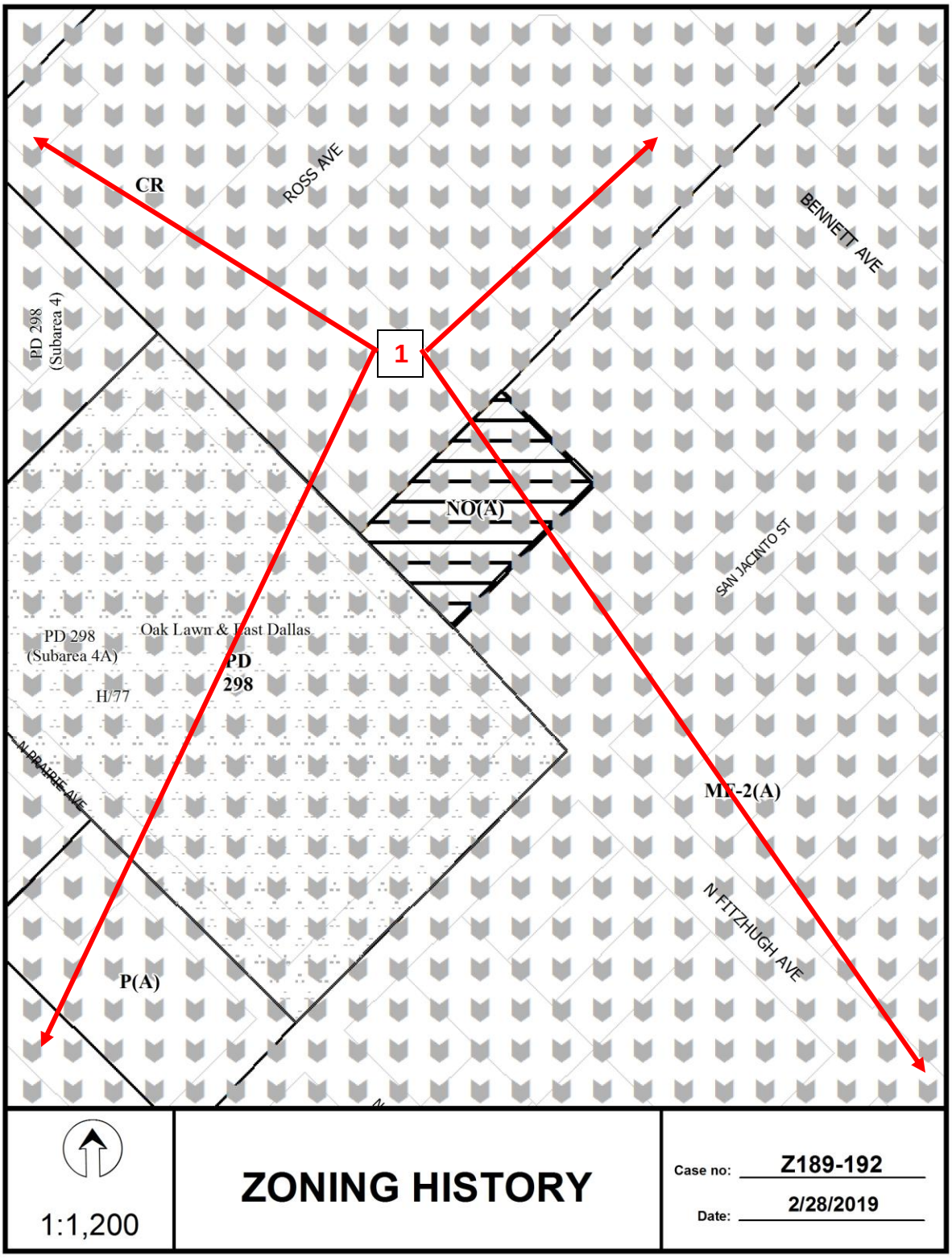

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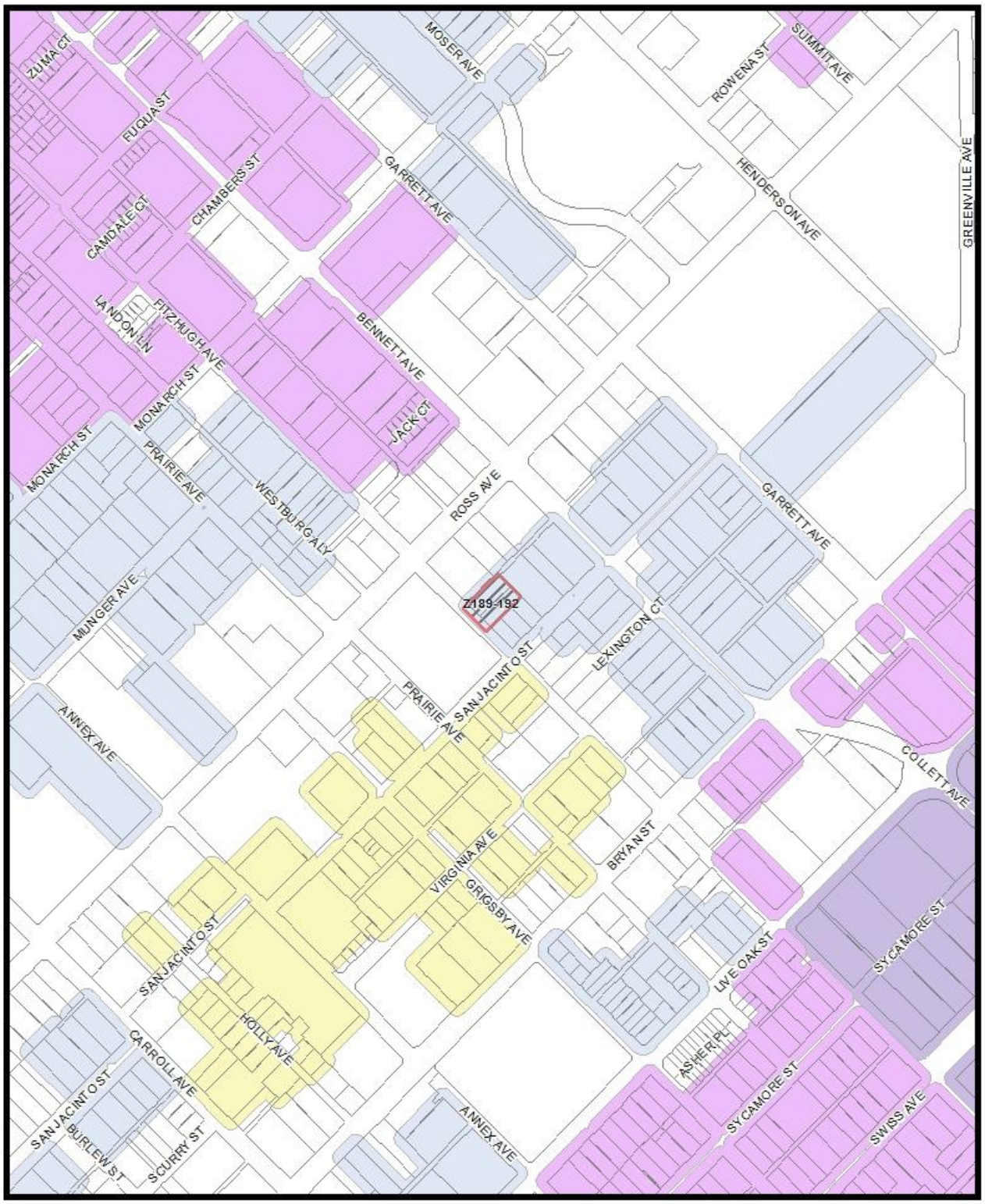
**AERIAL MAP**

Case no: Z189-192

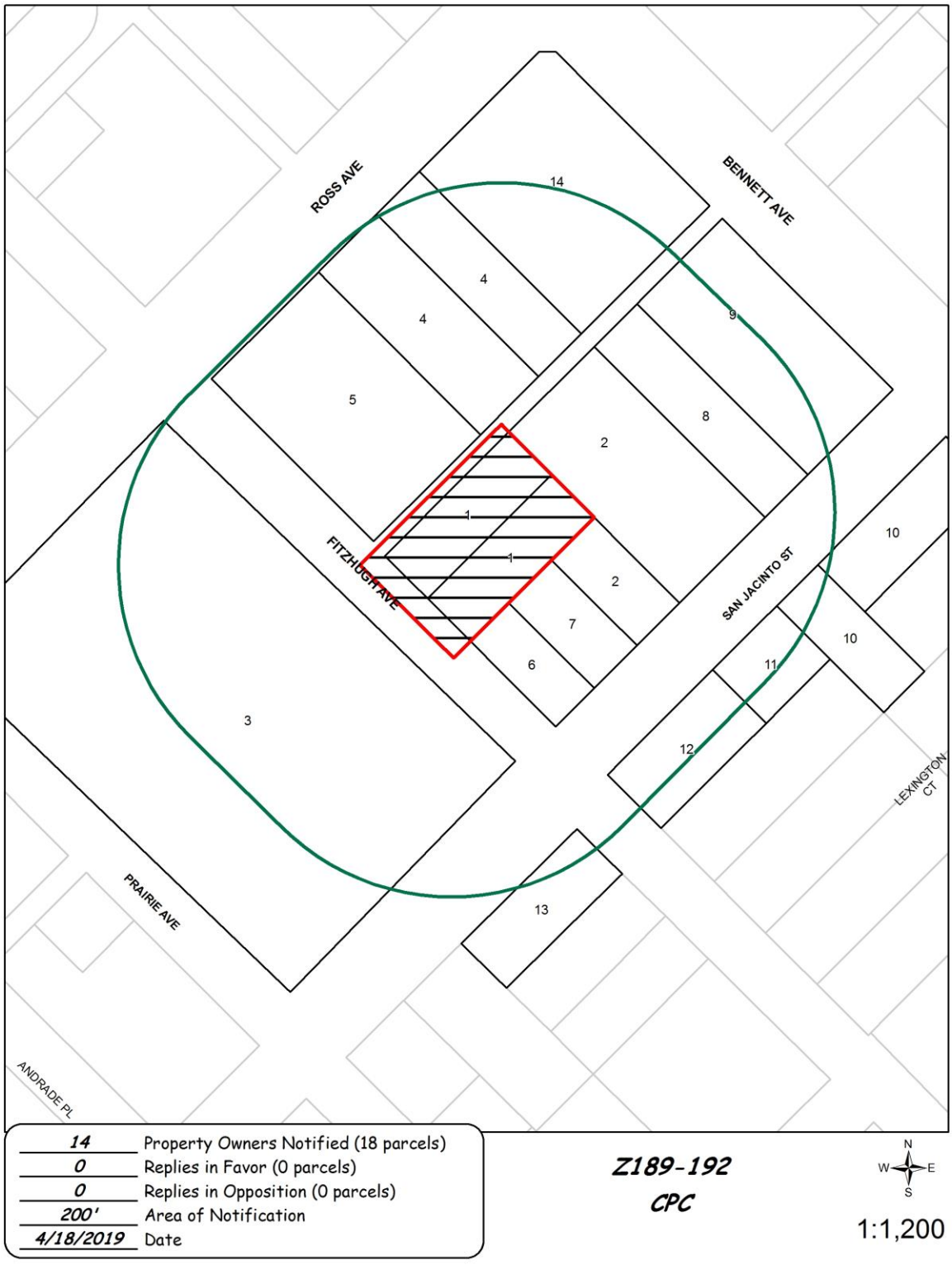
Date: 2/28/2019


CR
ROSS AVE
BENNETT AVE
PD 298
(Subarea 4)
Office
Pawn Shop
Multifamily
NO(A)
SAN JACINTO ST
Undeveloped
Single
Family
PD 298
(Subarea 4A)
Oak Lawn & East Dallas
PD
298
Public
School
H/77
Undeveloped
N PRAIRIE AVE
MF-2(A)
Single
Family
N FITZHUGH AVE
P(A)
1:1,200
ZONING
AND LAND USE
Case no: Z189-192
Date: 2/28/2019


CR
ROSS AVE
BENNETT AVE
PD 298
(Subarea 4)
1
NO(A)
SAN JACINTO ST
PD 298
(Subarea 4A)
Oak Lawn & East Dallas
PD
298
H/77
ALDRAIRIE AVE
MF-2(A)
N FITZHUGH AVE
P(A)
1:1,200
ZONING HISTORY
Case no: Z189-192
Date: 2/28/2019


ZUMA CT
FUQUA ST
CAMDALE CT
CHAMBERS ST
MOSER AVE
GARRETT AVE
ROWENA ST
SUMMIT AVE
HENDERSON AVE
GREENVILLE AVE
LANDON LN
FITZHUGH AVE
BENNETT AVE
JACK CT
MONARCH ST
PRAIRIE AVE
WESTBURG ALY
ROSS AVE
GARRETT AVE
Z189-192
MUNGER AVE
LEXINGTON CT
SANJACINTO ST
PRAIRIE AVE
ANNEX AVE
COLLETT AVE
BRYAN ST
VIRGINIA AVE
GRIGSBY AVE
SANJACINTO ST
LIVE OAK ST
SYCAMORE ST
HOLLY AVE
CARROLL AVE
ASHER PL
SANJACINTO ST
BURLEW ST
SCURRY ST
ANNEX AVE
SYCAMORE ST
SWISS AVE
MVACluster
A
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NA
1:4,800
Market Value Analysis
Printed Date: 2/28/2019

## CPC Responses



***04/17/2019***

# *Reply List of Property Owners*

## *Z189-192*

***14 Property Owners Notified*** ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 1 | 1610 | N FITZHUGH AVE | PGH PURPLE LLC |
| | 2 | 4909 | SAN JACINTO ST | PGH BENNETT LLC |
| | 3 | 4800 | ROSS AVE | Dallas ISD |
| | 4 | 4916 | ROSS AVE | MEDINA MARIA C |
| | 5 | 4900 | ROSS AVE | GREGG ROSS AVENUE LLC |
| | 6 | 4901 | SAN JACINTO ST | DU CHENGYU & |
| | 7 | 4903 | SAN JACINTO ST | CARROLL ROBERT W |
| | 8 | 4921 | SAN JACINTO ST | SAN JACINTO 4921 INC |
| | 9 | 4927 | SAN JACINTO ST | PGH BRONZE LLC |
| | 10 | 4916 | SAN JACINTO ST | E DALLAS LAND LTD |
| | 11 | 4912 | SAN JACINTO ST | PGH BENNETT LAND LLC |
| | 12 | 1518 | N FITZHUGH AVE | FITZHUGH AVE INVESTMENTS LLC |
| | 13 | 1519 | N FITZHUGH AVE | JUREK PROPERTIES LTD |
| | 14 | 4920 | ROSS AVE | AUTOZONE TEXAS LP |

# Agenda Information Sheet

**File #:** 19-881 **Item #:** 82.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the removal of the McKinney Avenue Special Provision Sign District on property zoned Planned Development District No. 372, at the northeast corner of Lemmon Avenue and McKinney Avenue
Recommendation of Staff and CPC: Approval
SPSD189-005



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**HONORABLE MAYOR & CITY COUNCIL** **WEDNESDAY, JUNE 26, 2019**

**ACM: Michael Mendoza**

**FILE NUMBER:** SPSD189-005 **DATE INITIATED:** February 27, 2019

**LOCATION:** Northeast corner of Lemmon Avenue and McKinney Avenue

**COUNCIL DISTRICT:** 14 **MAPSCO:** 45 C

**SIZE OF REQUEST:** Approx 0.38 acres **CENSUS TRACT:** 7.01

**REPRESENTATIVE:** Suzan Kedron

**APPLICANT:** Jackson Walker, LLP

**OWNER:** Pan Coastal Limited Partnership

**REQUEST:** An application for the removal of the McKinney Avenue Special Provision Sign District on property zoned Planned Development District No. 372.

**SUMMARY:** The purpose of this request is to remove the McKinney Avenue Special Provision Sign District from the request site in order to impose different sign regulations on a larger tract of land on which the applicant has filed a zoning case. The applicant states that the zoning case filed on the request site and adjacent property to the north and east will include a unified sign package for the whole site.

**CPC RECOMMENDATION:** **Approval**

**STAFF RECOMMENDATION:** **Approval**

**BACKGROUND INFORMATION:**

The McKinney Avenue Sign District was created on December 11, 1991. The SPSD is divided into three subdistricts known as the Spine, Quadrangle, and Peripheral Subdistricts. This sign district is generally bounded by Lemmon Avenue on the north, Fairmount Street on the south, McKinney Avenue and Oak Grove Avenue on the east, and McKinney Avenue and Laclede Street on the west.

The purpose of the McKinney Avenue Sign District is to:

1. To protect the historical and architectural character of this district from inappropriate signs in terms of number (clutter), style, color, and materials.
2. To ensure that significant architectural features in this district are not obscured.
3. To encourage signs that are complimentary to the architectural styles and historical nature of the buildings and trolley in this district.
4. To ensure that the size and orientation of signs are geared toward the high number of pedestrians in this district.
5. To attract the public to the goods and services available in the district by enhancing the aesthetic quality of signs in this district.
6. To encourage artistic, creative, and innovative signs that reflect the themes of the area.
7. To promote safety, communications efficiency, and landscape quality and preservation.

This application is made on property at the northern edge of the Spine Subdistrict – a subdistrict within the McKinney Avenue Sign District that is linear in shape that captures the lots of both sides of McKinney Avenue from Lemmon Avenue on the north to Fairmount Street on the south.

**STAFF ANALYSIS:**

The purpose of this application is to remove the McKinney Avenue Sign District from the request site. The request site is two platted lots on the northern edge of the Spine Subdistrict. The request for removal of the McKinney Avenue Sign District from the subject site is made in order for sign regulations on it to be considered along with sign regulations on a larger tract of land immediately to the north and east (and outside of the sign district) which the applicant has filed a zoning case for an urban vertical mixed use development that would include a grocery, office, retail, multifamily and hotel uses (Z189-141). This zoning case was considered and recommended for approval by the City Plan Commission on May 2, 2019. The zoning case is scheduled for the June 12, 2019 City Council public hearing.

The request site is currently developed as a surface parking lot that is, in terms of land use, part of a larger surface parking lot to the north and east for a former grocery store on which there are currently no signs.

The proposed regulations for the site of this zoning case would include what the applicant describes as cohesive sign regulations that would take into context the proposed mixed use development. The applicant has described that this mixed use development that is part of the zoning application would include a very large retail component with signage that would be very significant to this particular user. The applicant states that a unified signage package for the whole development that is the property of the zoning application makes more sense than a piecemeal approach that would result if part of the site on which this zoning application were filed were to remain in the McKinney Avenue Sign District.

Generally, signs allowed in the McKinney Avenue Sign District are different from signs allowed under general provisions for signs in business zoning districts by requiring signs that are smaller, that have more limitations and restrictions on materials and color, and location. More specifically, some of the added provisions to the McKinney Avenue Sign District beyond what is allowed for signs in business zoning districts are:

- The use of plastic and neon colors are prohibited.
- Signs can only be place on facades that face a public right-of-way.
- Attached signs are allowed 10% of the total area of the façade.
- The façade is divided into upper and lower levels, and restricts upper level signs to 5% of the lower level façade area. (Business rules allows 25% on primary and 15% on secondary facades and has no upper or lower level distinction).
- Flat attached signs can only project 8” as opposed to 18” in business rules.
- Projecting signs are limited to 8 or 15 sq. ft. (business rules allow for 20 square feet).
- Signs cannot project above the roof; business rules allow for 4’ projection above the roof.
- There are some additional location restrictions on projecting signs.
- There are some restrictions/allowances for marquee signs in this district.
- Window signs are allowed to be larger and are not limited to specific locations.

The applicant has submitted a table that contrasts what is allowed in the McKinney Avenue Sign District to that what the applicant intends to request with regard to signs in the zoning application. This comparison table shows that the applicant intends to seek provisions in the zoning application away from what is permitted in the McKinney Avenue Sign District related to materials (allowing plastic), types of light sources (no limitation of light sources), colors (more flexibility), sizes of words on attached signs within an upper façade (more flexibility), effective area of attached signs (more flexibility), size of projecting signs below the bottom of a second story window (different types of signs at varying maximum sizes), detached signs of a certain sizes and the location of these signs from public right-of-way (setback changes more in keeping with normal business rules), and effective area of detached signs (providing maximum heights for detached signs but not maximum effective area – larger signs that what is provided because of the scale of this type of development).

Staff supports the request based on the fact that the request site is on the northern edge of the McKinney Avenue Sign District at the northeast corner of Lemmon Avenue and McKinney Avenue. Staff has reviewed the McKinney Avenue Sign District boundary map and noted that the boundaries of this district do not always include all four corners where streets intersect. It appears that the signs on the other three corners of this intersection are either in compliance with the McKinney Avenue Sign District regulations or nonconforming. Removal of the McKinney Avenue Sign District from the request site would result in only one corner on the edge being outside this district. In addition, staff supports the request in that the request site is developed only as a part of a larger surface parking lot with no sign currently located on it.

**CPC Action:**
**May 16, 2019**

**Motion:** It was moved to recommend **approval** of the removal of the McKinney Avenue Special Provision Sign District on property zoned Planned Development District No. 372, at the northeast corner of Lemmon Avenue and McKinney Avenue.

Maker: Ridley
Second: Murphy
Result: Carried: 12 to 0

For: 12 - MacGregor, Criss, Johnson, Shidid, Carpenter, Brinson, Lewis, Jung, Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schulte
Vacancy: 1 - District 12
Conflict: 1 - Housewright**

**out of the room, when vote taken

**Notices:** Area: 200 Mailed: 7
**Replies:** For: 0 Against: 0

**Speakers**: For: Jonathan Vinson, 2323 Ross Ave., 75201
Against: None

**List of Officers and Directors of Applicant**

Steven W. Van Amburgh, Chief Executive Officer

Tobin C. Grove, President

Scott M. Ozymy, Chief Investment Officer

Michael Kaufman, Chief Financial Officer

Don Mills, Executive Vice President

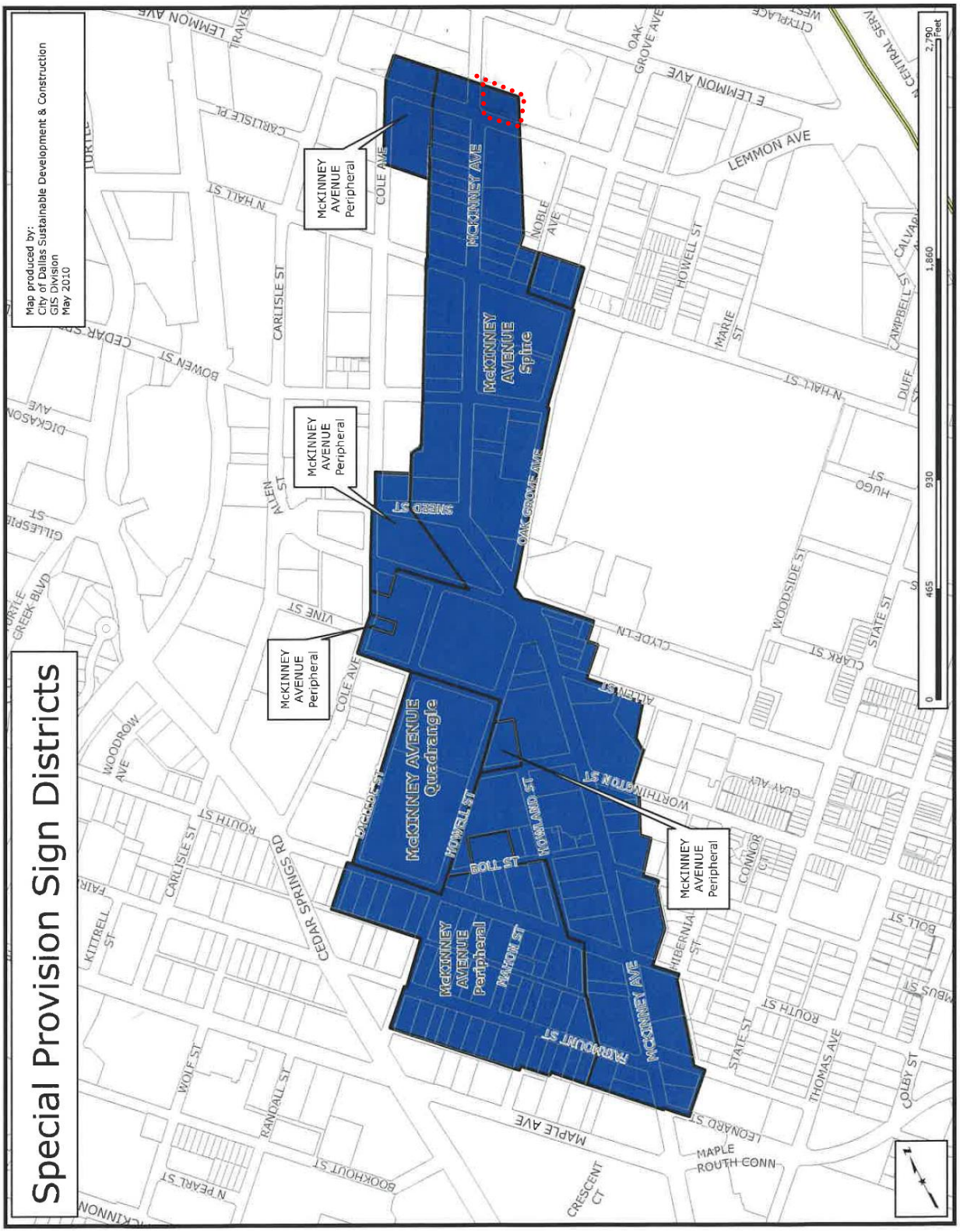
Walter J. Mountford, Executive Vice President

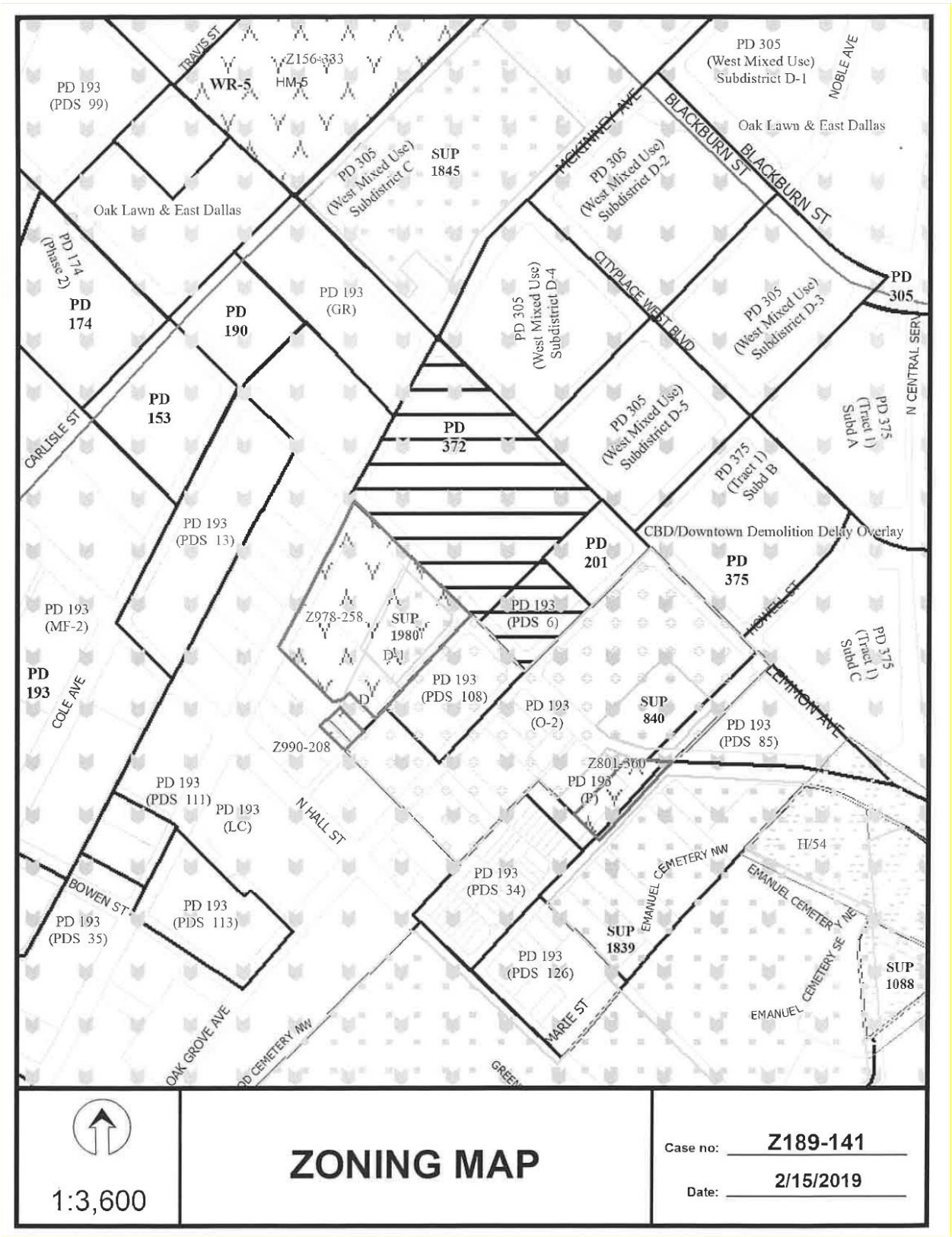
**List of Officers and Directors of Owner**

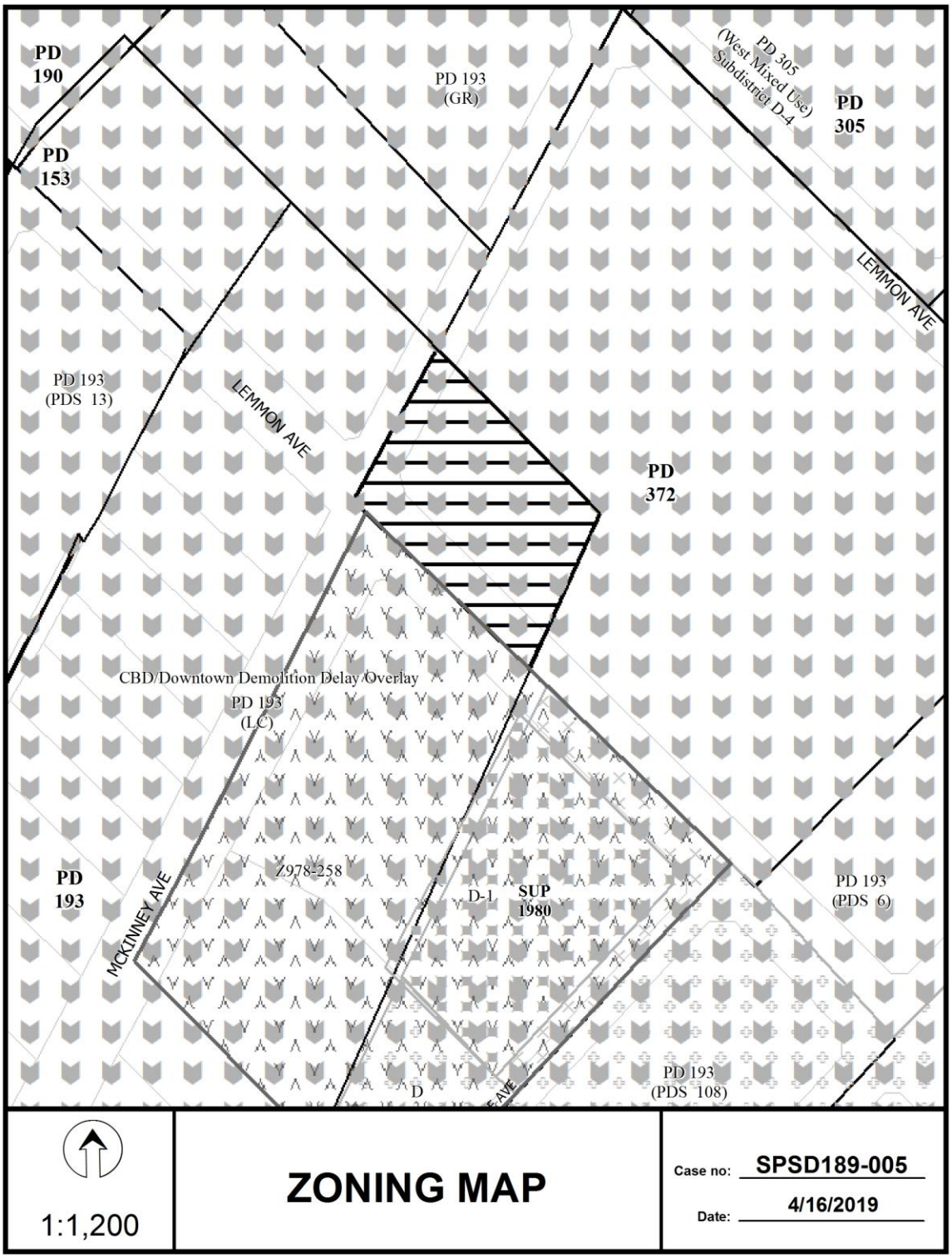
Uday (Don) Shenoy, Corporate Vice President

Comparison of McKinney Avenue and Proposed

| McKinney Avenue SPSD | Proposed P.D. 372 Signage |
|---|---|
| 7.1506(b): The use of plastic is prohibited, except under certain circumstances. | Allow use of plastic materials. |
| 7.1506(c): The only light sources that may be used to illuminate a sign are cold cathode, neon, and incandescent lamps. | Not limit types of light sources, technology has evolved. |
| 7.1506(d): Fluorescent and neon colors on signs are prohibited. | Would like more flexibility on colors, retail branding is critical. |
| 7.1507(a)(2): No small words may be on an attached sign erected partially or totally within an upper façade. | We have proposed our own regulations to govern size of words, etc.; more flexible, more appropriate for large mixed-use development. |
| 7.1507(b)(1): The combined effective area of all attached signs:<br>(A) on a low rise building or a lower facade may not exceed ten percent of the total area of the building facade or the lower facade, as the case may be; and<br>(B) on an upper facade may not exceed five percent of the total area of the lower facade. | We have proposed our own regulations to govern amount of signage per façade; this is done on a square footage limitation basis and is intended to be more flexible, and is more appropriate for large mixed-use development. |
| 7.1507(d)(3) and (4): (3) No face of a projecting attached sign erected below the bottom of a second story window may exceed eight square feet.<br>(4) No face of a projecting attached sign erected above the bottom of a second story window may exceed 15 square feet. | We are providing for different types of attached signs, at varying maximum sizes. The SPSD-provided sign sizes are too small for this type of development. |
| 7.1508(b): If a detached sign has an effective area of more than 10 square feet, it must be located at least 10 feet from any public right-of-way. | We are asking for a minimum five foot setback as per normal business rules. This is a relatively tight urban site, and street frontages will be sharing sidewalks, some signage, and other items. |
| 7.1508(c)(2): (c) No detached sign may have an effective area of more than: (2) 20 square feet if the sign is located in the Spine Subdistrict. | We are providing for maximum heights for detached signs, but are not specifying maximum effective area. The SPSD-provided sign size is too small for this type of development. |


Special Provision Sign Districts
Map produced by:
City of Dallas Sustainable Development & Construction
GIS Division
May 2010
McKINNEY AVENUE Peripheral
McKINNEY AVENUE Spine
McKINNEY AVENUE Quadrangle
McKINNEY AVENUE Peripheral
McKINNEY AVENUE Peripheral
McKINNEY AVENUE Peripheral
McKINNEY AVE
LEMMON AVE
E LEMMON AVE
OAK GROVE AVE
NOBLE AVE
HOWELL ST
MARIE ST
CAMPBELL ST
N HALL ST
DUFF
HUGO ST
WOODSIDE ST
STATE ST
CLARK ST
CLYDE LN
ALLEN ST
WORTHINGTON ST
CLAY ALY
CONNOR CT
HIBERNIA ST
BOLL ST
ROUTH ST
THOMAS AVE
COLBY ST
LEONARD ST
MAPLE AVE
MAPLE
ROUTH CONN
CRESCENT CT
BOOKHOUT ST
RANDALL ST
WOLF ST
N PEARL ST
CEDAR SPRINGS RD
KITTRELL ST
FAIRMONT ST
MAPLE AVE
WOODROW AVE
COLE AVE
VINE ST
ALLEN ST
CARLISLE ST
CARLISLE PL
BOWEN ST
CEDAR SPRINGS RD
GILLESPIE ST
TURTLE CREEK BLVD
DICKASON AVE
CENTRAL SERV
CITYPLACE WEST
0
465
930
1,860
2,790
Feet


ZONING MAP
1:3,600
Case no: Z189-141
Date: 2/15/2019
PD 193 (PDS 99)
TRAVIS ST
Z156-333
WR-5
HM-5
PD 305 (West Mixed Use) Subdistrict C
SUP 1845
PD 305 (West Mixed Use) Subdistrict D-1
NOBLE AVE
MCKINNEY AVE
BLACKBURN ST
Oak Lawn & East Dallas
PD 305 (West Mixed Use) Subdistrict D-2
CITYPLACE WEST BLVD
PD 305 (West Mixed Use) Subdistrict D-4
PD 305 (West Mixed Use) Subdistrict D-3
PD 305
N CENTRAL SERV
PD 174 (Phase 2)
PD 174
PD 190
PD 193 (GR)
PD 153
CARLISLE ST
PD 372
PD 305 (West Mixed Use) Subdistrict D-5
PD 375 (Tract 1) Subd A
PD 375 (Tract 1) Subd B
PD 193 (PDS 13)
CBD/Downtown Demolition Delay Overlay
PD 201
PD 375
PD 193 (MF-2)
Z978-258
SUP 1980
DIJ
PD 193 (PDS 6)
HOWELL ST
PD 375 (Tract 1) Subd C
PD 193
COLE AVE
PD 193 (PDS 108)
PD 193 (O-2)
SUP 840
LEMMON AVE
PD 193 (PDS 85)
Z990-208
Z801-300
PD 193 (P)
PD 193 (PDS 111)
PD 193 (LC)
N HALL ST
H/54
EMANUEL CEMETERY NW
EMANUEL CEMETERY NE
BOWEN ST
PD 193 (PDS 34)
PD 193 (PDS 113)
PD 193 (PDS 35)
SUP 1839
PD 193 (PDS 126)
SUP 1088
EMANUEL CEMETERY SE
MARIE ST
OAK GROVE AVE


PD 190
PD 153
PD 193 (GR)
PD 305 (West Mixed Use) Subdistrict D-4
PD 305
LEMMON AVE
PD 193 (PDS 13)
LEMMON AVE
PD 372
CBD/Downtown Demolition Delay Overlay
PD 193 (LC)
PD 193
MCKINNEY AVE
Z978-258
D-1
SUP 1980
PD 193 (PDS 6)
PD 193 (PDS 108)
1:1,200
ZONING MAP
Case no: SPSD189-005
Date: 4/16/2019




1:1,200

# AERIAL MAP

Case no: SPSD189-005

Date: 4/16/2019

SPSD189-005

CPC RESPONSES



*05/15/2019*

# *Reply List of Property Owners*

## *SPSD189-005*

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

| *Reply* | *Label #* | *Address* | | *Owner* |
|---|---|---|---|---|
| | 1 | 3524 | MCKINNEY AVE | PAN COASTAL LIMITED PS |
| | 2 | 3103 | LEMMON AVE | AJM LEMMON LLC |
| | 3 | 3413 | MCKINNEY AVE | HLS RESTAURANT CORP |
| | 4 | 3418 | MCKINNEY AVE | WALGREEN CO |
| | 5 | 3402 | COLE AVE | POST APARTMENT HOMES LP |
| | 6 | 3501 | MCKINNEY AVE | 3501 MCKINNEY LTD |
| | 7 | 3133 | LEMMON AVE | RP TOWN & COUNTRY SC & |

# Agenda Information Sheet

**File #:** 19-882 **Item #:** 83.

| | |
|---|---|
| **STRATEGIC PRIORITY:** | Mobility Solutions, Infrastructure, and Sustainability |
| **AGENDA DATE:** | June 26, 2019 |
| **COUNCIL DISTRICT(S):** | 2 |
| **DEPARTMENT:** | Department of Sustainable Development and Construction |
| **EXECUTIVE:** | Michael Mendoza |

## SUBJECT

A public hearing to receive comments regarding a proposal to consider the Ceremonial Street Name request for “Bennett I. Miller” as a street topper on South Saint Paul Street between Gano Street and Beaumont Street - NC189-003 - Financing: This action has no cost consideration to the City (Street toppers to be prepared and paid for by the City of Dallas)

## BACKGROUND

On May 20, 2019, the City Manager received a memorandum signed by three Councilmembers to consider an application for a Ceremonial Street Name request “Topper” on South Saint Paul Street between Gano Street and Beaumont Street.

On June 10, 2019, notices were sent to one property owner notifying them of the proposed hearing before the City Council on June 26, 2019 Ceremonial Street Name request in accordance with Section 51A-9.503(b)(1)(2)(3) of the Dallas Development Code.

On May 31, 2019, notification signs were put up on South Saint Paul Street between Gano Street and Beaumont Street notifying the community of the proposed Ceremonial Street Name in accordance with Section 51A-9.503(b) of the Dallas Development Code.

In addition, the request complies with Section 51A-9.504(a)(1)(B) as Mr. Miller passed away in 2013; Section 51A-9.504(a)(1)(C) is complied with as there has been no other city street renamed “Bennett I. Miller”; Section 51A-9.504(b)(3) requires that the street topper must have “In Honor of” as the top line of the topper. The request complies with all other sections of Section 51A-9.504 of the Dallas Development Code.

Mr. Bennett I. Miller had a long history of community service for more than 10 years, such as serving on the Dallas Housing Authority as a Commissioner, Founder and Vice President of the Cedar’s Development Association, and Cedars Neighborhood Association, Board member of Dallas Heritage Village, Board member of Preservation Dallas, Vice Chair of Metro Dallas Homeless Alliance, and a member of the Mayor’s Commission on Homeless in 2004.

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

This item has no prior action.

## FISCAL INFORMATION

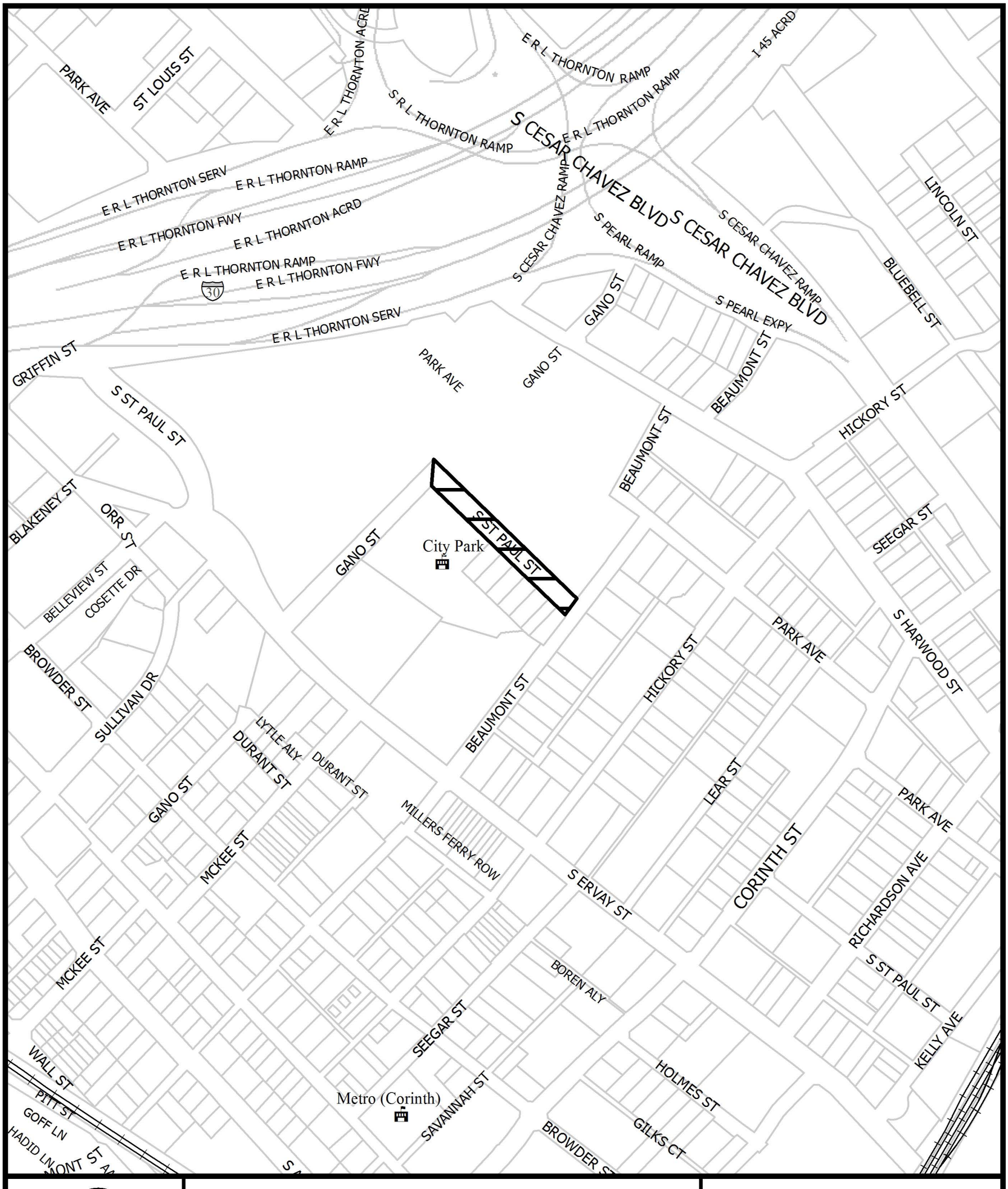
This action has no cost consideration to the City. Street toppers to be prepared and paid for by the City of Dallas.

## MAP

Attached



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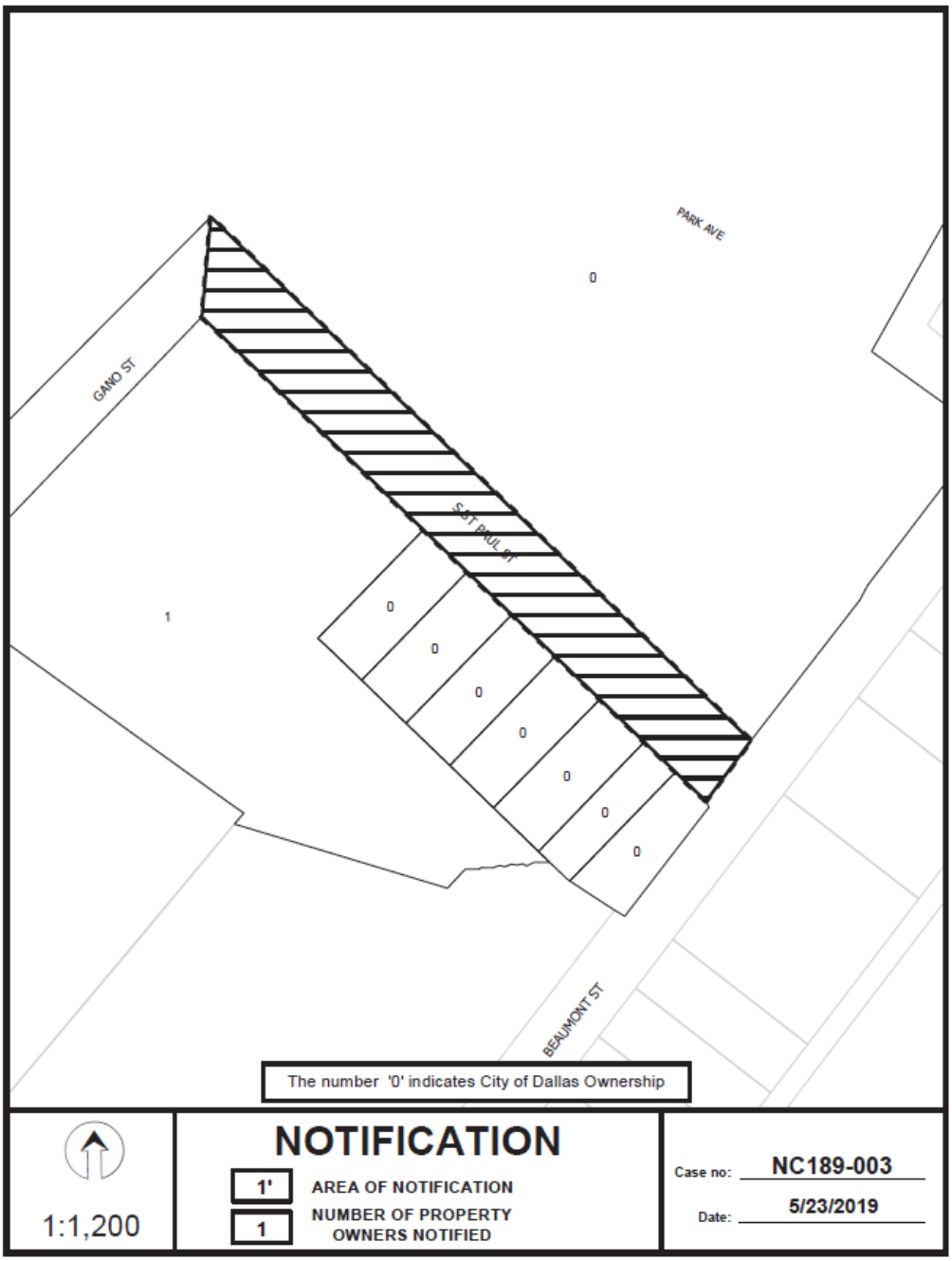



1:4,800

# VICINITY MAP

Case no: NC189-003

Date: 6/3/2019


PARK AVE
GANO ST
S&T PKWY
BEAUMONT ST
0
1
The number '0' indicates City of Dallas Ownership
1:1,200
NOTIFICATION
1'
AREA OF NOTIFICATION
1
NUMBER OF PROPERTY OWNERS NOTIFIED
Case no: NC189-003
Date: 5/23/2019

NC189-003CM

*05/23/2019*

# *Notification List of Property Owners*

## *NC189-003*

***1 Property Owner Notified***

| *Label #* | *Address* | *Owner* |
|---|---|---|
| 1 | 1738 GANO ST | Dallas ISD |

**Memorandum**

RECEIVED
2019 MAY 20 PM 2:09
CITY SECRETARY
DALLAS, TEXAS

CITY OF DALLAS

DATE May 20, 2019

TO T.C Broadnax, City Manager

SUBJECT **Ceremonial Street Name Request – S. Saint Paul between Gano and Beaumont Street**

In accordance with the provisions of Section 51A-9.502 of the City of Dallas Development Code, please proceed with the process for the consideration of the ceremonial street name change of S. Saint Paul located between Gano St. and Beaumont Street, the honoree being Bennett I Miller. This section of St Paul was chosen because of Mr. Miller's long association with Dallas Heritage Village as a benefactor. Mr. Miller passed away in May of 2013.

Bennett Miller did not consider himself a developer. He was a community builder

Miller, who pioneered Dallas' loft housing movement starting in the early 1980s, created hundreds of urban homes by finding new uses for old commercial buildings and began converting commercial buildings south of downtown Dallas into urban housing.

He began with the old American Beauty Mill flour plant south of downtown into apartments with dramatic views of the skyline. And adjacent to Victory Park, Miller turned an aging fuel depot that once housed the Magnolia Petroleum Co. into loft apartments. These were not your usual landmark buildings.

Along with remodeling buildings, Miller built affordable townhomes in Dallas' Cedars neighborhood and in Oak Cliff. He did all of this while battling multiple sclerosis for more than four decades, which made it hard for him to climb around building sites.

"Our Product is Service"
Empathy Ethics Excellence Equity

In addition to building, Mr. Miller had a long history of service to the community:

- Commissioner on the Dallas Housing Authority
- Founder & VP of Cedar's Development Assoc. and Cedars Neighbors Assoc.
- Board member Dallas Heritage Village (Old City Park)
- Board member Preservation Dallas
- Vice Chair, Metro Dallas Homeless Alliance
- Member of Mayor's Commission on Homeless 2004

Deputy Mayor Pro Tem
District 2

Council Member
District 12

Council Member
District 6

"Our Products Service"
Integrity · Ethics · Excellence · Equity

Agenda Information Sheet

**File #:** 19-796 **Item #:** 84.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 5.7 acres of the current 33.52 acres of land located at 9301 Sandyland Boulevard, within the floodplain of Prairie Creek, Fill Permit 18-07 - Financing: No cost consideration to the City

## BACKGROUND

The property owner at 9301 Sandyland Boulevard along Prairie Creek has applied for a fill permit to remove the 100-year floodplain from approximately 5.7 acres of the current 24.08 acres of floodplain on this property.

A neighborhood meeting was held at the Kleberg-Rylie Recreation Center on June 6, 2019. Attendees included the property owner, two of the applicant's engineers, and three City staff members. Two citizens from the area attended. There has been no objection to the fill permit.

The fill permit application meets all engineering requirements for filling in the floodplain as specified in Part II of the Dallas Development Code, Section 51A-5.105(h). The applicant has not requested a waiver of any criteria. Accordingly, the City Council should approve this application; or, it may pass a resolution to authorize acquisition of the property under the laws of eminent domain and may then deny the application to preserve the status quo until acquisition.

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

This item has no prior action.

## FISCAL INFORMATION

No cost consideration to the City.

## OWNER/APPLICANT

Bosco Investments, LTD
422 West 12th Street
Dallas, TX 75208

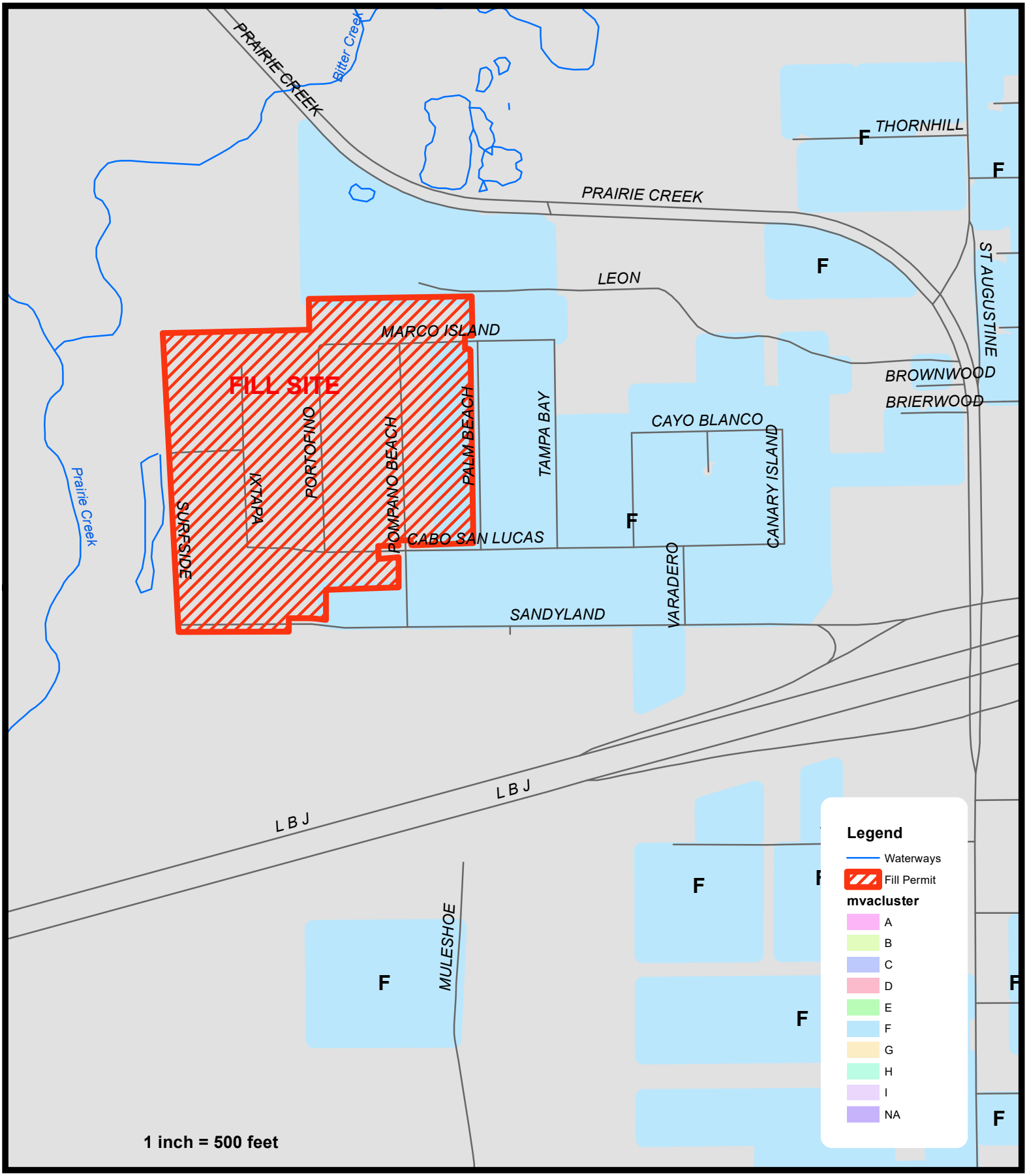
## ENGINEER

Mayra Ortiz, P.E.
Halff Associates, Inc.
1201 North Bowser Road
Richardson, TX 75081

## MAP

Attached

# AGENDA MAP
# FILL PERMIT 18-07 (9301 Sandyland)




# COUNCIL DISTRICT 8

# Agenda Information Sheet

**File #:** 19-797 **Item #:** 85.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 13

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.37 acres of the current 3.22 acres of land located at 7580 and 7606 Greenville Avenue, within the floodplain of White Rock Creek, Fill Permit 18-09 - Financing: No cost consideration to the City

## BACKGROUND

The property owner at 7580 and 7606 Greenville Avenue along White Rock Creek has applied for a fill permit to remove the 100-year floodplain from approximately 1.37 acres of the current 1.79 acres of floodplain on this property.

A neighborhood meeting was held at the Lake Highland Recreation Center on June 5, 2019. Attendees included the property owner, two of the applicant's engineers, and three City staff members. No citizens from the area attended. There has been no objection to the fill permit.

The fill permit application meets all engineering requirements for filling in the floodplain as specified in Part II of the Dallas Development Code, Section 51A-5.105(h). The applicant has not requested a waiver of any criteria. Accordingly, the City Council should approve this application; or, it may pass a resolution to authorize acquisition of the property under the laws of eminent domain and may then deny the application to preserve the status quo until acquisition.

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

This item has no prior action.

## FISCAL INFORMATION

No cost consideration to the City

## OWNER/APPLICANT

Greenville Double Down LLC
15640 Quorum Drive
Addison, TX 75001

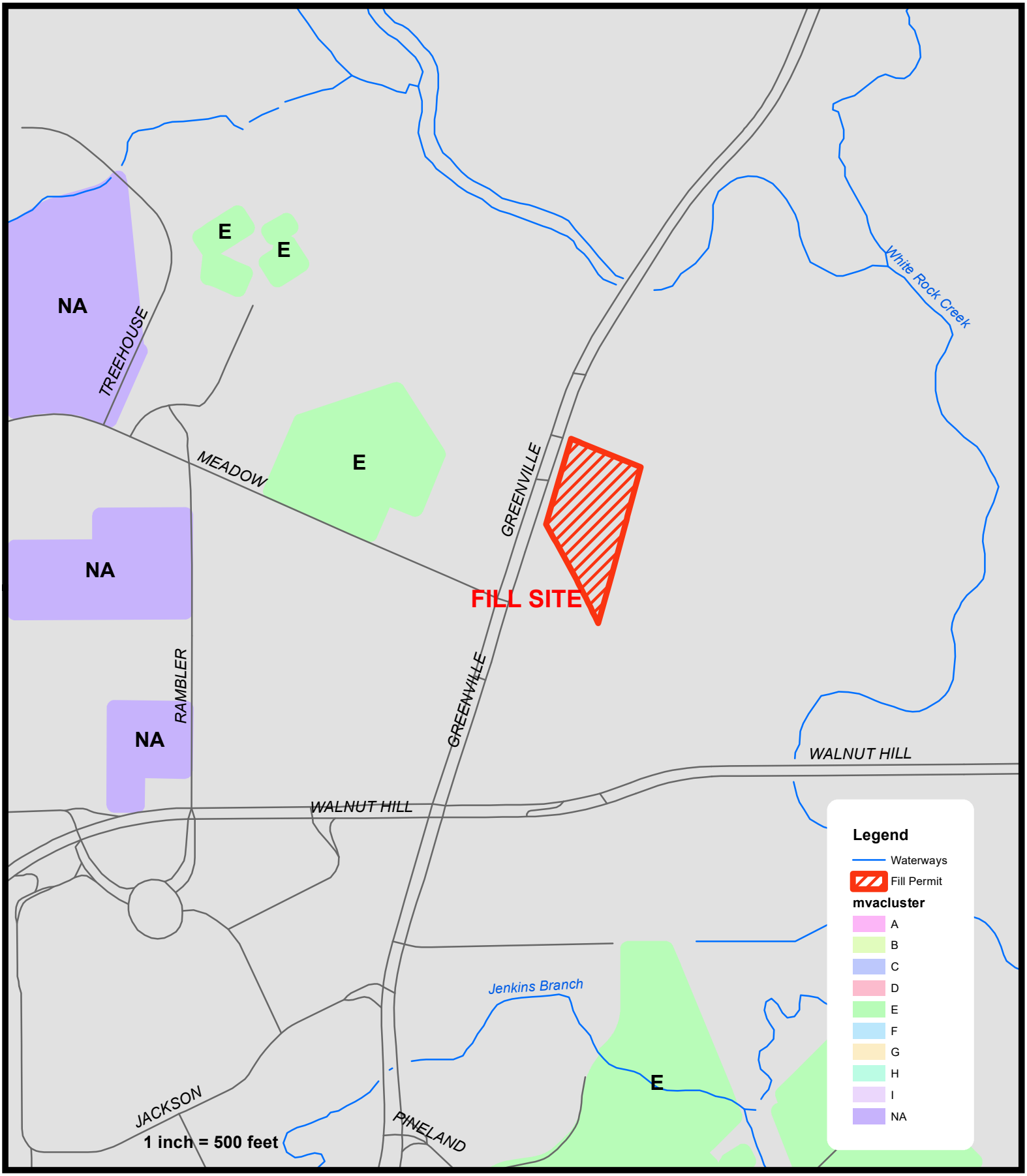
## ENGINEER

Randy Eardley, P.E.
Wier & Associates, Inc.
2201 E. Lamar Boulevard, Suite 200 E
Arlington, TX 76006

## MAP

Attached

# AGENDA MAP
# FILL PERMIT 18-09 (7580, 7606 Greenville Ave.)




# COUNCIL DISTRICT 13

# Agenda Information Sheet

**File #:** 19-883 **Item #:** 86.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 12

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from an open-enrollment charter school, Harmony Public School as required by Section 6-4 of the Dallas City Code to allow a mixed-beverages permit (Chapter 28 of the Texas Alcoholic Beverage Code) for a restaurant without drive-in or drive-through service with a food and beverage certificate [ML Beverages, LLC] on the northeast corner of Frankford Road and Highland Springs Way - AV189-003 - 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 open-enrollment charter 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.

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 May 9, 2019, by ML Beverages, LLC. Harmony Public School, located to the west of the request site, creates the need for the variance. The applicant proposes to sell alcohol for on-premise consumption within a future hotel building in conjunction with a restaurant without drive-in or drive-through service with a food and beverage certificate.

While the required spacing from a school is measured property line to property line, the walking distance from the entrance of the school to the entrance of the proposed restaurant is over 500 feet and is separated by Highland Springs Way and a six-foot tall wrought-iron fence around the school. Additionally, the site is located between an existing thoroughfare (Frankford Road) and the President George Bush Turnpike. Due to the location on a thoroughfare, tollway, and the physical separation of the existing structures, staff supports this request.

This item requires two seconds to pass.

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

On November 9, 2009, City Council approved an ordinance amending Section 6-4 of Chapter 6 of the Dallas City Code, establishing authority and procedures for City Council to grant an application for a variance to the spacing requirements for an alcohol business from a public or private school pursuant to Texas Alcoholic Beverage Code Section 109.33(e).

On October 26, 2011, September 26, 2012, and January 22, 2014, the City Council further amended Section 6-4 of Chapter 6.

## FISCAL INFORMATION

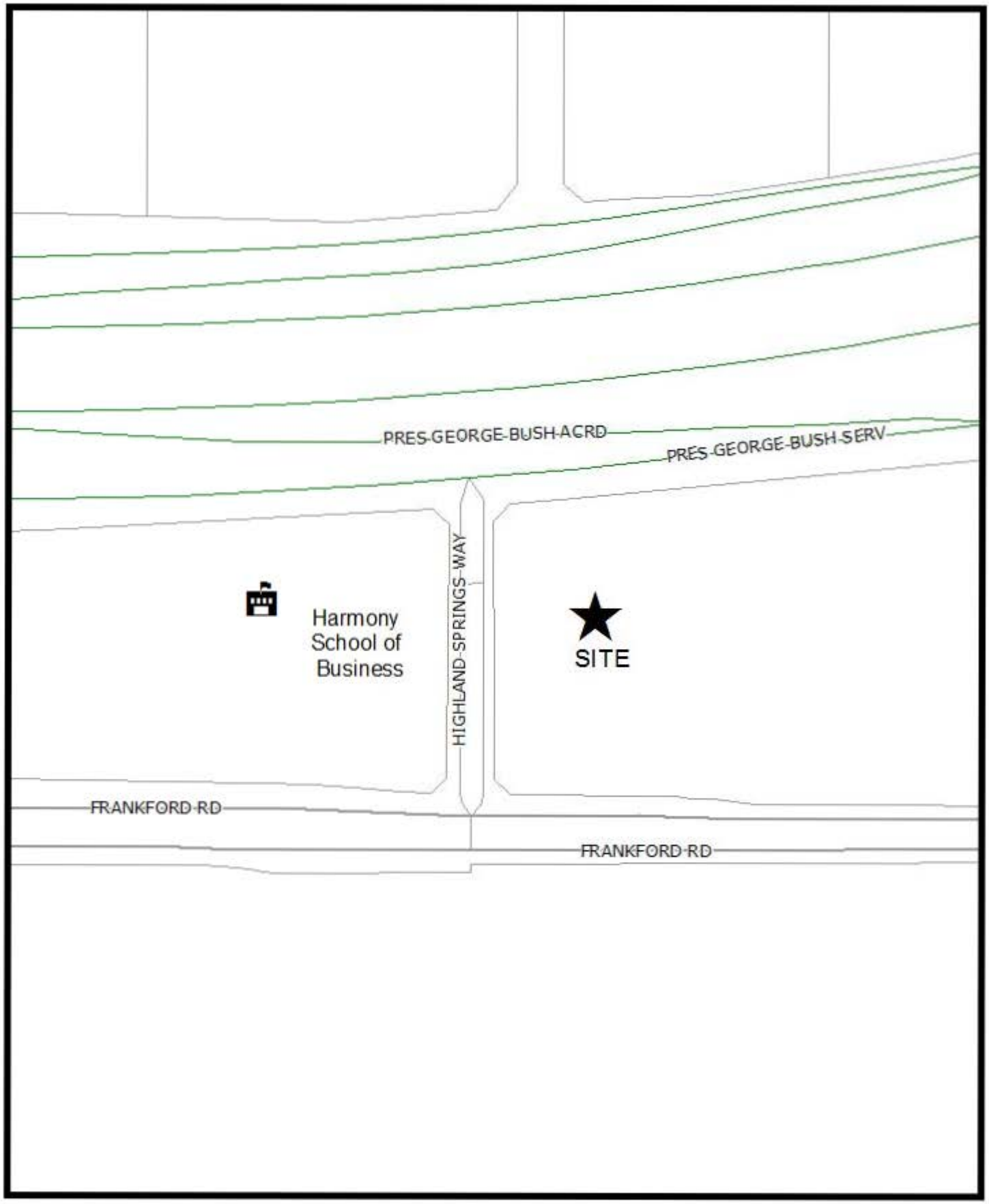
No cost consideration to the City

## MAP

Attached



powered by Legistar™




**AV189-003**

1:2,000

★ 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: ML Beverages, LLC
(Must match the business name on TABC application)

Contact person, title: Matthew Newton, President
(Land owner, business owner, representative)

Contact person's phone: 214 488 5211

Contact person's address: 417 Oakbend Dr. Ste 170
Lewisville TX 75067

Property owner's name: Shinn N Dallas Hospitality, Ltd.

Address of request site: 18180 Highland Springs Way

Protected use's address: 8080 W. PGB Tollway
Dallas TX 75152

Type of protected use:
- o Church
- ✗ Public school / open-enrollment charter school
- o Private school
- o Public hospital
- o Daycare/child-care facility

Type of business seeking to sell alcohol:
- o Alcoholic beverage manufacturing
- o General merchandise or food store with 10,000 square feet or more floor area
- o Microbrewery, microdistillery, or winery
- ✗ 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"
- ✗ 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"
- 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. 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
- o 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, Matthew W. Newton, 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.

Shinn N Dallas Hospitality, Ltd.
Owner's Printed Name

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).

ML Beverages, LLC
Applicant's Printed Name

Applicant Signature

Sworn to and subscribed before me by on this day 6th of May in the year 2019, to certify which witness my hand and seal of office.

RAE ZELLER
Notary Public, State of Texas
Comm. Expires 01-27-2021
Notary ID 13098386-3

Notary Public in and for the State of Texas

Date received: 5/9/19 SRM

Receipt No.: $1200 app $ 30 for 3 signs

Case number: AV189-003

AV application 3-25-14

Masterplan
Land Use Consultants

May 8, 2019

Mr. Kris Sweckard
Director
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla, Room 5DS
Dallas, Texas 75201

RE: Alcohol Distance Variance for a restaurant without drive-in or drive-through service located at 18180 Highland Springs Way.

Dear Mr. Sweckard:

As the authorized representative for ML Beverages, LLC, we submit this letter as an official application for a variance to the distance restrictions for alcohol sales pursuant to Chapter 6-4(g) of the Dallas City Code.

(A) The name of the owner of the property where the alcohol business is located is Shinn N Dallas Hospitality, Ltd., 417 Oakbend Drive, Suite 170, Lewisville TX 75067

(B) The applicant for the alcohol permit at this location is ML Beverages, LLC; 417 Oakbend Drive, Suite 170, Lewisville TX 75067

(C) The alcohol permit sought for this location is for a food and beverage certificate, mixed beverage permit pursuant to the Texas Alcohol Beverage Code Chapter 26.

(D) The protected use that creates the need for a variance is Harmony School of Business, 8080 W. PGB Tollway, Dallas TX 75152

(E) A certified survey that identifies the distance from the main entrance of the proposed restaurant within the SpringHill Suites Hotel to the front door of Harmony School of Business exceeds 500 feet.

(F) The property is zoned MC-3 Multiple Commercial 3 and is located on the east bound (south side) service road for President George Tollway, east of Coit Road. The proposed restaurant use within the hotel will front on Highland Springs Way which is a short connector street between the before mentioned service road and Frankford Road which is the southern boundary of the site. Directly east of the site is a new car dealership currently under construction, zoned RR Regional Retail. To the south, across Frankford Road is zoned PD 695 with SUP No. 764. PD 965 is for retirement housing and associated uses, while SUP #764 is for a college or university use which is a holdover from the previous owner Texas A&M University. The site is developed with retirement housing uses. The area west of the proposed restaurant within the hotel and across Highland Springs Way is Harmony Charter School. The site of the school is zoned MC-3.

We have included a TABC field survey, existing site plan for the restaurant use within the hotel, and the filing fee for this request.

Please feel free to contact our offices if you need any additional information regarding this application.

Karl A Crawley
Authorized representative for
ML Beverages, LLC

## List of Property Owner Officers

Shinn N Dallas Hospitality, Ltd.

GP Shinn N Dallas Hospitality, LLC

Gresham J. Shinn, Member

Matthew W. Newton, Member

## List of Applicant Officers

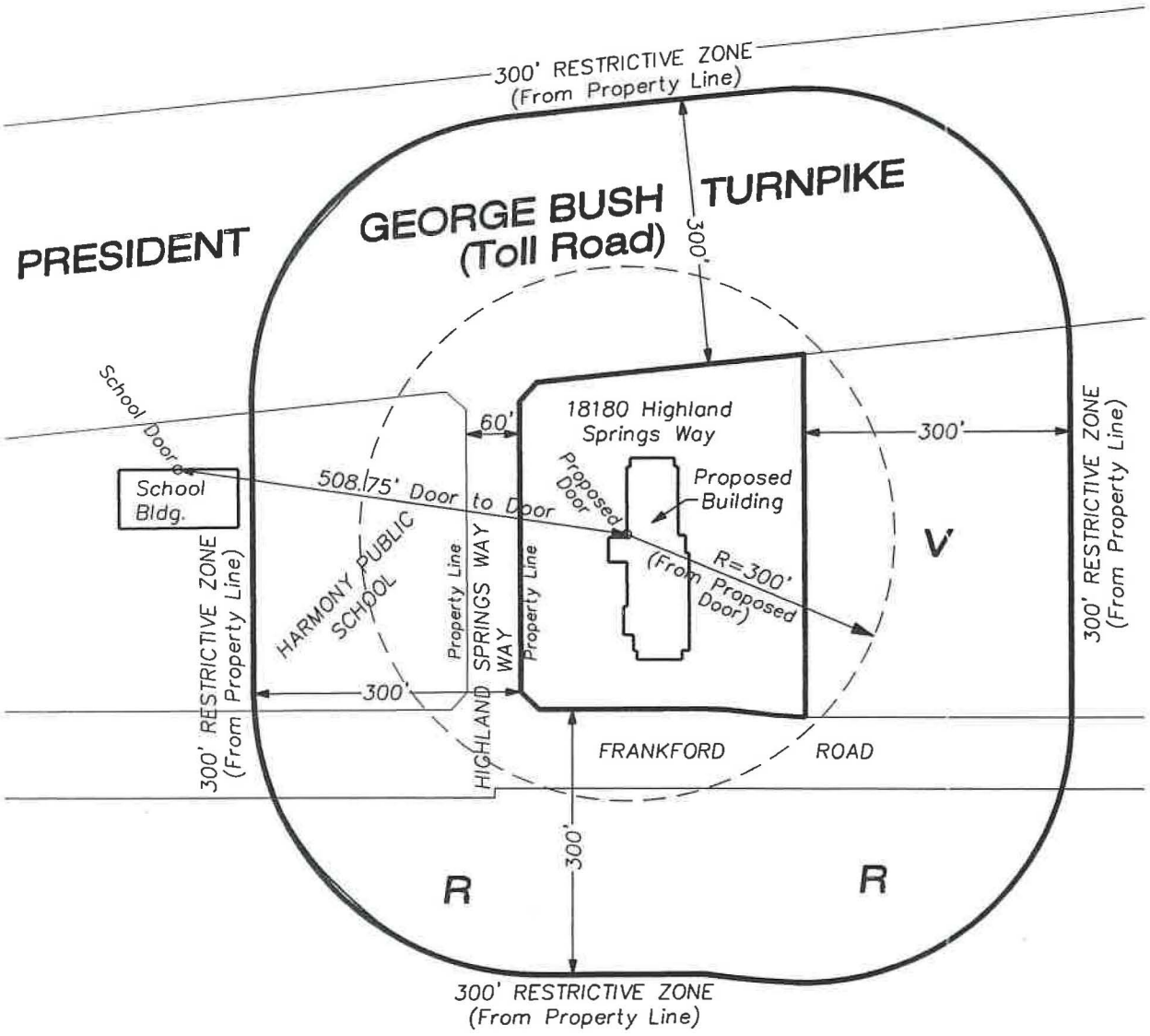
ML Beverages, LLC

GJ Shinn, Manager

Matthew Newton, Manager

# ALCOHOL MEASUREMENT PLAT

**SPRINGHILL SUITES**
**18180 Highland Springs Way**
**Dallas, Tx. 75080**
**Mapsco Page 6-F**
**Masterplan Consultants**




SCALE 1" = 200'

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. This survey map shows that the place of business where alcoholic beverages will be sold does not meet the location requirements in Dallas City Code 6-4.

The SPRINGHILL SUITES, located at 18180 Highland Springs Way, in the City of Dallas, is within 300 feet of a church, public or private school, day care center, child care facility or a public hospital as defined in Dallas City Code Section 6-4.

R = Residential
C = Commercial
V = Vacant

Date 4/23/2019

Job 19-241

This survey was performed for an alcohol-measurement certification. All improvements may not been shown as existed at the time of survey. Research of protected properties included a search of appraisal district records, parole evidence of the owner/manager and a physical inspection on the ground.

STATE OF TEXAS
REGISTERED
BEN D. RYCHLIK
#1630
PROFESSIONAL
LAND SURVEYOR

Registered Professional Land Surveyor 1630


SURVEYING ASSOCIATES
1018 S. Beckley, Dallas, Tx. 75203
Phone: (214) 948-3324
Fax: (214) 946-7540
FIRM Registration / License No. 10040200

**WHEREAS,** Section 6-4(g) of the Dallas City Code authorizes the City Council to grant variances from the alcohol spacing requirements prescribed by Section 6-4(a) of the Dallas City Code; and

**WHEREAS,** ML Beverages, LLC has submitted an application for a mixed beverages permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code for a restaurant without drive-in or drive-through service with a food and beverage certificate, and is requesting a variance to the alcohol spacing requirements for a property on the northeast corner of Frankford Road and Highland Springs Way, east of Harmony Public School, 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 ML Beverages, LLC, for property on the northeast corner of Frankford Road and Highland Springs Way, east of Harmony Public School, an open-enrollment charter school, is granted, subject to the following conditions:

(1) This alcohol spacing variance is valid only for a mixed beverages permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code.

(2) This alcohol spacing variance is valid only for a restaurant without drive-in or drive-through service with a food and beverage certificate in the location shown on the attached location map.

**SECTION 1.** (continued)

(3) Alcoholic beverages may not be sold by drive-in or drive-through service.

(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 provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By: _____
Assistant City Attorney

Passed _____

# Agenda Information Sheet

**File #:** 19-884 **Item #:** 87.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a public school, North Dallas High School as required by Section 6-4 of the Dallas City Code to allow a mixed-beverages permit (Chapter 28 of the Texas Alcoholic Beverage Code) for a restaurant without drive-in or drive-through service with a food and beverage certificate [KIST Heart Kitchen, LLC] on the north corner of McKinney Avenue and Blackburn Street - AV189-004 - 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 open-enrollment charter 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.

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 May 13, 2019, by KIST Heart Kitchen, LLC. North Dallas High School, located to the northeast of the request site, creates the need for the variance. The subject site's public entrance will be separated from the school's entrance by approximately 530.6 feet. The applicant proposes to sell alcohol for on-premise consumption within an existing five-story building in conjunction with a restaurant without drive-in or drive-through service with a food and beverage certificate.

While the required spacing from a school is measured property line to property line, the walking distance from the entrance of the school to the entrance of the proposed restaurant is over 530 feet. Additionally, the site is located on two existing thoroughfares (Blackburn Street and McKinney Avenue) in a ground-level retail area. Due to the location on a thoroughfare and the physical separation of the existing structures, staff supports this request.

This item requires two seconds to pass.

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

On November 9, 2009, City Council approved an ordinance amending Section 6-4 of Chapter 6 of the Dallas City Code, establishing authority and procedures for City Council to grant an application for a variance to the spacing requirements for an alcohol business from a public or private school pursuant to Texas Alcoholic Beverage Code Section 109.33(e).

On October 26, 2011, September 26, 2012, and January 22, 2014, the City Council further amended Section 6-4 of Chapter 6.

## FISCAL INFORMATION

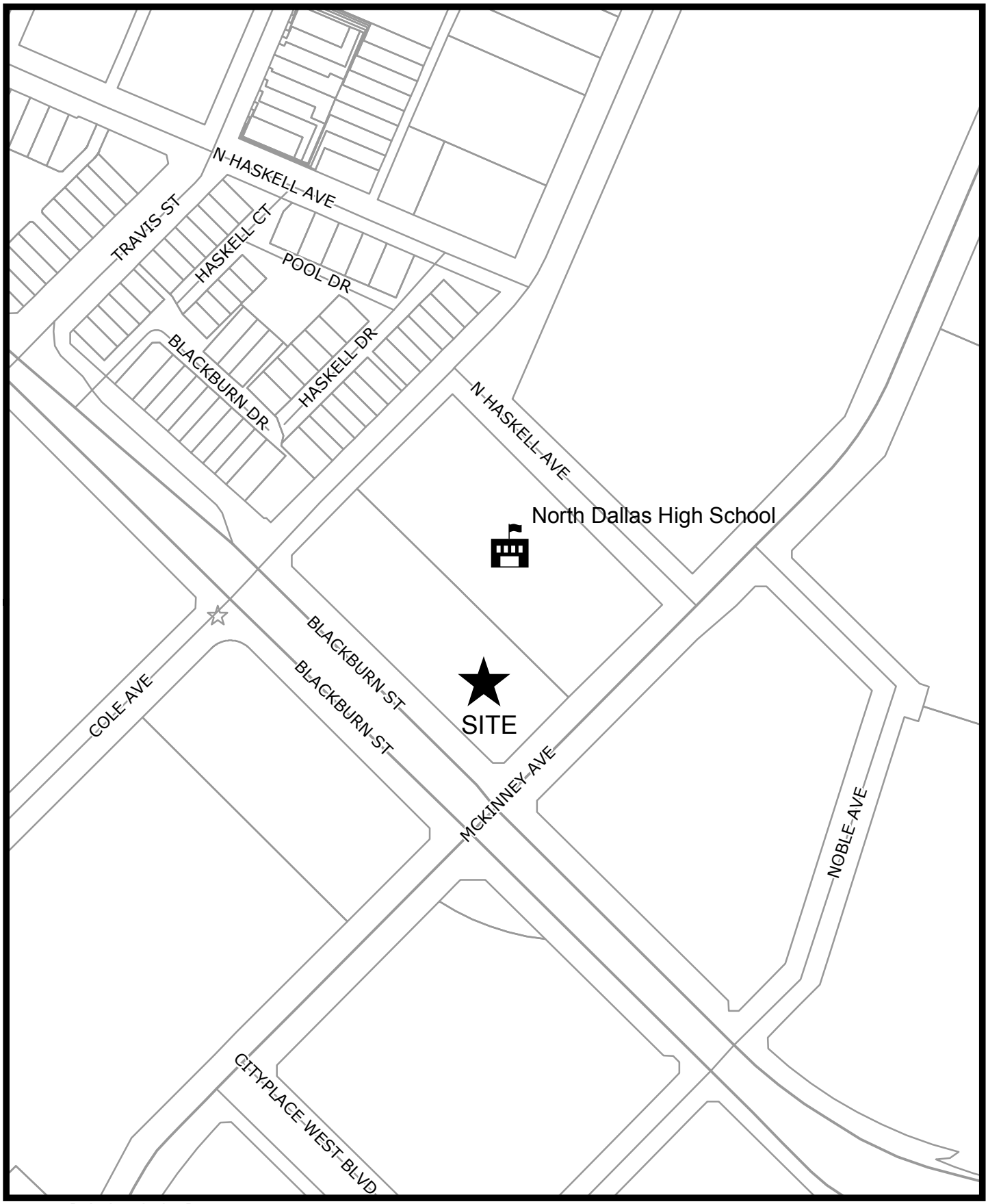
No cost consideration to the City.

## MAP

Attached



powered by Legistar™




**AV189-004**

★ Approximate location of business requesting alcohol variance

1:2,000

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 KIST HEART KITCHEN, LLC
(Must match the business name on TABC application)

Contact person, title DANIEL KISTHARDT, OWNER
(Land owner, business owner, representative)

Contact person's phone 469-740-6056

Contact person's address 3203 Melvin Drive, Wylie TX 75098

Property owner's name WVII, LP

Address of request site 3839 McKinney, Ste 150

Protected use's address 3813 McKinney Avenue

Type of protected use:
- o Church
- ✓ Public school / open-enrollment charter school
- o Private school
- o Public hospital
- o Daycare/child-care facility

Type of business seeking to sell alcohol:
- o Alcoholic beverage manufacturing
- o General merchandise or food store with 10,000 square feet or more floor area
- o Microbrewery, microdistillery, or winery
- ✓ 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"
- ✓ Food and beverage certificate, "FB"
- ✓ Mixed beverage permit, "MB"
- o 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. 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, Robert Bagwell, General Partner, 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.

Robert W. Bagwell
Owner's Printed Name

Robert W Bagwell
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).

Daniel Kisthardt
Applicant's Printed Name

Daniel Kisthardt
Applicant Signature

Sworn to and subscribed before me by on this day 9 of May in the year 2019, to certify which witness my hand and seal of office.

Susan Holland

SUSAN HOLLAND
My Notary ID # 5388822
Expires July 31, 2021
Notary Public in and for the State of Texas

Date received: 5/13/19 SRM

Receipt No.: 1200 app 30 for 3 signs $1230

Case number: AV189-004

AV application 3-25-14

May 9, 2019

KIST Heart Kitchen
1700 Pacific, Suite C112
Dallas, Texas, 75201

Dear City of Dallas City Council Members,

I am respectfully submitting this application for a variance from the minimum distance regulations related to the sale of alcoholic beverages. The site in question, 3839 McKinney Avenue, Suite 150, is in the Uptown section of Dallas, at the corner of McKinney and Blackburn Avenue.

The area has a strong apartment presence and is adjacent to the West Village development in Uptown. Each of the restaurants there as well as the restaurants from West Village east to US 75 between Blackburn and Lemmon Avenue all have TABC permits. In order to satisfy the dinner guest demand, i.e. survive and be competitive in this neighborhood, I need a permit. To draw a sufficient crowd in the dinner time period, the permit will allow my guests to have a wine or other beverage with their meal. I will not be open late or have any night club ambition, 10 pm maximum. The last two operators in this space, PD Johnson's Deli and Falafel, both cited lack of dinner business as a main reason for their failure.

There is not a huge office presence in this neighborhood. It is reasonable to say, both from physical examination and monitoring, there is very little restaurant business in the mid afternoons. The time period when the school release happens will be a time when most restaurants are close to empty, if not empty. Furthermore, looking closely at the map, there is no logical path for a person to cross my restaurant storefront as they make their way home, whether it is east across 75, north, south, or west from the school grounds.

I have been in the restaurant business in Texas since August,1985. I have had my own TABC permit for my own restaurant in Plano granted back in 2008. I have never been cited for a violation as a manager, general manager, regional manager, or as an owner.

Please feel free to call me 24/7 at 469.740.6056 with any questions.

Respectfully,

Daniel Kisthardt

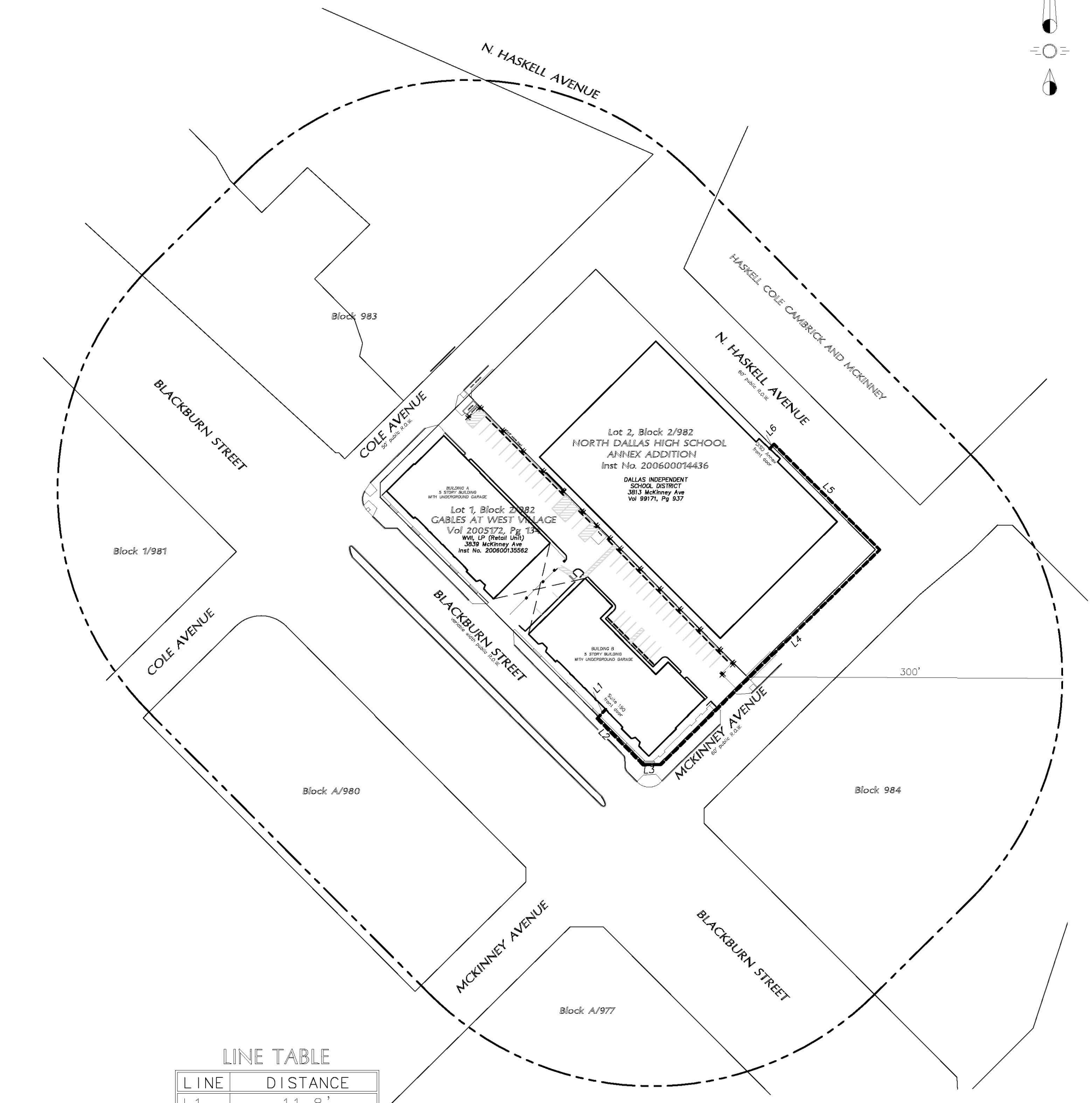
## List of Property Owner Officers

| | |
|---|---|
| Owner of Property: | WVII, LP a Texas limited partnership |
| Property Address: | 3839 McKinney Ave. |
| | Dallas, Texas 75204 |
| Individual Owners: | Robert W. Bagwell |
| | Henry S. Miller, III |
| | Lucien B. Crosland |

## List of Applicant Officers

| | |
|---|---|
| Owner of Restaurant Co. | KIST Heart Kitchen, LLC, dba KIST Heart Kitchen |
| Owners | Daniel Kisthardt, major partner |
| | Steven Kimbrel, minor partner |

# ALCOHOL PERMIT DISTANCE EXHIBIT




## LINE TABLE

| LINE | DISTANCE |
|---|---|
| L1 | 11.8' |
| L2 | 62.1' |
| L3 | 17.0' |
| L4 | 291.6' |
| L5 | 142.2' |
| L6 | 5.9' |
| TOTAL | 530.6' |

*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. this 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.*

STATE OF TEXAS
REGISTERED
JOHN R. PIBURN, JR.
3689
PROFESSIONAL
LAND SURVEYOR

Scale: 1" = 100'
Date: May 13, 2019
Job No. 15034


PIBURN& CARSON
801 East Campbell Road – Suite 575
Richardson, Texas 75081
Ph: 214.328.3500 Fax: 214.328.3512
email@piburncarson.com

June 26, 2019

**WHEREAS,** Section 6-4(g) of the Dallas City Code authorizes the City Council to grant variances from the alcohol spacing requirements prescribed by Section 6-4(a) of the Dallas City Code; and

**WHEREAS,** KIST Heart Kitchen, LLC has submitted an application for a mixed beverages permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code for a restaurant without drive-in or drive-through service with a food and beverage certificate, and is requesting a variance to the alcohol spacing requirements for a property on the north corner of McKinney Avenue and Blackburn Street, southwest of North Dallas High School, a public school; and

**WHEREAS,** the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

(1) is not in the best interest of the public;

(2) constitutes waste or inefficient use of land or other resources;

(3) creates an undue hardship on an applicant for an alcohol permit;

(4) does not serve its intended purpose; and

(5) is not effective or necessary; and

**WHEREAS,** the City Council desires to grant the alcohol spacing variance.

**Now, Therefore,**

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

**SECTION 1.** That the variance to the alcohol spacing requirements for KIST Heart Kitchen, LLC, for property on the north corner of McKinney Avenue and Blackburn Street, southwest of North Dallas High School, a public school, is granted, subject to the following conditions:

(1) This alcohol spacing variance is valid only for a mixed beverages permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code.

(2) This alcohol spacing variance is valid only for a restaurant without drive-in or drive-through service with a food and beverage certificate in the location shown on the attached location map.

**SECTION 1.** (continued)

(3) Alcoholic beverages may not be sold by drive-in or drive-through service.

(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 provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By: _____
Assistant City Attorney

Passed _____

# Agenda Information Sheet

**File #:** 19-737 **Item #:** 88.

**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Housing & Neighborhood Revitalization

**EXECUTIVE:** Michael Mendoza

## SUBJECT

A public hearing to receive comments on Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME Investment Partnerships Program and Community Development Block Grant Program, to **(a)** revise the Dallas Homebuyer Assistance Program Program Statement to amend the area median family income (AMI) requirements, to change the loan terms to forgivable annually, and to remove the Homebuyer Incentive Program; and **(b)** revise the Housing Improvement and Preservation Program Program Statement to amend the AMI requirements, to remove the accessibility grant program, add the Minor Home Repair Grant Program, and add the Housing Reconstruction Program; and at the close of the public hearing, authorize the final adoption of Substantial Amendment No. 2 to the FY 2018-19 Action Plan - Financing: No cost consideration to the City

## BACKGROUND

On August 15, 2018, the City submitted the FY 2018-19 Action Plan to U.S. Department of Housing and Urban Development (HUD). HUD grant programs covered by the Action Plan include the Community Development Block Grant (CDBG), HOME Investment Partnerships Program Grant (HOME), Emergency Solutions Grant, and Housing Opportunities for Persons with AIDS Grant. The Action Plan provides a detailed description of programs and services to be undertaken with the grant funds over the twelve-month period of October 1, 2018 through September 30, 2019, to address priority needs in the community designed to improve Dallas residents' quality of life for low- and moderate-income persons.

The City of Dallas has now proposed to revise two existing activities that are currently in the original FY 2018-19 Action Plan, Dallas Homebuyer Assistance Program (DHAP), an activity to provide homeownership opportunities to low- and moderate-income persons, and Home Improvement and Preservation Program (HIPP), an activity to provide home repair opportunities to low- and moderate-income persons.

Federal regulations and the City's Citizen Participation Plan require a public hearing to authorize a substantial amendment and require that a public hearing be held with not less than a 30-day public review and comment period to allow for public comments and input with respect to any substantial amendment. On April 24, 2019, the City called for preliminary adoption of Substantial Amendment No. 2 and a public hearing to be held on June 12, 2019. To address additional federal requirements for program changes and extend the time for review and comments, the public hearing was moved from June 12, 2019 to June 26, 2019.

This action authorizes final adoption of Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME and CDBG, to (a) revise the DHAP Program Statement to amend the area median family income (AMI) requirements, to change the loan terms to forgivable annually, and to remove the Homebuyer Incentive Program; and (b) revise the HIPP Program Statement to amend the AMI requirements, to remove the accessibility grant program, add the Minor Home Repair Grant Program, and add the Housing Reconstruction Program.

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

On June 27, 2018, City Council authorized the adoption of the FY 2018-19 Consolidated Plan Budget and the Proposed FY 2017-18 Reprogramming Budget, and the amendment to the five-year Consolidated Plan, by Resolution No. 18-0987.

On April 10, 2019, City Council authorized the final adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan, by Resolution No. 19-0556.

On April 24, 2019, City Council authorized the preliminary adoption of Substantial Amendment No. 2 to the FY 2018-19 Action Plan and a public hearing to be held on June 12, 2019, by Resolution No. 19-0639.

The Economic Development and Housing Committee was briefed regarding this item on April 1, 2019 and April 15, 2019.

## FISCAL INFORMATION

No cost consideration to the City.



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June 26, 2019

**WHEREAS,** on June 27, 2018, City Council adopted the FY 2018-19 HUD Consolidated Plan Budget and the Proposed FY 2017-18 Reprogramming Budget, and the amendment to the Five-Year Consolidated Plan by Resolution No. 18-0987; and

**WHEREAS,** on April 10, 2019, City Council authorized the final adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2018-19 Action Plan, by Resolution No. 19-0556; and

**WHEREAS,** on April 24, 2019, City Council authorized the preliminary adoption of Substantial Amendment No. 2 to the FY 2018-19 Action Plan and a public hearing to be held on June 12, 2019, by Resolution No. 19-0639; and

**WHEREAS,** to address additional federal requirements for program changes and extend the time for review and comments, the public hearing was moved from June 12, 2019 to June 26, 2019.

**WHEREAS,** the City desires to provide homeownership opportunities for persons of low- and moderate-income.

**Now, Therefore,**

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

**SECTION 1.** That the City Council hereby authorizes the final adoption of Substantial Amendment No. 2 to the FY 2018-19 Action Plan for the HOME Investment Partnerships Program (HOME) and Community Development Block Grant Program (CDBG), to **(a)** revise the Dallas Homebuyer Assistance Program (DHAP) Program Statement to amend the area median family income (AMI) requirements, to change the loan terms to forgivable annually, and to remove the Homebuyer Incentive Program; and **(b)** revise the Housing Improvement and Preservation Program (HIPP) Program Statement to amend the AMI requirements, to remove the accessibility grant program, add the Minor Home Repair Grant Program, and add the Housing Reconstruction Program, as provided in the attached **Appendix A**.

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

Appendix A

Priority Need: Affordable Housing - Homeownership Opportunities
Project Title: Dallas Home Buyers Assistance Program
Description: DHAP provides homeownership opportunities to low and moderate-income homebuyers through the provision of financial assistance when purchasing a home within the City limits of Dallas, in accordance with federal, state, and local laws and regulations. Financial assistance may include down payment, principle reduction, and closing costs. DHAP is offered to homebuyers up to eighty percent (80%) Area Median Family Income. Eligible homebuyers must get a principal mortgage through participating lenders and complete a homebuyer counseling course by a HUD approved trainer. The DHAP financial assistance is in the form of a deferred, forgivable loan (annually) made for down payment, principal reduction, and closing costs based on the borrowers need and debt capacity.

City staff will administer this program. Project implemented in conjunction with Project # 17 (HOME DHAP).
Primary Purpose: Direct assistance provided to eligible homebuyers for down payment, principle reduction, and closing costs based on borrowers' need and debt capacity.
Objective Category: Decent Housing
Outcome Category: Availability/Accessibility Location/Target Area(s):
1500 Marilla St Room 6CN
75201 (214) 670-4447

Priority Need: Affordable Housing – Homeownership Opportunities
Project Title: HOME - Dallas Homebuyers Assistance Program (DHAP)
Description: DHAP provides homeownership opportunities to low and moderate-income homebuyers through the provision of financial assistance when purchasing a home within the City limits of Dallas, in accordance with federal, state, and local laws and regulations. Financial assistance may include down payment, principle reduction, and closing costs. DHAP is offered to homebuyers up to eighty percent (80%) Area Median Family Income. Eligible homebuyers must get a principal mortgage through participating lenders and complete a homebuyer counseling course by a HUD approved trainer. The DHAP financial assistance is in the form of a deferred forgivable loan (annually) made for down payment, principal reduction, and closing costs based on the borrowers need and debt capacity.
City staff will administer this program. Project implemented in conjunction with DHAP CDBG (Project No. 7).
Primary Purpose: Direct assistance provided to eligible homebuyers for down payment, principle reduction, and closing costs based on borrowers' need and debt capacity.
Objective Category: Decent Housing
Outcome Category: Availability/Accessibility Location/Target Area(s):
1500 Marilla St Room 6CN
75201 (214) 670-4447

Priority Need: Affordable Housing
Project Title: Home Improvement and Preservation / Single Family (HIPP / SF) Affordable Housing
Description: Provides an all-inclusive repair and rehabilitation program for single-family owner-occupied housing units Home Improvement and Preservation Program / SF Program (HIPP) will be offered as a comprehensive program with three components with the purpose of making needed improvements and preserving affordable housing: 1) a Minor Home Repair grant program for low and moderate-income homeowners needing minor repairs not exceeding $10,000 ($5,000 from the City and $5,000 from the

participating nonprofit; 2) a rehabilitation loan program for low and moderate income homeowners needing up to $40,000 in rehabilitation; and 3) a reconstruction loan program for low and moderate income homeowners needing up to $160,000 to reconstruct their home. The terms of assistance for the loans will vary based on the borrower's income, need and debt capacity.

Primary Purpose: HIPP is designed to finance home improvements and address health, safety, accessibility modification, reconstruction and structural/deferred maintenance deficiencies.

Objective Category: Decent Housing

Outcome Category: Sustainability

Location/Target Area(s): Citywide

1500 Marilla Street Room

Agenda Information Sheet

**File #:** 19-856 **Item #:** 89.

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Office of Environmental Quality & Sustainability

**EXECUTIVE:** Majed Al-Ghafry

## SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by RaceTrac Petroleum, Inc., located near the intersection of Walnut Hill Lane and Composite Drive and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to RaceTrac Petroleum, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

## BACKGROUND

Based on information provided by the Applicant, the Designated Property is underlain by groundwater that is encountered at approximately 10 feet below ground surface (bgs) and extends down to 20 feet bgs overlying the Eagle Ford Shale. The Eagle Ford Shale is approximately 400 feet thick and is a recognized regional aquitard. Portions of the shallow groundwater have been affected by arsenic, lead, benzene, total petroleum hydrocarbons (TPH), benzo(a)pyrene, and chlorobenzene concentrations above groundwater ingestion standards. The probable onsite source for arsenic and lead is from the filling with undocumented fill material between the 1940s and 1960s. The probable onsite source for benzene, TPH, benzo(a)pyrene, and chlorobenzene is from the historic retail fuel station operations.

The applicant has requested that the City support its application for a municipal setting designation (MSD). A public meeting will be held on June 17, 2019 to receive comments and concerns. Notices of the meeting were sent to 186 property owners within 2,500 feet of the property and 123 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

A portion of the Designated Property located at 2410 and 2440 Walnut Hill Lane was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in January 2018 and is designated as VCP Facility ID No. 2914.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Walnut Hill Lane and Composite Drive including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the VCP supported by an MSD. Currently the Designated Property is vacant land covered with a concrete surface with two empty and out of service underground storage tank systems proposed to be removed in the second quarter of 2019. The anticipated future use of the Designated Property will be a RaceTrac branded retail fuel/convenience store.

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

This item has no prior action.

## FISCAL INFORMATION

No cost consideration to the City.

## OWNER

**RaceTrac Petroleum, Inc.**

Robert J. Dumbacher, Director

## MAP

Attached



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CITY OF DALLAS

**Municipal Setting Designation**
Designated Property Boundary Map
MSD Log OEQ0077
Applicant – RaceTrac Petroleum, Inc.
2410 and 2440 Walnut Hill Lane
Dallas, TX 75229

6-26-19

ORDINANCE NO. _____

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 2410 and 2440 Walnut Hill Lane and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, "Municipal Setting Designations," of Chapter 361, "Solid Waste Disposal Act," of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, "Municipal Setting Designation Ordinance," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the "designated property" means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, "designated groundwater" means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

(1) Human consumption or drinking.

(2) Showering or bathing.

(3) Cooking.

(4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

(1) The potable use of the designated groundwater from beneath the designated property is prohibited.

(2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.

(3) The portion of the designated property assigned VCP No. 2914 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than June 26, 2021.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

(1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than June 26, 2021. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

(1) allow additional time to address the non-ingestion protective concentration level exceedence zone;

(2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;

(3) recommend to the city council that this municipal setting designation ordinance be repealed;

(4) request additional information or documentation from the applicant; or

(5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed $2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By_____
Assistant City Attorney

Passed _____

"Exhibit A"

GIS_Approved

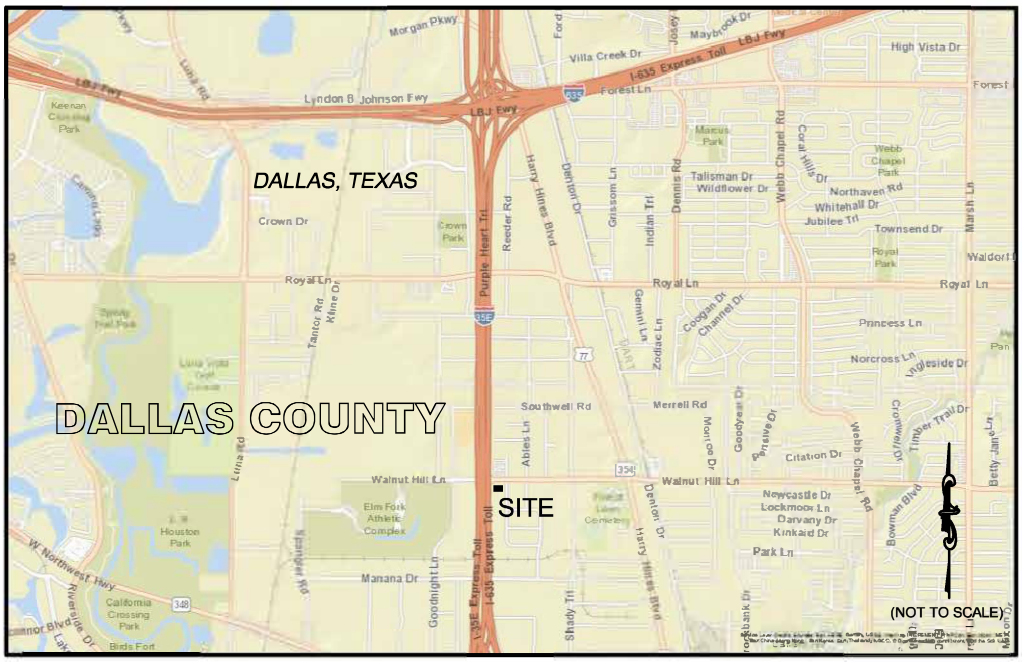
# BOUNDARY SURVEY

# FOR

# MUNICIPAL SETTING DESIGNATION

# AT

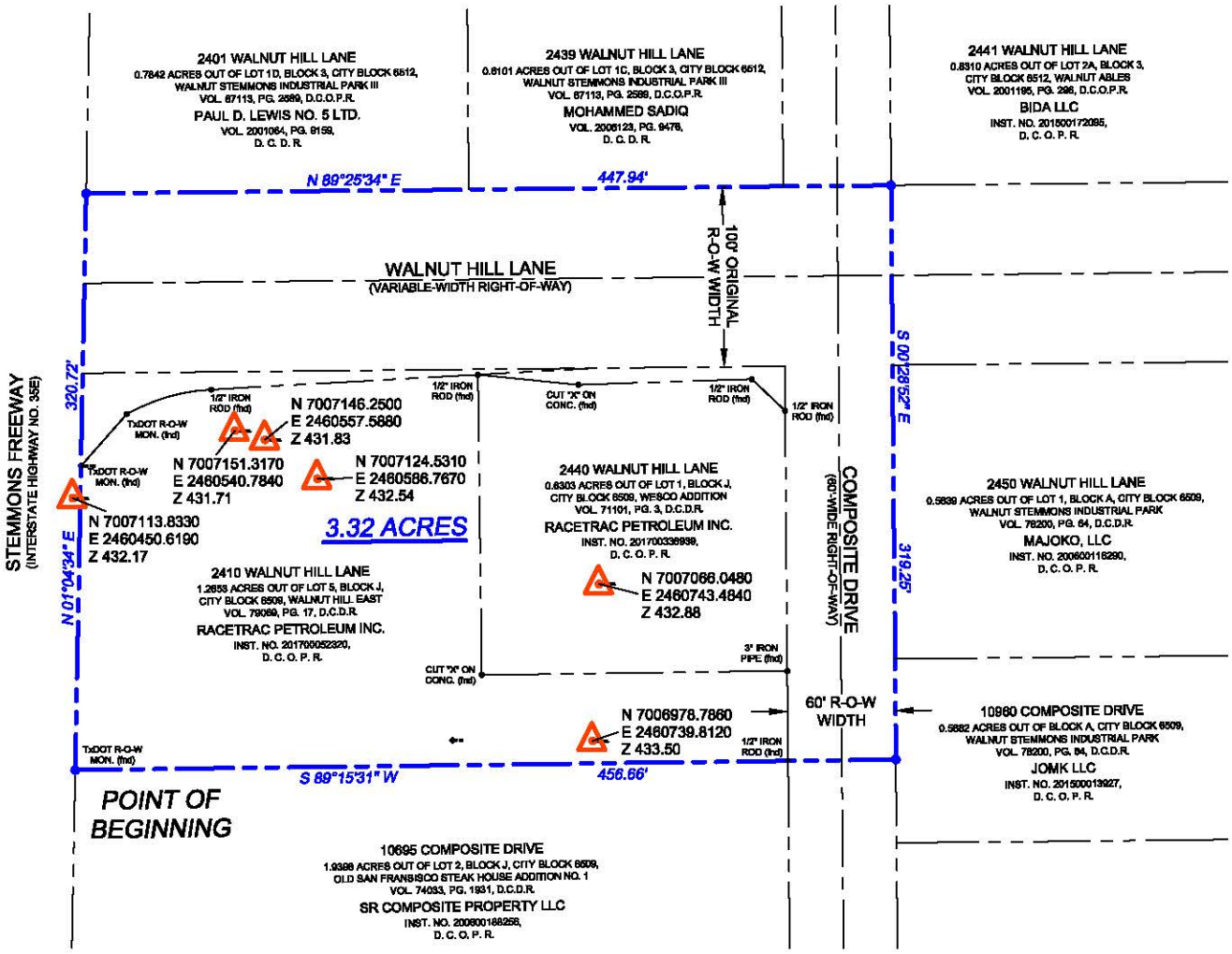
# 2410-2440 WALNUT HILL LANE
# DALLAS, TX 75229




## LOCATION MAP

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| | |
|---|---|
| BOUNDARY SURVEY FOR MUNICIPAL SETTING DESIGNATION | TBPE FIRM F-12715<br>TBPLS FIRM 10181300<br>SALTER ENGINEERING & SURVEYING |
| 2410-2440 WALNUT HILL LANE<br>DALLAS, TX 75229 | |
| DWG FILE 180259.dwg<br>DWG SCALE 1=100 — SHEET 1 OF 4 | 11401 PHEASANT CREEK DRIVE<br>FORT WORTH, TX 76244-7796<br>(866) 723-9009 Tel (866) 723-9003 Fax<br>www.SalterEngineering.com |




SCALE : 1" = 100'

0 25 50 100

# BOUNDARY SURVEY FOR MUNICIPAL SETTING DESIGNATION

## 2410-2440 WALNUT HILL LANE
## DALLAS, TX 75229

DWG FILE 180259.dwg

DWG SCALE 1=100

SHEET 2 OF 4


TBPE FIRM F-12715
TBPLS FIRM 10181300

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# LEGAL DESCRIPTION

A 3.32-acre tract out of the J. Hunt Survey, Abstract No. 588, Dallas County, Texas, in and adjacent to Dallas City Block No. 6509, being all of Lot 1, Block J, Wesco Addition, an addition to the City of Dallas, Texas, as shown on that certain map or plat thereof recorded in Volume 71101, Page 3, Dallas County Deed Records, a portion of Lot 5, Block J, Walnut Hill East, an addition to the City of Dallas, Texas, as shown on that certain map or plat thereof recorded in Volume 79069, Page 17, Dallas County Deed Records, and all of the adjacent rights-of-way of Walnut Hill Lane and Composite Drive, both dedicated public roads, said 3.32-acre tract being more specifically described by metes and bounds as follows:

BEGINNING at a TxDOT highway right-of-way monument found at the point of intersection of the east right-of-way line of Interstate Highway No. 35E, a dedicated state highway right-of-way commonly known as Stemmons Freeway, with the south line of said Lot 5, Block J, Walnut Hill East, lying SOUTH 89°15'31" WEST 396.66 feet from a 1/2-inch iron rod found at the southeast corner of said Lot 5, Block J, for the southwest corner and POINT OF BEGINNING of this tract;

THENCE NORTH 01°04'34" EAST along the east right-of-way line of said Stemmons Freeway and west line of said Lot 5, Block J, Walnut Hill East, at 169.31 feet pass a TxDOT highway right-of-way monument found at the point of intersection of the east right-of-way line of said Stemmons Freeway with the south right-of-way line of Walnut Hill Lane, a dedicated city street, and continuing for a total distance of 320.72 feet to a point being the point of intersection of said east right-of-way line with the north right-of-way line of said Walnut Hill Lane for the northwest corner of this tract;

THENCE leaving the east right-of-way line of said Stemmons Freeway, NORTH 89°25'34" EAST 447.94 feet along the north right-of-way line of said Walnut Hill Lane and along the south lines of Block 3, Walnut Stemmons Industrial Park No. 3, an addition to the City of Dallas, Texas, as shown on that certain map or plat thereof recorded in Volume 87113, Page 2589, Dallas County Deed Records, to a point being the point of intersection of said north right-of-way line with the east right-of-way line of Composite Drive, a dedicated city street, for the northeast corner of this tract;

THENCE leaving the north right-of-way line of said Walnut Hill Lane, SOUTH 00°28'52" EAST 319.25 feet along the east right-of-way line of said Composite Drive and the west line of Block A, Walnut Stemmons Industrial Park, an addition to the City of Dallas, Texas, as shown on that certain map or plat thereof recorded in Volume 78200, Page 64, Dallas County Deed Records, to a point for the southeast corner of this tract;

THENCE leaving the east right-of-way line of said Composite Drive, SOUTH 89°15'31" WEST, at 60.00 feet pass a 1/2-inch iron rod found on the west right-of-way line of said Composite Drive being the southeast corner of said Lot 5, Block J, and the northeast corner of Lot 2, Block J, Walnut Hill East, and continuing for a total distance of 456.66 feet along the south line of said Lot 5, Block J, and along the north line of said Lot 2, Block J, to the POINT OF BEGINNING, and containing 3.32 acres, more or less.

BOUNDARY SURVEY FOR
MUNICIPAL SETTING DESIGNATION

2410-2440 WALNUT HILL LANE
DALLAS, TX 75229

DWG FILE 180259.dwg

DWG SCALE 1=100

SHEET 3 OF 4

TBPE FIRM F-12715
TBPLS FIRM 10181300

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## LEGEND

| | | |
|---|---|---|
| BLDG. HEIGHT MEASUREMENT | FLAG POLE | PROPERTY LINE |
| M.S. MONUMENT SIGN | LIGHT POLE | PRIVACY FENCE |
| TRAFFIC FLOW | BOL PIPE BOLLARD | OTHER FENCE |
| UNDERGROUND UTILITY BOX | PP UTILITY POLE | OVERHEAD UTILITY |
| CABLE PEDESTAL | PP UTIL. POLE W/ GUY ANCHOR | UNDERGROUND UTILITY |
| TELEPHONE PEDESTAL | E ELECTRICITY METER | CONC. CURB & GUTTER |
| WATER VALVE | W WATER METER | BUILDING |
| FIRE HYDRANT | MONITORING WELL | COVERED AREA |
| IRRIGATION CONTROL VALVE | SIGN | CONCRETE SURFACE |
| D STORM SEWER MANHOLE | HANDICAP PARKING SPACE | ASPHALT SURFACE |
| S SANITARY SEWER MANHOLE | 10 REGULAR PARKING SPACES | GRAVEL SURFACE |
| T TEL-COM MANHOLE | R.P.R. REAL PROPERTY RECORDS | STONE SURFACE |
| SANITARY SEWER CLEAN-OUT | C.M.R. COUNTY MAP RECORDS | WOODEN SURFACE |
| T POWER TRANSFORMER | C.D.R. COUNTY DEED RECORDS | WATER SURFACE |

## BASIS OF BEARINGS

S 89°15'31" W FOR THE SOUTH LINE OF SUBJECT PROPERTY PER PLAT OF RECORD...

## SURVEYOR'S CERTIFICATION

To: THE VERTEX COMPANIES, INC.

I, Brian Salter, Registered Professional Land Surveyor, hereby certify that this survey of the property located at: 2410-2440 WALNUT HILL LANE DALLAS, TX 75229 and legally described hereon was made on the ground on this, the 28TH day of JUNE, 2018, by me or under my supervision and correctly shows the boundary lines, dimensions, and area of the land, and all alleys, streets, rights-of-way, easements, and other matters of record which, to my knowledge, affect the property. The undersigned further certifies that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, protrusions, overlapping of improvements, easements, or rights-of-way except as shown hereon.

STATE OF TEXAS REGISTERED BRIAN SALTER 5597 PROFESSIONAL LAND SURVEYOR

BRIAN SALTER, PROFESSIONAL LAND SURVEYOR NO. 5597

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# BOUNDARY SURVEY FOR MUNICIPAL SETTING DESIGNATION

## 2410-2440 WALNUT HILL LANE DALLAS, TX 75229

DWG FILE 180259.dwg

DWG SCALE 1=100

SHEET 4 OF 4

TBPE FIRM F-12715
TBPLS FIRM 10181300

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www.SalterEngineering.com

**JUNE 26, 2019 CITY COUNCIL ADDENDUM**
**CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated June 26, 2019. 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.

T.C. Broadnax
City Manager

6/21/2019
Date

M. Elizabeth Reich

Elizabeth Reich
Chief Financial Officer

6-21-19
Date

RECEIVED
2019 JUN 21 AM 10:59
CITY SECRETARY
DALLAS, TEXAS

**ADDENDUM**
**CITY COUNCIL MEETING**
**WEDNESDAY, JUNE 26, 2019**
**CITY OF DALLAS**
**1500 MARILLA STREET**
**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 - 67 |
| | **ITEMS FOR INDIVIDUAL CONSIDERATION** | |
| No earlier than 9:15 a.m. | | Items 68 - 70<br>Addendum Items 1 - 2 |
| | **PUBLIC HEARINGS AND RELATED ACTIONS** | |
| 1:00 p.m. | | Items 71 - 89 |

# Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

*"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."*

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

*"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."*

ADDITIONS:

ITEMS FOR INDIVIDUAL CONSIDERATION

**Office of Homeless Solutions**

1. 19-906 Authorize **(1)** preliminary adoption of Substantial Amendment No. 3 to the FY 2018-19 Action Plan for the Emergency Solutions Grant ("ESG") Program, to reallocate FY17 ESG funds in the amount of $333,895.00 from Emergency Shelter, Rapid Re-Housing, and Homeless Management Information System eligible activities to Street Outreach and Homelessness Prevention eligible activities; and **(2)** a public hearing to be held on August 14, 2019, to receive comments on Substantial Amendment No. 3 to the FY 2018-19 Action Plan for the ESG Program to reallocate FY17 ESG funds - Financing: No cost consideration to the City

**Police Department**

2. 19-915 Authorize **(1)** an application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant Program (Grant No. 3649401, Federal/State Award ID No. 2017-DJ-BX-0053, CFDA No. 16.738) in the amount of $71,975.00 from the U.S. Department of Justice through the Office of the Governor, Criminal Justice Division, for the National Integrated Ballistic Information Network (NIBIN) Program Emphasizing Violent Gun Crime to aid in finding crime linkages and provide additional resources to the NIBIN Program for the period October 1, 2018 through September 30, 2019; **(2)** the receipt and deposit of grant funds in an amount not to exceed $71,975.00 in the NIBIN Program Emphasizing Violent Gun Crime Grant FY19 Fund; **(3)** the establishment of appropriations in an amount not to exceed $71,975.00 in the NIBIN Program Emphasizing Violent Gun Crime Grant FY19 Fund; **(4)** an in-kind contribution in the amount of $75,257.32; and **(5)** execution of the grant agreement and all documents required by the grant agreement - Total not to exceed $147,232.32 - Financing: Office of the Governor, Criminal Justice Division Grant Funds ($71,975.00) and In-Kind Contributions ($75,257.32)

CORRECTION:

**Park & Recreation Department**

58. 19-860 Authorize ~~**(1) an a**~~Amendment No. 1 to the Advance Funding Agreement with the Texas Department of Transportation ~~(TxDOT)~~ for the Trinity Strand Trail - Phase II Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205), previously approved on October 24, 2018, by Resolution No. 18-1521 **(1)** to revise the funding agreement amount from $7,074,496.00 to $7,434,427.00 (which includes $359,931.00 in indirect State costs); and **(2)** ~~Amendment No. 1 to the Advance Funding Agreement with TxDOT for the Trinity Strand Trail – Phase II Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) for additional funding~~ an increase in the amount of $160,784.00 for review, inspection and oversight of construction activities; thereby increasing City of Dallas funding ~~– Total amount $160,784.00,~~ from $2,074,496.00 to $2,235,280.00, increasing the total project amount from $7,434,427.00 to $7,595,211.00 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds)

## EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]

2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]

3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]

4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]

5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]

6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]

7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

# Agenda Date: June 26, 2019

| ITEM # | DISTRICT | TYPE | DEPT | DOLLARS | DESCRIPTION |
|---|---|---|---|---|---|
| 1. | All | I | OHS | NC | Authorize (1) preliminary adoption of Substantial Amendment No. 3 to the FY 2018-19 Action Plan for the Emergency Solutions Grant ("ESG") Program, to reallocate FY17 ESG funds in the amount of $333,895.00 from Emergency Shelter, Rapid Re-Housing, and Homeless Management Information System eligible activities to Street Outreach and Homelessness Prevention eligible activities; and (2) a public hearing to be held on August 14, 2019, to receive comments on Substantial Amendment No. 3 to the FY 2018-19 Action Plan for the ESG Program to reallocate FY17 ESG funds - Financing: No cost consideration to the City |
| 2. | All | I | DPD | GT | Authorize (1) an application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant Program (Grant No. 3649401, Federal/State Award ID No. 2017-DJ-BX-0053, CFDA No. 16.738) in the amount of $71,975.00 from the U.S. Department of Justice through the Office of the Governor, Criminal Justice Division, for the National Integrated Ballistic Information Network (NIBIN) Program Emphasizing Violent Gun Crime to aid in finding crime linkages and provide additional resources to the NIBIN Program for the period October 1, 2018 through September 30, 2019; (2) the receipt and deposit of grant funds in an amount not to exceed $71,975.00 in the NIBIN Program Emphasizing Violent Gun Crime Grant FY19 Fund; (3) the establishment of appropriations in an amount not to exceed $71,975.00 in the NIBIN Program Emphasizing Violent Gun Crime Grant FY19 Fund; (4) an in-kind contribution in the amount of $75,257.32; and (5) execution of the grant agreement and all documents required by the grant agreement - Total not to exceed $147,232.32 - Financing: Office of the Governor, Criminal Justice Division Grant Funds ($71,975.00) and In-Kind Contributions ($75,257.32) |

**TOTAL $0.00**

# Agenda Information Sheet

**File #:** 19-906 **Item #:** 1.

**STRATEGIC PRIORITY:** Human and Social Needs

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Homeless Solutions

**EXECUTIVE:** Nadia Chandler-Hardy

## SUBJECT

Authorize **(1)** preliminary adoption of Substantial Amendment No. 3 to the FY 2018-19 Action Plan for the Emergency Solutions Grant ("ESG") Program, to reallocate FY17 ESG funds in the amount of $333,895.00 from Emergency Shelter, Rapid Re-Housing, and Homeless Management Information System eligible activities to Street Outreach and Homelessness Prevention eligible activities; and **(2)** a public hearing to be held on August 14, 2019, to receive comments on Substantial Amendment No. 3 to the FY 2018-19 Action Plan for the ESG Program to reallocate FY17 ESG funds - Financing: No cost consideration to the City

## BACKGROUND

This item is being placed on the addendum to expedite the public hearing and 30-day public comment period required by federal regulation and the City's Citizen Participation Plan. The approval will assist the City in meeting its expenditure requirement for the use of federal funds from the U.S. Department of Housing and Urban Development ("HUD").

On May 24, 2017, City Council authorized the preliminary adoption of the Proposed FY 2017-18 Consolidated Plan Budget for HUD Grant Funds, including FY17 ESG funds, in the preliminary amount of $1,211,466.00, by Resolution No. 17-0848.

On June 14, 2017, HUD published the final grant allocations for the FY 2017-18 Consolidated Plan Budget for HUD Grant Funds, including the actual FY17 ESG grant allocation in the amount of $1,193,613.00. On June 23, 2017, City Council was briefed by memorandum on the final grant allocations. By letter dated June 30, 2017, HUD notified the City of Dallas that it would receive an FY17 ESG Supplemental Allocation in the amount of $1,923,927.00, for a total FY17 ESG allocation of $3,117,540.00.

On August 9, 2017, City Council authorized the final adoption of the FY 2017-18 Consolidated Plan Budget for HUD Grant Funds, including FY17 ESG funds in the amount of $3,117,540.00, by Resolution No. 17-1171.

On September 14, 2017, the City of Dallas Office of Procurement Services advertised a Request for Competitive Sealed Proposals ("RFCSP") (#BTZ1726) soliciting proposals for the FY 2017-18 ESG Program funded using FY17 ESG funds. On December 13, 2017, by Council Resolution No. 17-1874, the proposals were rejected and authorization to re-advertise a solicitation was granted.

On January 11, 2018, the City of Dallas Office of Procurement Services re-advertised an RFCSP (#BTZ1810) soliciting proposals for the FY 2017-18 ESG Program. Eleven provider contracts were awarded funding for Emergency Shelter, Rapid Re-housing, and Homelessness Prevention activities, in the amount of $1,413,895.00.

On June 7, 2018, the City of Dallas Office of Procurement Services advertised an RFCSP (#BTZ1818) for ESG Facility Development funds, in the amount of $1,000,000.00. Three providers were awarded and accepted funds for facility development, consisting of shelter renovations, in the amount of $265,011.00.

On January 31, 2019, the City of Dallas Office of Procurement Services advertised a fourth RFCSP (#BKZ1909) for FY17 ESG funding in the amount of $734,989.00. Four providers were awarded funds for emergency shelter activities in the amount of $734,989.00. Proposers are required to match ESG funds dollar-for-dollar. The match total must equal or exceed the amount of ESG funds awarded.

On April 10, 2019, City Council authorized Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY2018-19 Action Plan to use unspent prior year Community Development Block Grant ("CDBG") funds by Resolution No. 19-0556.

On April 24, 2019, City Council authorized the preliminary adoption of Substantial Amendment No. 2 to the FY2018-19 Action Plan for HOME Investment Partnerships Program and CDBG to revise the Dallas Homebuyer Assistance Program Statement and the Housing Improvement and Preservation Program Statement by Resolution No. 19-0639. The public hearing on Substantial Amendment No. 2 is scheduled to be held on June 26, 2019.

FY17 ESG funds must be expended within 24 months after the date HUD signed the grant agreement with the City of Dallas, which is October 19, 2019. Spending the additional special $1.9 million FY17 ESG Supplemental Allocation (over and above our normal annual allocation of approximately $1.2 million) has proved challenging. The Dallas housing market conditions, along with specific program requirements, such as the dollar-for-dollar match requirement, have been exacerbating factors. The Office of Homeless Solutions has been working with ESG partners to mitigate challenges. However, it is necessary to reallocate FY17 ESG funds among eligible activities to meet the expenditure deadline.

Federal regulations and the City's Citizen Participation Plan require a public hearing to authorize a substantial amendment and require that a public hearing be held with not less than a 30-day public review and comment period to allow for public comments and input with respect to any substantial amendment.

This action authorizes preliminary adoption of Substantial Amendment No. 3 to the FY 2018-19 Action Plan for the ESG Program, to reallocate FY17 ESG funds in the amount of $333,895.00 from Emergency Shelter, Rapid Re-Housing, and Homeless Management Information System eligible activities to Street Outreach and Homelessness Prevention eligible activities. This action also authorizes a public hearing to be held on August 14, 2019, to receive comments on Substantial Amendment No. 3 to the FY 2018-19 Action Plan for the ESG Program to reallocate FY17 ESG funds.

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

On May 24, 2017, City Council authorized the preliminary adoption of the Proposed FY 2017-18 Consolidated Plan Budget for HUD Grant Funds by Resolution No. 17-0848.

City Council was briefed by memorandum on the final grant allocations for the FY 2017-18 Consolidated Plan Budget for HUD Grant Funds on June 23, 2017.

On August 9, 2017, City Council authorized the final adoption of the FY 2017-18 Consolidated Plan Budget for HUD Grant Funds by Resolution No. 17-1171.

On April 10, 2019, City Council authorized Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY2018-19 Action Plan to use unspent prior year CDBG funds by Resolution No. 19-0556.

On April 24, 2019, City Council authorized the preliminary adoption of Substantial Amendment No. 2 to the FY2018-19 Action Plan for HOME Investment Partnerships Program and CDBG to revise the Dallas Homebuyer Assistance Program Statement and the Housing Improvement and Preservation Program Statement by Resolution No. 19-0639.

The Human and Social Needs Committee will be briefed by memorandum regarding this item on June 21, 2019.

## FISCAL INFORMATION

No cost consideration to the City.



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**WHEREAS,** on May 24, 2017, City Council authorized preliminary adoption of the Proposed FY 2017-18 Consolidated Plan Budget for U.S. Department of Housing and Urban Development ("HUD") Grant Funds, including FY17 Emergency Solutions Grant ("ESG") funds in the preliminary amount of $1,211,466.00, by Resolution No. 17-0848; and

**WHEREAS,** on June 14, 2017, HUD published the final grant allocations for the FY 2017-18 Consolidated Plan Budget for HUD Grant Funds, including the actual FY17 ESG grant allocation in the amount of $1,193,613.00, and City Council was briefed by memorandum on these final grant allocations on June 23, 2017; and

**WHEREAS,** on June 30, 2017, HUD notified the City of Dallas that it would receive an FY17 ESG Supplemental Allocation in the amount of $1,923,927.00, for a total FY17 ESG allocation of $3,117,540.00; and

**WHEREAS,** on August 9, 2017, City Council authorized final adoption of the FY 2017-18 Consolidated Plan Budget for HUD Grant Funds, including FY17 ESG funds in the amount of $3,117,540.00, by Resolution No. 17-1171; and

**WHEREAS,** on April 10, 2019, City Council authorized Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY2018-19 Action Plan to use unspent prior year Community Development Block Grant ("CDBG") funds by Resolution No. 19-0556; and

**WHEREAS,** on April 24, 2019, City Council authorized the preliminary adoption of Substantial Amendment No. 2 to the FY2018-19 Action Plan for HOME Investment Partnerships Program and CDBG to revise the Dallas Homebuyer Assistance Program Statement and the Housing Improvement and Preservation Program Statement, by Resolution No. 19-0639; and

**WHEREAS,** FY17 ESG funds must be expended within 24 months after the date HUD signed the grant agreement with the City of Dallas, which is October 19, 2019; and

**WHEREAS,** spending the additional special $1.9 million FY17 ESG Supplemental Allocation (over and above our normal annual allocation of approximately $1.2 million) has proved challenging due to Dallas housing market conditions and program requirements; and

**WHEREAS,** it is necessary to reallocate FY17 ESG funds among eligible activities to meet the expenditure deadline.

**Now, Therefore,**

June 26, 2019

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

**SECTION 1.** That the City Council hereby authorizes the preliminary adoption of Substantial Amendment No. 3 to the FY 2018-19 Action Plan for the Emergency Solutions Grant ("ESG") Program, to reallocate FY17 ESG funds in the amount of $333,895.00 from Emergency Shelter, Rapid Re-Housing, and Homeless Management Information System eligible activities to Street Outreach and Homelessness Prevention eligible activities, as provided in the attached **Schedule A**.

**SECTION 2.** That a public hearing be held on August 14, 2019, to receive comments on Substantial Amendment No. 3 to the FY 2018-19 Action Plan for the ESG Program to reallocate FY17 ESG fund, as provided in the attached **Schedule A**.

**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.

## SCHEDULE A

## Substantial Amendment No. 3 to
## FY 2018-19 Action Plan for
## Emergency Solutions Grant (ESG) Program

### FY17 Emergency Solutions Grant (ESG) Funds

| Fund | Dept | Unit | Project Description | FY 2017-18 City Council Adopted Budget | Change Increase(+) Decrease (-) | FY 2017-18 Revised Budget |
|---|---|---|---|---|---|---|
| | **Management Services/Office of Homeless Solutions** | | | | | |
| ES17 | MGT | 281B | Emergency Shelter | 1,587,807 | (18,370) | 1,569,437 |
| ES17 | MGT | 282B | Street Outreach | 69,072 | 232,015 | 301,087 |
| ES17 | MGT | 283B | Homelessness Prevention | 50,000 | 0 | 50,000 |
| ES17 | MGT | 284B | Rapid Re-Housing | 1,065,784 | (302,778) | 763,006 |
| ES17 | MGT | 285B | HMIS Data Collection | 69,000 | (12,747) | 56,253 |
| ES17 | MGT | 286B | ESG Administration | 155,877 | 0 | 155,877 |
| | **Management Services/Office of Community Care** | | | | | |
| ES17 | MGT | 287B | Homelessness Prevention | 120,000 | 101,880 | 221,880 |
| | | | **Total ESG Funds** | **3,117,540** | **0** | **3,117,540** |

Agenda Information Sheet

**File #:** 19-915 **Item #:** 2.

**STRATEGIC PRIORITY:** Public Safety

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Police Department

**EXECUTIVE:** Jon Fortune

## SUBJECT

Authorize **(1)** an application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant Program (Grant No. 3649401, Federal/State Award ID No. 2017-DJ-BX-0053, CFDA No. 16.738) in the amount of $71,975.00 from the U.S. Department of Justice through the Office of the Governor, Criminal Justice Division, for the National Integrated Ballistic Information Network (NIBIN) Program Emphasizing Violent Gun Crime to aid in finding crime linkages and provide additional resources to the NIBIN Program for the period October 1, 2018 through September 30, 2019; **(2)** the receipt and deposit of grant funds in an amount not to exceed $71,975.00 in the NIBIN Program Emphasizing Violent Gun Crime Grant FY19 Fund; **(3)** the establishment of appropriations in an amount not to exceed $71,975.00 in the NIBIN Program Emphasizing Violent Gun Crime Grant FY19 Fund; **(4)** an in-kind contribution in the amount of $75,257.32; and **(5)** execution of the grant agreement and all documents required by the grant agreement - Total not to exceed $147,232.32 - Financing: Office of the Governor, Criminal Justice Division Grant Funds ($71,975.00) and In-Kind Contributions ($75,257.32)

## BACKGROUND

This item is placed on the addendum due to late award notification and must be approved before receiving funding.

The City of Dallas Police Department (DPD) has been awarded funding to reduce crime and improve the criminal justice system under the state criminal justice planning grant.

The NIBIN Program allows federal, state, and local law enforcement agencies to find linkages between crimes quickly and to make connections in crimes across jurisdictional boundaries. The Dallas Police Department has found and confirmed over 2100 NIBIN leads to date offering valuable information for detectives to help solve firearm related crime. The grant will partially fund the salary of one certified Police Officer within the Crime Scene Response Section to support data entry and analysis in the NIBIN Program. The grant also funds training and equipment.

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

The In-Kind Contributions covers Pension, Health Benefit, Federal Insurance Contributions Act and remaining salary for the officer.

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

On November 12, 2014, City Council authorized application and acceptance for the City of Dallas National Integrated Ballistic Information Network Grant No. 2408205, by Resolution No. 14-1911.

On October 28, 2015, City Council authorized application and acceptance for the City of Dallas National Integrated Ballistic Information Network Grant No. 2408206, by Resolution No. 15-1959.

The Public Safety and Criminal Justice Committee will be briefed by memorandum regarding this matter on June 21, 2019.

## FISCAL INFORMATION

Office of the Governor, Criminal Justice Division Grant Funds - $71,975.00
In-Kind Contributions - $75,257.32

June 26, 2019

**WHEREAS,** the U.S. Department of Justice pass through Office of the Governor, Criminal Justice Division has made funds available for criminal justice projects for the 2018-2019 fiscal year; and

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

**WHEREAS,** the City of Dallas finds it in the best interest of the citizens of Dallas that the Office of the Governor, Criminal Justice Division be operated for the 2018-2019 fiscal year; and

**WHEREAS,** the City of Dallas agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City of Dallas assures that the funds identified as ineligible will be returned to the Criminal Justice Division; and

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

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

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to apply for and accept the Edward Byrne Memorial Justice Assistance Grant Program (Grant No. 3649401, Federal/State Award ID No. 2017-DJ-BX-0053, CFDA No. 16.738) in the amount of $71,975.00 from the U.S. Department of Justice through the Office of Governor, Criminal Justice Division, for the National Integrated Ballistic Information Network (NIBIN) Program Emphasizing Violent Gun Crime to aid in finding crime linkages and provide additional resources to the NIBIN Program for the period October 1, 2018 through September 30, 2019; and execute the grant agreement and all terms, conditions and documents required by the grant agreement, approved as to form by the City Attorney.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed $71,975.00 in the NIBIN Program Emphasizing Violent Gun Crime Grant FY19 Fund, Fund F577, Department DPD, Unit 3884, and Revenue Code 6506.

**SECTION 3.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $71,975.00 in the NIBIN Program Emphasizing Violent Gun Crime Grant FY19 Fund, Fund F577, Department DPD, Unit 3884, in accordance with the attached Schedule A.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $71,975.00 from NIBIN Program Emphasizing Violent Gun Crime Grant FY19 Fund, Fund F577, Department DPD, Unit 3884, various Object Codes, in accordance with the attached Schedule A.

**SECTION 5.** That the Chief Financial Officer is hereby authorized to provide an In-Kind Contribution in the amount of $75,257.32, in accordance with the attached Schedule A.

**SECTION 6.** That the City Manager is hereby authorized to reimburse the Office of the Governor, Criminal Justice Division in the event of loss, or misuse of funds, in full. The City Manager shall notify the appropriate City Council Committee of any return of grants funds not later than 30 days after the reimbursement.

**SECTION 7.** That the City Manager shall keep the appropriate City Council Committee informed of all Office of the Governor, Criminal Justice Division final monitoring reports not later than 30 days after the receipt of the report.

**SECTION 8.** That this contract is designated as Contract No. DPD-2019-00010721.

**SECTION 9.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

## SCHEDULE
## NIBIN Program Emphasizing Violent Gun Crime
## Fund F577, Department DPD, Unit 3884,
## Revenue Code 6506
## October 1, 2018 – September 30, 2019

| Object Code | Description | Amount |
|---|---|---|
| | | |
| 1102 | Salary/Uniformed | $50,000.00 |
| 2780 | Photography & Film Equipment | $493.00 |
| 3361 | Professional Development | $8,000.00 |
| 4890 | Miscellaneous Equipment | $13,482.00 |
| | **Grant Total** | **$71,795.00** |

## In-Kind Contribution
## City of Dallas
## Fund 0001, Dept. DPD, Unit 2164

| Object Code | Description | Amount |
|---|---|---|
| | | |
| 1102 | Salary/Uniformed | $36,805.68 |
| 1302 | Pension/Uniformed | $29,947.96 |
| 1304 | Health Insurance | $7,245.00 |
| 1306 | FICA | $1,258.68 |
| | **Total** | **$75,257.32** |

Agenda Information Sheet

**File #:** 19-860 **Item #:** 58.

**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Park & Recreation Department

**EXECUTIVE:** Willis C. Winters

## SUBJECT

Authorize ~~**(1)** an~~ a~~A~~mendment No. 1 to the Advance Funding Agreement with the Texas Department of Transportation ~~(TxDOT)~~ for the Trinity Strand Trail - Phase II Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205), previously approved on October 24, 2018, by Resolution No. 18-1521 **(1)** to revise the funding agreement amount from $7,074,496.00 to $7,434,427.00 (which includes $359,931.00 in indirect State costs); and **(2)** ~~Amendment No. 1 to the Advance Funding Agreement with TxDOT for the Trinity Strand Trail - Phase II Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) for additional funding~~ an increase in the amount of $160,784.00 for review, inspection and oversight of construction activities; thereby increasing City of Dallas funding - ~~Total amount $160,784.00,~~ from $2,074,496.00 to $2,235,280.00, increasing the total project amount from $7,434,427.00 to $7,595,211.00 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds)

## BACKGROUND

On October 24, 2018, City Council authorized an Advance Funding Agreement with the Texas Department of Transportation for a Transportation Alternatives Set-Aside (TASA) Program Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) to accept funding, for construction of the Trinity Strand Trail - Phase II Project, in the amount of $5,000,000.00, by Resolution No. 18-1521.

The total cost of the project has increased by $160,784.00, from $7,434,427.00, which includes $359,931.00 in indirect State costs, to $7,595,211.00 of which $2,235,280.00 is the City's obligation, plus 100 percent of overruns.

This action will authorize Amendment No. 1 to the Advance Funding Agreement with the Texas Department of Transportation for the Trinity Strand Trail - Phase II Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) for additional funding for review, inspection and oversight of construction activities, in the amount of $160,784.00.

## ESTIMATED SCHEDULE OF PROJECT

| | |
|---|---|
| Began Design | June 2016 |
| Completed Design | April 2019 |
| Begin Construction | February 2020 |
| Complete Construction | March 2021 |

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

On February 23, 2017, the Park and Recreation Board authorized six transportation alternative project applications.

Information about this item was provided to the Quality of Life & Environment Committee on April 10, 2017.

On April 12, 2017, City Council authorized application of seven candidate projects to the North Central Texas Council of Governments through the Transportation Alternatives Set-Aside Program for cost reimbursement in the Active Transportation Project category for the proposed: Katy Trail Bridges Project, Lake Highlands Trail Northern Extension, Lake Highlands Trail Phase 2A, 2B Project, Ridgewood Trail Lighting Project, Trinity Forest Spine Trail Project, Trinity Strand Trail Phase II Project, and Union Bikeway Connector Project and the Safe Routes to School Project category: Lake Highlands Trail Northern Extension Project; and a required local match by Resolution No. 17-0598.

On August 16, 2018, the Park and Recreation Board remanded this item back to the Planning and Design Committee for further review.

On September 20, 2018, the Park and Recreation Board authorized an Advance Funding Agreement with the Texas Department of Transportation.

Information about this item was provided to the Quality of Life, Arts, and Culture Committee on October 22, 2018.

On October 24, 2018, City Council authorized an Advance Funding Agreement with the Texas Department of Transportation for a Transportation Alternatives Set-Aside (TASA) Program Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) and all terms, conditions, and documents required by the grant agreement and to accept funding in the amount of $5,000,000.00 for construction of the Trinity Strand Trail - Phase II Project by Resolution No. 18-1521.

On June 20, 2019, the Park and Recreation Board authorized Amendment No. 1 to Advance Funding Agreement with the Texas Department of Transportation.



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## FISCAL INFORMATION

Street and Transportation Improvements Fund (2012 Bond Funds) - $160,784.00

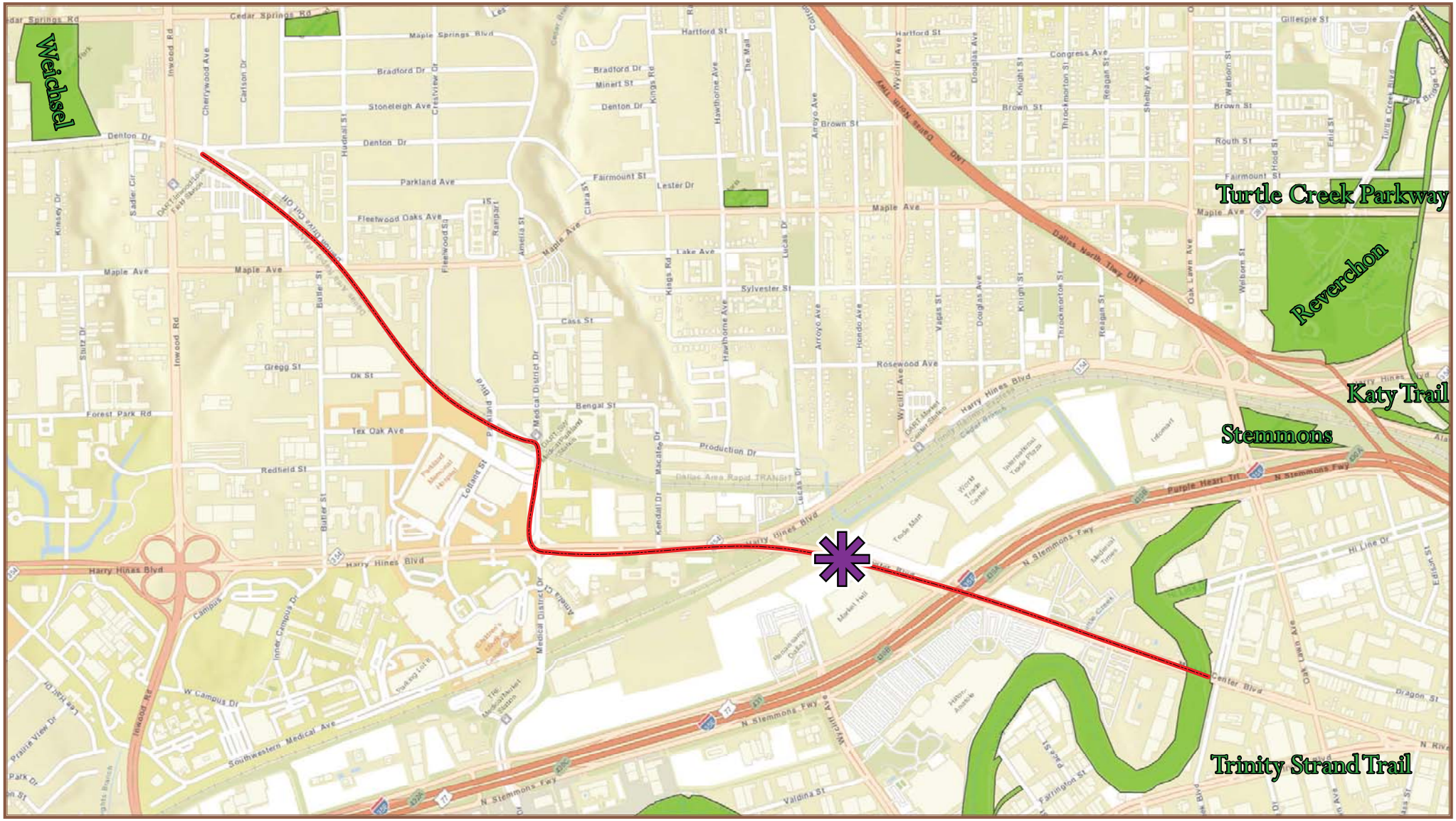
| | |
|---|---|
| Original Funding Agreement | ~~$7,434,427.00~~ $7,074,496.00 |
| Amendment No. 1 (this action) | ~~$ 160,784.00~~ |
| TxDOT Indirect State Costs (TxDOT) | $ 359,931.00 |
| TxDOT Engineering Review (100% City) | $ 160,784.00 (this action) |
| Estimated Total Project ~~Total~~ Cost | $7,595,211.00 |

## MAP

Attached



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# Trinity Strand Trail Phase 2

Mapsco
34 U,X,Y 44 C,D

District
2

June 26, 2019

**WHEREAS,** on April 12, 2017, City Council authorized application of seven candidate projects to the North Central Texas Council of Governments through the Transportation Alternatives Set-Aside Program for cost reimbursement in the Active Transportation Project category for the proposed: Katy Trail Bridges Project, Lake Highlands Trail Northern Extension, Lake Highlands Trail Phase 2A, 2B Project, Ridgewood Trail Lighting Project, Trinity Forest Spine Trail Project, Trinity Strand Trail Phase II Project, and Union Bikeway Connector Project and the Safe Routes to School Project category: Lake Highlands Trail Northern Extension Project; and a required local match by Resolution No. 17-0598; and

**WHEREAS,** on October 24, 2018, City Council authorized an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for a Transportation Alternatives Set-Aside Program Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) and all terms, conditions, and documents required by the grant agreement and to accept funding in the amount of $5,000,000.00 for construction of the Trinity Strand Trail - Phase II Project by Resolution No. 18-1521; and

**WHEREAS,** TxDOT is requesting funding from the City of Dallas to pay for additional direct State costs associated with the project; and

**WHEREAS,** the total cost of the project has increased by $160,784.00, from $7,434,427.00 to $7,595,211.00 of which $2,235,280.00 is the City's obligation, plus 100 percent of overruns; and

**WHEREAS,** this action will authorize Amendment No. 1 to the Advance Funding Agreement with TxDOT for the Trinity Strand Trail - Phase II Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205) for additional funding for review, inspection and oversight of construction activities in the amount of $160,784.00, from $2,074,496.00 to $2,235,280.00.

**Now, Therefore,**

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

June 26, 2019

**SECTION 1.** That the Park and Recreation Board and City Manager are hereby authorized to execute ~~**(1)** an a~~Amendment No. 1 to the Advance Funding Agreement with the Texas Department of Transportation ~~(TxDOT)~~ for the Trinity Strand Trail - Phase II Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205), previously approved on October 24, 2018, by Resolution No. 18-1521 **(1)** to revise the funding agreement amount from $7,074,496.00 to $7,434,427.00 (which includes $359,931.00 in indirect State costs); and **(2)** ~~Amendment No. 1 to the Advance Funding Agreement with TxDOT for the Trinity Strand Trail - Phase II Project (Agreement No. CSJ 0918-47-205, CFDA No. 20.205), approved as to form by the City Attorney, for additional funding~~ an increase in the amount of $160,784.00 for review, inspection and oversight of construction activities~~, in the amount of $160,784.00,~~; thereby increasing ~~the~~ City~~'s~~ of Dallas funding ~~contribution~~ from $2,074,496.00 to $2,235,280.00, increasing the total project amount from $7,434,427.00 to $7,595,211.00, approved as to form by the City Attorney.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to issue a warrant check to the Texas Department of Transportation in the amount of $160,784.00 from the Street and Transportation Improvements Fund, Fund 4U22, Department PBW, Unit S623, Activity HIBT, Object 4599, Program PB12S623, Contract/Encumbrance No. CX-PKR-2018-00007058-2, Vendor 020318.

**SECTION 3.** That the City Manager is hereby authorized to make, when requested by TxDOT, payments in excess of Federal and State funding portion for review, inspection and oversight as described in the Advance Funding Agreement.

**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 Information Sheet

**File #:** 19-892 **Item #:** 4.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** June 26, 2019

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Aviation

**EXECUTIVE:** Kimberly Bizor Tolbert

## SUBJECT

Authorize a Passenger Facility Charge Application No. 5 to the Federal Aviation Administration to provide funding for twelve new capital improvement projects at Dallas Love Field - Estimated Revenue: $142,522,322.00

## BACKGROUND

The Passenger Facility Charge (PFC) Program is a federally authorized, local charge to provide capital funding for eligible airport projects. Eligible projects include those that preserve or enhance safety, security, or capacity; reduce noise or mitigate noise impacts per standards; or enhance competition. The PFC is collected by the air-carriers from boarding passengers through each ticket sale and remitted to the airport. Current legislation allows a PFC ranging from $1.00 up to $4.50 per eligible enplaned passenger. The City Council previously authorized the City Manager to apply for authorization to collect a PFC at the rate of $4.50 per enplaned passenger.

On May 13, 2009, City Council authorized the City Manager to apply for authorization to collect a PFC at the rate of $4.50 per enplaned passenger by Resolution No. 09-1224.

The City Council is asked to approve a new PFC Application No. 5 whereby the City will ask the Federal Aviation Administration (FAA) to authorize the City's collection of $142,522,322.00 for twelve new capital improvement projects at Dallas Love Field. If Application No. 5 is approved by the FAA, the $4.50 collection rate will continue until ~~June~~ ~~2027~~ the full amount of $142,522,322.00 has been collected.

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

On August 24, 2011, City Council authorized PFC Application No. 4 and an amendment to the PFC Application No. 3, by Resolution No. 11-2160.

Information about this item will be provided by memorandum to the Mobility Solutions, Infrastructure & Sustainability Committee on June 21, 2019.

## FISCAL INFORMATION

Estimated Revenue: $142,522,322.00

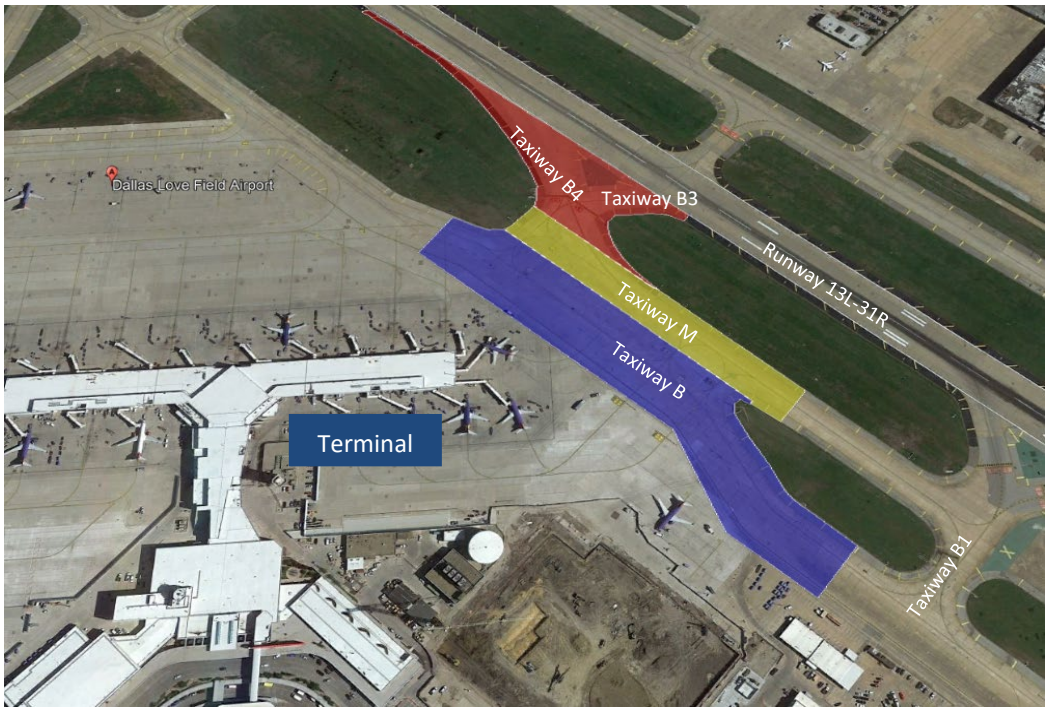
## MAPS

Attached

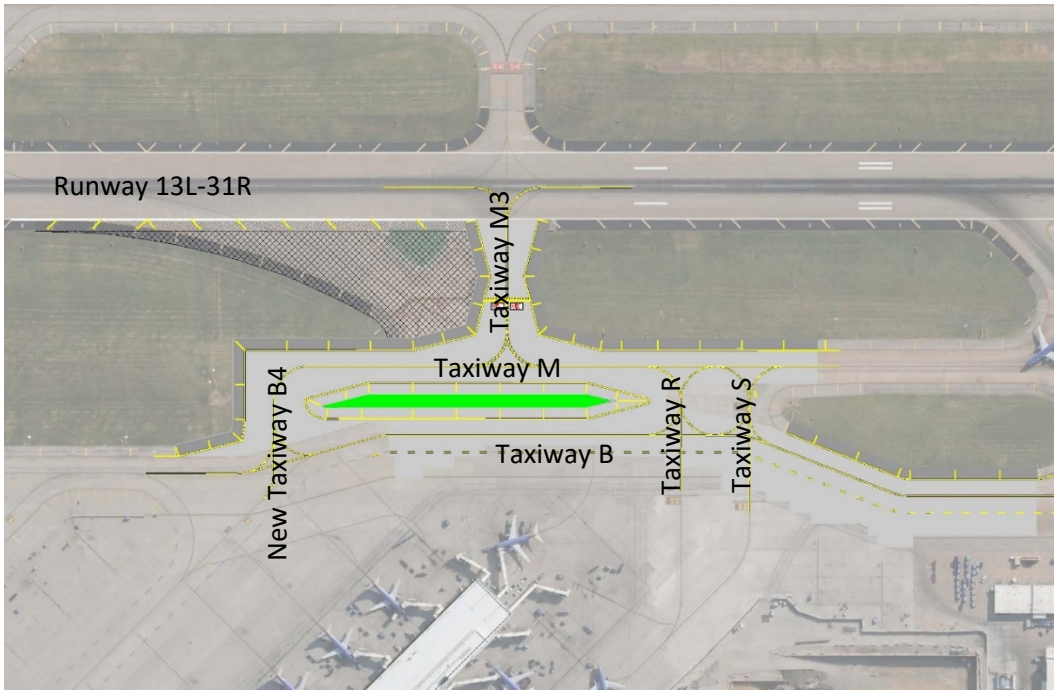


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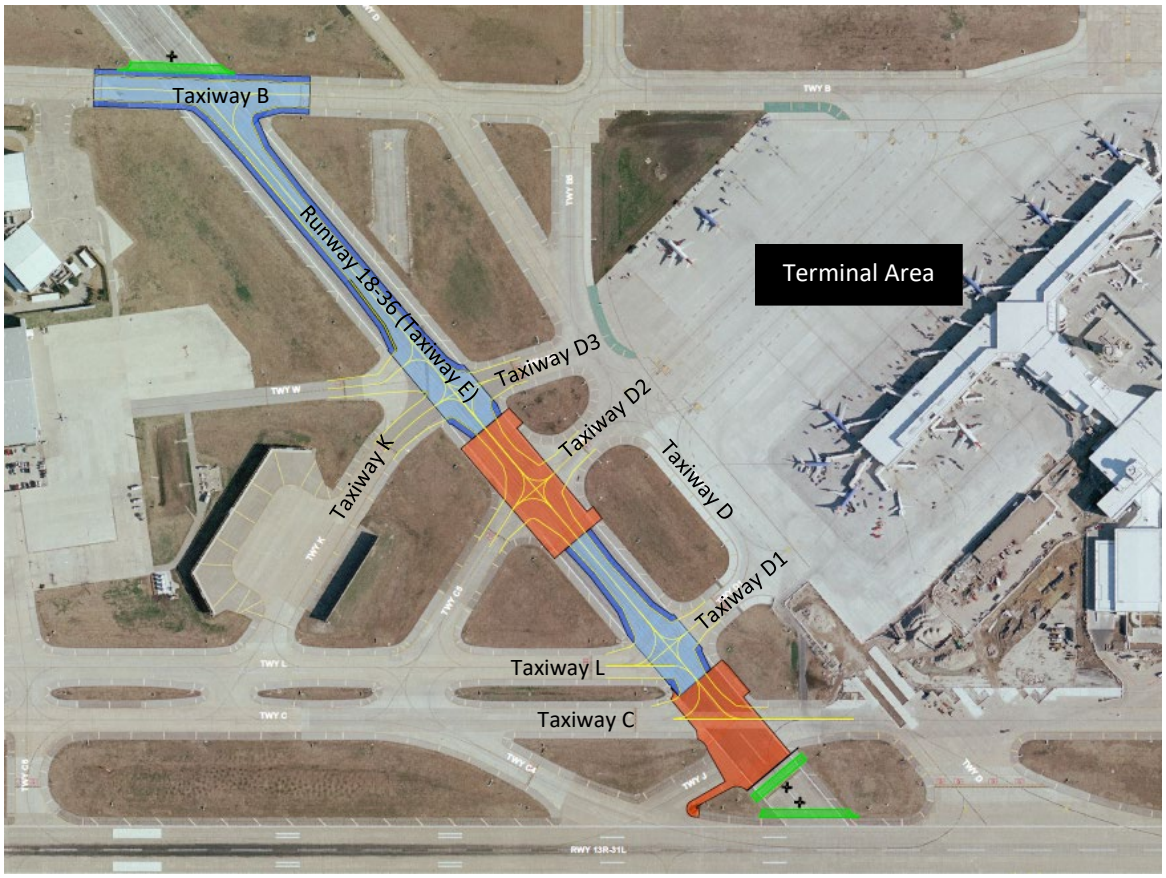
Project 5.01 Reconstruction Taxiway B - Phase 1 (before construction)



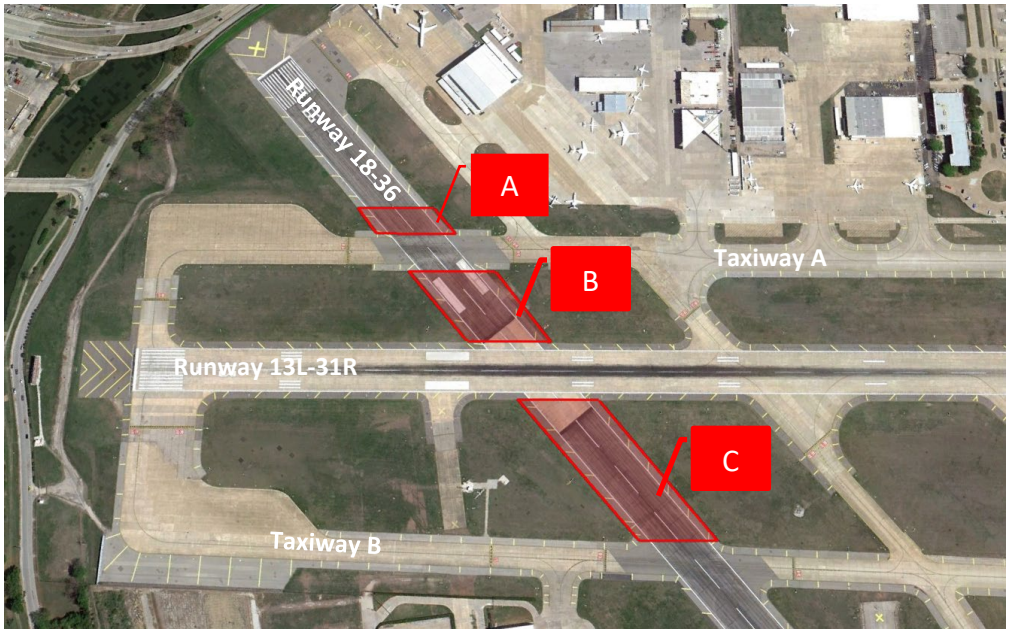

Project 5.01 Reconstruction Taxiway B - Phase 1 (after construction)



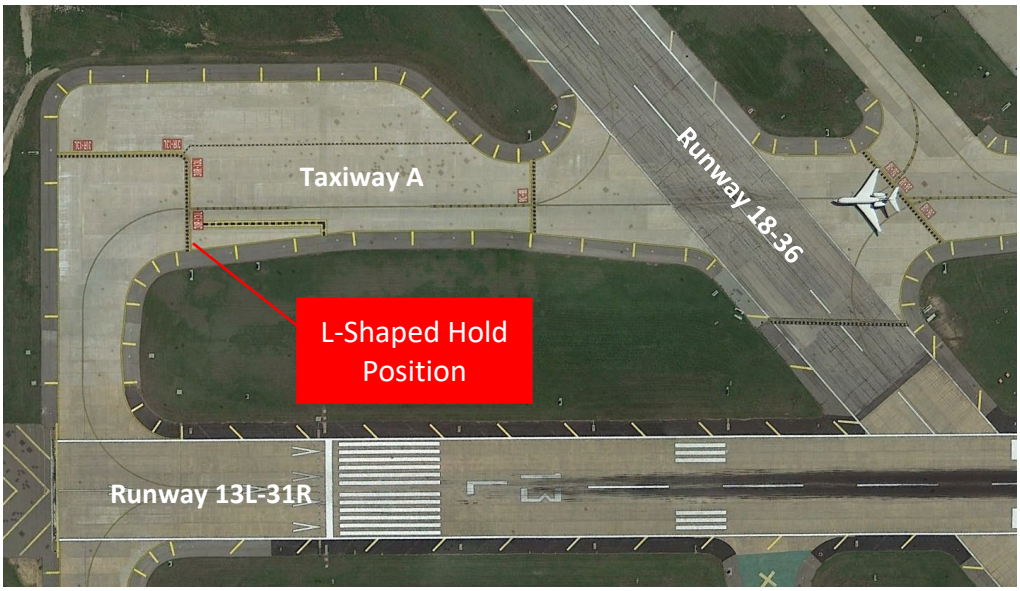
Project 5.02 Runway 18-36 Conversion (Blue areas only)



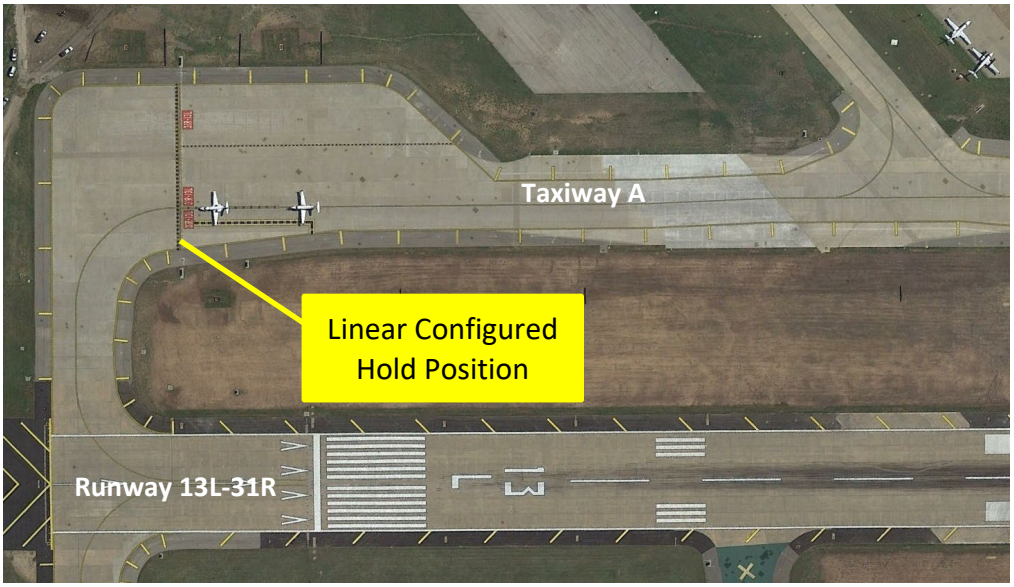
Project 5.03 Runway Incursion Mitigation (before construction)



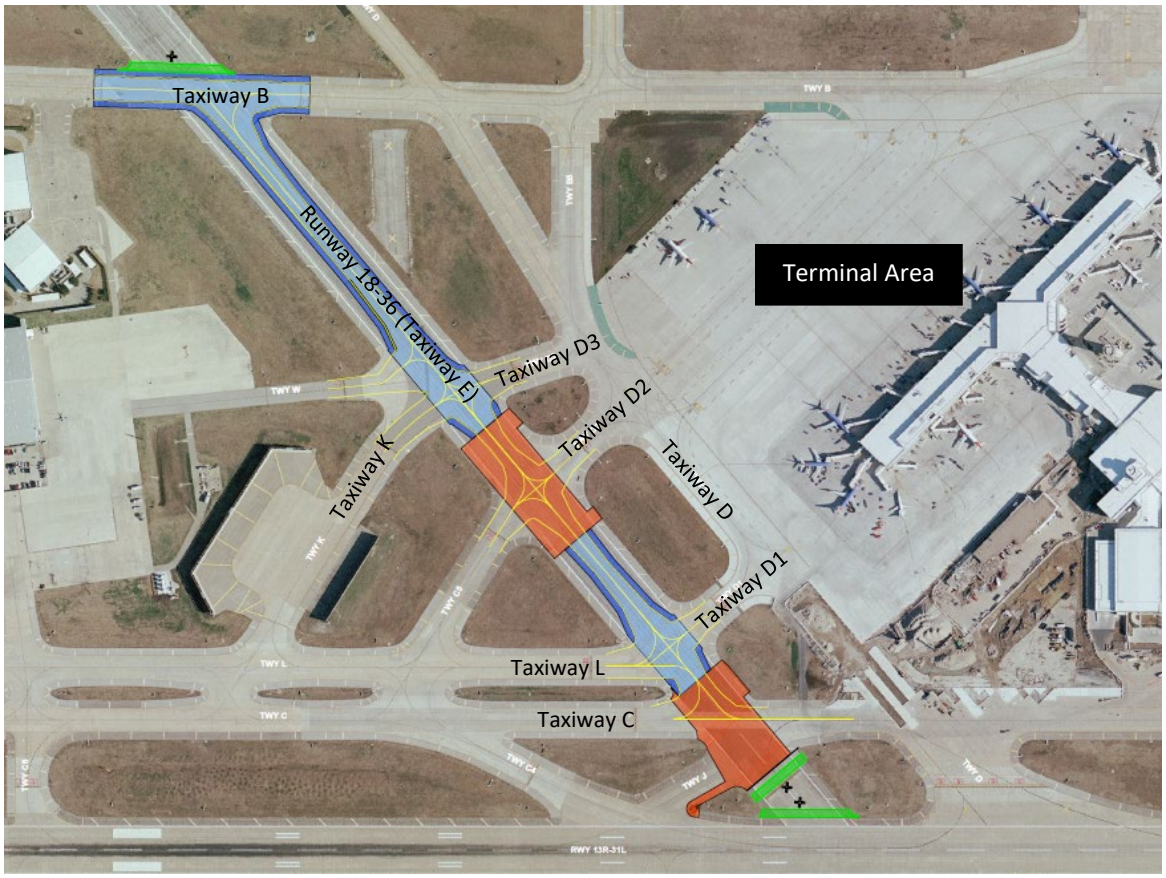

Project 5.03 Runway Incursion Mitigation (before construction)



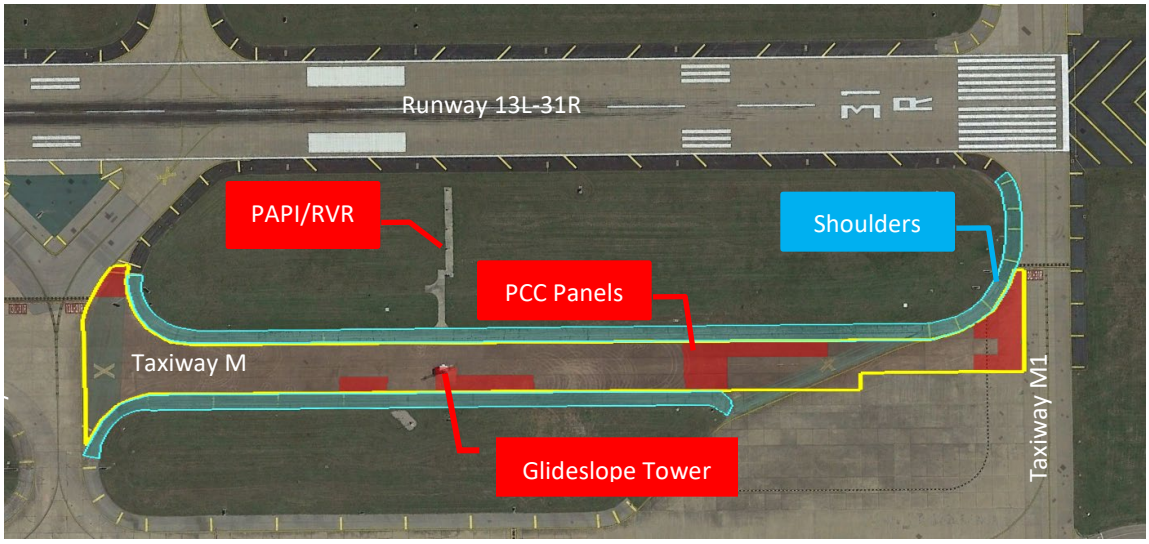
Project 5.03 Runway Incursion Mitigation  (after construction)



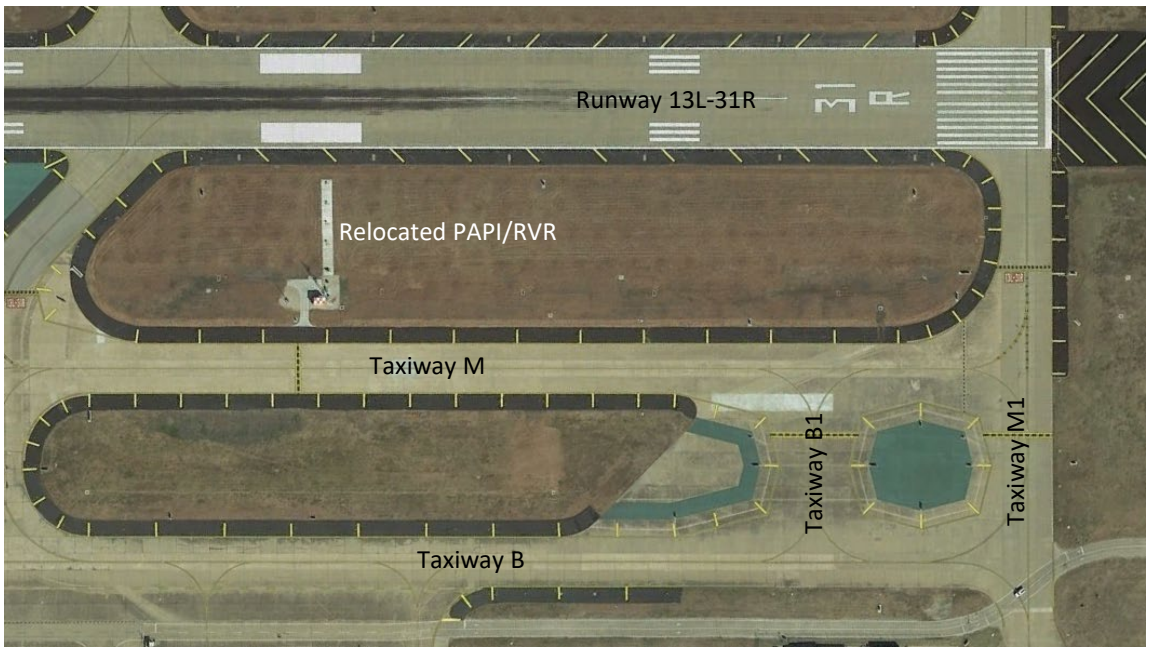
Project 5.04 Runway 18-36 (Taxiway E) Intersection Repairs (Orange areas only)



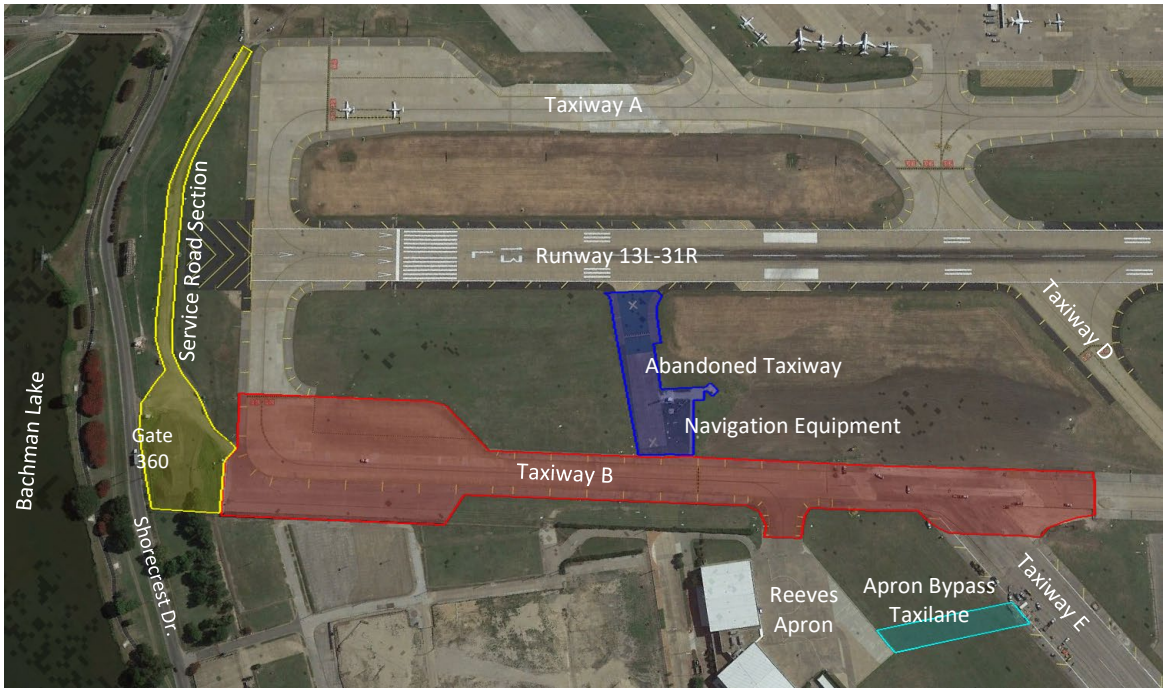
Project 5.05 Runway 31R Glideslope (before construction)



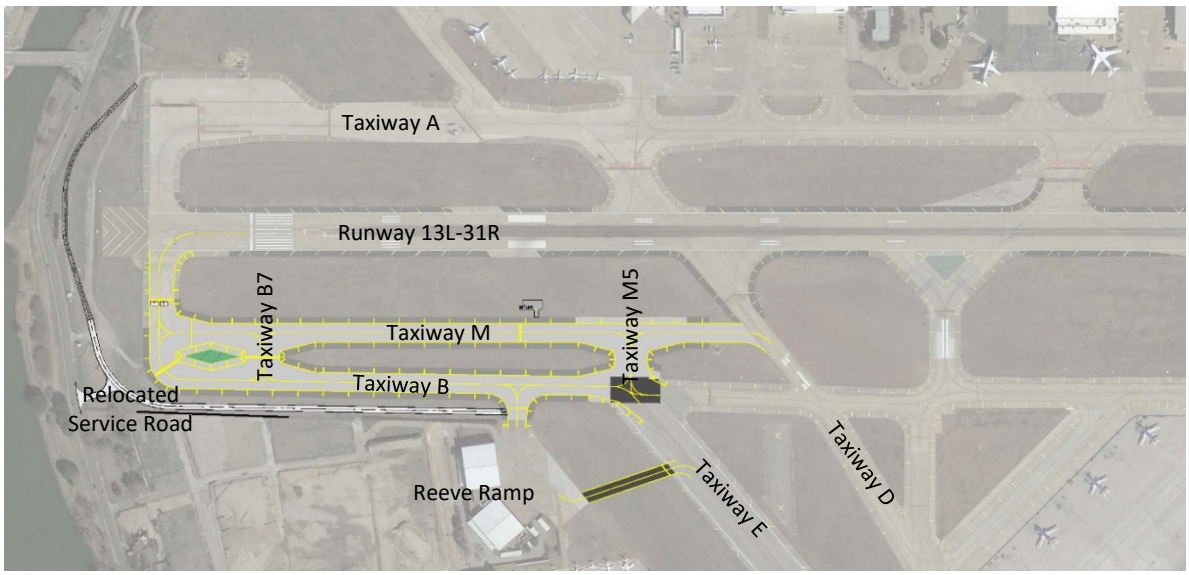

Project 5.05 Runway 31R Glideslope (after construction)



Project 5.06 Reconstruct Taxiway B - Phase II (before construction)



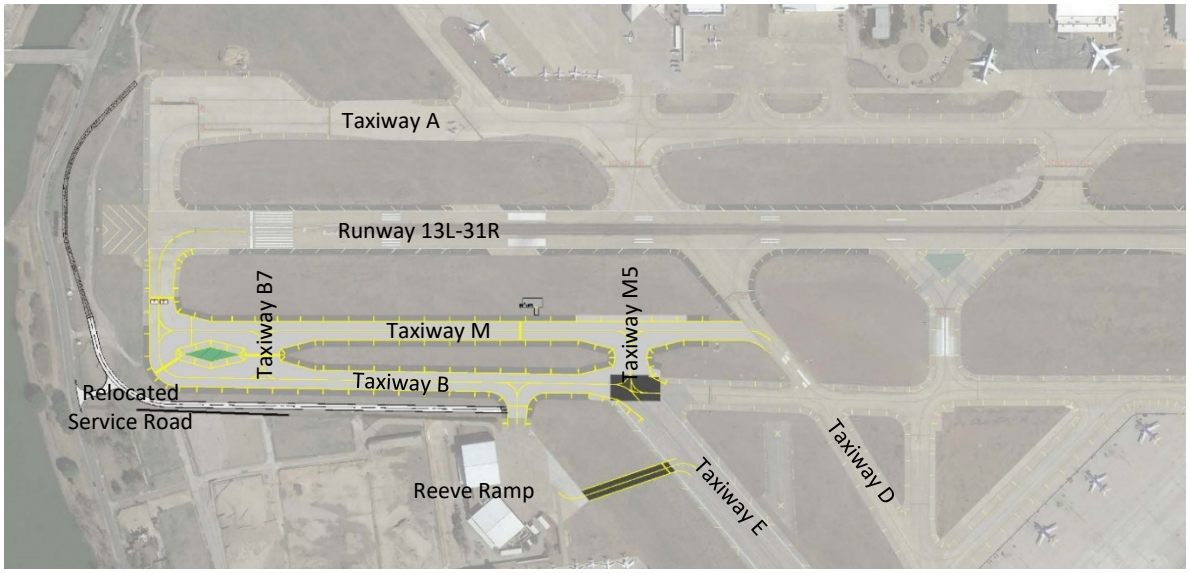

Project 5.06 Reconstruct Taxiway B - Phase II (after construction)



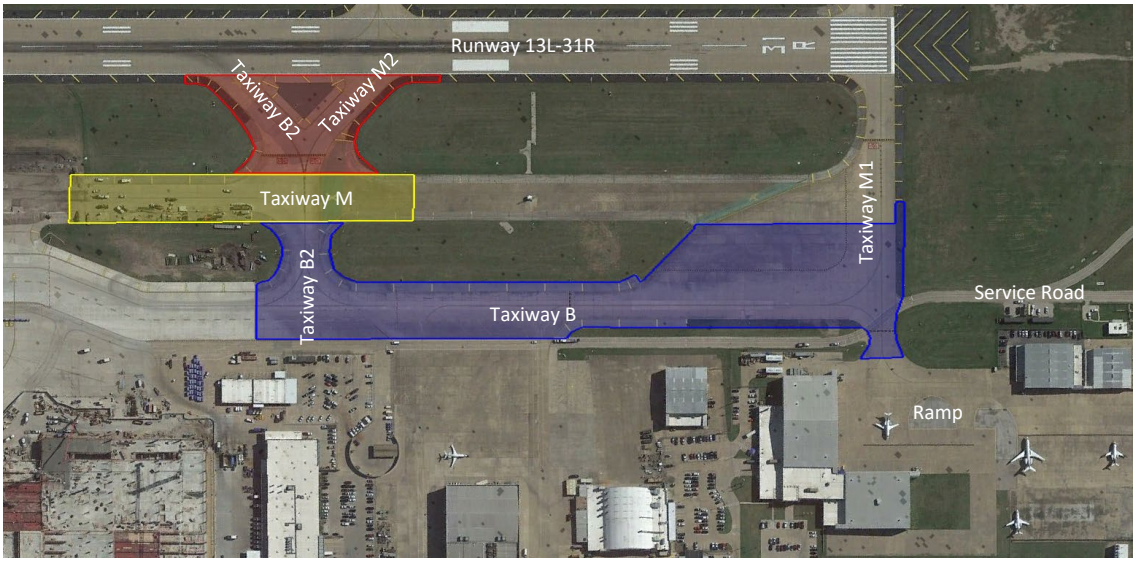
Project 5.07 Reconstruct Taxiway B - Phase II  TWY M Extension (before construction)



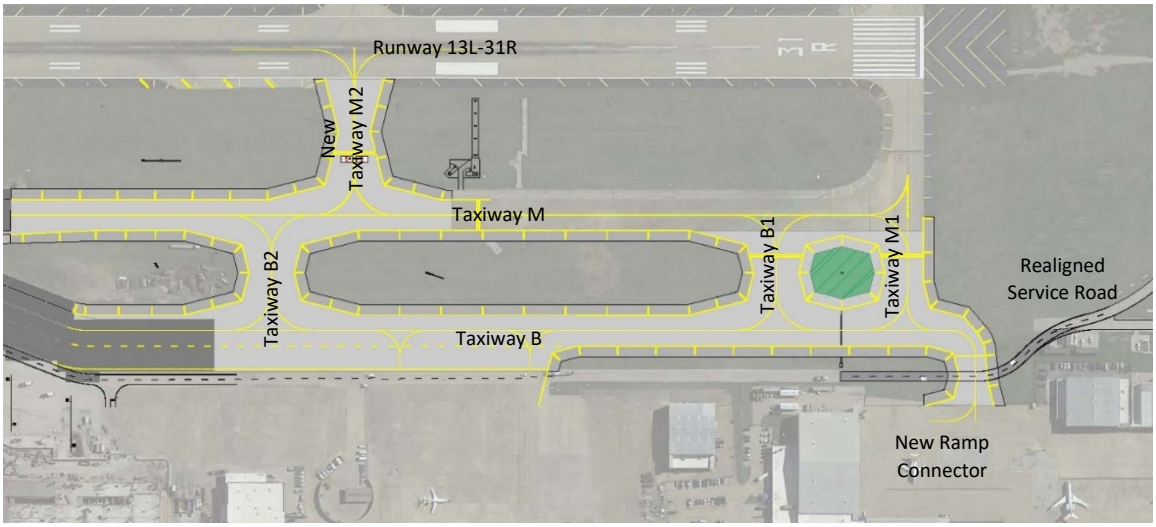

Project 5.07 Reconstruct Taxiway B - Phase II  TWY M Extension (after construction)



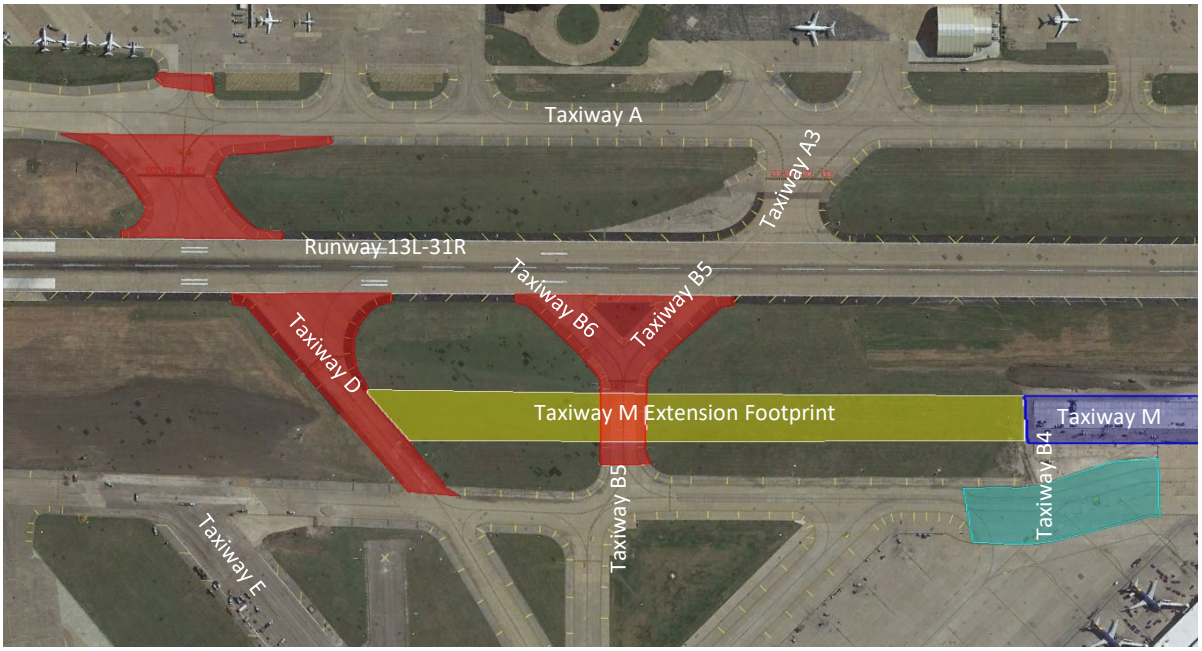
Project 5.08 Reconstruct Taxiway B - Phase III (before construction)



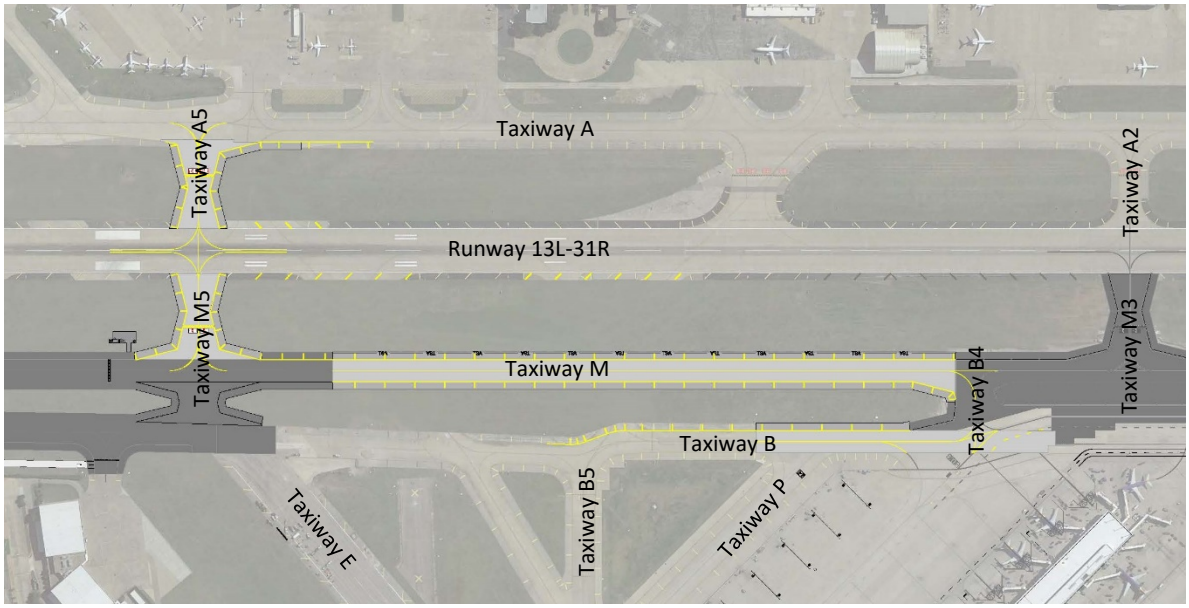

Project 5.08 Reconstruct Taxiway B - Phase III (after construction)



Project 5.09 Reconstruct Taxiway B - Phase IV (before construction)



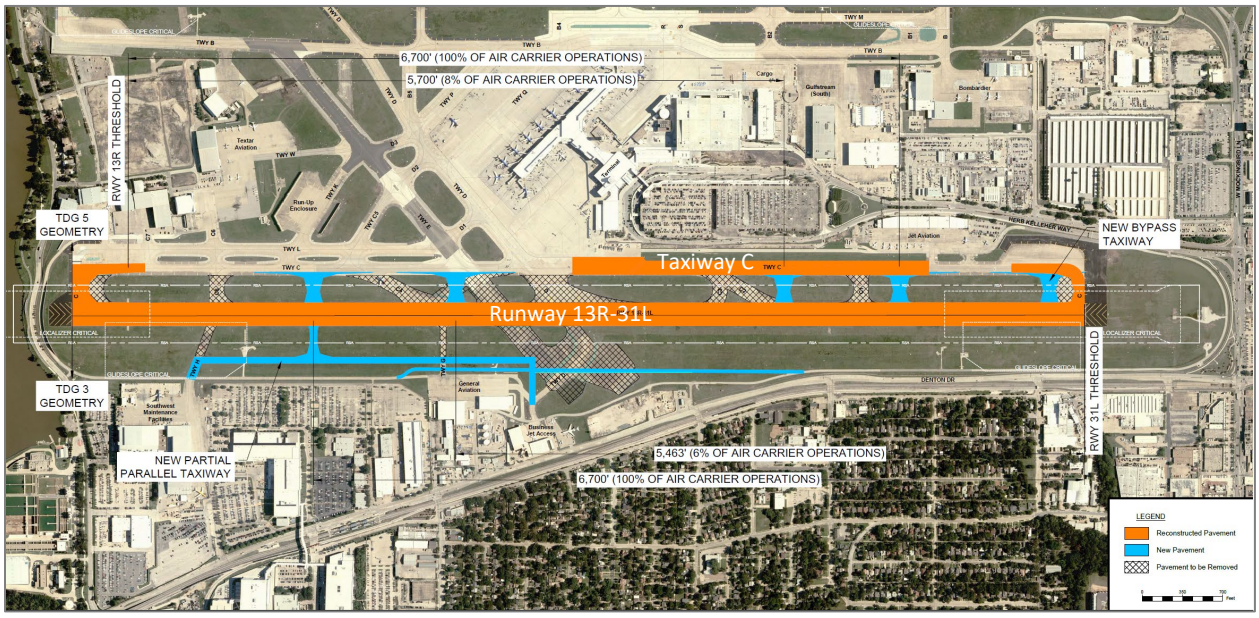

Project 5.09 Reconstruct Taxiway B - Phase IV (after construction)



## Project 5.10 Reconstruct of Runway 13R-31L (before construction)




## Project 5.10 Reconstruct of Runway 13R-31L (after construction)



Project 5.11 Airport Pavement Evaluation Study (entire airfield)



June 26, 2019

**WHEREAS,** the Passenger Facility Charge (PFC) Program is a federally authorized, local charge to provide capital funding for eligible airport projects, including those projects that preserve or enhance safety, security, or capacity; reduce noise or mitigate noise impacts per standards; or enhance competition; and

**WHEREAS,** PFCs are collected by the air-carriers from boarding passengers through each ticket sale and remitted to the airport; and

**WHEREAS,** current legislation allows a PFC ranging from $1.00 up to $4.50 per eligible enplaned passenger; and

**WHEREAS,** on October 10, 2007, City Council authorized the City Manager to apply to the Federal Aviation Administration (FAA) for authorization to collect a PFC at the rate of $3.00 per enplaned passenger by Resolution No. 07-3012; and

**WHEREAS,** on May 13, 2009, City Council authorized the City Manager apply to the FAA for authorization to amend the PFC rate up to $4.50 per enplaned passenger by Resolution No. 09-1224; and

**WHEREAS,** on August 24, 2011, City Council authorized the City Manager apply to the FAA for PFC Application No. 4 and to apply for an amendment to PFC Application No. 3, by Resolution No. 11-2160; and

**WHEREAS,** it is now desirable to make a new application to the FAA for authorization of PFC funding for twelve new capital projects at Dallas Love Field; and

**WHEREAS,** the twelve proposed projects under PFC Application No. 5 are listed on the attached **Exhibit A**.

**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 a Passenger Facility Charge Application No. 5 to the Federal Aviation Administration to provide funding for twelve new capital improvement projects at Dallas Love Field, in the estimated revenue amount of $142,522,322.00.

**SECTION 2.** That if Application No. 5 is approved by the FAA, the $4.50 collection rate will continue until ~~June 2027~~ the full amount of $142,522,322.00 has been collected.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to deposit all PFC revenues received into the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Revenue Code 781H.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to transfer funds from Fund 0477, Dept. AVI, Balance Sheet Account 0001 (cash account), to Aviation's future Capital Improvement Program project funds; Department AVI, Balance Sheet Account 0001, on an as needed basis.

**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.

# EXHIBIT A

**DAL Funding Sources for Projects**

| | | PFC Revenue Requested | | | AIP Funding | | | | | Project Duration | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pro No. | Project Title | PFC Level | Pay-Go | Total PFC | AIP Funds | Grant No. | AIP Funds | Year Anticipated | Total Project Cost | Start Date | End Date |
| 5.01 | Reconstruct Taxiway Bravo (B) - Phase I | $4.50 | $ 13,898,204 | $ 13,898,204 | $ - | | $ - | | $ 13,898,204 | 03/01/15 | 05/01/18 |
| 5.02 | Runway 18-36 Conversion Project | $4.50 | $ 6,850,148 | $ 6,850,148 | $ 928,480.00 | 3-48-0062-53-2016 | $ - | | $ 7,778,628 | 03/01/15 | 09/01/17 |
| 5.03 | Runway Incursion Mitigation Project1/ | $4.50 | $ 3,089,666 | $ 3,089,666 | $ 198,574.00 | 3-48-0062-51-2016 | $ - | | $ 3,288,240 | 01/27/16 | 06/30/18 |
| 5.04 | Runway 18-36 (Taxiway E) Intersection Repairs | $4.50 | $ 4,318,616 | $ 4,318,616 | $ - | | $ - | | $ 4,318,616 | 05/15/15 | 06/30/18 |
| 5.05 | Relocate Runway 31R Glideslope | $4.50 | $ 6,473,017 | $ 6,473,017 | $ - | | $ - | | $ 6,473,017 | 08/01/16 | 10/01/18 |
| 5.06 | Reconstruct Taxiway B - Phase II (Rwy 13L to Rwy 18-36) | $4.50 | $ 5,745,592 | $ 5,745,592 | $ 789,512.00 | 3-48-0062-51-2016 | $ - | | $ 11,560,104 | 11/28/16 | 05/17/19 |
| | | | | | $ 5,025,000.00 | 3-48-0062-54-2018 | $ - | | | | |
| 5.07 | Reconstruct Taxiway B - Phase II (Twy M Extension) | $4.50 | $ 7,003,222 | $ 7,003,222 | $ 689,258.00 | 3-48-0062-53-2016 | $ - | | $ 7,692,480 | 11/28/16 | 05/17/19 |
| **5.08** | **Reconstruct Taxiway B - Phase III (Twy B1 to Rwy 31R)[1/]** | $4.50 | $ 18,784,686 | $ 18,784,686 | $ - | | $ 750,000 | 2019 | $ 19,534,686 | 01/31/18 | 05/08/20 |
| **5.09** | **Rehabilitate Taxiway B - Phase IV (Twy M Extension)[2/]** | $4.50 | $ 13,116,555 | $ 13,116,555 | $ - | | $ 750,000 | 2019 | $ 13,866,555 | 01/31/18 | 05/08/20 |
| **5.10** | **Reconstruction of Runway 13R-31L[3/]** | $4.50 | $ 62,192,616 | $ 62,192,616 | $ 3,966,149.00 | 3-48-0062-55-2018 | $ 17,500,000 | 2020 | $ 83,658,765 | 05/01/20 | 01/01/22 |
| 5.11 | Airport Pavement Evaluation Study | $3.00 | $ 1,000,000 | $ 1,000,000 | $ 1,000,000.00 | 3-48-0062-56-2018 | $ - | | $ 2,000,000 | 11/01/18 | 12/01/20 |
| 5.12 | PFC Administrative Costs | $3.00 | $ 50,000 | $ 50,000 | $ - | | $ - | | $ 50,000 | 03/01/15 | 01/01/22 |
| | | | $ 142,522,322 | $ 142,522,322 | $ 12,596,973 | | $ 19,000,000 | | $ 174,119,295 | | |