KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 27, 2009

COUNCIL DISTRICT(S): 6

DEPARTMENT: Trinity River Corridor Project

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

MAPSCO: 44 R

SUBJECT

Authorize the rejection of bids received for the construction of intersection improvements for North Beckley Avenue at West Commerce Street - Financing: No cost consideration to the City

BACKGROUND

On December 14, 2005, Council Resolution No. 05-3470 authorized a professional services contract with Bridgefarmer & Associates, Inc. for detailed engineering plans and specifications for transportation improvements at the intersection of Commerce Street and Beckley Avenue.

On December 18, 2008, bids were received for the N. Beckley Avenue at W. Commerce Street Intersection Improvements. The development community wishes to pursue a different transportation plan due to changing demographics and market conditions.

Five bids were received for the N. Beckley Avenue at W. Commerce Street Intersection Improvements, including McMahon Contracting, L.P., who was the apparent low bidder. After hosting public meetings on February 18, 2009 and April 7, 2009, staff determined that the development community, in coordination with local chambers of commerce, wished to pursue an alternate transportation plan.

This action will authorize the rejection of bids for the N. Beckley Avenue at W. Commerce Street Intersection Improvements.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract on December 14, 2005, by Resolution No. 05-3470.

Authorized Supplemental Agreement No. 1 on December 7, 2006, by Administrative
Action No. 06-3514.

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

Authorized Supplemental Agreement No. 2 on May 14, 2008, by Resolution No. 08-1424.

Authorized Supplemental Agreement No. 3 on March 26, 2009, by Administrative Action No. 09-0917.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.
WHEREAS, on December 14, 2005, Resolution No. 05-3470 authorized a professional services contract with Bridgefarmer & Associates, Inc. for detailed engineering plans and specifications for transportation improvements at the intersection of Commerce Street and Beckley Avenue; and,

WHEREAS, on December 18, 2008, bids were received for the North Beckley Avenue at West Commerce Street Intersection Improvements; and,

WHEREAS, the development community wishes to pursue a different transportation plan due to changing demographics and market conditions.

Now Therefore,

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

Section 1. That the City Manager is hereby authorized to reject the bids received for the construction of intersection improvements for North Beckley Avenue at West Commerce Street.

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.

Distribution: Public Works and Transportation, Dell Cole, OCMC Room 307
Trinity River Corridor Project Office, Natalie Wilson, City Hall 6B
Memorandum

DATE May 15, 2009

TO Trinity River Corridor Project Committee Members:
   David A. Neumann (Chair)
   Mayor Pro Tem Dr. Elba Garcia (Vice-Chair)  Pauline Medrano
   Deputy Mayor Pro Tem Dwaine Caraway Mitchell Rasansky
   Carolyn R. Davis Steve Salazar
   Linda Koop

SUBJECT May 27, 2009 Council Agenda – Trinity Parkway Property Acquisition

On May 27, 2009 Dallas City Council Agenda, the Trinity River Corridor Project Office will be requesting action to authorize the following Trinity Parkway acquisition:

- Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of two properties containing a total of approximately 14,000 square feet of land located near the intersection of Colonial Avenue and Starks Avenue for the Trinity Parkway - Not to exceed $94,500 ($90,000, plus closing costs not to exceed $4,500)

Both properties are improved with single-family dwellings, one is unoccupied, the other is tenant occupied. The potential for the payment of relocation benefits exists for the tenant occupied dwelling in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).

Please let me know if you have any additional questions.

Jill A. Jordan, P.E.
Assistant City Manager

THE TRINITY
DALLAS

C: The Honorable Mayor and Members of the Dallas City Council
   Mary K. Suhm, City Manager
   Ryan S. Evans, First Assistant City Manager
   Ramon F. Miguez, P.E., Assistant City Manager
   A. C. Gonzalez, Assistant City Manager
   Forest E. Turner, Interim Assistant City Manager
   Dave K. Cook, Chief Financial Officer

Deborah A. Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
Helena Stevens-Thompson, Assistant to the City Manager
Frank Librio, Director, Public Information Office

"Dallas, the City that works: diverse, vibrant, and progressive"
SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of two properties containing a total of approximately 14,000 square feet of land located near the intersection of Colonial Avenue and Starks Avenue for the Trinity Parkway - Not to exceed $94,500 ($90,000, plus closing costs not to exceed $4,500) - Financing: 1998 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 14,000 square feet of land located near the intersection of Colonial Avenue and Starks Avenue. The properties are improved with single family dwellings. This property will be used for the Trinity Parkway. The consideration is based upon an independent appraisal.

The potential exists for relocation benefits in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

1998 Bond Funds - $94,500 ($90,000, plus closing costs not to exceed $4,500)

OWNERS

Lonnie R. Standfield

Elizabeth Hailey
MAPS

Attached
<table>
<thead>
<tr>
<th>Tract</th>
<th>Owner</th>
<th>Acres</th>
<th>Improvements</th>
<th>Consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Lonnie R. Standfield</td>
<td>.1607</td>
<td>Single family dwelling</td>
<td>$45,000.00</td>
</tr>
<tr>
<td>2.</td>
<td>Elizabeth Hailey</td>
<td>.1607</td>
<td>Single family dwelling</td>
<td>$45,000.00</td>
</tr>
</tbody>
</table>
A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR A MUNICIPAL PURPOSE AND PUBLIC USE.

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

"CITY": The City of Dallas.

"PROPERTY": The tracts or parcels of land described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Trinity Parkway

"PROPERTY INTEREST": Fee Simple Interest

"OFFER AMOUNT" and "OWNER" are described below:

<table>
<thead>
<tr>
<th>TRACT NO.</th>
<th>OWNER</th>
<th>OFFER AMOUNT</th>
<th>CLOSING COSTS NOT TO EXCEED</th>
<th>ENCUMBRANCE NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Lonnie R. Standfield</td>
<td>$45,000</td>
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<td>PBW98N965G3</td>
</tr>
<tr>
<td>2.</td>
<td>Elizabeth Hailey</td>
<td>$45,000</td>
<td>$2,500</td>
<td>PBW98N965G4</td>
</tr>
</tbody>
</table>

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.

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

SECTION 1. That the PROJECT is a municipal and public purpose and a public use.

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

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Development Services Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.
SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, in the OFFER AMOUNT payable out of Trinity River Corridor Project Fund, Fund No. 6P14, Department PBW, Unit N965, Activity TRPP, Object 4210, Program PB98N965, Vendor No. 342843. The OFFER AMOUNT - $90,000.00 and the CLOSING COSTS - $4,500.00 together shall not exceed the AUTHORIZED AMOUNT - $94,500.00.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary suit(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s).

SECTION 8. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

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

BY ____________________________
   Assistant City Attorney

COUNCIL CHAMBER

May 27, 2009
SUBJECT

Consideration of authorization of a public hearing to amend the forwardDallas! Comprehensive Plan and the Trinity River Corridor Comprehensive Land Use Plan to incorporate amendments to the Oak Cliff Gateway Land Use Opportunity Plan - Financing: No cost consideration to the City

BACKGROUND

As part of the implementation process for the Trinity River Corridor Comprehensive Land Use Plan, the City Plan Commission created an ad hoc committee to work with the community to develop zoning recommendations. In this case, the Oak Cliff Gateway Land Use Opportunity Plan adopted in 2005 called for continued residential development along the Lancaster and Ewing corridors, with the focus of mixed use development located along the river’s edge. In 2007, City Council initiated a zoning case directing staff to evaluate existing zoning regulations with the adopted vision for the area to determine what zoning changes were necessary to facilitate the type of development desired. Given that much of the existing zoning in the Oak Cliff Gateway complied with the adopted plan, staff’s initial recommendation regarding the zoning change was to only change a small portion of the area evaluated. The ad hoc committee hosted a series of meetings in September, October, and November of 2008 to discuss this proposed zoning change.

Input from that series of meetings revealed a strong community sentiment to revise the adopted Oak Cliff Gateway Land Use Opportunity Plan, looking at the entire area to place a greater focus on mixed-use development and encourage a more walkable district. The adopted plan did not reflect the vision of the community or the best potential for this area’s redevelopment. As a result, staff began the process to revise the plan for the area.
BACKGROUND (Continued)

The City also established a new Neighborhood Investment Program (NIP) target area for the Marsalis corridor in 2008, which overlaps a portion of the Oak Cliff Gateway. Since the NIP is an effective tool to address a number of the planning issues that the community raised during the community meetings in the fall of 2008, staff from the Trinity River Corridor Project worked with the Housing Department to incorporate the new NIP area into the Oak Cliff Gateway planning process. The result was an expanded study area which included the zoning authorized hearing boundary and the Marsalis NIP area.

In January and February of 2009, community meetings focused on seeking input to clearly define the vision for the neighborhood with the goal of outlining necessary amendments to the Oak Cliff Gateway Land Use Opportunity Plan. Since the community vision was so divergent from the existing adopted plan and zoning must be done in accordance with an adopted comprehensive plan, these amendments are necessary in order to move forward with a future recommendation for zoning changes that reflect the long-term vision for the area.

At the conclusion of the series of planning meetings, groups of stakeholders requested that additional areas be included in the plan (Attachment A). After hearing testimony at their last meeting, the CPC Committee recommended including two of the three areas highlighted on Attachment A in the planning study. Stakeholders advocating for the areas' inclusion, felt the existing study area boundaries arbitrarily divided the neighborhood and left a gap between the area and other ongoing planning studies. Testimony given at the CPC Committee meeting voiced concerns over adding property into the study area at the end of the process, without detailed input into the plan recommendations for that area.

The Trinity River Committee was briefed regarding this item at their April 21st meeting, and recommended including all of the areas in the study (Attachment B) and directed staff to initiate a process to notify property owners and get community input on the long range vision for the additional area.

In order for the planning process to move forward, Council action is required to officially initiate necessary amendments to the adopted plan, and define the boundaries of the planning study. This plan amendment follows the same process outlined in the Code for city-initiated zoning cases. This initial public hearing is only to authorize the plan amendment. A future public hearing will be scheduled following an additional public input process, City Plan Commission action on the revised land use opportunity plan, and future Trinity River Committee briefing regarding the plan amendments.
PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The City Plan Commission’s Trinity River Corridor Ad Hoc Committee and the Urban Design Advisory Committee hosted community meetings to discuss proposed zoning changes in the Oak Cliff Gateway on September 23, October 1, October 15, and October 30, 2008.

The City Plan Commission’s Trinity River Corridor Ad Hoc Committee and the Urban Design Advisory Committee were briefed on the input from the zoning meetings and the process to amend the land use plan on November 18, 2008.

The City Plan Commission’s Trinity River Corridor Ad Hoc Committee and the Urban Design Advisory Committee hosted community meetings to discuss amendments to the Trinity River Corridor Comprehensive Land Use Plan relating to the Oak Cliff Gateway Land Use Opportunity Plan on January 13 and February 3, 2009.

The City Plan Commission’s Trinity River Corridor Ad Hoc Committee and the Urban Design Advisory Committee were briefed on recommended plan amendments on February 24 and March 10, 2009.

The Landmark Commission was briefed on the Oak Cliff Gateway plan amendment process and its relationship to the Lake Cliff Historic District and Betterton House Historic District on April 6, 2009.

The Trinity River Corridor Project Committee recommended placing the hearing authorization on the May 27, 2009 Council agenda at their meeting on April 21, 2009, and including all of the areas requested by stakeholders in the planning process.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.
Attachment A: City Plan Commission Committee Recommendations for the Oak Cliff Gateway Plan Amendment Area

Recommended for inclusion by the CPC Committee

Not recommended for inclusion by the CPC Committee

Boundary of area included in the January and February Community Meetings
Attachment B: Trinity River Committee Recommendation for the Oak Cliff Gateway Plan Amendment Area

Recommended Study Area Boundary
WHEREAS, the Policy Plan component of the Comprehensive Plan of the City of Dallas embraces and endorses the Trinity River Corridor Comprehensive Land Use Plan and includes policies and implementation measures that call for its implementation; and

WHEREAS, the Trinity River Corridor Comprehensive Land Use Plan contains 23 Land Use Opportunity Plans; and

WHEREAS, the Oak Cliff Gateway is identified as one of the 23 Land Use Opportunity Areas; and

WHEREAS, Section 51A-1.108 of the Dallas Development Code provides for the Comprehensive Plan of the City of Dallas to be amended by following the procedure for city council authorized hearings set out in Section 51A-4.701 of the Dallas Development Code; Now Therefore,

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

SECTION 1. That, pursuant to Section 51A-4.701 of the Dallas Development Code, a public hearing is authorized to amend the Oak Cliff Gateway Land Use Opportunity Plan in the Trinity River Corridor Comprehensive Land Use Plan.

SECTION 2. That the city manager and the city plan commission are directed to perform appropriate analyses, conduct any necessary hearings, and develop a recommendation on the Oak Cliff Gateway Land Use Opportunity Plan so that it may be incorporated into the Comprehensive Plan of the City of Dallas.

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.
A public hearing to receive comments regarding a City Council authorized hearing to determine proper zoning on property zoned an MU-2 Mixed Use District, CS Commercial Service District, IM Industrial Manufacturing District, with Specific Use Permit No. 1484 for Commercial Amusement (Inside) for Class A Dance Hall with consideration given to appropriate zoning for that area including use, development standards, parking, landscaping, sign, and other appropriate regulations in an area generally bounded by Interstate 35 and Interstate 30 to the northwest, the Union Pacific Railroad right-of-way to the northeast, the DART Railroad right-of-way to southeast, and the Trinity Levee to the southwest and an ordinance granting a new subarea within Planned Development District No. 784, the Trinity River Corridor Special Purpose District

Recommendation of Staff and CPC: Approval of a new subarea and form districts within Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to conditions and a regulating plan for property located southeast of Interstate 35 and Interstate 30, with retention of Specific Use Permit No. 1484 and no change of zoning to property generally bounded by Cadiz Street, the existing sumps, Industrial Boulevard, and the Union Pacific Railroad

Z067-147(SA)

Note: This item was considered by the City Council at public hearings on December 10, 2008, and February 25, 2009, and was held under advisement until May 27, 2009, with the public hearing open.