MAY 14, 2008 CITY COUNCIL AGENDA
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated May 14, 2008. 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.

Mary K. Suhm
City Manager

Edward Scott
City Controller

5-2-08
Date
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 AT&T CityCable Channel 6B. Briefing meetings are held on 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 before 9:00 a.m. on the meeting date. Citizens can find out the name of their representative and their voting district by calling the City Secretary’s Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TTDD. 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 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 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.

Informacion 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 AT&T CityCable Canal 6B. 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 9 de la mañana del día de la asamblea. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

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

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

Reglas de Cortesía

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

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben 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.
AGENDA
CITY COUNCIL MEETING
WEDNESDAY, MAY 14, 2008
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 - 69

ITEMS FOR INDIVIDUAL CONSIDERATION
No earlier than 9:30 a.m. Items 70 - 73

PUBLIC HEARINGS AND RELATED ACTIONS
1:00 p.m. Items 74 - 90

NOTE: A revised order of business may be posted prior to the date of the council meeting if necessary.
AGENDA
CITY COUNCIL MEETING
MAY 14, 2008
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the April 23, 2008 City Council Meeting

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize a service contract for the removal and proper disposal of an underground storage tank at Southside Wastewater Treatment Plant - His and Hers, lowest responsible bidder of five - Not to exceed $80,000 - Financing: Water Utilities Capital Construction Funds

3. Authorize (1) a twenty-four-month service contract for scrap tire removal and disposal from McCommas Bluff Landfill (Bid Group B) - Liberty Tire Recycling, LLC. in the amount of $217,500, and (2) a twenty-four-month service contract for scrap tire removal and disposal from various City facilities (Bid Group A) - Tex-American Recycling, Inc. in the amount of $127,075, lowest responsible bidders of two - Total not to exceed $344,575 - Financing: Current Funds (subject to annual appropriations)
CONSENT AGENDA

Business Development & Procurement Services

4. Authorize a thirty-six-month master agreement for Carrier heating, ventilation and air conditioning equipment and parts - Carrier North Texas, Sole Source - Not to exceed $352,389 - Financing: Current Funds

5. Authorize a twenty-four-month master agreement for animal food for Code Compliance - Hill's Pet Nutrition Sales, Inc., lowest responsible bidder of two - Not to exceed $161,390 - Financing: Current Funds

6. Authorize a twenty-four-month master agreement for bulk cement to be used for street repairs - Holcim (US), Inc., lowest responsible bidder of two - Not to exceed $797,340 - Financing: Current Funds

7. Authorize a twenty-four-month service contract, with two twelve-month renewal options, for database access for Real-Time Live Homework Support On-line Service for the Dallas Public Library - Tutor.com, Inc., lowest responsive and responsible bidder of two - Not to exceed $285,000 - Financing: Current Funds ($242,150) (subject to annual appropriations), Lone Star Libraries Grant Funds ($42,850)

8. Authorize a twenty-four-month master agreement for self contained breathing apparatus and accessories for the Dallas Fire-Rescue Department - Wayest Safety, Inc., lowest responsible bidder of four - Not to exceed $3,121,769 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes ($3,099,269), Current Funds ($22,500)

9. Authorize the purchase of forty-five infrared thermal imaging cameras for search and rescue operations conducted by the Dallas Fire-Rescue Department - Metro Fire Apparatus Specialists, Inc., lowest responsible bidder of two - Not to exceed $475,650 - Financing: Current Funds ($25,875), Urban Area Security Initiative Grant Funds ($449,775)

10. Authorize an increase in the service contract for temporary information technology professionals with CIBER, Inc. - Not to exceed $1,705,500, from $6,822,000 to $8,527,500 - Financing: Current Funds (subject to annual appropriations)

City Attorney's Office

11. Authorize settlement of a claim filed by GEICO Insurance Company on behalf of its insured Trudy Wafer, Claim No. 07186616 - Not to exceed $12,810 - Financing: Current Funds

12. Authorize settlement of the lawsuit styled Holly Kenton v. John Hayes, et al., Cause No. 06-17923-E - Not to exceed $10,001 - Financing: Current Funds

13. Authorize settlement of the lawsuit styled Julia May v. City of Dallas, Cause No. 07-10310-D - Not to exceed $10,000 - Financing: Current Funds
CONSENT AGENDA (Continued)

City Attorney’s Office (Continued)

14. Authorize settlement of the lawsuit styled Richard and Peggy Sells v. The City of Dallas, Cause No. 06-02074-H - Not to exceed $125,000 - Financing: Current Funds

15. Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. to increase funding for additional legal services necessary in the lawsuit styled Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-B - Not to exceed $60,000, from $25,000 to $85,000 - Financing: Current Funds

16. Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Patton Boggs, L.L.P. for additional legal services regarding the production of documents in connection with a federal grand jury subpoena and related matters - Not to exceed $50,000, from $75,000 to $125,000 - Financing: Current Funds

17. An ordinance amending Chapter 27 of the Dallas City Code to expand the definition of “urban nuisance” in accordance with state law to include a structure that, regardless of structural condition, is unoccupied and unsecured from unauthorized entry and a structure that is secured but either constitutes a danger to the public or is secured by inadequate means - Financing: No cost consideration to the City

Department of Development Services

18. Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of eight tracts of land for the construction of the Principal Arterial Street System Project (list attached) - Financing: No cost consideration to the City

19. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Darius U. Camaganacan and Juanita A. Boado, of approximately 614 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - $13,710 - Financing: Water Utilities Capital Construction Funds

20. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Charles Shelby, of approximately 102,784 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - $85,800 - Financing: Water Utilities Capital Construction Funds

21. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from the Estate of Kevin Ray Kväpl of approximately 82,989 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - $51,435 - Financing: Water Utilities Capital Construction Funds
CONSENT AGENDA (Continued)

Department of Development Services (Continued)

22. An ordinance providing for the closure and vacation of a portion of an alley, containing approximately 4,503 square feet of land located near the intersection of Garland Road and Tavaros Avenue - Financing: No cost consideration to the City

23. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jill Ann Free Limited Partnership, LP, of approximately six acres of unimproved land located near the intersection of Manana Drive and Newkirk Street for the Elm Fork Flood Protection Project - $1,252,896 - Financing: 1998 Bond Funds

24. An ordinance abandoning a portion of a water easement to the Ursuline Academy of Dallas, the abutting owner, containing approximately 4,271 square feet of land located near the intersection of Inwood Road and Walnut Hill Lane - Revenue: $5,400 plus the $20 ordinance publication fee

25. An ordinance abandoning a portion of an alley to CLB Hawthorne Residences L.P., the abutting owner, containing approximately 490 square feet of land located near the intersection of Hartford and Raleigh Streets, and authorizing the quitclaim - Revenue: $15,300 plus the $20 ordinance publication fee

26. An ordinance abandoning a portion of Pavilion Street to Twin Lakes Plaza, L.P., the abutting owner, containing approximately 3,179 square feet of land located near its intersection with Flora Street, and authorizing the quitclaim and providing for the dedication of a total of approximately 5,894 square feet of land needed for street right-of-way - Revenue: $5,400 plus the $20 ordinance publication fee

27. An ordinance granting a private license to JAHCO Fair Oaks, LP and JAHCO Royal Skillman, LLC for the use of approximately 2,580 square feet of land to install and maintain off-street parking and landscaping in a portion of Skillman Street right-of-way located near its intersection with Royal Lane - Revenue: $3,158 annually plus the $20 ordinance publication fee

28. Authorize the quitclaim of two properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: $42,132

29. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jon A. Grinaldi, of approximately 40,331 square feet of land located on Arturo Road near the intersection of Lakeland Drive for the Ash Creek Drainage Project - $85,000 - Financing: 2003 Bond Funds

30. An ordinance abandoning portions of sanitary sewer and storm sewer easements to the Board of Regents of The University of Texas System, the abutting owner, containing a total of approximately 24,305 square feet of land located near the intersection of Inwood and Forest Park Roads - Revenue: $5,400 plus the $20 ordinance publication fee
CONSENT AGENDA (Continued)

Department of Development Services (Continued)

31. Authorize an amendment to Resolution No. 08-0400, previously approved on February 13, 2008, that amended the district boundaries of Kaufman County Municipal Utility District No. 4 by the addition of 114 acres to include support for the issuance of tax exempt bonds for road improvements within the entire boundary of Kaufman County Municipal Utility District No. 4 - Financing: No cost consideration to the City

32. An ordinance authorizing a correction to Ordinance No. 26920, previously approved on September 12, 2007, which amended Chapters 51 and 51A of the Dallas City Code by amending existing regulations and adding new sections entitled "Gas Drilling and Production" to correct the Article numbering designation in Chapter 51 from Article XI to Article XII - DCA067-006 - Financing: No cost consideration to the City

Environmental & Health Services

33. Authorize an amendment to the lease agreement with the County of Dallas for an additional area of approximately 270 square feet of space and improvements for a total of approximately 10,854 square feet of office space in the Dallas County Health and Human Services building located at 2377 Stemmons Freeway, fourth floor, to be used as a Women, Infants and Children Clinic, office and training center for the period August 1, 2008 through August 31, 2011 - Not to exceed $458,742 - Financing: Texas Department of State Health Services Grant Funds (subject to annual appropriations)

Equipment & Building Services

34. Ratify an emergency purchase for maintenance and repair of the cooling tower at the Dallas Museum of Art located at 1901 North Harwood Street - Trane, U.S., Inc. only bidder - Not to exceed $93,644 - Financing: Current Funds

Housing

35. Authorize (1) the acceptance of amended proposals from SouthFair Community Development Corporation for the development of 4 unimproved properties obtained under the HB110 process and 1 unimproved property obtained under the Land Assembly process all through the Land Transfer Program, and (2) a time extension for the development and amended Deed Restrictions (list attached) - Financing: No cost consideration to the City

36. Authorize a secured, no interest, forgivable loan pursuant to the Residential Development Acquisition Loan Program in the amount of $85,000 to Dallas Neighborhood Alliance for Habitat to pay part of the acquisition cost of 11 unimproved properties at 3100 Bickers Street for the development of low-to-moderate income single-family homes - Not to exceed $85,000 - Financing: FY 2007-08 Community Development Grant Funds ($85,000)
CONSENT AGENDA (Continued)

Housing (Continued)

37. Authorize a secured, no interest, forgivable loan pursuant to the Residential Development Acquisition Loan Program in the amount of $550,000 to Jubilee Park and Community Center Corporation to pay for the acquisition cost of improved and unimproved properties bounded by Stonewall Street, I-30 Freeway, Bank Street, and East Grand Avenue and associated relocation, environmental remediation, or demolition costs for the purpose of developing low-to-moderate income family housing - Not to exceed $550,000 - Financing: 2005-06 Community Development Grant Funds ($250,000); and 2006-07 Community Development Grant Funds ($300,000)

38. Authorize a loan in the amount of $500,000 at 0% interest to Jubilee Park and Community Center Corporation for the acquisition of improved and unimproved properties bounded by Stonewall Street, I-30 Freeway, Bank Street, and East Grand Avenue and associated relocation, environmental remediation, or demolition costs for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment - Not to exceed $500,000 - Financing: 2006 Bond Funds

39. Authorize the reconstruction on-site of two homes in accordance with the Reconstruction Housing Program Statement requirements for the properties located at 4620 Silver Avenue in the amount of $87,500, and 4207 Bonnie View Road in the amount of $87,500 - Total not to exceed $175,000 - Financing: 2000-2001 Home Funds ($67,600); 2005-2006 HOME Funds ($19,900); and 2007-2008 Community Development Grant Funds ($87,500)

40. Authorize (1) an amendment to the Police Special Pay Down Payment Assistance Program authorized by Resolution No. 07-2839, previously approved on September 26, 2007; and (2) confirmation of the lump sum compensation provided for the purchase of a home located at 7141 Lanyon Drive in accordance with the terms and conditions outlined in Exhibit A - Financing: No cost consideration to the City

41. Authorize (1) a public hearing to be held on May 28, 2008 to receive citizens' comments on the proposed private sale by quitclaim deed of four unimproved properties acquired by the taxing authorities from the Sheriff's Sale to Cornerstone Community Development Corporation, a qualified non-profit organization; and, (2) at the close of the public hearing, consideration of approval of the sale of these properties (list attached) - Financing: No cost consideration to the City

Intergovernmental Services

42. Authorize the acceptance of a 2007 Buffer Zone Protection Program grant from the U.S. Department of Homeland Security, through its agent, the Governor's Division of Emergency Management for costs associated with securing critical infrastructure and key resource sites to prevent acts of terrorism within the City for the period August 7, 2007 to February 28, 2010 - Not to exceed $548,625 - Financing: U.S. Department of Homeland Security, Governor's Division of Emergency Management Grant Funds
CONSENT AGENDA (Continued)

Office of Environmental Quality

43. Authorize the execution of a partner agreement with the North Central Texas Council of Governments for the purpose of providing assistance and support for the development of the Air North Texas campaign - Financing: No cost consideration to the City

Office of Financial Services

44. Authorize (1) the City's continued participation in the Steering Committee of Texas Utilities Electric Service Area Cities in hearings before the Public Utilities Commission of Texas concerning electric restructuring and rates to be charged by Oncor Electric Delivery, and (2) the establishment of appropriations in the amount of $128,050 in the Rate Case Reimbursement Reserve Fund to pay the City's 2008 assessment - Not to exceed $128,050 - Financing: Rate Case Reimbursement Reserve Funds

45. Authorize a public hearing to be held on May 28, 2008 to receive comments in preparation of the FY 2008-09 Operating, Capital, Grant, and Trust budgets - Financing: No cost consideration to the City

Park & Recreation

46. Authorize a contract for the construction of gabion retaining walls at Twin Falls Park located at 6300 South Polk Street - Erosion and Retaining Wall Structures, Inc., lowest responsible bidder of five - Not to exceed $247,870 - Financing: 2006 Bond Funds

47. Authorize a contract for the installation of a new playground and site furnishings at Arbor Park located at 7701 Skillman Street - A S Con, Inc., lowest responsible bidder of three - Not to exceed $139,900 - Financing: 2003 Bond Funds

48. Authorize a contract for the installation of a new playground and site furnishings at R.P. Brooks Park located at 7101 Merriman Parkway - A S Con, Inc., lowest responsible bidder of four - Not to exceed $152,200 - Financing: 2003 Bond Funds

49. Authorize Supplemental Agreement No. 2 to the professional services contract with HBC/Terracon for additional project management services for the stormwater quality improvements at the Dallas Zoo located at 650 South R.L. Thornton Freeway - $39,160, from $145,700 to $184,860 - Financing: 2005 Certificates of Obligation

50. Authorize Supplemental Agreement No. 3 to the professional services contract with Group One/VAI Architects, L.L.P. for a structural evaluation of the roof, design revisions to the heating, ventilation and air conditioning system documents, and additional construction administration services at Kidd Springs Recreation Center located at 700 West Canty Street - $10,500, from $43,690 to $54,190 - Financing: 2003 Bond Funds
CONSENT AGENDA (Continued)

Police

51. Authorize an Interlocal Agreement and a Memorandum of Understanding with the City of Duncanville regarding the provisions of law enforcement services in geographical areas located within the cities of Dallas and Duncanville for the period May 14, 2008 through May 13, 2009 - Financing: No cost consideration to the City

52. Authorize an Interlocal Agreement and a Memorandum of Understanding with the City of Grand Prairie to provide mutual law enforcement services within specified territorial boundaries dividing the cities of Dallas and Grand Prairie for the period May 14, 2008 through May 13, 2009 - Financing: No cost consideration to the City

53. Authorize (1) the application for and acceptance of the “Click It or Ticket” Overtime Enforcement grant from the Texas Department of Transportation for a safety belt enforcement initiative for the period of May 19, 2008 through June 1, 2008, in the amount of $90,000; (2) a City contribution of pension and Federal Insurance Contributions Act costs in the amount of $25,398, and (3) execution of the grant agreement - Total not to exceed $115,398 - Financing: Current Funds ($25,398) and Texas Department of Transportation Grant Funds ($90,000)

Public Works & Transportation

54. Authorize an Interlocal Agreement with the Texas Department of Transportation for the City's share of right-of-way acquisition and utility relocation costs for proposed paving improvements at the intersection of Preston Road (State Highway 289) and Royal Lane - $15,000 - Financing: 2003 Bond Funds

55. Authorize an increase in the contract with Jeske Construction Company for additional water and wastewater main extensions, wastewater access devices, manholes and quantities of paving materials needed for the reconstruction of Bexar Street from C. F. Hawn Freeway (U.S. 175) service road to Brigham Lane - Not to exceed $151,495, from $3,436,764 to $3,588,259 - Financing: 2004-05 Community Development Grant Funds ($2,401), 2006-2007 Community Development Grant Funds ($65,464) and Water Utilities Capital Construction Funds ($83,630)

56. Authorize an increase in the contract with Texas Standard Construction, LTD for additional work related to stormwater drainage modifications, Phase II at 27 fire stations and extend the contract by sixty-one calendar days (list attached) - Not to exceed $33,914, from $1,981,000 to $2,014,914 - Financing: 2006 Bond Funds

57. Authorize (1) an increase in the contract with Alshall Construction Company for additional work necessary to complete construction and upgrades to improve operations at the new Dallas Animal Services and Adoption Center located at 1818 North Westmoreland Road in an amount not to exceed $169,544, from $11,693,034 to $11,862,578; and (2) an increase in appropriations in the amount of $275,000 in the Animal Control Facilities Fund - Total not to exceed $169,544 - Financing: 2003 Bond Funds
CONSENT AGENDA (Continued)

Sanitation Services

58. Authorize ordinances granting 20 franchises for solid waste collection and hauling, pursuant to Chapter XIV, of the City Charter, and Chapter 18, Article IV, of the Dallas City Code (list attached) - Estimated Annual Revenue: $207,000

Trinity River Corridor Project

59. Authorize a public hearing to be held on June 11, 2008 to receive comments on the proposed use of a portion of Trinity River Park for the installation of a new 345 kV power transmission line - Financing: No cost consideration to the City

60. Authorize (1) a contract with Stark Built GP, LLC, lowest responsible bidder of four, for the construction and installation of a concrete and decomposed granite nature trail (Texas Buckeye Trail) in compliance with Americans with Disabilities Act requirements, a pedestrian bridge and landscaping improvements at Rochester Park for the Trinity River Corridor Project in the amount of $259,564; and (2) execution of a license agreement with ONCOR to allow the trail to be built and maintained across the ONCOR right-of-way for the Texas Buckeye Trail - $259,564 - Financing: 1998 Bond Funds

61. Authorize (1) an Interlocal Agreement with the North Central Texas Council of Governments for the creation of a master plan to implement the West Dallas Signature Point Project; (2) receipt and deposit of funds from the West Dallas Chamber of Commerce in an amount not to exceed $25,406; and (3) payment to the North Central Texas Council of Governments for the required local match for the creation of a master plan to implement the West Dallas Signature Point Project - Not to exceed $25,406 - Financing: Private Funds

62. Authorize Supplemental Agreement No. 2 to the professional services contract with Bridgefarmer and Associates, Inc. for additional engineering design and surveying services for water and wastewater upgrades for the Beckley Avenue and Commerce Street intersection improvements - Not to exceed $71,423, from $203,700 to $275,123 - Financing: 1998 Bond Funds ($15,100) and Water Utilities Capital Construction Funds ($56,323)

Water Utilities

63. Authorize an Interlocal Agreement with North Texas Tollway Authority (NTTA) for (1) dedication of easements over Lake Ray Hubbard along the proposed alignment of the President George Bush Turnpike, (2) identify NTTA as the responsible entity for construction and maintenance of storm water treatment units to ensure water quality, and (3) ensure NTTA will adhere to all City of Dallas regulations and water quality requirements pertaining to Lake Ray Hubbard for the proposed Eastern Extension of the President George Bush Turnpike - Financing: No cost consideration to the City
CONSENT AGENDA (Continued)

Water Utilities (Continued)

64. Authorize an Interlocal Agreement with the Trinity River Authority, North Texas Municipal Water District, and the Tarrant Regional Water District to continue the evaluation of inflows into the Galveston Bay and the impact of the Trinity River Basin instream flow requirements on Trinity River Basin water rights - $63,000 - Financing: Water Utilities Capital Construction Funds

65. Authorize a professional services contract with GSWW, Inc. to provide engineering design services for the renewal of water and wastewater mains at 70 locations (list attached) - $1,699,595 - Financing: Water Utilities Capital Improvement Funds

66. Authorize a thirty-six-month service contract for pavement repairs at various locations throughout the city - NPL Construction Company, lowest responsible bidder of two - Not to exceed $17,621,313 - Financing: Water Utilities Capital Construction Funds ($12,621,313), Current Funds ($5,000,000) (subject to annual appropriations)

67. Authorize additional work associated with an existing study with the Tarrant Regional Water District to determine the feasibility of raw water transmission facilities to deliver water from East Texas and other areas of existing and proposed reservoirs, to jointly participate in the development, construction, and operation of infrastructure capable of delivering raw water supply to the Dallas/Fort Worth Metroplex - $47,946 - Financing: Water Utilities Capital Construction Funds

68. Authorize an increase in the contract with Oscar Renda Contracting, Inc. for additional work associated with construction of the Camp Wisdom Pump Station and rehabilitation improvements in the American Way elevated storage tank - $306,691, from $7,860,000 to $8,166,691 - Financing: Water Utilities Capital Construction Funds

69. Authorize Supplemental Agreement No. 4 to the professional services contract with Malcolm Pirnie, Inc. for additional services related to security and risk management for water and wastewater facilities - Not to exceed $692,803, from $2,593,009 to $3,285,812 - Financing: Water Utilities Capital Construction Funds ($577,803), U.S. Department of Homeland Security Grant Funds ($115,000)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary’s Office

70. 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)
ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

Department of Development Services

71. An appeal of the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application for a Specific Use Permit for an alcoholic beverage establishment for a private club or bar on the northeast corner of Buckner Boulevard and Kipling Drive, and consideration of alternate resolutions either affirming or reversing the decision of the City Plan Commission - W078-012 - Financing: No cost consideration to the City

ITEMS FOR FURTHER CONSIDERATION

Department of Development Services

72. An ordinance granting a Planned Development District for LI Light Industrial District Uses and a resolution granting an amendment to the public deed restrictions on property zoned an LI Light Industrial District on the west side of Waterview Parkway at Synergy Drive - Z078-154 - Financing: No cost consideration to the City

Office of Financial Services

73. Authorize the preparations of plans for issuance in an amount not to exceed $170,000,000 in Waterworks and Sewer System Revenue Refunding Bonds, Series 2008 - Financing: This action has no cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Development Services

ZONING CASES - CONSENT

74. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 306 for a Public School and Community Service Center on property zoned Planned Development District No. 306 and an R-7.5(A) Single Family District on the west line of Edgefield Avenue, between Twelfth Street and Brooklyn Avenue
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, and conditions Z078-147(RB)

75. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 477 for an institution of a religious, charitable or philanthropic nature on property zoned an R-7.5(A) Single Family District, on the southwest corner of Park Lane and Boedecker Street
Recommendation of Staff and CPC: Approval subject to a site plan and conditions Z078-162(OTH)
PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Department of Development Services (Continued)

**ZONING CASES - CONSENT** (Continued)

76. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract IV within Planned Development District No. 508 for CH Clustered Housing, MF-2(A) Multifamily, LO-1 Limited Office and MU-1 Mixed Use District uses on the southeast corner of Kingbridge Road and Bickers Street

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

Z078-163(WE)

77. A public hearing to receive comments regarding an application for and an ordinance granting an LO-1 Limited Office District on property zoned a P(A) Parking District with a portion of Specific Use Permit No. 1498 for a government installation other than listed on the southeast corner of Northwest Highway and Solta Drive and a resolution accepting the deed restrictions volunteered by the applicant

Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant with retention of SUP No. 1498

Z078-164(WE)

78. A public hearing to receive comments regarding an application for and an ordinance granting an NO(A) Neighborhood Office District on property zoned an MF-2(A) Multifamily District, on the south corner of Columbia Avenue and Colson Street

Recommendation of Staff and CPC: Approval

Z078-166(OTH)

79. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 531 for a Community service center and MF-2(SAH) Multifamily (Affordable) District Uses on the north line of Ridgecrest Road, northwest of Eastridge Drive

Recommendation of Staff and CPC: Approval, subject to a development/landscape plan and conditions

Z078-170(RB)

80. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an IR Industrial Research District west of Sanden Drive, north of LBJ Expressway

Recommendation of Staff and CPC: Approval

Z078-174(OTH)
PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Department of Development Services (Continued)

ZONING CASES - CONSENT (Continued)

81. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a library, art gallery, or museum on property zoned an R-7.5(A) Single Family District on the southeast corner of Lake June Road and Houghton Road
Recommendation of Staff and CPC: Approval, for a permanent time period subject to a site plan and conditions
Z078-178(JH)

82. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the site plan for a portion of Planned Development District No. 1 for medical clinic, lodge, bank or savings and loan office, professional or general business office or doctor’s office located on the south side of Forest Lane between Inwood Road and Eastern Avenue
Recommendation of Staff and CPC: Approval, subject to an overall site plan, detailed site plan, landscape plan and conditions
Z078-181(WE)

83. A public hearing to receive comments regarding an application for and an ordinance granting an MU-2 Mixed Use District on property zoned an IM Industrial Manufacturing District on the west side of Maple Avenue, north of Stutz Drive
Recommendation of Staff and CPC: Approval
Z078-182(WE)

84. A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict within Planned Development District No. 722 for single family, handicapped dwelling and private street and alley west of Preston Road, north of Frankford Road
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z078-185(WE)
PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Department of Development Services (Continued)

ZONING CASES - INDIVIDUAL

85. A public hearing to receive comments regarding an application for a Planned Development Subdistrict for Multiple family, Hotel and motel, Restaurant without drive-through service, and Health studio uses on property zoned an O-2 Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and the termination of the D Dry Liquor Control Overlay, on the northeast line of Fairmount Street between Enid Street and Turtle Creek Boulevard with consideration being given to the granting of the D-1 Dry Liquor Control Overlay and the granting of a Specific Use Permit for a Restaurant with alcohol sales
Recommendation of Staff: Approval of a Planned Development Subdistrict, subject to a development plan, landscape plan, and staff’s recommended conditions, and retention of the D Liquor Control Overlay
Recommendation of CPC: Denial of a Planned Development Subdistrict, and denial of the removal of the D Liquor Control Overlay
Z078-142(RB)

86. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a metal salvage facility on property zoned Planned Development District No. 406, the Ledbetter/Eagle Ford Special Purpose District, on the west side of Progressive Drive, northwest of the corner of Fort Worth Turnpike and Walton Walker Access Road
Recommendation of Staff: Approval for a two-year period subject to a site plan and conditions
Recommendation of CPC: Approval for a five-year period subject to a site plan and conditions
Z078-176(OTH)

DEVELOPMENT CODE AMENDMENTS - CONSENT

87. A public hearing to receive comments regarding consideration of amendments to Chapter 51A, of the Dallas Development Code, to amend the use definition of Public Park, Playground or Golf Course and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA078-010

88. A public hearing to receive comments regarding consideration of amendments to Chapter 51A, of the Dallas Development Code, to amend Section 51A-1.106, "Notification Signs Required to Be Obtained and Posted," to establish appropriate standards for postponement of a case when it is determined that an applicant failed to comply with notification sign posting requirements and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA078-003
PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS

Housing

**FY 2007-08 Consolidated Plan Reprogramming Budget #3**

- **Note**: Item Nos. 89 and 90 must be considered collectively.

89. * A public hearing to receive comments on the final FY 2007-08 Consolidated Plan Reprogramming Budget #3 to reprogram $928,473 of HOME Investment Partnership Program Funds from the Mortgage Assistance Program to the Frazier Berean Senior Project and $925,000 of Community Development Grant Reprogramming Funds from the Southern Sector Housing and Economic Development Financing for Neighborhood Investment Program public infrastructure - Financing: No cost consideration to the City

90. * Authorize adoption of the final FY 2007-08 Consolidated Plan Reprogramming Budget #3 to reprogram $928,473 of HOME Investment Partnership Program Funds from the Mortgage Assistance Program to the Frazier Berean Senior Project and $925,000 of Community Development Grant Reprogramming Funds from the Southern Sector Housing and Economic Development Financing for Neighborhood Investment Program public infrastructure - Not to exceed $1,853,473 - Financing: 2006-07 Community Development Grant Reprogramming Funds ($925,000); and 2007-08 HOME Funds ($928,473)
## DART Principal Arterial Street System Project

### Agenda Item #18

<table>
<thead>
<tr>
<th>Tract No.</th>
<th>Property Owner</th>
<th>Address</th>
<th>Lot &amp; Block</th>
<th>Council District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Larry &amp; Glenna Boschert</td>
<td>2400 West Ledbetter Drive</td>
<td>Blk. 6051 Tr 2</td>
<td>8</td>
</tr>
<tr>
<td>2.</td>
<td>Karl &amp; Kathleen Willock</td>
<td>2523 South Hampton Road</td>
<td>Blk. B/5967 Lot 1</td>
<td>1</td>
</tr>
<tr>
<td>3.</td>
<td>Karl Willock</td>
<td>2509 South Hampton Road</td>
<td>Blk. 5967 Tr 6</td>
<td>1</td>
</tr>
<tr>
<td>4.</td>
<td>Lincoln Trust CO., FBO Karl Willock</td>
<td>2415 South Hampton Road</td>
<td>Blk 5967 Tr 5</td>
<td>1</td>
</tr>
<tr>
<td>5.</td>
<td>ACP Northview Plaza, LP</td>
<td>10695 East Northwest Highway</td>
<td>Blk. B/7081 Lt 3</td>
<td>10</td>
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<tr>
<td>6.</td>
<td>Tahir, Inc.</td>
<td>10705 East Northwest Highway</td>
<td>Blk. 2/7082 Lt 16</td>
<td>10</td>
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<tr>
<td>8.</td>
<td>Whataburger, Inc.</td>
<td>11700 Plano Road</td>
<td>Blk. B/8061 Lt 1</td>
<td>10</td>
</tr>
</tbody>
</table>
## Tax Foreclosure and Seizure Warrant Property Resales
### Agenda Item #28

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Address</th>
<th>Bidder</th>
<th>No. Bids</th>
<th>Square Footage</th>
<th>Bid Amount</th>
<th>Minimum DCAD</th>
<th>Tax/ Council Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1831 Riverway Place</td>
<td>Manuel Gonzalez</td>
<td>5</td>
<td>11,413</td>
<td>$32,032</td>
<td>$21,600</td>
<td>R-7.5(A)</td>
</tr>
<tr>
<td>2.</td>
<td>2413 Jordan</td>
<td>Florentino Lopez</td>
<td>1</td>
<td>4,996</td>
<td>$10,100</td>
<td>$8,700</td>
<td>PD 595</td>
</tr>
</tbody>
</table>

**TOTAL** $42,132
## SouthFair Community Development Corporation Properties Extension
### Agenda Item #35

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Property</th>
<th>Council District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2810 Oakland (Malcolm X)</td>
<td>7</td>
</tr>
<tr>
<td>2.</td>
<td>2803 South</td>
<td>7</td>
</tr>
<tr>
<td>3.</td>
<td>2828 Park Row</td>
<td>7</td>
</tr>
<tr>
<td>4.</td>
<td>2827 South</td>
<td>7</td>
</tr>
<tr>
<td>5.</td>
<td>2829 South</td>
<td>7</td>
</tr>
<tr>
<td>Parcel No.</td>
<td>Address</td>
<td>Non-Profit Organization</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------</td>
<td>--------------------------------------------------------------</td>
</tr>
<tr>
<td>1.</td>
<td>1823 Grand</td>
<td>Cornerstone Community Development Corporation</td>
</tr>
<tr>
<td>2.</td>
<td>2829 Gould</td>
<td>Cornerstone Community Development Corporation</td>
</tr>
<tr>
<td>3.</td>
<td>2801 Colonial</td>
<td>Cornerstone Community Development Corporation</td>
</tr>
<tr>
<td>4.</td>
<td>2814 Cleveland</td>
<td>Cornerstone Community Development Corporation</td>
</tr>
</tbody>
</table>
# City Fire Stations Storm Water Drainage Modifications Phase II

## Agenda Item #56

<table>
<thead>
<tr>
<th>Station No.</th>
<th>Address</th>
<th>Council District</th>
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<tbody>
<tr>
<td>26</td>
<td>3303 Sheldon Avenue</td>
<td>1</td>
</tr>
<tr>
<td>52</td>
<td>2504 Cockrell Hill Road</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>816 South Akard Street</td>
<td>2</td>
</tr>
<tr>
<td>8</td>
<td>1904 North Garrett Avenue</td>
<td>2</td>
</tr>
<tr>
<td>16</td>
<td>2616 Chalk Hill Road</td>
<td>3</td>
</tr>
<tr>
<td>36</td>
<td>3214 North Hampton Road</td>
<td>3</td>
</tr>
<tr>
<td>23</td>
<td>1660 South Corinth Street</td>
<td>4</td>
</tr>
<tr>
<td>34</td>
<td>1234 Carbona Drive</td>
<td>5</td>
</tr>
<tr>
<td>46</td>
<td>331 East Camp Wisdom Road</td>
<td>5</td>
</tr>
<tr>
<td>30</td>
<td>11381 Zodiac Lane</td>
<td>6</td>
</tr>
<tr>
<td>43</td>
<td>2844 Lombardy Lane</td>
<td>6</td>
</tr>
<tr>
<td>45</td>
<td>716 West Commerce Street</td>
<td>6</td>
</tr>
<tr>
<td>47</td>
<td>7161 Envoy Court</td>
<td>6</td>
</tr>
<tr>
<td>9</td>
<td>2002 Cool Mist Lane</td>
<td>8</td>
</tr>
<tr>
<td>25</td>
<td>2112 56th Street</td>
<td>8</td>
</tr>
<tr>
<td>51</td>
<td>200 South St. Augustine Road</td>
<td>8</td>
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<tr>
<td>31</td>
<td>9365 Garland Road</td>
<td>9</td>
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<tr>
<td>39</td>
<td>2850 Ruidosa</td>
<td>9</td>
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<tr>
<td>48</td>
<td>10480 East Northwest Highway</td>
<td>9</td>
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<tr>
<td>55</td>
<td>6600 Trammel Drive</td>
<td>9</td>
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<tr>
<td>28</td>
<td>8701 Greenville Avenue</td>
<td>10</td>
</tr>
<tr>
<td>29</td>
<td>9830 Shadow Way</td>
<td>10</td>
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<tr>
<td>22</td>
<td>12200 Coit Road</td>
<td>11</td>
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<tr>
<td>13</td>
<td>6902 Frankford Road</td>
<td>12</td>
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<tr>
<td>41</td>
<td>5920 Royal Lane</td>
<td>13</td>
</tr>
<tr>
<td>18</td>
<td>660 North Griffin Street</td>
<td>14</td>
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<tr>
<td>21</td>
<td>3210 Love Field Drive</td>
<td>14</td>
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## 20 Franchises for Solid Waste Collection and Hauling

**Agenda Item #58**

<table>
<thead>
<tr>
<th>Franchise Haulers</th>
<th>Estimated Annual Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berry Logistics &amp; Transportation, Inc.</td>
<td>$500</td>
</tr>
<tr>
<td>Casa Linda Fence Co., Inc.</td>
<td>$25,000</td>
</tr>
<tr>
<td>Consolidated Construction Services, GP, LLC</td>
<td>$500</td>
</tr>
<tr>
<td>Curtis Dearmont</td>
<td>$500</td>
</tr>
<tr>
<td>Don Patterson Roofing &amp; Construction, Co.</td>
<td>$25,000</td>
</tr>
<tr>
<td>Environmental Recycling, Inc.</td>
<td>$500</td>
</tr>
<tr>
<td>Fredy Sorto</td>
<td>$500</td>
</tr>
<tr>
<td>Gallegos Used Merchandise</td>
<td>$500</td>
</tr>
<tr>
<td>Garcia Fence</td>
<td>$500</td>
</tr>
<tr>
<td>Hayward Rubin, Jr.</td>
<td>$500</td>
</tr>
<tr>
<td>Ignacio Salinas dba I.S.L.</td>
<td>$25,000</td>
</tr>
<tr>
<td>John A. Arnold, Inc.</td>
<td>$500</td>
</tr>
<tr>
<td>John Campbell</td>
<td>$500</td>
</tr>
<tr>
<td>Lovie’s Hauling</td>
<td>$500</td>
</tr>
<tr>
<td>Michelle Ann Villalon</td>
<td>$500</td>
</tr>
<tr>
<td>Orr Contractors, Inc.</td>
<td>$25,000</td>
</tr>
<tr>
<td>R &amp; R Roofing</td>
<td>$25,000</td>
</tr>
<tr>
<td>Service First Disposal</td>
<td>$25,000</td>
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<tr>
<td>Star Fence</td>
<td>$26,000</td>
</tr>
<tr>
<td>Star Waste Remove</td>
<td>$25,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$207,000</strong></td>
</tr>
</tbody>
</table>
Renewal of Water and Wastewater Mains
at 70 Locations
Agenda Item #65

District 2

Alley between Beeman Avenue and Winslow Avenue from Jerome Street to Culver Street
Alley between Culver Street and Fairview Avenue from Winslow Avenue east
Alley between Fairview Avenue and Kinmore Street from Winslow Avenue east
Alley between Henderson Avenue and Fairview Avenue from Oleander Street to Winslow Avenue
Alley between Jerome Street and Kinmore Street from Henderson Avenue east
Kinmore Street from Beeman Avenue west

District 4

Alley between Alabama Avenue and Arizona Avenue from Missouri Avenue to McVey Avenue
Alley between Atoll Drive and Madrid Street from Crest Avenue to Belknap Avenue
Alley between Gaylord Drive and Traymore Avenue from Traymore Avenue southwest
Alley between Hillard Drive and Seco Boulevard from Traymore Avenue east
Alley between Michigan Avenue and Arizona Avenue from Edgemont Avenue to Appian Way
Alley between Michigan Avenue and Arizona Avenue from McVey Avenue to Brownlee Avenue
Alley between Traymore Avenue and Whitley Drive from Hillburn Drive southwest
Easement between Beckley Avenue and Seevers Avenue from Crestwood Drive to Seevers Avenue
Alhambra Street from north of Tillman Street south
Appian Way from Michigan Avenue west
Colebrook Street from Gaylord Drive to Prichard Lane
Dugan Street from Gaylord Drive to Prichard Lane
Ewing Avenue from Ann Arbor Avenue to Pentagon Parkway
Gaylord Drive from Tillman Street to Colebrook Street
Gillette Circle from Gillette Street south
Hendricks Avenue from Denley Drive to Moore Street
Huttig Avenue from Gaylord Drive to Buckner Boulevard
San Pablo Drive from Bruton Road to Ravehill Lane
Seydel Street from Gaylord Drive east
Strobel Avenue from Mentor Avenue to Hortense Avenue
Renewal of Water and Wastewater Mains
at 70 Locations
Agenda Item #65 (Continued)

**District 5**

Alley between Mattison Street and Rosemead Drive between Hillburn Drive and Prichard Lane
Alley between Ramona Avenue and Frio Drive from Adelaide Drive to Atlas Drive
Alley between Seco Boulevard and Mattison Street from Hillburn Drive northeast
Easement between Dasch Street and Rilla Avenue from Hillburn Drive west
Easement between World Store Court and Buckner Boulevard from Trade Village Place south
Adelaide Drive from Ramona Avenue to Burnside Avenue
Bramlett Drive from Jim Miller Road to Barrett Drive
Burnside Avenue from Adelaide Drive to Kingsley Drive
Dasch Street from Hillburn Drive to Rowland Avenue
Glencliff Drive from Paramount Avenue to San Leon Avenue
Hazel Road from Jim Miller Road to Houghton Road
Hillburn Drive from Dasch Street to Rilla Avenue
Paramount Avenue from Glencliff Drive to Algonquin Drive
Rayville Drive from Buckner Boulevard to Pleasant Drive
Red Bird Lane from Moonglow Drive east
Reno Court from Prichard Lane to Prichard Lane
Rilla Avenue from Hillburn Drive to Rowland Avenue
Rowland Avenue from Dasch Street to Elam Road
Tenino Street from Pleasant Drive to Holcomb Road
Trade Village Place from Gardenview Drive east
Wes Hodges Road from Rilla Avenue to Buckner Boulevard

**District 7**

Easement between Clarence Street and Grand Avenue from Malcolm X Boulevard to Atlanta Street
Easement southwest of Colonial Avenue from Pennsylvania Avenue to Panama Place
Jamaica Street from Second Avenue to Cross Street
Loomis Avenue from Lamar Street to Interstate Highway 45 (Julius Schepps Freeway)
Park Row Avenue from Colonial Avenue to Harwood Street

**District 8**

Easement east of Silver Brook Road from Edd Road southeast
Easement between Grogan Street and Silver Brook Road from Cool Mist Lane to Handlin Street
Easement between Interstate Highway 20 (L.B.J. Freeway) and U.S. Highway 175 (C.F. Hawn Freeway) from access road south
Easement south of Sunview Drive from Smoke Tree Lane southeast
Coldbrook Lane from U.S. Highway 175 (C.F. Hawn Freeway) to Sultana Street
Renewal of Water and Wastewater Mains at 70 Locations
Agenda Item #65 (Continued)

District 8 (Continued)

Echo Lake Drive from Sultana Street southwest
Grogan Street from Echo Lake Drive to Cool Mist Lane
Handlin Street from Silver Brook Road northeast
Homeplace Drive from Southgate Lane to St. Augustine Drive
Leota Drive from Pleasant Oaks Drive to Cheyenne Road
Silverado Drive from Kleberg Road to U.S. Highway 175 (C.F. Hawn Freeway)
Silver Brook Road from Handlin Street to Edd Road
Starwood Circle from Kleberg Road northeast
Sultana Street from Coldbrook Lane to Echo Lake Drive
Sunburst Drive from Marvel Drive to Homeplace Drive
Uarda Drive from Elam Road to Tara Lane
U.S. Highway 175 (C.F. Hawn Freeway) crossing, east of Jordan Valley Road
U.S. Highway 75 (Central Expressway) from McCommas Bluff Road to Interstate Highway 20 (L.B.J. Freeway)
A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.

2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.

3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.

4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.

5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.

PUBLIC MEETINGS FOR MAY 1 - MAY 15, 2008

Thursday, May 1, 2008

Community Development Commission
6:00 p.m.
City Hall, Room 6ES
## AGENDA DATE
May 14, 2008

<table>
<thead>
<tr>
<th>ITEM</th>
<th>OK</th>
<th>DEF</th>
<th>DISTRICT</th>
<th>TYPE</th>
<th>DEPT.</th>
<th>DOLLARS</th>
<th>LOCAL</th>
<th>MWBE</th>
<th>DESCRIPTION</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>All</td>
<td>V</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Approval of Minutes of April 23, 2008 City Council Meeting</td>
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<tr>
<td>2</td>
<td>8</td>
<td>C</td>
<td>PBD, WTR</td>
<td>$80,000.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>Authorize a service contract for the removal and proper disposal of an underground storage tank at Southside Wastewater Treatment Plant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>All</td>
<td>C</td>
<td>PBD, EBS, FIR, PKR, SAN, STS</td>
<td>$344,575.00</td>
<td>0.00%</td>
<td>0.00%</td>
<td>Authorize a twenty-four-month service contract for scrap tire removal and disposal from McCommas Bluff Landfill (Bid Group B) and a twenty-four-month service contract for scrap tire removal and disposal for various City facilities (Bid Group A)</td>
<td></td>
<td></td>
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<tr>
<td>4</td>
<td>All</td>
<td>C</td>
<td>PBD, EBS</td>
<td>$352,389.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>Authorize a thirty-six-month master agreement for Carrier heating, ventilation and air conditioning equipment and parts</td>
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<td></td>
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<tr>
<td>5</td>
<td>3</td>
<td>C</td>
<td>PBD, CCS</td>
<td>$161,389.66</td>
<td>0.00%</td>
<td>0.00%</td>
<td>Authorize a twenty-four-month master agreement for animal food for Code Compliance</td>
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<tr>
<td>6</td>
<td>All</td>
<td>C</td>
<td>PBD, STS</td>
<td>$797,340.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>Authorize a twenty-four-month master agreement for bulk cement to be used for street repairs</td>
<td></td>
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<tr>
<td>7</td>
<td>All</td>
<td>C</td>
<td>PBD, LIB</td>
<td>$285,000.00</td>
<td>0.00%</td>
<td>0.00%</td>
<td>Authorize a twenty-four-month service contract, with two twelve-month renewal options, for database access for Real-Time Live Homework Support Online Service for the Dallas Public Library</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>All</td>
<td>C</td>
<td>PBD, FIR</td>
<td>$3,121,769.00</td>
<td>0.00%</td>
<td>0.00%</td>
<td>Authorize a twenty-four-month master agreement for self contained breathing apparatus and accessories for the Dallas Fire-Rescue Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>All</td>
<td>C</td>
<td>PBD, FIR</td>
<td>$25,875.00</td>
<td>0.00%</td>
<td>0.00%</td>
<td>Authorize the purchase of forty-five infrared thermal imaging cameras for search and rescue operations conducted by the Dallas Fire-Rescue Department</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>N/A</td>
<td>C</td>
<td>PBD, CIS</td>
<td>$1,705,500.00</td>
<td>100.00%</td>
<td>28.74%</td>
<td>Authorize an increase in the service contract for temporary information technology professionals with CIBER, Inc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>N/A</td>
<td>C</td>
<td>ATT, WTR</td>
<td>$12,810.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize settlement of a claim filed by GEICO Insurance Company on behalf of its insured Trudy Wafer, Claim No. 07186616</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>N/A</td>
<td>C</td>
<td>ATT, WTR</td>
<td>$10,001.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize settlement of the lawsuit styled Holly Kenton v. John Hayes, et al., Cause No. 06-17923-E</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>N/A</td>
<td>C</td>
<td>ATT, STS</td>
<td>$10,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize settlement of the lawsuit styled Julia May v. City of Dallas, Cause No. 07-10310-D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>N/A</td>
<td>C</td>
<td>ATT, SAN</td>
<td>$125,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize settlement of the lawsuit styled Richard and Penny Sells v. The City of Dallas, Cause No. 06-02074-H</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>N/A</td>
<td>C</td>
<td>ATT</td>
<td>$60,000.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Adorno Yoss White &amp; Wiggins, L.L.P., to increase funding for additional legal services necessary in the lawsuit styled Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>N/A</td>
<td>C</td>
<td>ATT</td>
<td>$50,000.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Patton Boggs, L.L.P., for additional legal services regarding the production of documents in connection with a federal grand jury subpoena and related matters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>N/A</td>
<td>C</td>
<td>ATT, CCS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance amending Chapter 27 of the Dallas City Code to expand the definition of “urban nuisance” in accordance with state law to include a structure that, regardless of structural condition, is unoccupied and unsecured and unoccupied entry and a structure that is secured but either constitutes a danger to the public or is secured by inadequate means</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>1, 8, 10</td>
<td>C</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of eight tracts of land for the construction of the Principal Arterial Street System Project</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Outside</td>
<td>C</td>
<td>DDS, WTR</td>
<td>$13,710.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Darius U. Camanganac and Juanita A. Boado, of approximately 614 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Outside</td>
<td>C</td>
<td>DDS, WTR</td>
<td>$85,800.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Charles Shelby, of approximately 102,784 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Outside</td>
<td>C</td>
<td>DDS, WTR</td>
<td>$51,435.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from the Estate of Kevin Ray Kwapil of approximately 82,989 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>9</td>
<td>C</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance providing for the closure and vacation of a portion of an alley, containing approximately 4,503 square feet of land located near the intersection of Garland Road and Tavaros Avenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>6</td>
<td>C</td>
<td>DDS</td>
<td>$1,252,896.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jill Ann Free Limited Partnership, LP, of approximately six acres of unimproved land located near the intersection of Manana Drive and Newkirk Street for the Elm Fork Flood Protection Project</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ITEM</td>
<td>IND</td>
<td>DISTRICT</td>
<td>TYPE</td>
<td>DEPT.</td>
<td>DOLLARS</td>
<td>LOCAL</td>
<td>MWBE</td>
<td>DESCRIPTION</td>
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<td></td>
</tr>
<tr>
<td>24</td>
<td>13 C</td>
<td>DDS</td>
<td>REV</td>
<td>$5,400</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance abandoning a portion of a water easement to the Ursuline Academy of Dallas, the abutting owner, containing approximately 4,271 square feet of land located near the intersection of Inwood Road and Walnut Hill Lane</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>14 C</td>
<td>DDS</td>
<td>REV</td>
<td>$15,300</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance abandoning a portion of an alley to CLB Hawthorne Residences L.P., the abutting owner, containing approximately 490 square feet of land located near the intersection of Hartford and Raleigh Streets, and authorizing the quitclaim</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>14 C</td>
<td>DDS</td>
<td>REV</td>
<td>$5,400</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance abandoning a portion of Pavillion Street to Twin Lakes Plaza, L.P., the abutting owner, containing approximately 3,179 square feet of land located near its intersection with Flora Street, and authorizing the quitclaim and providing for the dedication of a total of approximately 5,894 square feet of land needed for street right-of-way</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>10 C</td>
<td>DDS</td>
<td>REV</td>
<td>$3,158</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance granting a private license to JAHC0 Fair Oaks, LP and JAHC0 Royal Skillman, LLC for the use of approximately 2,580 square feet of land to install and maintain off-street parking and landscaping in a portion of Skillman Street right-of-way located near its intersection with Royal Lane</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>5, 7 C</td>
<td>DDS</td>
<td>REV</td>
<td>$42,132</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the quitclaim of two properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>7 C</td>
<td>DDS</td>
<td>$85,000.00</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance abandoning portions of sanitary sewer and storm sewer easements to the Board of Regents of The University of Texas System, the abutting owner, containing a total of approximately 24,305 square feet of land located near the intersection of Inwood and Forest Park Roads</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>2 C</td>
<td>DDS</td>
<td>REV</td>
<td>$5,400</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize an amendment to Resolution No. 08-0400, previously approved on February 13, 2008, that amended the district boundaries of Kaufman County Municipal Utility District No. 4 by the addition of 114 acres to include support for the issuance of tax exempt bonds for road improvements within the entire boundary of Kaufman County Municipal Utility District No. 4</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>All C</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance authorizing a correction to Ordinance No. 26920, previously approved on September 12, 2007, which amended Chapters 51 and 51A of the Dallas City Code by amending existing regulations and adding new sections entitled &quot;Gas Drilling and Production&quot; to correct the Article numbering designation in Chapter 51 from Article XI to Article XII</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>2 C</td>
<td>EHS, DDS</td>
<td>GT</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize an amendment to the lease agreement with the County of Dallas for an additional area of approximately 270 square feet of space and improvements for a total of approximately 10,854 square feet of office space in the Dallas County Health and Human Services building located at 2377 Stemmons Freeway, fourth floor, to be used as a Women, Infants and Children Clinic, office and training center for the period August 1, 2008 through August 31, 2011</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>14 C</td>
<td>EBS</td>
<td>$93,644.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>NA</td>
<td>NA</td>
<td>Ratify an emergency purchase for maintenance and repair of the cooling tower at the Dallas Museum of Art located at 1901 North Harwood Street</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>7 C</td>
<td>HSG</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the acceptance of amended proposals from SouthFair Community Development Corporation for the development of 4 unimproved properties obtained under the HB1110 process and 1 unimproved property obtained under the Land Assembly process all through the Land Transfer Program and a time extension for the development and amended Deed Restrictions</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>3 C</td>
<td>HSG</td>
<td>GT</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a secured, no interest, forgivable loan pursuant to the Residential Development Acquisition Loan Program in the amount of $85,000 to Dallas Neighborhood Alliance for Habitat to pay part of the acquisition cost of 11 unimproved properties at 3100 Bickers Street for the development of low-to-moderate income single-family homes</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>2 C</td>
<td>HSG</td>
<td>GT</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a secured, no interest, forgivable loan pursuant to the Residential Development Acquisition Loan Program in the amount of $550,000 to Jubilee Park and Community Center Corporation to pay for the acquisition cost of improved and unimproved properties bounded by Stonewall Street, I-30 Freeway, Bank Street, and East Grand Avenue and associated relocation, environmental remediation, or demolition costs for the purpose of developing low-to-moderate income family housing</td>
<td></td>
</tr>
<tr>
<td>ITEM</td>
<td>IND</td>
<td>OK</td>
<td>DEF</td>
<td>DISTRICT</td>
<td>TYPE</td>
<td>DEPT.</td>
<td>DOLLARS</td>
<td>LOCAL</td>
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<tr>
<td>38</td>
<td></td>
<td>2</td>
<td>C</td>
<td>HSG</td>
<td></td>
<td></td>
<td>$500,000.00</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>39</td>
<td>4, 7</td>
<td>C</td>
<td>HSG</td>
<td>GT</td>
<td></td>
<td></td>
<td></td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>40</td>
<td>All</td>
<td>C</td>
<td>HSG, POL</td>
<td>NC</td>
<td></td>
<td></td>
<td>NA</td>
<td>NA</td>
<td>Authorize an amendment to the Police Special Pay Down Payment Assistance Program authorized by Resolution No. 07-2838, previously approved on September 26, 2007 and confirmation of the lump sum compensation provided for the purchase of a home located at 7141 Lanyon Drive in accordance with the terms and conditions outlined in Exhibit A</td>
</tr>
<tr>
<td>41</td>
<td>7</td>
<td>C</td>
<td>HSG</td>
<td>NC</td>
<td></td>
<td></td>
<td></td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>42</td>
<td>All</td>
<td>C</td>
<td>IGS</td>
<td>GT</td>
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<td>NA</td>
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<tr>
<td>43</td>
<td>All</td>
<td>C</td>
<td>OEQ</td>
<td>NC</td>
<td></td>
<td></td>
<td></td>
<td>NA</td>
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<tr>
<td>44</td>
<td>N/A</td>
<td>C</td>
<td>OFS</td>
<td></td>
<td></td>
<td>$128,050.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a public hearing to be held on May 28, 2008 to receive comments in preparation of the FY 2008-09 Operating, Capital, Grant, and Trust budgets</td>
</tr>
<tr>
<td>45</td>
<td>All</td>
<td>C</td>
<td>OFS</td>
<td>NC</td>
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<td></td>
<td></td>
<td>NA</td>
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<tr>
<td>46</td>
<td>5</td>
<td>C</td>
<td>PKR</td>
<td></td>
<td></td>
<td>$247,869.50</td>
<td>0.00%</td>
<td>20.71%</td>
<td>Authorize a contract for the construction of gabion retaining walls at Twin Falls Park located at 6300 South Polk Street</td>
</tr>
<tr>
<td>47</td>
<td>10</td>
<td>C</td>
<td>PKR</td>
<td></td>
<td></td>
<td>$139,900.00</td>
<td>100.00%</td>
<td>47.18%</td>
<td>Authorize a contract for the installation of a new playground and site furnishings at Arbor Park located at 7701 Skillman Street</td>
</tr>
<tr>
<td>48</td>
<td>10</td>
<td>C</td>
<td>PKR</td>
<td></td>
<td></td>
<td>$152,200.00</td>
<td>100.00%</td>
<td>63.07%</td>
<td>Authorize a contract for the installation of a new playground and site furnishings at R.P. Brooks Park located at 7101 Merriman Parkway</td>
</tr>
<tr>
<td>49</td>
<td>1, 4</td>
<td>C</td>
<td>PKR</td>
<td></td>
<td></td>
<td>$39,160.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>Authorize Supplemental Agreement No. 2 to the professional services contract with HBC/Terracon for additional project management services for the stormwater quality improvements at the Dallas Zoo located at 650 South R.L. Thornton Freeway</td>
</tr>
<tr>
<td>50</td>
<td>1</td>
<td>C</td>
<td>PKR</td>
<td></td>
<td></td>
<td>$10,500.00</td>
<td>100.00%</td>
<td>70.46%</td>
<td>Authorize Supplemental Agreement No. 3 to the professional services contract with Group One/VAI Architects, L.L.P. for a structural evaluation of the roof, design revisions to the heating, ventilation and air conditioning system documents, and additional construction administration services at Kidd Springs Recreation Center located at 700 West Canty Street</td>
</tr>
<tr>
<td>51</td>
<td>3, 8, Outside</td>
<td>C</td>
<td>POL</td>
<td>NC</td>
<td></td>
<td></td>
<td></td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>52</td>
<td>3, Outside</td>
<td>C</td>
<td>POL</td>
<td>NC</td>
<td></td>
<td></td>
<td></td>
<td>NA</td>
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</tr>
<tr>
<td>53</td>
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<td>C</td>
<td>POL</td>
<td></td>
<td></td>
<td>$25,398.00</td>
<td></td>
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# AGENDA DATE May 14, 2008

<table>
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<tr>
<th>ITEM</th>
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<th>DEPT.</th>
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<th>LOCAL</th>
<th>MWBE</th>
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<tbody>
<tr>
<td>54</td>
<td>11, 13</td>
<td>C</td>
<td>PWT</td>
<td></td>
<td></td>
<td>$15,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize an Interlocal Agreement with the Texas Department of Transportation for the City’s share of right-of-way acquisition and utility relocation costs for proposed paving improvements at the intersection of Preston Road (State Highway 289) and Royal Lane</td>
</tr>
<tr>
<td>55</td>
<td>7</td>
<td>C</td>
<td>PWT, WTR, HSG</td>
<td></td>
<td></td>
<td>$83,630.00</td>
<td>100.00%</td>
<td>34.11%</td>
<td>Authorize an increase in the contract with Jeske Construction Company for additional water and wastewater main extensions, wastewater access devices, manholes and quantities of paving materials needed for the reconstruction of Bexar Street from C.F. Hawn Freeway (U.S. 175) service road to Brigham Lane</td>
</tr>
<tr>
<td>56</td>
<td>1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14</td>
<td>C</td>
<td>PWT, FIR</td>
<td></td>
<td></td>
<td>$33,914.00</td>
<td>100.00%</td>
<td>29.18%</td>
<td>Authorize an increase in the contract with Texas Standard Construction, LTD for additional work related to stormwater drainage modifications, Phase II at 27 fire stations and extend the contract by sixty-one calendar days</td>
</tr>
<tr>
<td>57</td>
<td>3</td>
<td>C</td>
<td>PWT, CCS</td>
<td></td>
<td></td>
<td>$169,544.00</td>
<td>74.16%</td>
<td>30.82%</td>
<td>Authorize ordinances granting 20 franchises for solid waste collection and hauling, pursuant to Chapter XIV, of the City Charter, and Chapter 18, Article IV, of the Dallas City Cod</td>
</tr>
<tr>
<td>58</td>
<td>N/A</td>
<td>C</td>
<td>SAN</td>
<td>REV</td>
<td>$207,000</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a public hearing to be held on June 11, 2008 to receive comments on the proposed use of a portion of Trinity River Park for the installation of a new 345 kV power transmission line</td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>6</td>
<td>C</td>
<td>PKR, TRC</td>
<td>NC</td>
<td></td>
<td></td>
<td></td>
<td>NA</td>
<td>Authorize a contract with Stark Built GP, LLC, lowest responsible bidder of four, for the construction and installation of a concrete and decomposed granite nature trail (Texas Buckeye Trail) in compliance with Americans with Disabilities Act requirements, a pedestrian bridge and landscaping improvements at Rochester Park for the Trinity River Corridor Project and execution of a license agreement with Oncor to allow the Texas Buckeye Trail to be built across the Oncor right-of-way</td>
</tr>
<tr>
<td>60</td>
<td>4</td>
<td>C</td>
<td>TRC</td>
<td></td>
<td></td>
<td>$259,563.99</td>
<td>93.05%</td>
<td>6.95%</td>
<td>Authorize an Interlocal Agreement with the North Central Texas Council of Governments for the creation of a master plan to implement the West Dallas Signature Point Project and payment to the North Central Texas Council of Governments for the required local match for the creation of a master plan to implement the West Dallas Signature Point Project</td>
</tr>
<tr>
<td>61</td>
<td>6</td>
<td>C</td>
<td>TRC</td>
<td>GT</td>
<td></td>
<td></td>
<td></td>
<td>NA</td>
<td>Authorize Supplement Agreement No. 2 to the professional services contract with Bridgefarmer and Associates, Inc. for additional engineering design and surveying services for water and wastewater upgrades for the Beckley Avenue and Commerce Street intersection improvements</td>
</tr>
<tr>
<td>62</td>
<td>6</td>
<td>C</td>
<td>TRC</td>
<td></td>
<td></td>
<td>$71,423.00</td>
<td>100.00%</td>
<td>28.81%</td>
<td>Authorize an Interlocal Agreement with North Texas Tollway Authority (NTTA) for (1) dedication of easements over Lake Ray Hubbard along the proposed alignment of the President George Bush Turnpike, (2) identify NTTA as the responsible entity for construction and maintenance of storm water treatment units to ensure water quality, and (3) ensure NTTA will adhere to all City of Dallas regulations and water quality requirements pertaining to Lake Ray Hubbard for the proposed Eastern Extension of the President George Bush Turnpike</td>
</tr>
<tr>
<td>63</td>
<td>Outside</td>
<td>C</td>
<td>WTR</td>
<td>NC</td>
<td></td>
<td></td>
<td></td>
<td>NA</td>
<td>Authorize an Interlocal Agreement with the Trinity River Authority, North Texas Municipal Water District, and the Tarrant Regional Water District to continue the evaluation of inflows into the Galveston Bay and the impact of the Trinity River Basin instream flow requirements on Trinity River Basin water rights</td>
</tr>
<tr>
<td>64</td>
<td>All</td>
<td>C</td>
<td>WTR</td>
<td></td>
<td></td>
<td>$63,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a professional services contract with GSWW, Inc. to provide engineering design services for the renewal of water and wastewater mains at 70 locations</td>
</tr>
<tr>
<td>65</td>
<td>2, 4, 5, 7, 8</td>
<td>C</td>
<td>WTR</td>
<td></td>
<td></td>
<td>$1,699,595.00</td>
<td>100.00%</td>
<td>30.45%</td>
<td>Authorize an additional work associated with an existing study with the Tarrant Regional Water District to determine the feasibility of raw water transmission facilities to deliver water from East Texas and other areas of existing and proposed reservoirs, to jointly participate in the development, construction and operation of infrastructure capable of delivering raw water supply to the Dallas/Fort Worth Metroplex</td>
</tr>
<tr>
<td>66</td>
<td>All</td>
<td>C</td>
<td>WTR, STS</td>
<td></td>
<td></td>
<td>$17,621,312.50</td>
<td>95.00%</td>
<td>26.34%</td>
<td>Authorize a thirty-six-month service contract for pavement repairs at various locations throughout the city</td>
</tr>
<tr>
<td>67</td>
<td>All</td>
<td>C</td>
<td>WTR</td>
<td></td>
<td></td>
<td>$47,946.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize additional work associated with an existing study with the Tarrant Regional Water District to determine the feasibility of raw water transmission facilities to deliver water from East Texas and other areas of existing and proposed reservoirs, to jointly participate in the development, construction and operation of infrastructure capable of delivering raw water supply to the Dallas/Fort Worth Metroplex</td>
</tr>
<tr>
<td>68</td>
<td>8</td>
<td>C</td>
<td>WTR</td>
<td></td>
<td></td>
<td>$306,691.00</td>
<td>10.41%</td>
<td>24.19%</td>
<td>Authorize a professional services contract with Oscar Renda Contracting, Inc. for additional work associated with the construction of the Camp Wisdom Pump Station and rehabilitation improvements in the American Way elevated storage tank</td>
</tr>
<tr>
<td>69</td>
<td>6, 7, 8, Outside</td>
<td>C</td>
<td>WTR</td>
<td></td>
<td></td>
<td>$577,803.00</td>
<td>100.00%</td>
<td>29.40%</td>
<td>Authorize Supplement Agreement No. 4 to the professional services contract with Malcolm Firmie, Inc. for additional services related to security and risk management for water and wastewater facilities</td>
</tr>
<tr>
<td>ITEM</td>
<td>OK</td>
<td>DEF</td>
<td>DISTRICT</td>
<td>TYPE</td>
<td>DEPT.</td>
<td>DOLLARS</td>
<td>LOCAL</td>
<td>MWBE</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>------</td>
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<td>-------</td>
<td>---------</td>
<td>-------</td>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>70</td>
<td>N/A</td>
<td>I</td>
<td>SEC</td>
<td>NC</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>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)</td>
</tr>
<tr>
<td>71</td>
<td>5</td>
<td>I</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>An appeal of the City Plan Commission’s decision to deny a waiver of the two-year waiting period to submit an application for a Specific Use Permit for an alcoholic beverage establishment for a private club or bar on the northeast corner of Buckner Boulevard and Kipling Drive, and consideration of alternate resolutions either affirming or reversing the decision of the City Plan Commission</td>
</tr>
<tr>
<td>72</td>
<td>12</td>
<td>I</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>An ordinance granting a Planned Development District for LI Light Industrial District Uses and a resolution granting an amendment to the public deed restrictions on property zoned an LI Light Industrial District on the west side of Waterview Parkway at Synergy Drive</td>
</tr>
<tr>
<td>73</td>
<td>N/A</td>
<td>I</td>
<td>OFS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>Authorize the preparations of plans for issuance in an amount not to exceed $170,000,000 in Waterworks and Sewer System Revenue Refunding Bonds, Series 2008</td>
</tr>
<tr>
<td>74</td>
<td>1</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 306 for a Public School and Community Service Center on property zoned Planned Development No. 306 and an R-7.5(A) Single Family District on the west line of Edgefield Avenue, between Twelfth Street and Brooklyn Avenue</td>
</tr>
<tr>
<td>75</td>
<td>13</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 477 for an institution of a religious, charitable or philanthropic nature on property zoned an R-7.5(A) Single Family District on the southwest corner of Park Lane and Boedecker Street</td>
</tr>
<tr>
<td>76</td>
<td>3</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract IV within Planned Development District No. 508 for CH Clustered Housing, MF-2(A) Multifamily, LO-1 Limited Office and MU-1 Mixed Use District uses on the southeast corner of Kingbridge Road and Bickers Street</td>
</tr>
<tr>
<td>77</td>
<td>9</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an LO-1 Limited Office District on property zoned a P(A) Parking District with a portion of Specific Use Permit No. 1498 for a government installation other than listed on the southeast corner of Northwest Highway and Softa Drive and a resolution accepting the deed restrictions volunteered by the applicant</td>
</tr>
<tr>
<td>78</td>
<td>2</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an NO(A) Neighborhood Office District on property zoned an MF-2(A) Multifamily District, on the south corner of Columbia Avenue and Colson Street</td>
</tr>
<tr>
<td>79</td>
<td>13</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 531 for a Community service center and MF-2(SAH) Multifamily (Affordable) District Uses on the north line of Ridgecrest Road, northwest of Eastriddle Drive</td>
</tr>
<tr>
<td>80</td>
<td>10</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an IR Industrial Research District west of Sanden Drive, north of LBJ Expressway</td>
</tr>
<tr>
<td>81</td>
<td>5</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a library, art gallery, or museum on property zoned an R-7.5(A) Single Family District on the southeast corner of Lake June Road and Houghton Road</td>
</tr>
<tr>
<td>82</td>
<td>13</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the site plan for a portion of Planned Development District No. 1 for medical clinic, lodge, bank or savings and loan office, professional or general business office or doctor's office located on the south side of Forest Lane between Irwood Road &amp; Eastern Avenue</td>
</tr>
<tr>
<td>83</td>
<td>2</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an MU-2 Mixed Use District on property zoned an IM Industrial Manufacturing District on the west side of Maple Avenue, north of Stutz Drive</td>
</tr>
<tr>
<td>84</td>
<td>12</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>N/A</td>
<td>N/A</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict within Planned Development District No. 722 for single family, handicapped dwelling and private street and alley west of Preston Road, north of Frankford Road</td>
</tr>
</tbody>
</table>
## AGENDA DATE
**May 14, 2008**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>OK</th>
<th>IND</th>
<th>DISTRICT</th>
<th>TYPE</th>
<th>DEPT.</th>
<th>DOLLARS</th>
<th>LOCAL</th>
<th>MWBE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>85</td>
<td>14</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for a Planned Development Subdistrict for Multiple family, Hotel and motel, Restaurant without drive-through service, and Health studio uses on property zoned an O-2 Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and the termination of the D Dry Liquor Control Overlay, on the northeast line of Fairmount Street between Enid Street and Turtle Creek Boulevard with consideration being given to the granting of the D-1 Dry Liquor Control Overlay and the granting of a Specific Use Permit for a Restaurant with alcohol sales</td>
</tr>
<tr>
<td>86</td>
<td>6</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a metal salvage facility on property zoned Planned Development District No. 406, the Ledbetter/Eagle Ford Special Purpose District, on the west side of Progressive Drive, northwest of the corner of Fort Worth Turnpike and Walton Walker Access Road</td>
</tr>
<tr>
<td>87</td>
<td>All</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding consideration of amendments to Chapter 51A, of the Dallas Development Code, to amend the use definition of Public Park, Playground or Golf Course and an ordinance granting the amendments</td>
</tr>
<tr>
<td>88</td>
<td>All</td>
<td>PH</td>
<td>DDS</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>A public hearing to receive comments regarding consideration of amendments to Chapter 51A, of the Dallas Development Code, to amend Section 51A-1.106, &quot;Notification Signs Required to Be Obtained and Posted,&quot; to establish appropriate standards for postponement of a case when it is determined that an applicant failed to comply with notification sign posting requirements and an ordinance granting the amendments</td>
</tr>
<tr>
<td>89</td>
<td>7</td>
<td>PH</td>
<td>HSG</td>
<td>NC</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>FY 2007-08 Consolidated Plan Reprogramming Budget #3: A public hearing to receive comments on the final FY 2007-08 Consolidated Plan Reprogramming Budget #3 to reprogram $928,473 of HOME Investment Partnership Program Funds from the Mortgage Assistance Program to the Frazier Berean Senior Project and $925,000 of Community Development Grant Reprogramming Funds from the Southern Sector Housing and Economic Development Financing for Neighborhood Investment Program public infrastructure</td>
</tr>
<tr>
<td>90</td>
<td>7</td>
<td>PH</td>
<td>HSG</td>
<td>GT</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>FY 2007-08 Consolidated Plan Reprogramming Budget #3: Authorize adoption of the final FY 2007-08 Consolidated Plan Reprogramming Budget #3 to reprogram $928,473 of HOME Investment Partnership Program Funds from the Mortgage Assistance Program to the Frazier Berean Senior Project and $925,000 of Community Development Grant Reprogramming Funds from the Southern Sector Housing and Economic Development Financing for Neighborhood Investment Program public infrastructure</td>
</tr>
</tbody>
</table>

**TOTAL** $30,916,633.65
AGENDA ITEM # 2

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 8

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Dave Cook, 670-7804
Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize a service contract for the removal and proper disposal of an underground storage tank at Southside Wastewater Treatment Plant - His and Hers, lowest responsible bidder of five - Not to exceed $80,000 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This service contract will provide for the removal and proper disposal of an underground storage tank and the restoration of the immediate area. The contract also provides for soil testing to ascertain the conditions of the area at the time of restoration. This tank has been in service for about 20 years and was recently taken out of service.

The physical removal of the storage tank is necessary to prevent leakage of petroleum products into the soil which would require significant clean up at a much higher cost. The physical removal of this tank will eliminate the potential negative impact to the environment. This work will be performed in conformance with Texas Commission Environmental Quality regulations and be properly documented as required.

As part of the bid process, 156 vendor notices were sent electronically by the City’s web based procurement system. In an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women’s Business Council – Southwest).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.
FISCAL INFORMATION

$80,000.00 - Water Utilities Capital Construction Funds

M/WBE INFORMATION

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

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

The recommended awardee has fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501 as amended.

ETHNIC COMPOSITION

His and Hers

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>White Female</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hispanic Female</td>
<td>0</td>
<td>17</td>
</tr>
<tr>
<td>Black Female</td>
<td>2</td>
<td>19</td>
</tr>
<tr>
<td>Other Female</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>White Male</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hispanic Male</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td>Black Male</td>
<td>19</td>
<td>19</td>
</tr>
<tr>
<td>Other Male</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

BID INFORMATION

The following bids were received from solicitation number BM0804 and opened on January 23, 2008. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*His and Hers</td>
<td>9850 Whitehurst Dr. #2053</td>
<td>$ 80,000.00</td>
</tr>
<tr>
<td></td>
<td>Dallas, TX 75243</td>
<td></td>
</tr>
<tr>
<td>Dougherty Sprague</td>
<td>1236 West Executive Dr.</td>
<td>$109,516.00</td>
</tr>
<tr>
<td>Environment</td>
<td>Richardson, TX 75081</td>
<td></td>
</tr>
<tr>
<td>Terracon Consultants, Inc.</td>
<td>8901 John W. Carpenter Frwy. #100</td>
<td>$114,685.00</td>
</tr>
<tr>
<td></td>
<td>Dallas, TX 75247</td>
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</table>
### BID INFORMATION (Continued)

<table>
<thead>
<tr>
<th>Bidders</th>
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<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cactus Environmental Services</td>
<td>4960 Singleton Blvd.</td>
<td>$168,435.00</td>
</tr>
<tr>
<td></td>
<td>Dallas, TX 75212</td>
<td></td>
</tr>
<tr>
<td>Eagle Construction &amp; Environmental Services</td>
<td>9701 East I-20</td>
<td>$389,268.00</td>
</tr>
<tr>
<td></td>
<td>Eastland, TX 76448</td>
<td></td>
</tr>
</tbody>
</table>

### OWNER

**His and Hers**

Blackson Aiweriogheieye, President  
Sylvester Eblogbe, Vice President  
Ike Livina, Secretary  
Itohan Aiweriogheieye, Treasurer
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a service contract for the removal and proper disposal of an underground storage tank at Southside Wastewater Treatment Plant - His and Hers, lowest responsible bidder of five - Not to exceed $80,000 - Financing: Water Utilities Capital Construction Funds

His and Hers is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$80,000.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$80,000.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$0.00</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
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</table>
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager is authorized to execute a service contract with His and Hers (VS0000028272) for the removal and proper disposal of an underground storage tank at Southside Wastewater Treatment Plant in an amount not to exceed $80,000.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to His and Hers shall be based only on the amount of the services directed to be performed by the City and properly performed by His and Hers under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriation in an amount not to exceed $80,000.00:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJECT</th>
<th>ENCUMBRANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0103</td>
<td>DWU</td>
<td>CS50</td>
<td>3210</td>
<td>RQS-DWU-00000042811</td>
</tr>
</tbody>
</table>

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.

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Water Utilities
KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
              Equipment & Building Services
              Fire
              Park & Recreation
              Sanitation Services
              Street Services

CMO: Dave Cook, 670-7804
     David O. Brown, 670-3390
     Ryan S. Evans, 670-3314
     Paul D. Dyer, 670-4071
     Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize (1) a twenty-four-month service contract for scrap tire removal and disposal from McCommas Bluff Landfill (Bid Group B) – Liberty Tire Recycling, LLC. in the amount of $217,500, and (2) a twenty-four-month service contract for scrap tire removal and disposal from various City facilities (Bid Group A) - Tex-American Recycling, Inc. in the amount of $127,075, lowest responsible bidders of two - Total not to exceed $344,575 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

The City is a registered Scrap Tire Generator with the Texas Commission on Environmental Quality (TCEQ) and as such requires the services of a TCEQ registered vendor to dispose of scrap tires. This service contract for scrap tire removal will be utilized by Sanitation Services to properly dispose of approximately 765 tons yearly of scrap tires deposited at the McCommas Bluff Landfill by citizens of Dallas. Additionally, departments such as Equipment and Building Services, Street Services, Park and Recreation and Fire dispose of approximately 12,275 used tires yearly.

Liberty Tire Recycling, LLC. and Tex-American Recycling, Inc. are TCEQ registered and approved scrap tire processors, storage facilities, and transporters of scrap tires in the State of Texas. Scrap tire processors shred or bale scrap tires for delivery to a scrap tire storage site, a facility that recycles, reuses or recovers the energy from the tire pieces. This is an approved method by TCEQ to recycle scrap tires.
BACKGROUND (Continued)

Liberty Tire Recycling, LLC. and Tex-American Recycling, Inc. recycle the scrap tires into tire derived fuel, crumb rubber, mulch and playground material. Tire derived fuel is used as alternative fuels in power plants and paper mills. The wire from the tire is recycled back into the steel industry. Both vendors recycle 99.9% of all tires collected.

This bid has a 30% increase over the bid awarded in 2005.

As part of the bid process, 170 vendor notices were sent electronically by the City’s web based procurement system. In an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women's Business Council – Southwest).

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On January 26, 2005, City Council authorized a twenty-four-month service contract for scrap tire removal by Resolution #05-0346.

FISCAL INFORMATION

$344,575.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

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

The recommended awardees have fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501 as amended.

ETHNIC COMPOSITION

Liberty Tire Recycling, LLC.

<table>
<thead>
<tr>
<th></th>
<th>Hispanic Female</th>
<th>Hispanic Male</th>
<th>Black Female</th>
<th>Black Male</th>
<th>Other Female</th>
<th>Other Male</th>
<th>White Female</th>
<th>White Male</th>
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</thead>
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<td>1</td>
<td>58</td>
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<td>2</td>
<td>0</td>
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<td>3</td>
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</tbody>
</table>
ETHNIC COMPOSITION (Continued)

Tex-American Recycling, Inc.

Hispanic Female 6 Hispanic Male 34
Black Female 2 Black Male 4
Other Female 0 Other Male 0
White Female 0 White Male 4

BID INFORMATION

The following bids were received from solicitation number BC0807 and opened on February 28, 2008. This service contract was awarded to the lowest responsive and responsible bidders by group.

*Denotes successful bidders

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
</table>
| Liberty Tire Recycling, LLC.  | 5302 Wade Road       | Group A - $303,850.00
|                               | Baytown, TX 77521    | Group B - $217,500.00
| Tex-American Recycling, Inc.  | 3801 N. Commerce     | Group A - $127,075.00
|                               | Fort Worth, TX 76106 | Group B - Non-responsive**

**Tex-American Recycling, Inc. was deemed non-responsive on Group B due to the vendor not bidding according to the requirement of the bid sheet.

OWNERS

Liberty Tire Recycling, LLC.

Donald E. Rea, President
C. Andrew Russell, Vice President
Loretta M. Chahade, Secretary
Ronald B. Carlson, Treasurer

Tex-American Recycling, Inc.

Mike Stanislawsky, President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize (1) a twenty-four-month service contract for scrap tire removal and disposal from McCommas Bluff Landfill (Bid Group B) – Liberty Tire Recycling, LLC. in the amount of $217,500, and (2) a twenty-four-month service contract for scrap tire removal and disposal from various City facilities (Bid Group A) - Tex-American Recycling, Inc. in the amount of $127,075, lowest responsible bidders of two - Total not to exceed $344,575 - Financing: Current Funds (subject to annual appropriations)

Liberty Tire Recycling, LLC. and Tex-American Recycling, Inc. are non-local, non-minority firms, have signed the "Good Faith Effort" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Other Services

_____________________________________________________________

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
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</tr>
<tr>
<td>Total non-local contracts</td>
<td>$344,575.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$344,575.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
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<tbody>
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<td>Native American</td>
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<td>0.00%</td>
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<tr>
<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
WHEREAS, on January 26, 2005, City Council authorized a twenty-four-month service contract for scrap tire removal by Resolution #05-0346;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Liberty Tire Recycling, LLC., (503761) for scrap tire removal and disposal from McCommas Bluff Landfill (Bid Group B) for a term of twenty-four months in an amount not to exceed $217,500.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Liberty Tire Recycling, LLC. shall be based only on the amount of the services directed to be performed by the City and properly performed by Liberty Tire Recycling, LLC. under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriation in an amount not to exceed $217,500.00 (subject to annual appropriations):

<table>
<thead>
<tr>
<th>FUND</th>
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</table>

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.

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Sanitation Services
WHEREAS, on January 26, 2005, City Council authorized a twenty-four-month service contract for scrap tire removal by Resolution #05-0346;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Tex-American Recycling, Inc. (VS0000018240) for scrap tire removal and disposal from various City facilities (Bid Group A) for a term of twenty-four months in an amount not to exceed $127,075.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Tex-American Recycling, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Tex-American Recycling, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriation in an amount not to exceed $127,075.00 (subject to annual appropriations):

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
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<th>OBJECT</th>
<th>AMOUNT</th>
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<td>3099</td>
<td>$31,778.50</td>
</tr>
</tbody>
</table>

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.

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Equipment & Building Services
Fire
Park & Recreation
Street Services
KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Equipment & Building Services

CMO: Dave Cook, 670-7804
David O. Brown, 670-3390

MAPSCO: N/A

SUBJECT

Authorize a thirty-six-month master agreement for Carrier heating, ventilation and air conditioning equipment and parts - Carrier North Texas, Sole Source - Not to exceed $352,389 - Financing: Current Funds

BACKGROUND

This master agreement will be utilized to purchase various Carrier brand original equipment manufacturer (OEM) heating, ventilation and air conditioning (HVAC) equipment and parts. It is essential for the repair and maintenance of 830 Carrier HVAC systems at Citywide facilities such as:

- Morton Meyerson Symphony Center
- Equipment & Building Services
- City Hall
- Fire Stations
- Libraries
- Recreation Centers
- Sanitation
- Zoo
- Police Stations
- Water Department
- Animal Control Shelter
- Various other facilities
BACKGROUND (Continued)

This agreement will provide Carrier equipment and parts such as:

- circuit boards
- compressors
- condenser units
- motors
- furnaces
- package units
- heat pumps, etc.

In order to maintain the integrity of the units SEER ratings or maintain any warranties OEM parts must be used. These HVAC systems range in size from 1.5 to 50 tons. When replacing HVAC roof top equipment, it is cost effective to replace the unit with the same manufacturer. All HVAC units do not have the same dimensions or ratings. In addition to the cost of the unit, changing manufacturers frequently necessitates purchase of curb adaptor, relocation of electrical and condensate lines.

Carrier is the manufacturer of the equipment and will only sell directly to licensed contractors and governmental agencies. Carrier North Texas is the manufacturer outlet for the entire North Central Texas marketplace in Carrier OEM equipment and parts. Buying direct from the manufacturer assures the City the lowest possible prices because there is no second party mark-up added.

The average discount given by the awardee on this agreement is 59.38%. The average discount given on the previous agreement was 49.00%.

PRIOR ACTION/REVIEW COUNCIL, BOARDS, COMMISSIONS

On December 8, 2003, City Council authorized thirty-six-month master agreement for Carrier heating, ventilation and air conditioning equipment and parts for heating and cooling systems in City-owned and operated facilities by Resolution #03-3332.

FISCAL INFORMATION

$352,389.00 - Current Funds

M/WBE INFORMATION

This is a sole source procurement and requires no bidding.
ETHNIC COMPOSITION

Carrier North Texas

Hispanic Female  15  Hispanic Male  51
Black Female     17  Black Male     46
Other Female     5   Other Male     4
White Female     65  White male     304

BID INFORMATION

<table>
<thead>
<tr>
<th>Bidder</th>
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<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carrier North Texas</td>
<td>1411 Walnut Hill, Irving, Texas 75038</td>
<td>$352,389.00</td>
</tr>
</tbody>
</table>

NOTE: The City Auditor has reviewed this sole source procurement and has no objection to awarding to Carrier North Texas.

OWNER

Carrier North Texas

Louis Chenevert, President
George David, Chairman/Chief Executive Officer
James Geisler, Vice President
Gregory Hayes, Vice President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a thirty-six-month master agreement for Carrier heating, ventilation and air conditioning equipment and parts - Carrier North Texas, Sole Source - Not to exceed $352,389 - Financing: Current Funds

Carrier North Texas is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$352,389.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>TOTAL CONTRACT</strong></td>
<td>$352,389.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
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<tbody>
<tr>
<td>African American</td>
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<tr>
<td>Hispanic American</td>
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<td>0.00%</td>
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<td>Asian American</td>
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<td>0.00%</td>
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<tr>
<td>Native American</td>
<td>$0.00</td>
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<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
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</tr>
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<td><strong>Total</strong></td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
WHEREAS, on December 8, 2003, City Council authorized thirty-six-month master agreement for Carrier heating, ventilation and air conditioning equipment and parts for heating and cooling systems in City-owned and operated facilities by Resolution #03-3332;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of Carrier heating, ventilation and air conditioning equipment and parts is authorized with Carrier North Texas (186373) for a term of thirty-six months in an amount not to exceed $352,389.00.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed $352,389.00.

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

DISTRIBUTION:

Business Development and Procurement Services
Equipment & Building Services
KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 3

DEPARTMENT: Business Development & Procurement Services
               Code Compliance

CMO: Dave Cook, 670-7804
     David O. Brown, 670-3390

MAPSCO: 43-T

SUBJECT

Authorize a twenty-four-month master agreement for animal food for Code Compliance - Hill's Pet Nutrition Sales, Inc., lowest responsible bidder of two - Not to exceed $161,390 - Financing: Current Funds

BACKGROUND

This master agreement will allow for the purchase of food for animals in the care of Dallas' animal shelter and provide "hand-out" food with each adoption.

Hill's Pet Nutrition Sales, Inc. will provide in-shelter food at a nominal charge to offset shipping charges in exchange for exclusive advertising rights at the shelter. Hand-out food will be provided at no charge. In turn, the City will:

- feed exclusively the chosen supplier’s product to animals being cared for by the shelter
- distribute hand-out food and literature (coupon, etc.) with each cat and dog adoption
- prominently display the supplier’s products exclusively in the reception and adoption areas
- not promote, display, distribute or endorse any food product other than the product supplied by Hill's Pet Nutrition Sales, Inc.

Dallas Animal Services impounds thousands of animals each year from animals running at large, confiscated animals and owners surrendering their pets to the Shelter. Fiscal year (FY) 2006-2007 saw nearly 35,000 animals impounded. Release of animals, whether by adoption, redemption, rescue placement or wildlife release, is up from approximately 15% in FY 2006-2007 to approximately 19% in the first half of this fiscal year.
BACKGROUND (Continued)

This procurement was competitively bid in FY 2004-2005 and awarded in an amount not requiring City Council approval. The successful bidder was Hill's Pet Nutrition Sales, Inc. with a nominal charge to cover shipping for shelter food and free hand-out food. The City was bound by similar requirements as stated in this contract.

This bid has a 40% increase over the bid awarded in 2005. If purchased wholesale, the cost for the same quantity and quality of product would be approximately $464,410.00.

As part of the bid process, 17 vendor notices were sent electronically by the City’s web based procurement system. In an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women’s Business Council – Southwest).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$161,389.66 - Current Funds

M/WBE INFORMATION

1 - Vendor contacted
0 - No response
1 - Response (Bid)
0 - Response (No bid)
0 - Successful

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

The recommended awardee has fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501 as amended.

ETHNIC COMPOSITION

Hill's Pet Nutrition Sales, Inc.

Hispanic Female 0  Hispanic Male 0
Black Female 17  Black Male 8
Other Female 3  Other Male 4
White Female 131  White Male 100
**BID INFORMATION**

The following bids were received from solicitation number BL0820 and were opened on March 5, 2008. This master agreement is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

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<thead>
<tr>
<th>Bidder</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Topeka, KS 66601</td>
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<td>126 Natches Trace</td>
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<tr>
<td></td>
<td>Coppell, TX 75019</td>
<td></td>
</tr>
</tbody>
</table>

**OWNER**

*Hill's Pet Nutrition Sales, Inc.*

Neil Thompson, President
Stuart D. Burkhead, Vice-President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a twenty-four-month master agreement for animal food for Code Compliance - Hill's Pet Nutrition Sales, Inc., lowest responsible bidder of two - Not to exceed $161,390 - Financing: Current Funds

Hill's Pet Nutrition Sales, Inc. is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
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<td>TOTAL CONTRACT</td>
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<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
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<th>Percent</th>
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<th>Percent</th>
</tr>
</thead>
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<tr>
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</tr>
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<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That a master agreement for the purchase of animal food for Code Compliance is authorized with Hill's Pet Nutrition Sales, Inc. (516447) for a term of twenty-four months in an amount not to exceed $161,389.66.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed $161,389.66.

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.

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Code Compliance
AGENDA ITEM # 6

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
                Street Services

CMO: Dave Cook, 670-7804
     Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize a twenty-four-month master agreement for bulk cement to be used for street repairs - Holcim (US), Inc., lowest responsible bidder of two - Not to exceed $797,340 - Financing: Current Funds

BACKGROUND

This master agreement will provide Portland type I cement for Street Services Department. Portland type I cement is the raw material that is needed to make concrete. The cement will be used by the Street Services Department to make concrete on an as needed basis for small repair to streets, alley ways, and curbs around the City. Deliveries of the cement will be made to the City's four different district locations in pneumatic bulk tankers which will dispense the cement into City silos, or on location of the job site. The City has one silo at each district location. When preparing to use the cement, it will be dispensed from the silos into City mobile mixers and mixed with water, and other aggregates to produce concrete. As part of the bid process Business Development and Procurement Services contacted all three manufactures of bulk cement, and there is no price difference between dry kiln cement and wet kiln cement.

On May 23, 2007 City Council authorized, by Resolution #07-1608, the purchase of dry kiln cement. The awarded bidders have received, read and signed the environmental records affidavit, and agreed to provide the dry kiln cement according to City's environmental policy.

This bid has a 10.7% increase over the bid awarded in 2005.

As part of the bid process, 142 vendor notices were sent electronically by the City’s web based procurement system. In an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 9 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women’s Business Council – Southwest).
PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On May 25, 2005, City Council authorized a thirty-six-month master agreement for bulk cement by Resolution #05-1570.

FISCAL INFORMATION

$797,340.00 - Current Funds

M/WBE INFORMATION

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

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

The recommended awardee has fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501 as amended.

ETHNIC COMPOSITION

Holcim (US), Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>Black</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>White</td>
<td>106</td>
<td>6</td>
</tr>
</tbody>
</table>

BID INFORMATION

The following bids were received from solicitation number BH0806 and were opened on February 15, 2008. This master agreement is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Holcim (US), Inc.</td>
<td>122 W. Carpenter Frwy. Irving, TX 75039</td>
<td>$797,340.00</td>
</tr>
<tr>
<td>Texas Industries</td>
<td>1341 W. Mockingbird Ln. Dallas, TX 75247</td>
<td>$1,080,000.00</td>
</tr>
</tbody>
</table>
OWNER

Holcim (US), Inc.

Patrick Dolberg, President
Bill Townsend, Vice President
Susan Diehl, Secretary
Thomas Abischier, Treasurer
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a twenty-four-month master agreement for bulk cement to be used for street repairs - Holcim (US), Inc., lowest responsible bidder of two - Not to exceed $797,340 - Financing: Current Funds

Holcim (US), Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$797,340.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$797,340.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
WHEREAS, on May 25, 2005, City Council authorized a thirty-six-month master agreement for bulk cement by Resolution #05-1570;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of bulk cement to be used for street repairs is authorized with Holcim (US), Inc. (225348) for a term of twenty-four months in an amount not to exceed $797,340.00.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed $797,340.00.

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

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Street Services
Authorize a twenty-four-month service contract, with two twelve-month renewal options, for database access for Real-Time Live Homework Support On-line Service for the Dallas Public Library - Tutor.com, Inc., lowest responsive and responsible bidder of two - Not to exceed $285,000 - Financing: Current Funds ($242,150) (subject to annual appropriations), Lone Star Libraries Grant Funds ($42,850)

BACKGROUND

The contract with Tutor.com, Inc. will provide Real-Time Live Homework Support On-Line Service, a database access service, that will allow patrons of the Dallas Public Library to connect with subject experts in a customized on-line classroom. This internet-based service includes core academic assistance in math, science, social studies and english for grades four through twelve and introductory college courses in english and spanish.

The City's Library website, www.dallaslibrary.org, is utilized to access Real-Time Live Homework Support under the program name “DASH” (Dallas After School Homework). DASH workshops are provided to Dallas Independent School District (DISD) teachers, private school instructors and home school parents. The Library staff promote the DASH program to students and teachers by visiting schools to introduce the program and provide detailed instructions. Students are provided with promotional materials such as: flyers bookmarks, and brochures to assist them with the program. Additionally, Teen Centers are provided with live presentations from Tutor.com, Inc.

Real-Time Live Homework Support On-Line Service has unlimited access from 2:00 p.m. - 12:00 midnight local time, seven days a week. The program is accessible through remote home access and in all twenty-five branches of the Dallas Public Library.
BACKGROUND (Continued)

To access the Live Homework Support On-Line Service, the student must have a Dallas Library card. A library card for Dallas residents is free; non-residents pay $200.00 a year for a library card.

Tutor.com, Inc. is utilized at 1,600 library locations across the country. Real-Time Live Homework Support On-Line Service is an affordable after-school service that connects a student with a professional tutor for live, one-to-one help with homework questions and test preparation on-line. Tutor.com, Inc. provides a secure and safe environment for students. All interaction between tutors and students are anonymous and communication is through instant messaging only.

This twenty-four month contract reflects a savings of $130.00 per year over the previous twelve month contract.

As part of the bid process, 28 vendor notices were sent electronically by the City’s web based procurement system. In an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women’s Business Council – Southwest).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)


FISCAL INFORMATION

$242,150.00 - Current Funds (subject to annual appropriations)
$  42,850.00 - Lone Star Libraries Grant Funds

M/WBE INFORMATION

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

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

The recommended awardees have fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501 as amended.
ETHNIC COMPOSITION

Tutor.com, Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic Female</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Black Female</td>
<td>0</td>
<td>2</td>
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<tr>
<td>Other Female</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>White Female</td>
<td>19</td>
<td>23</td>
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</tbody>
</table>

BID INFORMATION

The following bids were received from solicitation number BW0802 and opened on November 28, 2007. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Tutor.com, Inc.</td>
<td>40 Fulton St.</td>
<td>$285,000.00</td>
</tr>
<tr>
<td></td>
<td>New York, NY 10038</td>
<td></td>
</tr>
<tr>
<td>Global Tutors, Inc.</td>
<td>227 East Holly Ave.</td>
<td>Non-responsive*</td>
</tr>
<tr>
<td></td>
<td>Suite #111</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sterling, VA 20164</td>
<td></td>
</tr>
</tbody>
</table>

**Global Tutors, Inc. was deemed non-responsive due to failure to meet bid specifications.

OWNER

Tutor.com, Inc.

George Cigale, President
Kevin Donalds, Vice President/Treasurer
Bart Epstein, Secretary
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a twenty-four-month service contract, with two twelve-month renewal options, for database access for Real-Time Live Homework Support On-line Service for the Dallas Public Library - Tutor.com, Inc., lowest responsive and responsible bidder of two - Not to exceed $285,000 - Financing: Current Funds ($242,150) (subject to annual appropriations), Lone Star Libraries Grant Funds ($42,850)

Tutor.com, Inc. is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$285,000.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$285,000.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
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<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
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<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
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<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
WHEREAS, on April 12, 2006, City Council authorized a twelve-month service contract for Real-Time Live Homework Support On-line Service for the Dallas Public Library by Resolution #06-1062;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Tutor.com, Inc. (VS0000000624) for database access for Real-Time Live Homework Support On-line Service for the Dallas Public Library for a term of twenty-four months, with two twelve-month renewal options, in an amount not to exceed $285,000.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Tutor.com, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Tutor.com, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriation in an amount not to exceed $285,000.00 (subject to annual appropriations):

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJECT</th>
<th>ENCUMBRANCE</th>
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</thead>
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<tr>
<td>0001</td>
<td>LIB</td>
<td>5391</td>
<td>4860</td>
<td>LIB0001F005</td>
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<tr>
<td>S192</td>
<td>LIB</td>
<td>0336</td>
<td>4860</td>
<td>LIBS192F006</td>
</tr>
</tbody>
</table>

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.

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Library
AGENDA ITEM # 8

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire

CMO: Dave Cook, 670-7804
Ryan S. Evans, 670-3314

MAPSCO: N/A

SUBJECT

Authorize a twenty-four-month master agreement for self contained breathing apparatus and accessories for the Dallas Fire-Rescue Department - Wayest Safety, Inc., lowest responsible bidder of four - Not to exceed $3,121,769 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes ($3,099,269), Current Funds ($22,500)

BACKGROUND

This master agreement will provide self contained breathing apparatus (SCBA) and accessories to the Dallas Fire-Rescue Department (DFRD), Hazmat Team, Aircraft Rescue Fire Fighting (ARFF) and Urban Search and Rescue (USAR). These SCBA will meet all the requirements of National Fire Protection Association - 1981 Standard on Open-Circuit Self-Contained Breathing Apparatus 2007 Edition. These devices allow the members of DFRD who are assigned to Emergency Operations and Training to operate more safely in areas contaminated with smoke, particulate matter and dangerous chemicals.

DFRD currently has 667 SCBAs in service. They are repaired when possible and taken out of service when defective and cannot be repaired. These units have been replaced as needed over the last twenty years. The new units will be phased in and will be replaced every ten years. All electronic components shall be sealed for water protection, an area that has caused concerns in the previously owned SCBA. Also there will be the heads-up display (HUD) features available per standards. This allows the DFRD member to visually see the amount of air left in the cylinder at all times.

Due to technological advances for SCBAs it would be difficult to make a price comparison to the previous purchase due to the fact that it was ten years ago.
BACKGROUND (Continued)

As part of the bid process, 53 vendor notices were sent electronically by the City’s web based procurement system. In an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women’s Business Council – Southwest).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 13, 2005, City Council authorized a thirty-six-month master agreement for self contained breathing apparatus parts by Resolution #05-1148.

FISCAL INFORMATION

$3,099,269 - 2007 Equipment Acquisition Contractual Obligation Notes
$22,500 - Current Funds

M/WBE INFORMATION

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

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

The recommended awardees have fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501 as amended.

ETHNIC COMPOSITION

Wayest Safety, Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Hispanic Female</th>
<th>Hispanic Male</th>
<th>Black Female</th>
<th>Black Male</th>
<th>Other Female</th>
<th>Other Male</th>
<th>White Female</th>
<th>White Male</th>
</tr>
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<tr>
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<td>13</td>
<td>16</td>
</tr>
<tr>
<td>Black Female</td>
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<td>0</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other Female</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

BID INFORMATION

The following bids were received from solicitation number BR0814 and opened on March 12, 2008. This master agreement is being awarded in its entirety to the lowest responsive and responsible bidder.
BID INFORMATION (Continued)

*Denotes successful bidder

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Wayest Safety, Inc.</td>
<td>3750 N. I-44 Service Rd.</td>
<td>$3,121,769.00</td>
</tr>
<tr>
<td></td>
<td>Oklahoma City, OK 73112</td>
<td></td>
</tr>
<tr>
<td>Municipal Emergency Services, Inc.</td>
<td>15865 International Plaza Dr.</td>
<td>$3,133,282.00</td>
</tr>
<tr>
<td></td>
<td>Houston, TX 77032</td>
<td></td>
</tr>
<tr>
<td>Fisher Scientific Co. LLC</td>
<td>2000 Park Lane Dr.</td>
<td>$3,235,519.00</td>
</tr>
<tr>
<td></td>
<td>Pittsburgh, PA 15275</td>
<td></td>
</tr>
<tr>
<td>Hoyt Enterprises, Inc. dba Breathing Air Products</td>
<td>P.O. Box 653</td>
<td>$3,735,565.00</td>
</tr>
<tr>
<td></td>
<td>Quinlan, TX 75474</td>
<td></td>
</tr>
</tbody>
</table>

OWNER

Wayest Safety, Inc.

David Rankin, President
Laura Rankin, Vice President/Secretary/Treasurer
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a twenty-four-month master agreement for self contained breathing apparatus and accessories for the Dallas Fire-Rescue Department - Wayest Safety, Inc., lowest responsible bidder of four - Not to exceed $3,121,769 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes ($3,099,269), Current Funds ($22,500)

Wayest Safety, Inc. is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$3,121,769.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$3,121,769.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
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<td>0.00%</td>
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<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
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<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
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<td>$0.00</td>
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</tr>
</tbody>
</table>
WHEREAS, on April 13, 2005, City Council authorized a thirty-six-month master agreement for self contained breathing apparatus parts by Resolution #05-1148;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of self contained breathing apparatus and accessories for the Dallas-Fire Rescue Department is authorized with Wayest Safety, Inc. (031947) for a term of twenty-four months in an amount not to exceed $3,121,769.00.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed $3,121,769.00.

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

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Fire
KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire

CMO: Dave Cook, 670-7804
Ryan S. Evans, 670-3314

MAPSCO: N/A

SUBJECT

Authorize the purchase of forty-five infrared thermal imaging cameras for search and rescue operations conducted by the Dallas Fire-Rescue Department - Metro Fire Apparatus Specialists, Inc., lowest responsible bidder of two - Not to exceed $475,650 - Financing: Current Funds ($25,875), Urban Area Security Initiative Grant Funds ($449,775)

BACKGROUND

This purchase will provide forty-five infrared thermal imaging cameras and accessories for the Dallas Fire-Rescue Department (DFR) to use during search and rescue, fire suppression and other mitigation efforts by the firefighters when responding to calls involving a fire. The City has 56 fire stations and 1,600 uniformed firefighters. DFR responded to 120,362 emergency calls in fiscal 06-07.

Currently DFR has 51 thermal imaging cameras assigned to fire companies in emergency operations. This purchase will complete the allocation of a unit for each of the 90 emergency response fire companies and allow for 6 reserve units.

A thermal imaging camera will be assigned to each of the departments 90 emergency response fire companies (fire engines/trucks). This emergency equipment has proven to be a vital tool to assist the company officer in assessing a fire by measuring the temperature, locating the hottest areas of the fire, detecting the movement of a fire and the potential of it spreading. The imagers allow firefighters to see through smoke and darkness which can greatly increase their ability to navigate through their environment, locate trapped citizens and detect further hazards such as structural damage caused by the fire.

This bid has no increase or decrease over the bid awarded in 2007.
BACKGROUND (Continued)

As part of the bid process, 95 vendor notices were sent electronically by the City’s web based procurement system. In an effort to secure more bids, notifications were sent by the Business Development and Procurement Services’ ResourceLINK Team (RLT) to 25 chambers of commerce, and two advocacy groups (i.e. DFW Minority Business Council and Women’s Business Council – Southwest).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 2, 2007, City Council authorized the purchase of thirty thermal imaging cameras for the Dallas Fire-Rescue Department to use during search and rescue by Resolution #07-1375.

FISCAL INFORMATION

$ 25,875.00 - Current Funds
$449,775.00 - Urban Area Security Initiative Grant Funds

M/WBE INFORMATION

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

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

The recommended awardees have fulfilled the good faith requirements set forth in the Good Faith Effort Plan adopted by Council Resolution #84-3501 as amended.

ETHNIC COMPOSITION

Metro Fire Apparatus Specialists, Inc.

Hispanic Female 0 Hispanic Male 2
Black Female 0 Black Male 1
Other Female 0 Other Male 0
White Female 3 White Male 22
**BID INFORMATION**

The following bids were received from solicitation number BR0815 and were opened on March 12, 2008. This purchase is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount of Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Metro Fire Apparatus Specialists, Inc.</td>
<td>6125 Nordling Road, Houston, TX 77076</td>
<td>$475,650.00</td>
</tr>
<tr>
<td>E.D. Bullard Co.</td>
<td>1898 Safety Way, Cynthiana, KY 41031</td>
<td>$574,155.00</td>
</tr>
</tbody>
</table>

**OWNER**

*Metro Fire Apparatus Specialists, Inc.*

Craig N. Russell, President
Paulette Bazan, Secretary
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize the purchase of forty-five infrared thermal imaging cameras for search and rescue operations conducted by the Dallas Fire-Rescue Department - Metro Fire Apparatus Specialists, Inc., lowest responsible bidder of two - Not to exceed $475,650 - Financing: Current Funds ($25,875), Urban Area Security Initiative Grant Funds ($449,775)

Metro Fire Apparatus Specialists, Inc. is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$475,650.00</td>
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</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$475,650.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
WHEREAS, on May 2, 2007, the City Council authorized the purchase of thirty thermal imaging cameras for the Dallas Fire-Rescue Department to use during search and rescue by Resolution #07-1375;

NOW, THEREFORE,

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

Section 1. That the purchase of forty-five infrared thermal imaging cameras for search and rescue operations conducted by the Dallas Fire-Rescue Department is authorized with Metro Fire Apparatus Specialists, Inc. (339015) in an amount not to exceed $475,650.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for forty-five infrared thermal imaging cameras for search and rescue operations conducted by the Dallas Fire-Rescue Department. If a formal contract is required for the purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds from the following appropriation, in an amount not to exceed $475,650.00:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJECT</th>
<th>ENCUMBRANCE</th>
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</thead>
<tbody>
<tr>
<td>F194</td>
<td>CMO</td>
<td>3280</td>
<td>4780</td>
<td>RQS00000049520</td>
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<td>0001</td>
<td>DFD</td>
<td>2020</td>
<td>4780</td>
<td>RQS00000049520</td>
</tr>
</tbody>
</table>

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.

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Fire
AGENDA ITEM # 10

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services

CMO: Dave Cook, 670-7804
Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize an increase in the service contract for temporary information technology professionals with CIBER, Inc. - Not to exceed $1,705,500, from $6,822,000 to $8,527,500 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This contract provides Information Technology (IT) services for various City departments in coordination with the City's Communication and Information Services (CIS) department. CIBER, Inc. provides skilled professional employees who will work on a temporary basis as Application Architects/Developers, Data Architects/Data Base Administrators, Infrastructure Architects/Developers, and Program/Project Managers. The increase in funds is needed for the following reasons:

- CIS must mitigate employee turnover and retirement with contract resources through CIBER, Inc. to provide immediate and continuous technical support for systems like Computer Aided Dispatch (CAD), Customer Request Management System (CRMS), American Management System (AMS), Library Information Management system, as well as City-wide file server consolidation project and technology installs in public safety vehicles
- CIS has experienced much longer than anticipated time frames for recruiting and hiring new employees, which has extended the engagement time frames for contract resources
- CIS has provided contract resources in support of unplanned, urgent projects such as Evidence Manager system for DPD property warehouse, and Electronic-Information Discovery
BACKGROUND (Continued)

- CIS has experienced challenges in recruiting SAP technical staff for the implementation and production support of the Pay1 system. This is primarily due to the increased competition in the business market for hiring personnel with SAP competencies in business process analysis, software development, system configuration/testing and security. As a result, CIS leveraged the CIBER, Inc. master agreement for SAP contract resources, which in turn accelerated usage of hours against this master agreement from the projected forecasts.

It is the intent of Business Development and Procurement Services and CIS to bid the engagement for several qualified vendors to assist the City with on-going SAP initiatives required to enhance, upgrade and support our recently implemented SAP system. This will set apart from the current CIBER, Inc. service contract intended for general-purpose technical resources, a more specific service contract for SAP technical resources.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 28, 2007, City Council authorized a thirty-six-month service contract for temporary information technology by Resolution #07-0747.

On February 21, 2007, City Council was briefed.

FISCAL INFORMATION

$1,705,500.00 - Current Funds (subject to annual appropriations)

ETHNIC COMPOSITION

CIBER, Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic Female</td>
<td>41</td>
<td>112</td>
</tr>
<tr>
<td>Hispanic Male</td>
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<td></td>
</tr>
<tr>
<td>Black Female</td>
<td>139</td>
<td>238</td>
</tr>
<tr>
<td>Black Male</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Female</td>
<td>222</td>
<td>564</td>
</tr>
<tr>
<td>Other Male</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White Female</td>
<td>1170</td>
<td>2555</td>
</tr>
<tr>
<td>White Male</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

OWNER

CIBER, Inc.

Mac J. Slingerlend, President
David E. Girard, Executive Vice President
David G. Durham, Senior Vice President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the service contract for temporary information technology professionals with CIBER, Inc. - Not to exceed $1,705,500, from $6,822,000 to $8,527,500 - Financing: Current Funds (subject to annual appropriations)

CIBER, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Other Services

---

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

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local contracts</td>
<td>$1,705,500.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>TOTAL THIS ACTION</strong></td>
<td><strong>$1,705,500.00</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

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

#### Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vignon, Inc.</td>
<td>WFWB35049N1008</td>
<td>$404,600.00</td>
<td>23.72%</td>
</tr>
<tr>
<td><strong>Total Minority - Local</strong></td>
<td></td>
<td><strong>$404,600.00</strong></td>
<td><strong>23.72%</strong></td>
</tr>
</tbody>
</table>

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

None

### TOTAL M/WBE PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>This Action</th>
<th>Participation to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
</tr>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
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</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$404,600.00</td>
<td>23.72%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$404,600.00</strong></td>
<td><strong>23.72%</strong></td>
</tr>
</tbody>
</table>
WHEREAS, on February 28, 2007, City Council authorized a thirty-six-month service contract for temporary information technology by Resolution #07-0747; and,

WHEREAS, it is now necessary to authorize an increase in the service contract for temporary information technology professionals with CIBER, Inc.;

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

Section 1. That the City Manager is authorized to execute an increase to the existing service contract with CIBER, Inc. (VS0000010688) for temporary information technology professionals, in an amount not to exceed $1,705,500.00, increasing the contract amount from $6,822,000.00 to $8,527,500.00.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed $1,705,500.00 (subject to annual appropriations).

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

DISTRIBUTION:

Business Development and Procurement Services
Communication and Information Services
AGENDA ITEM # 11

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Water Utilities

CMO: Thomas P. Perkins, Jr., 670-3491
    Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize settlement of a claim filed by GEICO Insurance Company on behalf of its insured Trudy Wafer, Claim No. 07186616 - Not to exceed $12,810 - Financing: Current Funds

BACKGROUND

Council was briefed in Closed Session on May 7, 2008.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

This item has no prior action.

FISCAL INFORMATION

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

$12,810 - Current Funds
WHEREAS, a claim was filed by GEICO Insurance Company on behalf of its insured Trudy Wafer, Claim No. 07186616, seeking compensation of $12,810 for property damages allegedly caused by an automobile accident on April 22, 2007, involving an employee of the Water Utilities Department; and

WHEREAS, GEICO Insurance Company, has agreed to settle this claim through its attorneys, Henderson, Smith, Black & Bryant, in the amount of $12,810; Now, Therefore,

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

SECTION 1. That the settlement of the claim filed by GEICO Insurance Company on behalf of its insured Trudy Wafer, Claim No. 07186616, in an amount not to exceed $12,810, is hereby approved.

SECTION 2. That the City Controller is authorized to pay GEICO Insurance Company, the amount of $12,810 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor MVATT001.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
            Water Utilities

CMO: Thomas P. Perkins, Jr., 670-3491
     Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Holly Kenton v. John Hayes, et al., Cause No. 06-17923-E - Not to exceed $10,001 - Financing: Current Funds

BACKGROUND

Plaintiff is represented by attorney Jay W. Lucas.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Council was briefed in Closed Session on May 7, 2008.

FISCAL INFORMATION

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

$10,001 - Current Funds
WHEREAS, a lawsuit styled Holly Kenton v. John Hayes, et al., Cause No. 06-17923-E, was filed by Plaintiff seeking compensation from the City of Dallas for damages allegedly caused by an automobile accident on April 5, 2006 involving a Dallas Water Utilities vehicle; and

WHEREAS, Plaintiff, Holly Kenton, through her attorney, Jay W. Lucas, have agreed to settle this lawsuit for the amount of $10,001; Now, therefore,

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

SECTION 1. That the settlement of the lawsuit styled Holly Kenton v. John Hayes, et al., Cause No. 06-17923-E, in an amount not to exceed $10,001 is hereby approved.

SECTION 2. That the City Controller is authorized to pay to Holly Kenton and her attorney, Jay W. Lucas, the amount of $8,788 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

SECTION 3. That the City Controller is authorized to pay to Ingenix, Inc., the amount of $1,213 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
AGENDA ITEM # 13

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Street Services

CMO: Thomas P. Perkins, Jr., 670-3491
Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Julia May v. City of Dallas, Cause No. 07-10310-D - Not to exceed $10,000 - Financing: Current Funds

BACKGROUND

Plaintiff is represented by attorney John Wren, Brian Loncar & Associates.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Council was briefed in Closed Session on May 7, 2008.

FISCAL INFORMATION

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

$10,000 - Current Funds
WHEREAS, a lawsuit styled Julia May v. City of Dallas, Cause No. 07-10310-D, was filed by Plaintiff seeking compensation from the City of Dallas for damages allegedly caused by an automobile accident on March 21, 2006 involving a Street Services Department vehicle; and

WHEREAS, Plaintiff, Julia May, through her attorney, John Wren, Brian Loncar & Associates, has agreed to settle this lawsuit for the amount of $10,000; Now, therefore,

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

SECTION 1. That the settlement of the lawsuit styled Julia May v. City of Dallas, Cause No. 07-10310-D, in an amount not to exceed $10,000 is hereby approved.

SECTION 2. That the City Controller is authorized to pay to Julia May and her attorney, Brian Loncar & Associates, the amount of $10,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

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.
SUBJECT

Authorize settlement of the lawsuit styled Richard and Peggy Sells v. The City of Dallas, Cause No. 06-02074-H - Not to exceed $125,000 - Financing: Current Funds

BACKGROUND

Plaintiffs are represented by attorney Jay Murray, Murray and Pelletier.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Council was briefed in Closed Session on May 7, 2008.

FISCAL INFORMATION

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

$125,000 - Current Funds
WHEREAS, a lawsuit styled Richard and Peggy Sells v. The City of Dallas, Cause No. 06-02074-H, was filed by Plaintiffs seeking compensation from the City of Dallas for damages allegedly caused by an automobile accident on December 13, 2004 involving a Sanitation Services Department vehicle; and

WHEREAS, Plaintiffs, Richard and Peggy Sells, through their attorney, Murray and Pelletier, have agreed to settle this lawsuit for the amount of $125,000; Now, therefore,

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

SECTION 1. That the settlement of the lawsuit styled Richard and Peggy Sells v. The City of Dallas, Cause No. 06-02074-H, in an amount not to exceed $125,000 is hereby approved.

SECTION 2. That the City Controller is authorized to pay to Richard and Peggy Sells and their attorneys, Murray and Pelletier, the amount of $125,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

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.
Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. to increase funding for additional legal services necessary in the lawsuit styled Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-B - Not to exceed $60,000, from $25,000 to $85,000 - Financing: Current Funds

BACKGROUND

On March 11, 2008, pursuant to Administrative Action No. 08-0803, the City entered into a professional services contract with Adorno Yoss White & Wiggins, L.L.P. in an amount not to exceed $25,000 for legal services necessary in the lawsuit styled Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-L. This item authorizes Supplemental Agreement No. 1 to the professional services contract with Adorno Yoss White & Wiggins, L.L.P. for additional legal services needed in this matter in an amount not to exceed $60,000, increasing the original contract amount from $25,000 to $85,000.

FISCAL INFORMATION

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

$60,000 - Current Funds
MWBE INFORMATION

See attached.

ETHNIC COMPOSITION

Adorno Yoss White & Wiggins, L.L.P.

<table>
<thead>
<tr>
<th>Race Category</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>White Male</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>African-American Male</td>
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<td>Hispanic Male</td>
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<td>African-American Female</td>
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<td>Hispanic Female</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Female</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

OWNER

Adorno Yoss White & Wiggins, L.L.P.

Kevin B. Wiggins, Partner
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. to increase funding for additional legal services necessary in the lawsuit styled Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-B - Not to exceed $60,000, from $25,000 to $85,000 - Financing: Current Funds

Adorno Yoss White & Wiggins, L.L.P. is a local, minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

---

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local contracts</td>
<td>$60,000.00</td>
<td>100.00%</td>
</tr>
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<td>Non-local contracts</td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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WHEREAS, on March 11, 2008, pursuant to Administrative Action No. 08-0803, the City entered into a professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P., for legal services necessary in the lawsuit styled Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-L, in an amount not to exceed $25,000; and

WHEREAS, the legal services of Adorno Yoss White & Wiggins, L.L.P. continue to be necessary in this matter; Now, Therefore,

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

SECTION 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. for additional legal services necessary in the lawsuit styled Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-B, in an amount not to exceed $60,000, increasing the original contract amount from $25,000 to $85,000.

SECTION 2. That the City Controller is authorized to disburse, in periodic payments to the law firm of Adorno Yoss White & Wiggins, L.L.P., an amount not to exceed $60,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT38908F0117, Vendor No. 344317.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
Agenda Item # 16

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Thomas P. Perkins, Jr., 670-3491

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Patton Boggs, L.L.P. for additional legal services regarding the production of documents in connection with a federal grand jury subpoena and related matters - Not to exceed $50,000, from $75,000 to $125,000 - Financing: Current Funds

BACKGROUND

On September 8, 2005, pursuant to Administrative Action No. 05-2323, the City entered into a professional services contract with the law firm of Patton Boggs, L.L.P. in the amount of $25,000.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council was briefed in closed session on February 8, 2006, December 4, 2006, and May 7, 2008.

Supplemental Agreement No. 1 to the professional services contract in the amount of $25,000 was authorized by the City Council on February 22, 2006, pursuant to Resolution No. 06-0652, increasing the original contract amount from $25,000 to $50,000.

Supplemental Agreement No. 2 to the professional services contract in the amount of $25,000 was authorized by the City Council on December 13, 2006, pursuant to Resolution No. 06-3395, increasing the original amount, as supplemented, from $50,000 to $75,000.
FISCAL INFORMATION

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

$50,000 - Current Funds

M/WBE INFORMATION

Patton Boggs, L.L.P. is performing services under this contract with its own employees. There are no subcontracting opportunities.

ETHNIC COMPOSITION

Patton Boggs, L.L.P.

<table>
<thead>
<tr>
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OWNER

Patton Boggs, L.L.P.

S. Cass Weiland, Partner
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Patton Boggs, L.L.P. for additional legal services regarding the production of documents in connection with a federal grand jury subpoena and related matters - Not to exceed $50,000, from $75,000 to $125,000 - Financing: Current Funds

Patton Boggs, L.L.P. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

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<td><strong>100.00%</strong></td>
</tr>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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<tr>
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<tr>
<td>WBE</td>
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<td>0.00%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$0.00</strong></td>
<td><strong>0.00%</strong></td>
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WHEREAS, on September 8, 2005, pursuant to Administrative Action No. 05-2323, the City entered into a professional services contract with the law firm of Patton Boggs, L.L.P., in the amount of $25,000, for legal services regarding the production of documents by the City in connection with a federal grand jury subpoena; and

WHEREAS, on February 22, 2006, pursuant to Resolution No. 06-0652, the City of Dallas entered into Supplemental Agreement No. 1 to the professional services contract with the law firm of Patton Boggs, L.L.P., in an amount not to exceed $25,000, increasing the original contract amount from $25,000 to $50,000; and

WHEREAS, on December 13, 2006, pursuant to Resolution No. 06-3395, the City of Dallas entered into Supplemental Agreement No. 2 to the professional services contract with the law firm of Patton Boggs, L.L.P., in an amount not to exceed $25,000, increasing the original contract amount, as supplemented, from $50,000 to $75,000; and

WHEREAS, the legal services of Patton Boggs, L.L.P. continue to be necessary in this matter; Now, Therefore,

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

SECTION 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 3 to the professional services contract with the law firm of Patton Boggs, L.L.P., for additional legal services regarding the production of documents in connection with a federal grand jury subpoena and related matters, in an amount not to exceed $50,000, increasing the original contract as supplemented from $75,000 to $125,000.

SECTION 2. That the City Controller is authorized to disburse, in periodic payments to the law firm of Patton Boggs, L.L.P., an amount not to exceed $50,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT38908G025, Vendor No. 520522.

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.
SUBJECT

An ordinance amending Chapter 27 of the Dallas City Code to expand the definition of “urban nuisance” in accordance with state law to include a structure that, regardless of structural condition, is unoccupied and unsecured from unauthorized entry and a structure that is secured but either constitutes a danger to the public or is secured by inadequate means - Financing: No cost consideration to the City

BACKGROUND

The proposed ordinance would amend Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code to expand the definition of “urban nuisance” in accordance with state law to include a structure that, regardless of structural condition, is unoccupied and unsecured from unauthorized entry and a structure that is secured but either constitutes a danger to the public or is secured by inadequate means. The ordinance would take effect on May 19, 2008.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on April 2, 2008.

FISCAL INFORMATION

No cost consideration to the City.
ORDINANCE NO. ____________

An ordinance amending Section 27-3 of CHAPTER 27, “MINIMUM URBAN REHABILITATION STANDARDS,” of the Dallas City Code, as amended; expanding the definition of an “urban nuisance” in accordance with state law to include a structure that, regardless of structural condition, is unoccupied and unsecured from unauthorized entry and a structure that is secured but either constitutes a danger to the public or is secured by inadequate means; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Subsection (33) of Section 27-3, “Definitions,” of Article I, “General Provisions,” of CHAPTER 27, “MINIMUM URBAN REHABILITATION STANDARDS,” of the Dallas City Code, as amended, is amended to read as follows:

“(33) URBAN NUISANCE means a premises or structure that:

(A) is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;

(B) regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that is could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

(C) boarded up, fenced, or otherwise secured in any manner if:

(i) the structure constitutes a danger to the public even though secured from entry; or
(ii) the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure in the manner described by Paragraph (B) of this subsection."

SECTION 2. That CHAPTER 27 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 4. That this ordinance will take effect on May 19, 2008, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By ____________________________

Assistant City Attorney

Passed __________________________

LC/DCC/00437A
AGENDA ITEM # 18

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 1, 8, 10

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 18W 28A W 53R V 63H

SUBJECT

Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of eight tracts of land for the construction of the Principal Arterial Street System Project (list attached) – Financing: No cost consideration to the City

BACKGROUND

The Dallas Area Rapid Transit (DART) Board passed Resolution No. 05-0058 on April 12, 2005, Resolution No. 05-0024 on February 8, 2005, Resolution No. 04-0166 on December 14, 2004 and Resolution No. 04-0147 on November 9, 2004, declaring a public necessity for the acquisition of eight privately owned tracts of land for the construction of the DART Principal Arterial Street System (PASS) Project. Construction is scheduled for completion Summer 2008.

DART PASS Project was initiated in 1990 as a cooperative effort of the Texas Department of Transportation, DART, and various cities that are part of the DART service area. The PASS Project is necessary to facilitate traffic flow at intersections and to ease traffic congestion. Proposed construction will improve turn lanes and provide wider turn radius for DART buses to negotiate turns.

This item authorizes DART to acquire eight privately owned tracts of land by eminent domain, if such becomes necessary.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City
OWNERS

Lincoln Trust Co., FBO
Karl Willock

Karl J. Willock, President

ACP Northview Plaza, LP

American Capital Properties, LLC, General Partner
Marc Tavakoli, President
Hooman Soleimanzadeh, President

Tahir, Inc.

Shabbir Sawani, Vice President

Net Lease Funding 2005, LLC

Robert E. Lawless, President

Whataburger, Inc.

Thomas Dobson, Chairman/CEO

MAPS

Attached
<table>
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<tr>
<th>Tract No.</th>
<th>Property Owner</th>
<th>Address</th>
<th>Lot &amp; Block</th>
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<td>1.</td>
<td>Larry &amp; Glenna Boschert</td>
<td>2400 West Ledbetter Drive</td>
<td>Blk. 6051 Tr 2</td>
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<tr>
<td>2.</td>
<td>Karl &amp; Kathleen Willock</td>
<td>2523 South Hampton Road</td>
<td>Blk. B/5967 Lot 1</td>
<td>1</td>
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<tr>
<td>3.</td>
<td>Karl Willock</td>
<td>2509 South Hampton Road</td>
<td>Blk. 5967 Tr 6</td>
<td>1</td>
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<tr>
<td>4.</td>
<td>Lincoln Trust CO., FBO Karl Willock</td>
<td>2415 South Hampton Road</td>
<td>Blk 5967 Tr 5</td>
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<td>5.</td>
<td>ACP Northview Plaza, LP</td>
<td>10695 East Northwest Highway</td>
<td>Blk. B/7081 Lt 3</td>
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<td>6.</td>
<td>Tahir, Inc.</td>
<td>10705 East Northwest Highway</td>
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<td>8.</td>
<td>Whataburger, Inc.</td>
<td>11700 Plano Road</td>
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Parcel to be acquired by DART

W. LEDBETTER DRIVE

6051

S. HAMPTON ROAD

1

[Image of map with parcel indicated]
W. ILLINOIS AVENUE

PARCEL TO BE ACQUIRED BY DART
PARCEL TO BE ACQUIRED BY DART
WHEREAS, on February 28, 1990, the Dallas City Council adopted Resolution No. 90-0810, approving the Master Interlocal Agreement between the City and DART; and

WHEREAS, on July 25, 1990, Supplemental Agreement No. 1 to the Master Interlocal Agreement was adopted by the Dallas City Council to address planning and development issues related to implementation of DART's transportation system; and

WHEREAS, on August 28, 1991, Supplemental Agreement No. 2 to the Master Interlocal Agreement was adopted by the Dallas City Council to address design and construction issues related to implementation of DART's transportation system; and

WHEREAS, the Master Interlocal Agreement, Supplemental Agreement No. 1, Supplemental Agreement No. 2, and any amendments thereto are hereinafter collectively referred to as the "Agreement"; and

WHEREAS, Chapter 452 of the Texas Transportation Code, as amended, (the Act) grants DART the right of eminent domain to acquire lands in fee simple and any interests less than fee simple in, on, under and above lands, including, without limitation, easements, rights-of-way, rights of use of air space or subsurface space, or any combination thereof; and

WHEREAS, the Act further provides that such right of eminent domain shall not be exercised within a city without the approval of each acquisition by the governing body of such city; and

WHEREAS, the Board of Directors of DART has adopted Resolution No. 04-0147 on November 9, 2004, Resolution No. 04-0166 on December 14, 2004, Resolution No. 05-0024 on February 8, 2005 and Resolution No. 05-0058 on April 12, 2005 declaring the public necessity for the acquisition by DART Principal Arterial Street System (PASS) Project of certain real property or interests described in the DART resolution, and that such acquisition (subject to the terms and conditions of the Agreement and this resolution) is necessary and proper for the construction and development of DART and for any other use authorized by the Act, and is in the public interest; Now Therefore,

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

Section 1. That the City of Dallas hereby approves (subject to the terms and conditions of the Agreement and this resolution) DART Resolution No. 04-0147 on November 9, 2004, Resolution No. 04-0166 on December 14, 2004, Resolution No. 05-0024 on February 8, 2005 and Resolution No. 05-0058 on April 12, 2005 (except for the lands and interests owned in whole or in part by the City of Dallas) adopted, by the Dallas Area Rapid Transit Board on the dates listed.
Section 2. That the City of Dallas hereby approves (except for the lands and interests owned in whole or in part by the City of Dallas) the proposed acquisition, including the exercise of the right of eminent domain, if such becomes necessary, by DART in the City of Dallas of lands in fee simple and interests less than fee simple, as identified in DART Resolution No. 04-0147 on November 9, 2004, Resolution No. 04-0166 on December 14, 2004, Resolution No. 05-0024 on February 8, 2005 and Resolution No. 05-0058 on April 12, 2005 for the DART Principal Arterial Street System (PASS) Project, (subject to the terms and conditions of the Agreement and this resolution), as more particularly described in field notes marked Exhibit "A" attached hereto and made a part hereof.

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

APPROVED AS TO FORM:
Thomas P. Perkins, Jr., City Attorney

By: [Signature]
Assistant City Attorney
LEGAL LAND DESCRIPTION FOR PARCEL 4 OF FEE SIMPLE ACQUISITION

BEING 782 square feet tract of land situated in the JOHN COX SURVEY, Abstract Number 250, City Block 6051, Dallas County, Texas, and being a portion of that certain tract of land described to Larry J. Boschert and Glenna I. Boschert by deed recorded in Volume 2001051, Page 5483, Deed Records of Dallas County, Texas (DRDCT), said 782 square feet of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found for southeast corner of said Boschert tract and the northeast corner of that certain tract of land described to BEW Financing by deed recorded in Volume 2001049, Page 0233, DRDCT, and being in the west right-of-way line of S. Hampton Road (variable width right-of-way);

THENCE North 01 degrees 04 minutes 33 seconds West along the east line of said Boschert tract and west right-of-way line of said S. Hampton Road, a distance of 153.40 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the POINT OF BEGINNING;

(1) THENCE North 45 degrees 58 minutes 33 seconds West, a distance of 21.52 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for corner;

(2) THENCE South 89 degrees 13 minutes 54 seconds West, a distance of 159.80 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the west line of said Boschert tract and the east line of that certain tract of land described to SKC Venture, Inc. by deed recorded in Volume 97049, Page 2857, DRDCT;

(3) THENCE, North 01 degrees 09 minutes 06 seconds West along said west property line and said east property line, a distance of 3.81 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the northwest corner of said Boschert tract and northeast corner of said SKC Venture, Inc. tract, and being in the south right-of-way line of W. Ledbetter Drive (Loop 12) (a variable width right-of-way);

(4) THENCE, North 89 degrees 13 minutes 54 seconds East along the north line of said Boschert tract and south right-of-way line of said W. Ledbetter Drive, a distance of 175.00 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the northeast corner of said Boschert tract, being the intersection of the south right-of-way line of said W. Ledbetter Drive with the west right-of-way line of said S. Hampton Road;
Legal Land Description for Parcel 4

(5) THENCE South 01 degrees 04 minutes 33 seconds West along the east line of said Bechert tract and west right-of-way line of said S. Hampton Road, a distance of 18.97 feet to the POINT OF BEGINNING and containing 782 square feet or 0.0180 of an acre of land.

Note: The Basis of Bearings is the Texas State Plane Coordinate System, North Central Zone, N.A.D. 83.

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

I hereby certify that this field note description and attached plat represent a survey made on the ground under my supervision and described in the field notes above and accompanying parcel plat.

Lyndon M. Hodgin
Registered Professional Land Surveyor
Texas No. 4584

8-23-04
A PLAT OF A SURVEY OF A 782 SQ. FT. TRACT OF LAND IN THE JOHN COX SURVEY, ABSTRACT NUMBER 250, AND BEING IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS.

NOTE:
THE BANK OF AMERICA IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, R.A.S. 85.

LEGEND
R.O.W. TAKE LINE
EXISTING R.O.W. LINE
SURVEY LINE
PROPERTY LINE
EASEMENTS
CITY LINES
O - 1/8" RED, 1/8" WHITE, 1/4" RED-WHITE-RED, 1/4" WHITE-RED-WHITE, 1/4" RED-RED-RED
L - 1/16" RED-RED, 1/16" RED-RED-RED-RED
F - 1/16" WHITE-RED, 1/16" WHITE-RED-RED
C.D. - POINT OF COMMENCING
P.D. - POINT OF BEGINNING

STATE OF TEXAS
REGISTERED
LYNDON M. HODGINS
R.P.L.S. NO. 4584
County: Dallas  
Parcel 8  
Highway Intersection of S. Hampton Road  
At: W. Illinois Avenue

Legal Land Description for Parcel 8 FEE SIMPLE ACQUISITION

BEING 552 square feet tract of land situated in the WM. W. CONOVER SURVEY, Abstract Number 293, City Block 5967, Dallas County, Texas, and being a portion of Lot 1, Block B/3967, NCS HAMPTON ADDITION, an addition to the City of Dallas as described by plat recorded in Volume 86055, Page 2454, Deed Records of Dallas County, Texas (DRDCT), and being a portion of that certain tract of land described to Karl J. Willock and Kathleen Willock by deed recorded in Volume 99015, Page 05229, DRDCT, said 552 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at a X cut in concrete found for the northeast corner of said Lot 1 and the southeast corner of a called 0.643 acre tract of land described to Karl J. Willock by deed recorded in Volume 96100, Page 2492, DRDCT and also being in the west right of way line of S. Hampton Road (a variable width right-of-way);

(1) THENCE South 00 degrees 15 minutes 24 seconds East along the east line of said Lot 1 and along the west right-of-way line of said S. Hampton Road, a distance of 155.00 feet to a 1/2-inch iron rod found for the most easterly southeast corner of said Lot 1 and the northeast corner of a corner clip located at the northwest intersection of S. Hampton Road with W. Illinois Avenue (a variable width right-of-way);

(2) THENCE South 44 degrees 31 minutes 37 seconds West along said corner clip, a distance of 14.19 feet to a 1/2-inch iron rod found for the most southerly southeast corner of said Lot 1 and southwestern corner of said corner clip, and being in north right-of-way line of said W. Illinois Avenue;

(3) THENCE South 89 degrees 18 minutes 36 seconds West along the south line of said Lot 1 and the north right-of-way line of said W. Illinois Avenue, a distance of 6.19 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for corner;

(4) THENCE North 38 degrees 17 minutes 48 seconds East, a distance of 23.92 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for corner;

(5) THENCE North 01 degrees 03 minutes 15 seconds West, a distance of 116.44 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for corner;

(6) THENCE West, a distance of 3.40 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for corner;
Legal Land Description for Parcel 8

(7) THENCE North 02 degrees 46 minutes 56 seconds West, a distance of 10.80 feet to a 5/8 inch iron rod with yellow plastic cap stamped “LGG” set for an angle point;

(8) THENCE North 00 degrees 36 minutes 56 seconds East, a distance of 19.14 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set in the north line of said Lot 1 and the south line of said called 0.643 acre Karl J. Willock tract;

(9) THENCE North 89 degrees 18 minutes 36 seconds East along the north line of said Lot 1 and the south line of said called 0.643 acre Karl J. Willock tract, a distance of 6.41 feet to the POINT OF BEGINNING and containing 552 square feet or 0.0127 of an acre of land.

Note: The Basis of Bearings is the Texas State Plane Coordinate System, North Central Zone, N.A.D. 83.

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

I hereby certify that this field note description and attached plat represent a survey made on the ground under my supervision and described in the field notes above and accompanying parcel plat.

Lyndon M. Hodgin
Registered Professional Land Surveyor
Texas No. 4584

Date 8-23-04
Legal Land Description for Parcel 9

BEING 1,015 square feet tract of land situated in the WM. W. CONOVER SURVEY, Abstract Number 293, City Block 5967, Dallas County, Texas, and being a portion of that certain tract of land described to Karl J. Willock by deed recorded in Volume 96100, Page 02492, of the Deed Records of Dallas County, Texas (DRDCT), said 1,015 square feet tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a X cut in concrete found for the southeast corner of said Karl J. Willock tract and the northeast corner of Lot 1, Block B/5967, NCS HAMPTON ADDITION, an addition to the City of Dallas as described by plat recorded in Volume 86055, Page 2454, DRDCT, and being in the west right-of-way line of S. Hampton Road (a variable width right-of-way);

(1) THENCE South 89 degrees 18 minutes 36 seconds West along the south line of said Karl J. Willock tract and the north line of said Lot 1, a distance of 6.48 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for corner;

(2) THENCE North 00 degrees 36 minutes 56 seconds East, a distance of 18.05 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for corner;

(3) THENCE North 00 degrees 19 minutes 58 seconds West, a distance of 140.19 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for corner;

(4) THENCE South 89 degrees 23 minutes 16 seconds West, a distance of 3.61 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for corner;

(5) THENCE North 00 degrees 15 minutes 24 seconds West, a distance of 1.76 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for corner in the north line of said Karl J. Willock tract and the south line of that certain tract of land described to Lincoln Trust Company, Trustee fbo Karl J. Willock by deed recorded in Volume 2003102, Page 10493, DRDCT;

(6) THENCE North 89 degrees 18 minutes 36 seconds East along the north line of said Karl J. Willock tract and the south line of said Lincoln Trust Company tract, a distance of 10.00 feet to a 1/2 inch iron rod found for the northeast corner of said Karl J. Willock tract and southeast corner of said Lincoln Trust Company tract, and being in the west right-of-way line of said S. Hampton Road;
Legal Land Description for Parcel 9

(7) THENCE South 00 degrees 15 minutes 24 seconds East, along the east line of said Karl J. Willock tract and west right-of-way line of said S. Hampton Road, a distance of 160.00 feet to the POINT OF BEGINNING and containing 1,015 square feet or 0.0233 of an acre of land.

Note: The Basis of Bearings is the Texas State Plane Coordinate System, North Central Zone, N.A.D. 83.

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

I hereby certify that this field note description and attached plat represent a survey made on the ground under my supervision and described in the field notes above and accompanying parcel plat.

Lyndon M. Hodgin
Registered Professional Land Surveyor
Texas No. 4584

Date: 8-25-04
WM. W. CONOVER SURVEY
ABSTRACT NO. 293

CALLED 0.643 ACRES
KARL J. WILLOCK
VOL. 96100, PG. 02492
D.R.D.C.T.
0.0233 ACRES
1.015 SQ. FT

POINT OF BEGINNING
S. HAMPTON ROAD
(VARIABLE WIDTH R.O.W.)

NOTE:
THE BASIS OF BEARINGS IS THE TEXAS STATE PLANE
COORDINATE SYSTEM NORTH CENTRAL ZONE, N.A.D. 83.

LEGEND
R.O.W. TAKE LINE
EXISTING R.O.W. LINE
SURVEY LINE
PROPERTY LINE
EASEMENTS
CITY LIMITS
O - 3/8" BEZG WITH YELLOW PLASTIC CAP MARKED
"C.D." SET UNLESS OTHERWISE NOTED
O - 1/2" BEZG FOUND UNLESS OTHERWISE NOTED
P.O.C. - POINT OF COMMENCING
P.O.B. - POINT OF BEGINNING

A legal description of even survey line width accompanies this plat
Surveyed on the ground
June 1999 & 2000

A plat of a survey of
A 1,015 SQ. FT. TRACT OF LAND
IN THE WM. W. CONOVER SURVEY,
ABSTRACT NUMBER 293
AND BEING IN THE
CITY OF DALLAS
DALLAS COUNTY, TEXAS

STATE OF TEXAS
REGISTERED

LYNDON M. HODGIN
R.P.L.S. NO. 4584
Legal Land Description for Parcel 10 'FEE SIMPLE ACQUISITION

BEING a 300 square feet tract of land situated in the WM. W. CONOVER SURVEY, Abstract Number 293, City Block 5967, Dallas County, Texas, and being a portion of that certain tract of land described to Lincoln Trust Company, Trustee fbo Karl J. Willock by deed recorded in Volume 2003102, Page 10493, Deed Records of Dallas County, Texas (DRDCT), said 300 square feet tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for the southeast corner of said Lincoln Trust Company tract and the northeast corner of that certain tract of land described to Karl J. Willock by deed recorded in Volume 96100, Page 02492, DRDCT and being in the west right-of-way line of S. Hampton Road (a variable width right-of-way);

(1) THENCE South 89 degrees 18 minutes 36 seconds West along the south line of said Lincoln Trust Company tract and the north line of said Karl J. Willock tract, a distance of 10.00 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for corner;

(2) THENCE North 00 degrees 15 minutes 24 seconds West, a distance of 30.00 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for corner in the north line of said Lincoln Trust Company tract and the south line of that certain tract of land described to System Capital Real Property Corporation by deed recorded in Volume 2001049, Page 1989, DRDCT;

(3) THENCE North 89 degrees 18 minutes 36 seconds East along the north line of said Lincoln Trust Company tract and the south line of said System Capital Real Property Corporation tract, a distance of 10.00 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the northeast corner of said Lincoln Trust Company tract and southeast corner of said Systems Capital Real Property Corporation tract, and being in the west right-of-way line of said S. Hampton Road;

(4) THENCE South 00 degrees 15 minutes 24 seconds East along the east line of said Lincoln Trust Company tract and west right-of-way line of said S. Hampton Road, a distance of 30.00 feet to the POINT OF BEGINNING and containing 300 square feet or 0.0069 of an acre of land.
Legal Land Description for Parcel 10

Note: The Basis of Bearings is the Texas State Plane Coordinate System, North Central Zone, N.A.D. 83.

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

I hereby certify that this field note description and attached plat represent a survey made on the ground under my supervision and described in the field notes above and accompanying parcel plat.

Lyndon M. Hodgkin
Registered Professional Land Surveyor
Texas No. 4584

[Signature]

Date: 8-23-04
ABSTRACT NO. 293

SYSTEM CAPITAL REAL
PROPERTY CORPORATION
VOL. 2001, PG. 01989
D.R.D.C.T.

CALLED 0.643 ACRES
KARL J. WILLOCK
VOL. 961, PG. 2492
D.R.D.C.T.

LINCOLN TRUST COMPANY
TRUSTEE, FOR KARL J. WILLOCK
VOL. 2003, PG. 10493
D.R.D.C.T.
0.0069 ACRES
300 SQ. FT

PROPOSED R.O.W.

POINT OF BEGINING
S00° 15'24"E
30.00'

S. HAMPTON ROAD
(VARIABLE WIDTH R.O.W.)

A PLAT OF A SURVEY OF
A 300 SQ. FT. TRACT OF LAND
IN THE WM. W. CONOVER SURVEY,
ABSTRACT NUMBER 293
AND BEING IN THE
CITY OF DALLAS
DALLAS COUNTY, TEXAS

NOTE:
A LEGAL DESCRIPTION OF EVEN
SURVEY DATE HEREBY
ACCOMPANIES THIS PLAT
SURVEYED ON THE GROUND
JUNE 1988 & 2001

STATE OF TEXAS
REGISTERED SURVEYOR
4584

LYNDON M. HODGINS
R.P.L.S. NO. 4584
BEING a 711 square feet tract of land situated in the W.C. JACKSON SURVEY, Abstract Number 704, City Block B/7081, Dallas County, Texas, and being a portion of Lot 3, Block B/7081, as indicated on the plat of “REPLAT OF ALL OF LOT 1A, CITY BLOCK B/7801, NORTH VIEW PLAZA ADDITION AND PART OF CITY BLOCK 7081”, an addition to the City of Dallas as described by plat recorded in Volume 92012, Page 3062, Deed Records of Dallas County, Texas (DRDCT), and being a portion of that certain tract of land described to Regency Centers, L.P. by deed recorded in Volume 99061, Page 04219, DRDCT, said 711 square feet tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found for the southwest corner of Lot 3, Block B/7081, of said Addition and the southeast corner of Lot 1B, Block B/7081 of said Addition and being in the north right-of-way line of Northwest Highway (100-foot right-of-way);

THENCE North 88 degrees 58 degrees 25 seconds East along the south line of said Regency Center L.P. tract and the north right-of-way line of said Northwest Highway, a distance of 11.72 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for the POINT OF BEGINNING;

(1) THENCE North 78 degrees 18 minutes 20 seconds East, a distance of 13.93 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for corner;

(2) THENCE North 89 degrees 29 minutes 41 seconds East, a distance of 14.77 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for corner;

(3) THENCE South 70 degrees 51 minutes 49 seconds East, a distance of 3.42 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for corner;

(4) THENCE North 89 degrees 29 minutes 40 seconds East, a distance of 105.75 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for corner;

(5) THENCE North 47 degrees 19 minutes 43 seconds East, a distance of 30.22 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for corner;

(6) THENCE North 01 degrees 06 minutes 34 seconds West, a distance of 86.91 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for the point of curvature of curve to the right, the radius point of which beats North 88 degrees 53 minutes 27 seconds East, at a distance of 204.23 feet;
Exhibit "A"

County Dallas
Parcel 15
Highway Intersection of Northwest Highway.
At: Plano Road

Legal Land Description for Parcel 15

(7) THENCE along said curve to the right through a central angle of 09 degrees 10 minutes 56 seconds, an arc distance of 32.73 feet and a chord bearing of North 03 degrees 28 minutes 55 seconds East, a chord distance of 32.70 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for corner in the east line of said Regency Centers, L.P. tract and the west right-of-way line of Plano Road (100-foot right-of-way);

(8) THENCE South 01 degrees 22 minutes 35 seconds East along the east line of said Regency Centers, L.P. tract and the west right-of-way line of said Plano Road, a distance of 129.89 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the most easterly southeast corner of said Regency Centers, L.P. tract, and being the northeast corner of a corner clip located at the northwest intersection of said Plano Road with said Northwest Highway;

(9) THENCE South 43 degrees 47 minutes 52 seconds West along said corner clip, a distance of 14.10 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the southeast corner of said corner clip and the most southerly southeast corner of said Regency Centers, L.P. tract, said point being in the north right-of-way line of said Northwest Highway;

(10) THENCE South 88 degrees 58 minutes 25 seconds West along the south line of said Regency Centers, L.P. tract and the north right-of-way line of said Northwest Highway, a distance of 153.29 feet to the POINT OF BEGINNING and containing 711 square feet or 0.0163 of an acre of land.
Legal Land Description for Parcel 15

Note: The Basis of Bearings is the Texas State Plane Coordinate System, North Central Zone, N.A.D. 83.

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

I hereby certify that this field note description and attached plat represent a survey made on the ground under my supervision and described in the field notes above and accompanying parcel plat.

Lyndon M. Hodgins
Registered Professional Land Surveyor
Texas No. 4584

Date: 8-23-04
LOT 3, BLOCK B/7081
NORTHVIEW PLAZA ADDITION
VOL. 92012, PG. 3062
D.R.D.C.T.

CITY BLOCK B/7081

REPLAT OF ALL LOT 1A,
CITY BLOCK B/7081
NORTHVIEW PLAZA ADDITION
AND PART OF CITY BLOCK 7081
VOL. 74006, PG. 2008
D.R.D.C.T.

W. C. JACKSON SURVEY
ABSTRACT NO. 704

REGENCY CENTERS, L.P.
VOL. 99061, PG. 4219
D.R.D.C.T.
0.0163 ACRES
711 SQ. FT.

POINT OF BEGINNING
N78° 18' 20" E
13.93'

N89° 29' 41" E
14.77'

S70° 51' 49" E
3.42'

N88° 58' 25" E
11.72'

POINT OF COMMENCING

NORTHWEST HIGHWAY
(100' R.O.W.)

LEGEND

A PLAT OF A SURVEY OF
A 711 SQ. FT. TRACT OF LAND
IN THE W. C. JACKSON SURVEY,
ABSTRACT NUMBER 704
AND BEING IN THE
CITY OF DALLAS
DALLAS COUNTY, TEXAS

LYNDON M. HODGIN
R.P.L.S. NO. 4584
Exhibit "A"

County Dallas  
Parcel 16  
Highway Intersection of Northwest Highway.  
At: Plano Road  

Legal Land Description for Parcel 16 FEE SIMPLE ACQUISITION  

BEING a 1,560 square feet tract of land situated in the B. RICHEY SURVEY, Abstract Number 1235, City Block 2/7082, Dallas County, Texas, and being a portion of "LOT 16, BLOCK 2/7082, OPAL FINANCIAL ADDITION", an addition to the City of Dallas as described by plat recorded in Volume 98014, Page 00029, Deed Records of Dallas County, Texas (DRDCT), and being a portion of that certain tract of land described to NWHWY Investments I, L.P. by deed recorded in Volume 2003136, Page 04774, DRDCT, said 1,560 square feet tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found for the southeast corner of that certain tract of land described to Jenkins Organization, Inc. by deed recorded in Volume 99023, Page 2429, DRDCT and being in the west line of that certain tract of land described to Richard L. Moore, Inc. by deed recorded in Volume 98133, Page 2047, DRDCT;

THENCE North 89 degrees 04 degrees 22 seconds West along the south line of said Jenkins Organization tract and the north line of said Richard L. Moore tract, a distance of 25.00 feet to the northeast corner of said NWHWY Investments tract, said point also being the northeast corner of Lot 16, Block 2/7082 of said Opal Financial Addition;

THENCE South 01 degrees 10 minutes 55 seconds East along the east line of said NWHWY Investments tract and the west line of said Richard L. Moore tract, a distance of 125.30 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the POINT OF BEGINNING;

(1) THENCE South 01 degrees 10 minutes 55 seconds East continuing along said lines, a distance of 9.70 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the southeast corner of said NWHWY Investments tract and southwest corner of said Richard L. Moore tract, and being in the north right-of-way line of Northwest Highway (100-foot right-of-way);

(2) THENCE South 89 degrees 04 seconds West along the south line of said NWHWY Investments tract and north right-of-way line of said Northwest Highway, a distance of 125.42 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the point of intersection of the north right-of-way line of said Northwest Highway and the east right-of-way line of Plano Road (60-foot right-of-way);
Legal Land Description for Parcel 16

(3) THENCE North 00 degrees 55 minutes 38 seconds West along the west line of said NWHWY Investments tract and the east right-of-way line of said Plano Road, a distance of 32.69 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for corner;

(4) THENCE South 50 degrees 58 minutes 53 seconds East, a distance of 34.92 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for corner;

(5) THENCE North 89 degrees 24 minutes 33 seconds East, a distance of 98.61 feet to the POINT OF BEGINNING and containing 1,560 square feet or 0.0358 of an acre of land.

Note: The Basis of Bearings is the Texas State Plane Coordinate System, North Central Zone, N.A.D. 83.

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

I hereby certify that this field note description and attached plat represent a survey made on the ground under my supervision and described in the field notes above and accompanying parcel plat.

Lyndon M. Hodgin
Registered Professional Land Surveyor
Texas No. 4584

Date: 8-23-04
BEING a 997 square foot tract of land situated in the A. JACKSON SURVEY, Abstract Number 699, City Block D/8072, Dallas County, Texas, and being a portion of Lot 2A, Block D/8072, SHEREE ROSE ADDITION, an addition to the City of Dallas as described by plat recorded in Volume 93207, Page 570, Deed Records of Dallas County, Texas (DRDCT), and also being a portion of that certain tract of land described to CNL Funding 2001-A, L.P. by deed recorded in Volume 2000251, Page 6760, DRDCT, said 997 square foot tract of land being more particularly described by metes and bounds as follows:

BEGINNING at 5/8-inch iron rod found for the most northerly northeast corner of said CNL Funding tract and also being the northwest corner of a corner clip located at the southwest intersection of Forest Lane (120-foot right-of-way) with Plano Road (100-foot right-of-way);

(1) THENCE South 48 degrees 52 minutes 37 seconds East along said corner clip, a distance of 11.92 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for corner;

(2) THENCE South 87 degrees 48 minutes 09 seconds West, a distance of 91.75 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for the point of curvature of a curve to the right? the radius point of which bears North 02 degrees 11 minutes 50 seconds West, at a distance of 154.05 feet;

(3) THENCE along said curve to the right through a central angle of 11 degrees 47 minutes 51 seconds, an arc distance of 31.72 feet and a chord bearing of North 86 degrees 17 minutes 55 seconds West, a chord distance of 31.66 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for the point of curvature of curve to the left? the radius point of which bears South 09 degrees 36 minutes 01 seconds West, at a distance of 288.86 feet;

(4) THENCE along said curve to the left through a central angle of 06 degrees 16 minutes 57 seconds, an arc distance of 31.67 feet and a chord bearing of North 83 degrees 32 minutes 28 seconds West, a chord distance of 33.66 feet to a 5/8-inch iron rod with yellow plastic cap stamped “LGG” set for corner in the north line of said CNL Funding tract and south right-of-way line of said Forest Lane;

(5) THENCE North 87 degrees 44 minutes 22 seconds East along the north line of said CNL Funding tract and the south right-of-way line of said Forest Lane, a distance of 145.87 feet to the POINT OF BEGINNING and containing 997 square feet or 0.0229 of an acre of land.
County Dallas
Parcel 32
Intersection of Forest Lane.
At: Plano Road

Legal Land Description for Parcel 32

Note: The Basis of Bearings is the Texas State Plane Coordinate System, North Central Zone, N.A.D. 83.

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

I hereby Certify that this field note description and attached plat represent a survey made on the ground under my supervision and described in the field notes above and accompanying parcel plat.

Lyndon M. Hodgin
Registered Professional Land Surveyor
Texas No. 4584

Date 8-23-04
FOREST LANE
(120' R.O.W.)

POINT OF BEGINNING

N87° 44'22"E 145.87'
S87° 48'09"W 91.75'
L=31.72'
R=154.05'
D=11° 47'51"
CB=N86° 17'55"W 31.66'

CNL FUNDING 2001-A LP
VOL. 2000251, PG. 6760
D.R.D.C.T.
0.0229 ACRES
997 SQ. FEET

A. JACKSON SURVEY
ABSTRACT NO. 699

LOT 2A, BLOCK D/8072
SHEREE ROSE ADDITION
VOL. 93207, PG. 570
D.R.D.C.T.

MCDONALD'S CORPORATION
VOL. 93226, PG. 1656
D.R.D.C.T.  

MCDONALD'S

LOT 2B, BLOCK D/8072
SHEREE ROSE ADDITION
VOL. 93207, PG. 570
D.R.D.C.T.

A PLAT OF A SURVEY OF
A 997 SQ. FT. TRACT OF LAND
IN THE A. JACKSON SURVEY,
ABSTRACT NUMBER 699
AND BEING IN THE
CITY OF DALLAS
DALLAS COUNTY, TEXAS

STATE OF TEXAS
REGISTERED

LYNDON M. HODGIN
R.P.L.S. NO. 4584

ATACHMENT 1/
County Dallas
Parcel 34
Intersection of Forest Lane.
At: Plano Road

Legal Land Description for Parcel 34

BEING a 906 square foot tract of land situated in the THOMAS McCANNE SURVEY, Abstract Number 959, City Block 8061, Dallas County, Texas, and being a portion of Lot 1, Block B/8061, SUBDIVISION OF PART OF BLOCK 8061, an addition to the City of Dallas as described by plat recorded in Volume 72129, Page 217, Deed Records of Dallas County, Texas (DRDCT), and also being a portion of that certain tract of land described to Whataburger, Inc. by deed recorded in Volume 2001252, Page 14347, DRDCT, said 906 square foot tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found at the most northerly northwest corner of said Whataburger, Inc. tract, said point also being the northeast corner of a corner clip located at the southeast intersection of Forest Lane (variable width right-of-way) with Plano Road (100-foot right-of-way);

THENCE South 44 degrees 01 minutes 02 seconds West along the northwest line of said Whataburger, Inc. tract and along said corner clip, a distance of 14.56 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the POINT OF BEGINNING;

(1) THENCE South 00 degrees 38 minutes 58 seconds East, a distance of 108.82 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for a point of curvature of a curve to the right, the radius point of which bears South 89 degrees 46 minutes 42 seconds West, at a distance of 154.05 feet;

(2) THENCE along said curve to the right through a central angle of 10 degrees 53 minutes 47 seconds, an arc distance of 29.30 feet and a chord bearing of South 05 degrees 13 minutes 35 seconds West, a chord distance of 29.25 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for a point of curvature of curve to the left, the radius point of which bears South 76 degrees 49 minutes 40 seconds East, at a distance of 130.84 feet;

(3) THENCE along said curve to the left through a central angle of 09 degrees 07 minutes 33 seconds, an arc distance of 20.84 feet and a chord bearing of South 08 degrees 36 minutes 33 seconds West, a chord distance of 20.82 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for corner in the west line of said Whataburger, Inc. tract and east right-of-way line of said Plano Road;

ATTACHMENT 1
Page 35 of 46
Legal Land Description for Parcel 34

(4) THENCE North 00 degrees 54 minutes 42 seconds West along the west line of said Whataburger, Inc. tract and the east right-of-way line of said Plano Road, a distance of 151.35 feet to a 5/8-inch iron rod with yellow plastic cap Stamped “LOG” set for the most westerly northwest corner of said Whataburger, Inc. tract and the southwest corner of the aforementioned corner clip;

(1) THENCE North 44 degrees 01 minutes 02 seconds East along the northwest line of said Whataburger, Inc. tract and along said corner clip, a distance of 10.01 feet to the POINT OF BEGINNING and containing 906 square feet or 0.0208 of an acre of land.

Note: The Basis of Bearings is the Texas State Plane Coordinate System, North Central Zone, N.A.D. 83.

A survey plat of even date herewith accompanies this legal description

I hereby certify that this field note description and attached plat represent a survey made on the ground under my supervision and described in the field notes above and accompanying parcel plat.

Lyndon M. Hodgin
Registered Professional Land Surveyor
Texas No. 4584

2-23-04
Date
A PLAT OF A SURVEY OF
A 906 SQ.FT. TRACT OF LAND
IN THE THOMAS McCANNE SURVEY,
ABSTRACT NUMBER 959
AND BEING IN THE
CITY OF DALLAS
DALLAS COUNTY, TEXAS

A LEGAL DESCRIPTION OF EILEN SURVEY DATE
HEREWITH ACCOMPANIES THIS PLAT SURVEYED
ON THE GROUND LATE 1992-93

LEGEND

- R.O.W. Boundary Line
- Existing R.O.W. Line
- Survey Line
- Property Line
- Easements
- City Limits
- 0 = R.O.W. with yellow plastic cap marked
- 1/2 = R.O.W. (find unless otherwise noted)
- 0.5 = 1/2 R.O.W. (find unless otherwise noted)
- M.D.C. = Point of Commencing
- M.B.B. = Point of Beginning
- PARCEL 34
AGENDA ITEM # 19

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Department of Development Services
Water Utilities

CMO: A. C. Gonzalez, 671-8925
Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Darius U. Camaganacan and Juanita A. Boado, of approximately 614 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - $13,710 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of a tract of land containing approximately 614 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni Pipeline. The consideration is based on an independent appraisal.

This acquisition is part of the Lake Fork Project currently underway by Dallas Water Utilities which will allow the construction of a third pipeline from Lake Tawakoni to the Tawakoni Balancing Reservoir, and then to the Eastside Water Treatment Plant. Ultimately, a new 144-inch pipeline will be placed parallel to the existing 72-inch and 84-inch pipelines. The construction of the third pipeline from Lake Tawakoni to Dallas will allow capacity for Lake Fork to supply water to meet current City needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - $13,710
MAP

Attached
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": Lake Tawakoni 144-inch Raw Water Transmission Pipeline

"PROPERTY INTEREST": Fee Simple

"OWNER": Darius U. Camaganacan and Juanita A. Boado, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": $13,710.00

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 Water Utilities Capital Construction Funds No. 0102, Department DWU, Unit CW20, Activity No. RWPT, Program No. 704041, Object 4210, Encumbrance No. CTDWU704041AM.
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: [Signature]
Assistant City Attorney
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 39

BEING a 0.0141 acre tract of land in the Ruth Peckum Survey, Abstract No. 374, and being located in Kaufman County, Texas, and being a portion of a tract of land described in General Warranty Deed with Vendor’s Lien in Favor of Third Party to Darius U. Camaganacan and Junita A. Boado, husband and wife, dated November 27, 1996, as recorded in Volume 1236, Page 507 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), same being Lot 15 of University Estates, an addition to Kaufman County, Texas, as recorded in Cabinet 2, Envelope 114, D.R.K.C.T., and being more particularly described as follows:

COMMENCING at a 1/2-inch found iron rod for the west corner of said Lot 15 and the southeast corner of Lot 14 of said University Estates, said corner being on the northerly right-of-way line of Magic Lane (variable width);

THENCE North 27 degrees 18 minutes 50 seconds East, departing said north right-of-way line and along the common line between the northwest line of said Lot 15 and the southeast line of said Lot 14, a distance of 253.54 feet to a 1/2-inch set iron rod with a red plastic cap stamped “DAL-TECH” (hereinafter referred to as “with cap”) for the POINT OF BEGINNING;

THENCE North 27 degrees 18 minutes 50 seconds East, continuing along said common line, a distance of 38.41 feet to a 1/2-inch set iron rod with cap for the north corner of said Lot 15 and the northeast corner of said Lot 14, said corner being on the southwesterly line of a tract of land described in General Warranty Deed to Jonnie Stacy Barnes, dated February 27, 2004, as recorded in Volume 2381, Page 182, D.R.K.C.T.;

THENCE South 45 degrees 29 minutes 30 seconds East, along the common line between the northeasterly line of said Lot 15 and said southwesterly line, a distance of 33.49 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 75 degrees 36 minutes 27 seconds West, departing said common line and crossing said Lot 15 along a line parallel with and 130 feet perpendicularly distant southeast from the southeast line of a City of Dallas Water Line Right-of-Way (variable width at this point) as recorded in Volume 452, Page 603, D.R.K.C.T., a distance of 42.85 feet to the POINT OF BEGINNING AND CONTAINING 614 square feet or 0.0141 acres of land, more or less.
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 39

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

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

Company Name: DAL-TECH Engineering, Inc.

By: Alan Moore
Registered Professional Land Surveyor
Texas No. 5537

Date: 12/19/06
EXHIBIT OF RIGHT-OF-WAY ACQUISITION

SITUATED IN THE
RUTH PECKUM SURVEY, ABSTRACT NO. 374
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS

BY
DAL-TECH ENGINEERING, INC., 1701 DALLAS PARKWAY, SUITE 300
DALLAS, TEXAS 75201, TEL (214) 650-3267, FAX (214) 650-4774

SIGNED DECEMBER 5, 2004
SCALE 1"=100'

LEGEND

S.F. SQUARE FEET
C.M. CONTROL MONUMENT
FIR FOUND IRON ROD
FIP FOUND IRON PIPE
1/2'•FIR 1/2' SET IRON ROD W/CAP WITH A RED PLASTIC CAP STAMPED "DAL-TECH"
SK SET "X" CUT IN CONCRETE
FPK FOUND PK, NAIL
SPK SET PK, NAIL
ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 2001, ACCURACY OF MEASUREMENTS MADE AT NO COST CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORPS ARP, DALLAS CORPS ARP, KAUFMAN CORPS ARP, TYLER CORPS ARP AND PARIS CORPS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.
Subject

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Charles Shelby, of approximately 102,784 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - $85,800 - Financing: Water Utilities Capital Construction Funds

Background

This item authorizes the acquisition of a tract of land containing approximately 102,784 square feet of unimproved land located in Kaufman County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni pipeline. The consideration is based on an independent appraisal.

This acquisition is part of the Lake Fork Project currently underway by Dallas Water Utilities which will allow the construction of a third pipeline from Lake Tawakoni to the Tawakoni Balancing Reservoir, and then to the Eastside Water Treatment Plant. Ultimately, a new 144-inch pipeline will be placed parallel to the existing 72-inch and 84-inch pipelines. The construction of the third pipeline from Lake Tawakoni to Dallas will allow capacity for Lake Fork to supply water to meet current City needs and future water demands.

Prior Action/Review (Council, Boards, Commissions)

This item has no prior action.

Fiscal Information

Water Utilities Capital Construction Funds - $85,800
MAP

Attached
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": Lake Tawakoni 144-inch Raw Water Transmission Pipeline

"PROPERTY INTEREST": Fee Simple

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

"OFFER AMOUNT": $85,800.00

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 Water Utilities
Capital Construction Funds No. 0102, Department DWU, Unit CW20, Object 4210,
Encumbrance No. CTDWU704041AN, Program No. 704041, Activity No. RWPT.
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
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 30

BEING a 2.360 acre tract of land in the Ruth Peckham Survey, Abstract No. 374, and located in Kaufman County, Texas, and being a portion of a tract of land described as "Tract III-B" in General Warranty Deed (Cash) to Charles Shelby, dated August 29, 1996, as recorded in Volume 1601, Page 79 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

COMMENCING at a found 1/2-inch iron rod with cap for the south corner of said "Tract III-B", and the east corner of a tract of land described as "Tract 2" in Special Warranty Deed to Joel (Jody) V. King, dated August 28, 1996, as recorded in Volume 1225, Page 673, D.R.K.C.T., said point also being on the northwest line of Lot 29 of Miller Farms, an Addition in Kaufman County, Texas, as recorded in Cabinet 1, Envelope 423, D.R.K.C.T., and as corrected in Cabinet 1, Envelope 442, D.R.K.C.T.;

THENCE North 45 degrees 44 minutes 48 seconds West, departing the northwest line of said Lot 29, along the common line between the southwest line of said "Tract III-B" and the northeast line of said "Tract 2", a distance of 335.09 feet to a 1/2-inch set iron rod with a red plastic cap stamped "DALTECH" (hereinafter referred to as "with cap") for the POINT OF BEGINNING;

THENCE North 45 degrees 44 minutes 48 seconds West, continuing along said common line, a distance of 152.59 feet to a 1/2-inch set iron rod with cap for the northwest corner of said "Tract III-B" and the northeast corner of said "Tract 2", said point being on the southeast line of a City of Dallas Water Line Right-of-Way (variable width) described as "Second Tract" as recorded in Volume 444, Page 407, D.R.K.C.T.;

THENCE North 75 degrees 49 minutes 44 seconds East, along the common line between the north line of said "Tract III-B" and the southeast line of said City of Dallas Water Line Right-of-Way "Second Tract", passing at a distance of 921.41 feet the southeast corner of said City of Dallas Water Line Right-of-Way described as "Second Tract" as recorded in Volume 444, Page 407, and the southwest corner of a City of Dallas Water Line Right-of-Way (variable width) as recorded in Volume 439, Page 589, D.R.K.C.T., and continuing along the common line between the north line of said "Tract III-B" and the southeast line of said City of Dallas Water Line Right-of-Way as recorded in Volume 439, Page 589, in all a total distance of 937.25 feet to a 1/2-inch set iron rod with cap for the east corner of said "Tract III-B" and the western most north corner of said Lot 29;

THENCE South 44 degrees 28 minutes 28 seconds West, departing the southeast line of the said City of Dallas Water Line Right-of-Way, as recorded in Volume 439, Page 589, along the common line between the southeast line of said "Tract III-B", and the northwest line of said Lot 29, a distance of 249.85 feet to a 1/2-inch iron rod with cap set for corner;

THENCE South 75 degrees 49 minutes 44 seconds West, departing the northwest line of said Lot 29, and crossing said "Tract III-B", along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way "Second Tract", a distance of 643.99 feet to the POINT OF BEGINNING AND CONTAINING 102,784 square feet or 2.360 acres of land, more or less. T.O.K.
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 30

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project. T.D.K.

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

Company Name: DAL-TECH Engineering, Inc.

By: ___________________________ Date: 12-13-07

Surveyor's Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975
NOTE: THIS SURVEY WAS PERFORMED BASE UPON
RECORD DATA PROVIDED UNDER STEWART TITLE
INSURANCE COMPANY COMMITMENT G.F. NUMBER
20066486, WITH AN EFFECTIVE DATE OF FEBRUARY 28, 2007

LEGEND:
S.F. SQUARE FEET
C.M. CONTROL MONUMENT
O FIP FOUND IRON ROD
O FIP FOUND IRON PIPE
O½ SIR ¼ SET IRON ROD
W/CAP WITH A RED PLASTIC
CAP STAMPED "DAL-TECH"
SX SET "X" CUT IN CONCRETE
FPK FOUND PK. NAIL
SPK SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83
TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL
ZONE 4202. ACCORDING TO MEASUREMENTS MADE AT NGS
CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN
CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER
CORS ARP, AND PARIS CORS ARP, THE KAUFMAN COUNTY
SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE
TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS
DISTRICT WAS USED FOR THIS PROJECT.

THE CITY OF DALLAS

EXHIBIT OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
RUTH PECKUM SURVEY ABBREVIATION NO. 374
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS

BY
DAL-TECH ENGINEERING, INC., 17TH DALLAS PKWY., SUITE 300
DALLAS, TEXAS 75220, TEL (972)363-2731, FAX (972)363-4774


OWNER: KEVIN RAY KVAPIL
VOL. 916, PG. 174
S.D.R.K.C.T.

OWNER: JOEL (JODY) V. KING
"TRACT 2"
VOL. 1225, PG. 673
S.D.R.K.C.T.
SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from the Estate of Kevin Ray Kvapil of approximately 82,989 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - $51,435 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of a tract of unimproved land containing approximately 82,989 square feet located in Kaufman County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni pipeline. The consideration is based on an independent appraisal.

This acquisition is part of the Lake Fork Project currently underway by Dallas Water Utilities which will allow the construction of a third pipeline from Lake Tawakoni to the Tawakoni Balancing Reservoir, and then to the Eastside Water Treatment Plant. Ultimately, a new 144-inch pipeline will be placed parallel to the existing 72-inch and 84-inch pipelines. The construction of the third pipeline from Lake Tawakoni to Dallas will allow capacity for Lake Fork to supply water to meet current City needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - $51,435
MAP

Attached
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”: Lake Tawakoni 144-inch Raw Water Transmission Pipeline

"PROPERTY INTEREST": Fee Simple

"OWNER": Estate of Kevin Ray Kvapil, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": $51,435.00

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 Water Utilities Capital Construction Funds No. 0102, Department DWU, Unit CW20, Object 4210, Activity No. RWPT, Encumbrance No. CTDWU704041AO, Program No. 704041.
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
FIELD NOTES

DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS

Parcel: 28

BEING a 1.905 acre tract of land in the Ruth Peckham Survey, Abstract No. 374, and being located in Kaufman County, Texas, and being a portion of a tract of land described in Warranty Deed with Vendor’s Lien to Kevin Ray Kvapil, dated December 21, 1987, as recorded in Volume 916, Page 174 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

COMMENCING at a found 1/2-inch iron rod for the west corner of said Kvapil tract, and on the northeast line of a tract of land described as “Tract III-A” in General Warranty Deed (Cash) to Charles Shelby, dated August 29, 1996, as recorded in Volume 1601, Page 79, D.R.K.C.T.;

THENCE South 46 degrees 18 minutes 04 seconds East, along the common line between the southwest line of said Kvapil tract, and the northeast line of said “Tract III-A”, passing at a distance of 323.73 feet, the northwest line of a City of Dallas Water Line Right-of-Way (variable width at this point) as recorded in Volume 439, Page 589, D.R.K.C.T., and continuing for a total distance of 489.05 feet to a 1/2-inch set iron rod with a red plastic cap stamped “DAL-TECH” (hereinafter referred to as “with cap”) for the POINT OF BEGINNING for the eastern most north corner of Lot 29, of Miller Farms, an addition to Kaufman County, as recorded in Cabinet 1, Envelope 423 and corrected in Cabinet 1, Envelope 442, D.R.K.C.T., said point being on the southeast line of said City of Dallas Water Line Right-of-Way;

THENCE North 75 degrees 49 minutes 44 seconds East, along the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 677.81 feet to a 1/2-inch set iron rod with cap on the common line between the northeast line of said Kvapil tract, and the southwest line of a tract of land described in Warranty Deed to Richard E. Mann and wife, Sue Mann, dated September 17, 1998, as recorded in Volume 1330, Page 62, D.R.K.C.T., said point also being South 75 degrees 49 minutes 44 seconds West, a distance of 1,398.57 feet from a found broken concrete monument;

THENCE South 46 degrees 18 minutes 04 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way, along said common line, a distance of 73.38 feet to a 1/2-inch set iron rod with cap for the east corner of said Kvapil tract, and the south corner of said Mann tract, said point being on the northwest line of a tract of land described in Warranty Deed with Vendor’s Lien in Favor of Third Party to Richard E. Mann and Janice Sue Mann, husband and wife, dated April 23, 1996, as recorded in Volume 1208, Page 969, D.R.K.C.T.;

THENCE South 43 degrees 48 minutes 13 seconds West, along the common line between the southeast line of said Kvapil tract, and the northwest line of said Mann tract as recorded in Volume 1208, Page 969, a distance of 127.96 feet to a 1/2-inch iron rod with cap set for corner;

THENCE South 75 degrees 49 minutes 44 seconds West, departing said common line, crossing said Kvapil tract and along a line parallel with and 130 feet perpendicularly distant south from the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 526.71 feet to a 1/2-inch set iron rod with cap on the common line between the southwest line of said Kvapil tract, and the northeast line of said Lot 29;

THENCE North 46 degrees 18 minutes 04 seconds West, along said common line, a distance of 153.51 feet to the POINT OF BEGINNING AND CONTAINING 82,989 square feet or 1.905 acres of land, more or less.
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 28

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

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

Company Name: DAL-TECH Engineering, Inc.
By: ____________________________ Date: 12-13-07

Surveyor’s Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975


NOTE: THERE IS EVIDENCE OF AN EXISTING EASEMENT TO KAUFMAN-VAN ZANDT SOIL AND WATER DISTRICT AS RECORDED IN VOL. 490, PG. 300 D.R.K.C.T. ON SUBJECT PROPERTY, EXACT EASEMENT LOCATION IS NOT KNOWN.

EXHIBIT OF A RIGHT-OF-WAY ACQUISITION SITUATED IN THE RUTH PECKUM SURVEY, ABSTRACT NO. 374 KAUFAHNI COUNTY, TEXAS FOR THE CITY OF DALLAS BY DAL-TECH ENGINEERING, INC., 1731 DALLAS PKWY, SUITE 300 DALLAS, TX 75248, TEL: (972)250-3727, FAX: (972)250-4174

DATE REFILED: RFS: 08-26-2006 PG: 1423 3/3
AGENDA ITEM # 22

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 9

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 37R

SUBJECT

An ordinance providing for the closure and vacation of a portion of an alley, containing approximately 4,503 square feet of land located near the intersection of Garland Road and Tavaros Avenue - Financing: No cost consideration to the City

BACKGROUND

This item authorizes the closure and vacation of a portion of an alley, containing approximately 4,503 square feet of land. The area will be used to supplement the existing parking capacity currently serving the Dallas Arboretum.

Notices were sent to 27 property owners located within 300 feet of the proposed closure and vacation area. There were no responses received in opposition to this request.

This transaction is consistent with the recommendations of the Real Estate Task Force.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Financing: No cost consideration to the City

MAPS

Attached
ORDINANCE NO. ____________

An ordinance providing for the closure and vacation of a portion of an alley adjacent to City Block 6/5284 in the City of Dallas and County of Dallas, Texas; providing for the terms, provisions and effective date of the closure and vacation made herein; and providing an effective date for this ordinance.

WHEREAS, the Park and Recreation Department has requested the closure and vacation of a portion of an alley for the construction of a parking lot to supplement the existing parking capacity currently serving the Dallas Arboretum; 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 a portion of said alley adjacent to city-owned property in City Block 6/5284 to all vehicular and pedestrian traffic; 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, 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 closure and vacation 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 subject to existing and retained rights of the 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 3. That in connection with the closure and vacation of a portion of said alley described in Exhibit A, an alley turnout of not less than 6,078 square feet of land in City Block 6/5284 shall be created to connect the remaining portion of the alley to Garland Road.
SECTION 4. 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 Development Services, or her designee.

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

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

BY
Assistant City Attorney

THERESA O’DONNELL
Director of Development Services

BY
Assistant Director

Passed _______________________.

DW/32543 2
CLOSE AND VACATE ALLEY
City of Dallas Block No. 6/5284
Shamrock Shores No. 3 Addition
Vickers Petroleum Addition No. 1
R. Scurry Survey, Abstract No. 1382,
City of Dallas, Dallas County, Texas

BEING, a 4,503 square feet (0.103 acre) tract of land situated in the R. Scurry Survey, Abstract No. 1382, Dallas County, Texas and being part of Block Number 6/5284, Official Numbers of the City of Dallas; said tract being a portion of a 15-foot wide right-of-way described in Warranty Deed to the City of Dallas recorded in Volume 2820, Page 151 of the Deed Records of Dallas County, Texas; said 15-foot wide right-of-way being dedicated as a 15-foot wide alley right-of-way by plat of Shamrock Shores No. 3 Addition, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 12, Page 427 of the Map Records of Dallas County, Texas and a 15-foot wide alley right-of-way by plat of Vickers Petroleum Addition No. 1, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 72134, Page 989 of the Deed Records of Dallas County, Texas; said 4,503 square feet (0.103 acre) tract being more particularly described as follows (bearing system for this survey is based on a bearing of South 44 degrees, 52 minutes, 30 seconds West for the southeast line of 15 foot wide alley, according to Warranty Deed to City of Dallas, recorded in Volume 2002213, Page 3982 of said Deed Records):

BEGINNING, at a 1/2-inch iron rod found in the southeast right-of-way line of said 15-foot wide alley; said point being the west corner of a tract of land described as Tract 2 in a Warranty Deed to the City of Dallas, recorded in Volume 2002213, Page 3982 of the Official Public Records of Dallas County, Texas; said point also being the north corner of Lot 2, Block 5284 of J.L. Little Subdivision, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 11, Page 447 of said Map Records;

THENCE, North 45 degrees, 55 minutes, 09 seconds West, traversing said 15-foot wide alley, a distance of 15.00 feet to a 1/2-inch iron rod with "JDJR" cap found for the south corner of Lot 1, Block 6/5284 of said Vickers Petroleum Addition No. 1, from said point a 1/2-inch iron rod found bears North 45 degrees, 28 minutes West, a distance of 1.5 feet; said point being the east corner of a tract of land described in a Warranty Deed with Vendor's Lien to Jose David Rodriguez, recorded in Volume 2000010, Page 5125 of said Official Public Records;

THENCE, North 44 degrees, 52 minutes, 30 seconds East, along the southeast line of Lot 1, Block 6/5284 of said Vickers Petroleum Addition No. 1 and along the northwest line of said 15-foot wide alley, a distance of 300.30 feet to a point for corner;

THENCE, South 45 degrees, 12 minutes, 22 seconds East, traversing said 15-foot wide alley, a distance of 15.00 feet to a 3-inch brass monument found for the west corner of a Resubdivision of part of Block 6/5284 Shamrock Shores Addition No. 3, an addition to the City of Dallas, Texas according to plat thereof recorded in Volume 68155, Page 1684 of said Deed Records and the north corner of Lot 3, Block 6/5284 of said Shamrock Shores No. 3 Addition;

THENCE, South 44 degrees, 52 minutes, 30 seconds West, along the northwest line of said Tract 2 and along the southeast line of said 15-foot wide alley, a distance of 300.12 feet to the POINT OF BEGINNING;

CONTAINING: 4,503 square feet or 0.103 acres of land, more or less.
CLOSE AND VACATE ALLEY
(CONTINUED)

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

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

Nijaz Karacic
Registered Professional Land Surveyor No. 5526
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy., #1000, Dallas TX 75206
(972) 235-3031

4,503 SF ALLEY CLOSURE.doc
1214-07.300 sbp

(For SPRG use only)
Reviewed By: JL
Date: 12.18.07
SPRG NO: 1192

SHEET 2 of 3
LOT 1, BLOCK 6/5284
VICKERS PETROLEUM
ADDITION NO. 1
(VOL. 72134, PG. 989)
CITY OF DALLAS
(VOL. 2002213, PG. 3982)

0.103 ACRES
(4,503 SF)

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

NJAZ KARACIC
Registered Professional Land Surveyor No. 5526

(For SPRG use only)
Reviewed By: __________
Date: __12-18-07____
SPRG NO: __1/92____

Pacheco Koch Consulting Engineers
8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX, 75206 972.235.3031

CLOSE AND VACATE ALLEY
LOCATED IN THE CITY OF DALLAS, TEXAS
AND BEING OUT OF THE
R. SCURRY SURVEY, ABSTRACT NO. 1382
DALLAS COUNTY, TEXAS

NOTES:
1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of South 44 degrees, 52 minutes, 30 seconds West for the southeast line of 15 foot alley, according to Warranty Deed to City of Dallas, recorded in Volume 2002213, Page 3982 of the Deed Records of Dallas County, Texas.

JNc.. DEC. 2007
SCALE 1"=60'
DRAWN BY SBP
CHECKED BY NK
DATE DEC. 2007
JOB NUMBER 1214-07.300

CLOSE AND VACATE
ALLEY
LOCATED IN THE CITY OF DALLAS, TEXAS
AND BEING OUT OF THE
R. SCURRY SURVEY, ABSTRACT NO. 1382
DALLAS COUNTY, TEXAS

SHEET 3 OF 3

DWG FILE: 1214-07-300E1.DWG
Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jill Ann Free Limited Partnership, LP, of approximately six acres of unimproved land located near the intersection of Manana Drive and Newkirk Street for the Elm Fork Flood Protection Project - $1,252,896 – Financing: 1998 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately six acres of unimproved land located near the intersection of Manana Drive and Newkirk Street. This property will be used for the Elm Fork Flood Protection Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

1998 Bond Funds - $1,252,896

OWNER

Jill Ann Free Limited Partnership, LP

Steve Martin Free, LLC, General Partner
Steve Free, President

MAPS

Attached
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”: Elm Fork Flood Protection Project

"PROPERTY INTEREST": Fee Simple

"OWNER": Jill Ann Free Limited Partnership, LP, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": $1,252,896.00

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 No. 5P14, Department PBW, Activity No. TRPP, Unit N964, Object 4210, Program No. PB98N964, Encumbrance No. DEVN964SD02.
May 14, 2008

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
EXHIBIT A

6.768 ACRE TRACT
City of Dallas Block No. 6506
Elm Fork Flood Protection Project
William Babbett Survey, Abstract No. 155,
City of Dallas, Dallas County, Texas

BEING a 6.768 acre tract of land situated in the William Babbett Survey, Abstract No. 155, Dallas County, Texas, said tract being described in a General Warranty Deed to Free Family Limited Partnership recorded in Volume 2003165, Page 2789 of the Deed Records of Dallas County, Texas; said 6.768 acre tract being more particularly described as follows (Bearing system for this survey is based on Texas State Plane North Central Zone 4202, North American Datum 1983 (NAD83) as determined by G.P.S. observations on December 14, 2005. Grid to surface scale factor = 1.000136506):

BEGINNING, at a 5/8-inch iron rod found in the north right-of-way line of Manana Road (a variable width right-of-way); said point being the southeast corner of said Free tract and the southwest corner of a tract of land described in a Warranty Deed to the City of Dallas recorded in Volume 808, Page 1615 of said Deed Records;

THENCE, along the north right-of-way line of said Manana Road the following three (3) calls:

North 89 degrees, 55 minutes, 37 seconds West, (deed: North 89 degrees, 35 minutes, 53 seconds West), a distance of 496.79 feet (deed: 496.70 feet) to a 5/8-inch iron rod found;

South 00 degrees, 36 minutes, 18 seconds West, (deed: South 00 degrees, 25 minutes, 19 seconds West), a distance of 18.17 feet (deed: 19.00 feet) to a 60d nail found for corner 6.3 feet south of the north edge of asphalt of said Manana Road;

North 89 degrees, 55 minutes, 37 seconds West, (deed: North 89 degrees, 35 minutes, 53 seconds West), a distance of 87.15 feet (deed: 87.53 feet) to a point for corner; said point being the southeast corner of a tract of land described in a Warranty Deed with Vendor's Lien to G.T. Management Inc., recorded in Volume 2001200, Page 3334 of said Deed Records;

THENCE, North 00 degrees, 06 minutes, 38 seconds East, (deed: North 00 degrees, 25 minutes, 19 seconds East) departing the north right-of-way line of said Manana Road, along the common east line of the said G.T. tract and the west line of said Free tract, a distance of 517.89 feet (deed: 517.98 feet) to a 5/8-inch iron rod found for corner; said point being the northeast corner of the said G.T. tract, and being in the south line of a tract of land described in a Partition Deed to Earle Clark Caruth recorded Volume 3573, Page 194 of said Deed Records;

THENCE, North 89 degrees, 38 minutes, 12 seconds East, (deed: North 89 degrees, 56 minutes, 53 seconds East) along the common south line of said Caruth tract and the north line of said Free tract, a distance of 584.23 feet (deed: 584.25 feet) to a 60d nail found for corner; said point being the northwest corner of said Dallas tract;

THENCE, South 00 degrees, 07 minutes, 23 seconds West, (deed: South 00 degrees, 25 minutes, 19 seconds West) along the common west line of said Dallas tract and the east line of said Free tract, a distance of 504.18 feet (deed: 503.61 feet) to the POINT OF BEGINNING;

CONTAINING: 294,799 square feet or 6.768 acres of land, more or less.

SHEET 1 OF 3
EXHIBIT A

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

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

Nijaz Karacic
Registered Professional Land Surveyor No. 5526
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy., #1000, Dallas TX 75206
(972) 235-3031

6.768 Ac.doc
2660-05.183 sbp
Exhibit A

City Block No. 6506
Earle Clark Caruth
(Vol. 3573, Pg. 194)

City of Dallas
(Vol. 823, Pg. 951)

6.768 Acres
294,799 SF

Point of Beginning

4. The surveyor has not abstracted the subject tract.

Notes:
1. A legal description of even survey date here with accompanies this plat of survey.
2. Bearing system for this survey is based on Texas State Plane North Central Zone 4202, North American Datum 1983 (NAD83) as determined by G.P.S. observations on December 14, 2005. Grid to surface scale factor = 1.000136506
3. Improvements located within or near the property are shown.
4. The surveyor has not abstracted the subject tract.

Pacheco Koch Consulting Engineers

6.768 Acre Tract
City of Dallas Block No. 6506
William Babbett Survey, Abstract No. 155,
City of Dallas, Dallas County, Texas
Sheet 3 of 3
AGENDA ITEM # 24

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 24R

SUBJECT

An ordinance abandoning a portion of a water easement to the Ursuline Academy of Dallas, the abutting owner, containing approximately 4,271 square feet of land located near the intersection of Inwood Road and Walnut Hill Lane - Revenue: $5,400 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a water easement to the Ursuline Academy of Dallas, the abutting owner. The area will be included with the property of the abutting owner to allow for the expansion of an existing building. The cost of this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore no appraisal is required.

This transaction is consistent with the recommendations of the Real Estate Task Force.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

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

OWNER

Ursuline Academy of Dallas

Sister Margaret Ann Moser, President
MAPS

Attached
ORDINANCE NO. __________

An ordinance providing for the abandonment and relinquishment of a portion of a water easement, located in City Block 5544 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to The Ursuline Academy of Dallas; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of The Ursuline Academy of Dallas, a Texas non-profit Corporation, 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 portion of 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 and future effective date 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 and future effective date hereinafter more fully set out.
SECTION 2. That for and in monetary consideration of the sum of FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS paid by GRANTEE, and the further consideration described in Section 8, the City of Dallas does by these presents FOREVER QUITCLAIM unto the said GRANTEE, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to that certain tract or parcel of land hereinabove described in Exhibit A. TO HAVE AND TO HOLD all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said GRANTEE forever.

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

SECTION 4. That the City Controller is authorized to deposit the sum paid by GRANTEE pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Development Services - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.
SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to GRANTEE herein, GRANTEE, its successors and assigns, to the extent authorized by the Constitution and laws of the State of Texas, agrees to indemnify, defend, release and hold the City of Dallas whole and harmless against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by GRANTEE, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the 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, to the extent authorized by the Constitution and laws of the State of Texas, hereby agrees 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 this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said portion of water easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at GRANTEE's expense, to the new easement to be provided by GRANTEE and acceptable to the Director of Development Services, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Development Services; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Development Services. All work shall be done at the sole cost of GRANTEE and to the satisfaction of the Director of Development Services.

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 Development Services, 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 Development Services, or designee shall deliver to GRANTEE a certified copy of this ordinance. The Director of Development Services, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, Jr.  
City Attorney

BY  
Assistant City Attorney

THERESA O’DONNELL  
Director of Development Services

BY  
Assistant Director

Passed ________________.
DESCRIPTION, of a 9,112 square foot (0.209 acre) tract of land situated in the James Moon Survey, Abstract No. 940, Dallas, Dallas County, Texas and being part of Block Number 5544, Official Numbers of the City of Dallas, Texas; said tract being part of that tract of land described in Warranty Deed to The Ursuline Academy of Dallas recorded in Volume 2368, Page 122 of the Deed Records of Dallas County, Texas; said tract being part of a 15-foot Water Easement recorded in Volume 83167, Page 3714 of said Deed Records; said tract also being part of a 15-foot Water Easement recorded in Volume 94172, Page 5122 of said Deed Records; said 9,112 square foot tract being more particularly described as follows (Bearing system for this survey is based on a bearing of North 12 degrees, 33 minutes, 00 seconds East for the east line of a tract of land to The Ursuline Academy of Dallas recorded in Volume 2368, Page 122, of said Deed Records of Dallas County, Texas):

COMMENCING, at a 1/2-inch iron rod with "Pacheco Koch" cap found for the south corner of said Ursuline Academy of Dallas tract;

THENCE, North 12 degrees, 33 minutes, 00 seconds East, along the east line of said Ursuline Academy tract, a distance of 545.54 feet to the intersection of the said east line of Ursuline Academy tract with a south line of said first referenced 15-foot Water Easement; said point also being in the west line of a tract of land described in Warranty Deed to Nelly Rocha recorded in Volume 79057, Page 2951 of said Deed Records;

THENCE, South 55 degrees, 51 minutes, 55 seconds West, departing the said east line of Ursuline Academy tract and the said west line of the Rocha tract, and along the said south line of the first referenced 15-foot Water Easement, a distance of 23.24 feet to an angle point;

THENCE, North 81 degrees, 08 minutes, 05 seconds West, a distance of 52.79 feet to the POINT OF BEGINNING; said point being in a southeast line of said first referenced 15-foot Water Easement;

THENCE, along the said southeast line of the first referenced 15-foot Water Easement, the following four (4) calls:

North 81 degrees, 08 minutes, 05 seconds West, departing the said northwest line of the first referenced 15-foot Water Easement, a distance of 52.52 feet to an angle point;

North 87 degrees, 08 minutes, 05 seconds West, a distance of 68.39 feet to an angle point;

South 59 degrees, 51 minutes, 55 seconds West, a distance of 20.98 feet to an angle point;

South 32 degrees, 51 minutes, 55 seconds West, a distance of 25.62 feet to a point for corner; said point being in a northeast corner of said second referenced 15-foot Water Easement;

THENCE, South 00 degrees, 01 minutes, 19 seconds East, along the east line of the second referenced 15-foot Water Easement, a distance of 98.49 feet to a point for corner;

THENCE, South 89 degrees, 59 minutes, 56 seconds West, departing the said east line of the second referenced 15-foot Water Easement, a distance of 15.00 feet to a point for corner in a west line of said second referenced 15-foot Water Easement;

THENCE, North 00 degrees, 01 minutes, 19 seconds West, along the said west line of second referenced 15-foot Water Easement, a distance of 75.28 feet to a point for corner; said point being in the south line of said first referenced 15-foot Water Easement;
PARTIAL ABANDONMENT (Continued)

15' WATER EASEMENT

City Block Number 5544

James Moon Survey, Abstract No. 940

City of Dallas, Dallas County, Texas

THENCE, along the said south line of the first referenced 15-foot Water Easement, the following three (3) calls:

South 32 degrees, 51 minutes, 55 seconds West, a distance of 57.94 feet to an angle point;

South 88 degrees, 51 minutes, 55 seconds West, a distance of 217.17 feet to an angle point;

North 45 degrees, 08 minutes, 05 seconds West, a distance of 35.96 feet to a point for corner; said point being in the west line of said first referenced 15-foot Water Easement;

THENCE, North 00 degrees, 03 minutes, 53 seconds West, departing the said west line of the first referenced 15-foot Water Easement, a distance of 47.74 feet to a point for corner in the north line of the first referenced 15-foot Water Easement;

THENCE, along the said north line of the first referenced 15-foot Water Easement, the following seven (7) calls:

South 12 degrees, 51 minutes, 35 seconds East, a distance of 35.21 feet to an angle point;

South 45 degrees, 08 minutes, 05 seconds East, a distance of 33.55 feet to an angle point;

North 88 degrees, 51 minutes, 55 seconds East, a distance of 202.83 feet to an angle point;

North 32 degrees, 51 minutes, 55 seconds East, a distance of 106.81 feet to an angle point;

North 59 degrees, 51 minutes, 55 seconds East, a distance of 29.02 feet to an angle point;

South 87 degrees, 08 minutes, 05 seconds East, a distance of 73.61 feet to an angle point;

South 81 degrees, 08 minutes, 05 seconds East, a distance of 64.34 feet to a point for corner;

THENCE, South 45 degrees, 12 minutes, 02 seconds West, departing the said north line of the first referenced 15-foot Water Easement, a distance of 18.62 feet to a point for corner;

CONTAINING: 9,112 square feet or 0.209 acres of land, more or less.

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

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

Michael Larry Lewis, Jr.

Registered Professional Land Surveyor No. 5773
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031

Reviewed By: ____________________________
Date: ________________
SPRG NO: ____________________

(For SPRG use only)
1. A legal description of even survey date herewith accompanies this plat of survey.

2. Bearing system for this survey is based on a bearing of North 12 degrees, 33 minutes, 00 seconds East for the southwest line of a tract of land to Ursuline Academy recorded in Volume 2368, Page 122, Deed Records of Dallas County, Texas.

NOTES:

- 1/2-INCH IRON ROD w/ "PACHECO KOCH" CAP FOUND (C.M.)
- 15' WATER EASEMENT
- PARTIAL ABANDONMENT
- THE URSULINE ACADEMY OF DALLAS
- (VOL. 2368, PG. 122)
- BLOCK 5544

LEGAL DESCRIPTION:

9,112 SF
(0.209 ACRES)

S 00°01'19" E
98.49'

N 00°01'19" W
75.28'

15' WATER EASEMENT
(VOL. 94172, PG. 5122)

15' WATER EASEMENT
(VOL. 83167, PG. 3714)

15' WATER EASEMENT
(VOL. 801, PG. 3714)

15' WATER EASEMENT
(VOL. 83167, PG. 3714)

15' WATER EASEMENT
(VOL. 94172, PG. 5122)

PARTIAL ABANDONMENT
15' WATER EASEMENT
9,112 SF
(0.209 ACRES)

DRAWN BY CHECKED BY
KCH MLL

JANUARY 2008

1247-04.331

Pacheco Koch Consulting Engineers
8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX. 75206 972.235.3031

Pacheco Koch Consulting Engineers
8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX. 75206 972.235.3031

PARTIAL ABANDONMENT
15' WATER EASEMENT
LOCATED IN THE CITY OF DALLAS, TEXAS
CITY BLOCK NUMBER 5544
AND BEING OUT OF THE
JAMES MOON SURVEY, ABSTRACT NO. 940
DALLAS COUNTY, TEXAS

SHEET 3 OF 4

DWG FILE: 1247A-07.263EX3.DWG
The undersigned, Registered Professional Land Surveyor, hereby certifies that this plot of survey accurately sets out the metes and bounds of the easement tract described.

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

NOTES:
1. A legal description of even survey date herewith accompanies this plot of survey.
2. Bearing system for this survey is based on a bearing of North 12 degrees, 33 minutes, 00 seconds East for the southwest line of a tract of land to Ursuline Academy recorded in Volume 2368, Page 122, Deed Records of Dallas County, Texas.

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NOTES:
1. A legal description of even survey date herewith accompanies this plot of survey.
2. Bearing system for this survey is based on a bearing of North 12 degrees, 33 minutes, 00 seconds East for the southwest line of a tract of land to Ursuline Academy recorded in Volume 2368, Page 122, Deed Records of Dallas County, Texas.
AGENDA ITEM # 25

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 34V

SUBJECT

An ordinance abandoning a portion of an alley to CLB Hawthorne Residences L.P., the abutting owner, containing approximately 490 square feet of land located near the intersection of Hartford and Raleigh Streets, and authorizing the quitclaim - Revenue: $15,300 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of an alley to CLB Hawthorne Residences L.P., the abutting owner. The proposed area to be abandoned will be included in the property of the abutting owner for a multi-family development. The abandonment fee is based on an independent appraisal.

Notices were sent to 12 property owners within 300 feet of the abandonment area. There were no responses received in opposition to this request.

This transaction is consistent with the recommendations of the Real Estate Task Force.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: $15,300 plus the $20 ordinance publication fee
OWNER

CLB Hawthorne Residences, L.P.

CLB Hawthorne Residences GP, LLC, General Partner
Todd Proctor, Governing Person
Will Cureton, Governing Person

MAPS

Attached
ORDINANCE NO. ____________

An ordinance providing for the abandonment of a portion of an alley located in City Block B/2304 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to CLB Hawthorne Residences L.P.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

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WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of CLB Hawthorne Residences L.P., a Delaware limited partnership, hereinafter referred to as GRANTEE, deems it advisable to abandon and quitclaim the hereinafter described tract of land to GRANTEE, and is of the opinion that, subject to the terms and conditions herein provided, said portion of 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 and conditions hereinafter more fully set forth; Now, Therefore,

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

SECTION 1. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of FIFTEEN THOUSAND THREE HUNDRED AND NO/100 ($15,300.00) DOLLARS paid by GRANTEE, and the further consideration described in Sections 8, 9, and 10, the City of Dallas does by these presents FOREVER QUITCLAIM unto the said GRANTEE,
subject to the conditions, reservations and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to that certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.  

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

**SECTION 4.** That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Development Services - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.  

**SECTION 5.** That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and for all intents and purposes made a part hereof.  

**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 the City of Dallas whole and harmless against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by GRANTEE, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which GRANTEE, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. GRANTEE, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any “hazardous substances” under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any “hazardous substance” under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.
SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, GRANTEE shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by GRANTEE in the Deed Records of Dallas County, Texas 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, immediately upon the passage of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Development Services. 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 Development Services.

SECTION 11. 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 Development Services, 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 Development Services, or designee: (i) shall deliver to GRANTEE a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a QUITCLAIM DEED with regard to the area abandoned herein, to GRANTEE hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Development Services, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.
SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY ____________________________
Assistant City Attorney

THERESA O'DONNELL
Director of Development Services

BY ____________________________
Assistant Director

Passed ________________________.
EXHIBIT A
ABANDONMENT OF A PORTION OF A
15-FOOT ALLEY
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 532
BLOCK B/2304
CITY OF DALLAS, DALLAS COUNTY, TEXAS


BEGINNING AT A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY+PARTNERS" SET FOR THE SOUTH CORNER OF LOT 12, BLOCK B/2304 OF SAID LUCAS RALEIGH STREET SUBDIVISION AND BEING THE EAST CORNER OF LOT 11, BLOCK B/2304, OF SAID LUCAS RALEIGH STREET SUBDIVISION AND BEING IN THE NORTHWESTERLY LINE OF SAID 15-FOOT ALLEY;

THENCE NORTH 45°00'00" EAST ALONG THE COMMON LINE OF SAID LOT 12 AND SAID 15-FOOT ALLEY, A DISTANCE OF 33.00 FEET TO A 1/2-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PACHECO KOCH" FOUND FOR THE MOST WESTERLY CORNER OF A PARTIAL ALLEY ABANDONMENT DESCRIBED IN CITY OF DALLAS ORDINANCE NUMBER 9823;

THENCE SOUTH 42°41'00" EAST ALONG THE SOUTHWESTERLY LINE OF SAID ALL ABANDONMENT TRACT, A DISTANCE OF 15.01 FEET TO A 1/2-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PACHECO KOCH" FOUND FOR THE WEST CORNER OF LOT 6 AND THE NORTH CORNER OF LOT 5, BLOCK B/2304, OF SAID R. W. TROTH'S SUBDIVISION, AND BEING IN THE SOUTHEASTERLY LINE OF SAID 15-FOOT ALLEY;

THENCE SOUTH 45°00'00" WEST, ALONG THE COMMON LINE OF SAID LOT 5 AND SAID 15-FOOT ALLEY, A DISTANCE OF 32.35 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY+PARTNERS" SET FOR CORNER;

THENCE NORTH 45°11'00" WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 490 SQUARE FEET OR 0.0112 ACRES OF LAND.

NOTES:

BEARINGS CALLED FOR HEREIN ARE BASED ON THE COMMON LOT LINE OF LOTS 12 AND 13, BLOCK B/2304 OF THE LUCAS RALEIGH STREET SUBDIVISION BEING SOUTH 45°11'00" EAST, THE SAME AS RECORDED IN COUNTY CLERK'S FILE NUMBER 200600457390, DEED RECORDS OF DALLAS COUNTY, TEXAS.

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

Reviewed by:

David J. DeWeirdt
Professional Land Surveyor

01/16/07

S:\SUR\30265-07\SURV\30265-07-ALLEY-ABAND.DOC
EXHIBIT A
RALEIGH STREET
(A CALLED 50' R.O.W.)

OWNER: CLB HAWTHORNE RESIDENCES L.P.
CCFN 200600457390
DRDCT

LOT 13, BLOCK B/2304
LUCAS RALEIGH STREET SUBDIVISION
VOL. 20, PG. 197,
MRDCT

OWNER: CLB HAWTHORNE RESIDENCES L.P.
CCFN 200600457390
DRDCT

OWNER: JESSE E. NORRIS
VOL. 93023, PG. 4521,
DRDCT

15' ALLEY ABANDONMENT
0.0112 ACRES
(490 SQ. FT.)

POINT OF BEGINNING

N 45°00'00" W 60.00'

N 45°00'00" E 33.00'

N 45°11'00" W 15.00'

S 42°41'00" E 15.01'

S 45°00'00" W 32.35'

LOT 12, BLOCK B/2304
LUCAS RALEIGH STREET SUBDIVISION
VOL. 20, PG. 197,
MRDCT

LOT 11, BLOCK B/2304
LUCAS RALEIGH STREET SUBDIVISION
VOL. 20, PG. 197,
MRDCT

LOT 5
R.W. TROTH'S SUBDIVISION
VOL. 10, PG. 419,
MRDCT

NOTES:
A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.
BEARINGS CALLED FOR HEREIN ARE BASED ON THE COMMON LOT LINE OF LOTS 12 AND 13, BLOCK B/2304 OF THE LUCAS RALEIGH STREET SUBDIVISION BEING SOUTH 45°11'00" EAST, THE SAME AS RECORDED IN COUNTY CLERK'S FILE NUMBER 200600457390, DEED RECORDS OF DALLAS COUNTY, TEXAS.

ABANDONMENT OF A PORTION OF A 15-FOOT ALLEY
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 532
BLOCK B/2304
CITY OF DALLAS, DALLAS COUNTY, TEXAS
REVIEWED BY

SCALE: 1" = 30'
DRAWN: RDR
DATE: 01/04/07
SHEET NO. 2 OF 2
EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

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

ABAN.EXB (revised 11/9/00)
AGENDA ITEM # 26

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 45G

SUBJECT

An ordinance abandoning a portion of Pavillion Street to Twin Lakes Plaza, L.P., the abutting owner, containing approximately 3,179 square feet of land located near its intersection with Flora Street, and authorizing the quitclaim and providing for the dedication of a total of approximately 5,894 square feet of land needed for street right-of-way - Revenue: $5,400 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of Pavillion Street to Twin Lakes Plaza, L.P., the abutting owner. The proposed area to be abandoned will be included in the property of the abutting owner for construction of townhomes and condominiums. Twin Lakes Plaza, L.P. will dedicate approximately 5,894 square feet of land needed for street right-of-way. The abandonment fee is based on an independent appraisal.

Notices were sent to 21 property owners within 300 feet of the abandonment area. There were no responses received in opposition to this request.

This transaction is consistent with the recommendations of the Real Estate Task Force.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

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

Twin Lakes Plaza, L.P.

Pars Investments, Inc., General Partner
Mehrdad Moayedi, President

MAPS

Attached
FLORA AVENUE

CENTRAL EXPRESSWAY

PAVILLION STREET

2/594

2/594

WATKINS AVENUE

595

DEDICATION AREA

ABANDONMENT AREA
ORDINANCE NO. ____________

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

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

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

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

SECTION 1. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS paid by GRANTEE, and the further consideration described in Sections 8, 9, 10, and 11, the City of Dallas does by
these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to that certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

**SECTION 4.** That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Development Services - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

**SECTION 5.** That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and for all intents and purposes made a part hereof.

**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 the City of Dallas whole and harmless against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by GRANTEE, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which GRANTEE, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. GRANTEE, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any “hazardous substances” under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any “hazardous substance” under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.
SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, GRANTEE shall record a final replat of the adjoining properties within one year after passage of this ordinance showing the fee simple dedication of not less than 5,894 square feet of needed street rights-of-way in City Block A/594. This final replat shall be recorded by GRANTEE in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas. The abandonment herein provided shall not become effective unless and until this dedication is accomplished and failure to record a final replat in accordance with the term of this section shall render this ordinance null and void, and of no further effect. Further, the final replat shall be recorded in the Deed Records of Dallas County, Texas before a certified copy of this ordinance shall be delivered to GRANTEE.

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 Deed Records of Dallas County, Texas 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 passage of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Development Services. 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 heirs/successors and assigns, to the satisfaction of the Director of Development Services.

SECTION 12. 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 Development Services, 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, and the filing of
the final replat set forth in Section 9, the Director of Development Services, or designee: (i) shall deliver to GRANTEE a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a QUITCLAIM DEED with regard to the area abandoned herein, to GRANTEE hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Development Services, 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 shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

THERESA O'DONNELL
Director of Development Services

BY ________________________________
Assistant City Attorney

BY ________________________________
Assistant Director

Passed ____________________________.
LEGAL DESCRIPTION
PAVILION STREET
12’ RIGHT-OF-WAY ABANDONMENT
CITY OF DALLAS BLOCK 2/594
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 3,179 square foot tract of land located in the JOHN GRIGSBY SURVEY, ABSTRACT NO. 495, City of Dallas, Dallas County, Texas and being part of Block Number 2/594, Official Numbers of the City of Dallas, Texas, said tract also being a part of Pavilion Street, a 12 foot right-of-way, and being more particularly described as follows;

BEGINNING at a PK Nail found at the intersection of the Northwest right-of-way line of Flora Street, a variable width right-of-way, with the Northeast right-of-way line of said Pavilion Street, said point being the South corner of a tract of land described in Deed to Twin Lakes Plaza, L.P., recorded in Document Number 20070148738, Deed Records, Dallas County, Texas;

THENCE South 44 degrees 58 minutes 08 seconds West, a distance of 12.00 feet to a point for corner at the intersection of the Northwest right-of-way line of said Flora Street with the Southwest right-of-way line of said Pavilion Street, said point being at the East corner of a tract of land described Deed to Twin Lakes Plaza, L.P., recorded in Document Number 20070230875, Deed Records, Dallas County, Texas;

THENCE North 46 degrees 16 minutes 10 seconds West, along said Southwest right-of-way line, a distance of 264.83 feet to a Texas Department of Transportation Brass Disk found in concrete at the intersection of said Southwest right-of-way line with the East right-of-way line of North Central Expressway (US Highway No. 75), a variable width right-of-way, said point being at the North corner of said Twin Lakes Plaza, L.P. tract recorded in Document Number 20070230875;

THENCE North 44 degrees 27 minutes 21 seconds East, leaving said Southwest right-of-way line, a distance of 12.00 feet to a point for corner in the Northeast right-of-way line of said Pavilion Street;

THENCE South 46 degrees 16 minutes 10 seconds East, along said Northeast right-of-way line, passing at a distance of 34.80 feet a 1/2 inch iron rod with a red plastic cap found at the South corner of a tract of land described in Deed Twin Lakes Plaza, L.P., recorded in Document Number 20070230868, Deed Records, Dallas County, Texas, and continuing for a total distance of 264.94 feet to the POINT OF BEGINNING and containing 3,179 square feet or 0.073 acres of land, more or less.

REVIEWED BY

08.07.2007
Basis of bearings derived from the Texas State Plane Coordinate System, NAD83, North Central Zone.

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

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

Sean Shropshire  
Texas Registration No. 5674  
July 6, 2007

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

REVIEWED BY  
08.09.2007
PAVILION STREET
12' RIGHT-OF-WAY ABANDONMENT
3,179 SQUARE FEET OR 0.073 ACRES
CITY OF DALLAS BLOCK 2/594
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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

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

REVIEWED BY
Sean Shropshire
Registered Professional Land Surveyor
No. 5674

(For SPRG use only)
REVIEWED By: ________________
Date: ________________
SPRG NO: ________________

MAY 16, 2007 REV JULY 6, 2007  Page 3 of 4 07016EX01
PAVILION STREET
12' RIGHT-OF-WAY ABANDONMENT
3,179 SQUARE FEET OR 0.073 ACRES
CITY OF DALLAS BLOCK 2/594
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LOCATION MAP
NOT TO SCALE
DALLAS MAPSCO 45-G

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

(For SPRG use only)
REVIEWED By: ________________
Date: ________________
SPRG NO: ________________
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.
An ordinance granting a private license to JAHCO Fair Oaks, LP and JAHCO Royal Skillman, LLC for the use of approximately 2,580 square feet of land to install and maintain off-street parking and landscaping in a portion of Skillman Street right-of-way located near its intersection with Royal Lane - Revenue: $3,158 annually plus the $20 ordinance publication fee

BACKGROUND

This item grants a private license to JAHCO Fair Oaks, LP and JAHCO Royal Skillman, LLC for the installation and maintenance of off-street parking and landscaping in a portion of Skillman Street right-of-way. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: $3,158 annually plus the $20 ordinance publication fee
OWNERS

JAHCO Fair Oaks, LP

JAHCO Fair Oaks GP, LLC, General Partner
John A. Henry IV, Manager

JAHCO Royal Skillman, LLC

John A. Henry IV, Manager

MAPS

Attached
ORDINANCE NO. _____

An ordinance granting a private license to JAHCO Fair Oaks, LP and JAHCO Royal Skillman, LLC to occupy, maintain, and utilize a portion of Skillman Street right-of-way located near its intersection with Royal Lane adjacent to City Block 8103 within the limits hereinafter more fully described, for the purpose of installing and maintaining off-street parking and landscaping within the public right-of-way; providing for the terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

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

SECTION 1. That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to JAHCO Fair Oaks, LP, a Texas limited partnership, and JAHCO Royal Skillman, LLC, a Texas limited liability company, their successors and assigns, collectively hereinafter referred to as "GRANTEE" to occupy, maintain, and utilize for the purpose set out hereinbelow the tracts of land described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That GRANTEE shall pay to the City of Dallas the sum of THREE THOUSAND ONE HUNDRED FIFTY-EIGHT AND NO/100 ($3,158.00) DOLLARS annually for the license herein granted, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of THREE THOUSAND ONE HUNDRED FIFTY-EIGHT AND NO/100 ($3,158.00) DOLLARS shall become due and payable upon the final passage of this ordinance and shall cover the consideration for 2008. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by GRANTEE. Should GRANTEE fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of Development Services may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the City Controller of the City of Dallas and deposited in Fund
0001, Department DEV, Unit 1180, Revenue Source 8200. In the event GRANTEE's check for the license fee is dishonored, GRANTEE shall pay to the City a processing fee of $25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by GRANTEE for the following purpose under the direction of the Director of Development Services of the City of Dallas: installing, constructing and maintaining landscaping and off-street public parking within the public right-of-way.

SECTION 5. That this license is subject to the provisions set forth in EXHIBIT B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing body, to terminate and cancel this license upon giving GRANTEE SIXTY (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. GRANTEE shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or GRANTEE, as the case may be, this license shall become null and void and GRANTEE or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Development Services, any improvements and encroachments from the licensed area at GRANTEE's expense. Failure to do so shall subject GRANTEE to the provisions contained in EXHIBIT B, Subsection (a). All work shall be done at the sole cost of GRANTEE and to the satisfaction of the Director of Development Services.

SECTION 7. That the license is subject to the following conditions, terms and reservations:
a) **GRANTEE** shall obtain a Tree Removal Permit in order to properly identify and remove 3 protected trees (10", 12", 1") and shall plant screening shrubs at 3' height with automatic irrigation along parking spaces facing street.

b) **GRANTEE** shall maintain the existing right-of-way for Skillman Street.

c) **GRANTEE** shall submit plans to Jerry Svec of Development Services Engineering Division for review and approval.

d) **GRANTEE** shall notify City of Dallas Cut Control (Vince Thill, 214-948-4042) and obtain a street cut permit from at least 48 hours prior to any activity in the City's right-of-way.

e) **GRANTEE** shall provide all required parking on site. Parking in right-of-way cannot be counted towards meeting any off-street parking requirements.

**SECTION 8.** That this license is subject to the requirements of all other applicable City of Dallas codes and ordinances.

**SECTION 9.** That the license granted hereby shall not become effective until and unless **GRANTEE** files a final acceptance, in writing, to the terms and conditions of this ordinance with the Director of Development Services and said written acceptance shall be forwarded to the City Secretary of the City of Dallas. In the event said written final acceptance is not filed within six (6) months after the passage of this ordinance as provided for herein, then the Director of Development Services, or designee, may terminate this license.

**SECTION 10.** That upon receipt of **GRANTEE's** final written acceptance, the Director of Development Services, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Development Services, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

**SECTION 11.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.
SECTION 12. That this license may not be assigned without prior written approval from the Director of Development Services, or designee. Such assignment shall recite that it is subject to the terms, restrictions, and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee’s written acceptance of the provisions of this ordinance, to the Director of Development Services within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should GRANTEE fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Development Services, or designee, may terminate this license.

SECTION 13. 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 Development Services, or designee. Upon receipt of the fee for the year 2008, an acceptable certificate of insurance, and the fee for publishing this ordinance which GRANTEE shall likewise pay, the Director of Development Services, or designee, shall deliver to GRANTEE the certified copy of this ordinance. The Director of Development Services, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 14. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

Assistant City Attorney

THERESA O’DONNELL
Director of Development Services

Assistant Director

Passed______________________.
EXHIBIT A

LICENSURE OF A
PORTION OF SKILLMAN STREET
PARCEL 1 & PARCEL 2
2,580 SQUARE FEET OR 0.06 ACRE
CITY BLOCK 8103

PARCEL 1:
Being a 0.04 acre tract of land situated in the J.G. Jackson Survey, Abstract No. 707, in the City of Dallas Block No. 8103, Dallas County, Texas, and being a portion of Skillman Street (a variable width right-of-way), and being more particularly described as follows:

BEGINNING at a pk nail found for the northwest corner of Lot 2A, Block 8103, of Fair Oaks Shopping Center, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 84184, Page 6168, of the Map Records of Dallas County, Texas, same being the southwest corner of Lot 2A, Block 8103, of Plaza Rios, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 81071, Page 1771, of the Map Records of Dallas County, Texas, same being in the southeasterly right-of-way line of said Skillman Street;

THENCE South 48 deg. 12 min. 39 sec. West, along the common line of said Lot 2A, of said Fair Oaks Shopping Center, and the southeasterly right-of-way line of said Skillman Street, a distance of 169.86 feet to a point for corner;

THENCE through the interior of said Skillman Street, as follows:

North 45 deg. 26 min. 57 sec. West, a distance of 4.02 feet to a point for corner;
North 44 deg. 33 min. 03 sec. East, a distance of 175.89 feet to a point for corner;
South 45 deg. 58 min. 41 sec. East, a distance of 15.29 feet to a point for corner;

THENCE South 48 deg. 17 min. 16 sec. West, along the common line of said Lot 2A, of said Plaza Rios, and the southeasterly right-of-way line of said Skillman Street, a distance of 6.50 feet to the POINT OF BEGINNING and containing 1,698 square feet or 0.04 acre of computed land.

PARCEL 2:
Being a 0.02 acre tract of land situated in the J.G. Jackson Survey, Abstract No. 707, in the City of Dallas Block No. 8103, Dallas County, Texas, and being a portion of Skillman Street (a variable width right-of-way), and being more particularly described as follows:

BEGINNING at a cut "X" found for an angle point in the northwesterly line of Lot 2A, Block 8103, of Plaza Rios, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 81071, Page 1771, of the Map Records of Dallas County, Texas, same being in the southeasterly right-of-way line of said Skillman Street;

THENCE South 48 deg. 17 min. 16 sec. West, along the common line of said Lot 2A, and the southeasterly right-of-way line of said Skillman Street, a distance of 36.65 feet to a point for corner;
THENCE through the interior of said Skillman Street, as follows:

North 45 deg. 26 min. 57 sec. West, a distance of 7.82 feet to a point for corner;
North 44 deg. 33 min. 03 sec. East, a distance of 90.95 feet to a point for corner;
South 45 deg. 26 min. 57 sec. East, a distance of 10.13 feet to a point for corner, said point being said point being in the northwesterly line of said Lot 2A, same being in the southeasterly right-of-way line of said Skillman Street;

THENCE South 44 deg. 28 min. 26 sec. West, along the common line of said Lot 2A, and the southeasterly right-of-way line of said Skillman Street, a distance of 54.38 feet to the POINT OF BEGINNING and containing 882 square feet or 0.02 acre of computed land.

Hugh E. Peiser
R.P.L.S. No. 3688
November 6, 2007
LICENSURE OF A PORTION OF
SKILLMAN STREET
2,580 SQUARE FEET
OR 0.06 ACRE
CITY BLOCK 8103

REMAINDER OF
LOT 2A, BLOCK 8103
FAIR OAKS SHOPPING CENTER
VOL. 84184, PG. 6168

S45°58'41"E
15.29'

N44°33'03"E
90.95'

N45°26'57"W
7.82'
P.O.B. PARCEL 2
882 SQ. FT.
OR 0.02 ACRE
(BASE BEARING)
S48°17'16"W
36.65'

S45°26'57"W
4.02'

N45°26'57"W
10.13'

N44°33'03"E
7.82'
P.O.B. PARCEL 1
1,698 SQ. FT.
OR 0.04 ACRE

(PLAT CALL N44°33'03"E 215.18')
S48°12'39"W
169.86'

ROYAL LANE
(A 100' RIGHT-OF-WAY)

NOTES:
1. IRF - Iron Rod Found
2. Basis of Bearing is the west line (North 46 deg. 17 min. 19 sec. E), of
Lot 2A, Block 8103, of Plaza Pkwy, an addition to the City of Dallas,
Dallas County, Texas, according to the plat thereof recorded in Volume
81071, Page 1771, of the Map Records of Dallas County, Texas.

ROYAL LANE
(A 100' RIGHT-OF-WAY)

REMAINDER OF
LOT 2A, BLOCK 8103
FAIR OAKS SHOPPING CENTER
VOL. 84184, PG. 6168

ROBERT E. PEISER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3688

PEISER SURVEYING CO.
www.peisersurveying.com

SCALE:
1" = 50'

DATE: 09/19/2007
REV: 11/06/2007

DRAWN BY: T.R.M.
PROPOSED LICENSURE AREA

GRAPHIC SCALE

1 inch = 50 ft.

N44°33'03"E 90.95'
N45°26'57"W 7.82'
S45°26'57"E 10.13'
S44°33'03"E 90.95'

P.O.B.
PARCEL 2
882 SQ. FT.
OR 0.02 ACRE
(BASE BEARING)
S48°17'16"W 36.65'

PARCEL 1
1,698 SQ. FT.
OR 0.04 ACRE
(PLAT CALL N48°17'16"E 215.18')
S48°12'39"W 169.86'

REMAINDER OF
LOT 2A, BLOCK 8103
FAIR OAKS SHOPPING CENTER
VOL. 84184, PG. 6168

NOTES:
1. RF = Iron Rod Found
2. Basis of Bearing is the west line (North 48 deg. 17 min. 18 sec. E), of Lot 2A, Block 8103, of Plaza Rios, an Addition to the City of Dallas, Dallas County, Texas, according to the plot thereof recorded in Volume 81071, Page 1771, of the Map Records of Dallas County, Texas.

ROYAL LANE
(A 100' RIGHT-OF-WAY)

PEISER SURVEYING CO.
www.peisersurveying.com

JOB NO.
P-3954EX_PROPOSED

SCALE: 1" = 50'

DATE: 09/19/2007
REV: 11/06/2007

DRAWN BY: T.R.M.

REVIEWED BY: 11/28/07
EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

That this license is granted subject to the following additional conditions, terms and reservations:

(a) That at such time as this license is terminated or canceled for any reason whatsoever, GRANTEE, upon orders issued by the City acting through the Director of Development Services, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Development Services at the sole cost of GRANTEE. In the event, upon termination of this license, GRANTEE shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Development Services, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against GRANTEE; in neither event shall the City of Dallas be liable to GRANTEE on account thereof.

(b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of GRANTEE’s installations and improvements thereon, any modifications or changes to GRANTEE’s facilities in the licensed area or in construction or reconstruction of any public improvement attributable to GRANTEE’s use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of GRANTEE and to the satisfaction of the Director of Development Services.

(c) At such time as this license is granted, it is agreed, and a condition hereof, that GRANTEE shall procure and keep in full force and effect Commercial General Liability Insurance coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by GRANTEE of the licensed area and GRANTEE’s installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and $500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than twelve (12) months following termination of this license and removal of the installations,
improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Development Services.

2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Development Services, or designee, may terminate the license granted herein.

(d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.

(e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in
EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

(f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City’s determination as to whether the GRANTEE’s use of this license constitutes a nuisance or is inconsistent with the public use of the property.

(g) As a condition hereof, GRANTEE agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or GRANTEE’s installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of GRANTEE, or by GRANTEE’s breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of GRANTEE, its officers, agents, employees or contractors in the use, occupancy and maintenance of GRANTEE’s installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the GRANTEE and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of GRANTEE’s use of the licensed area or GRANTEE’s improvements and equipment located thereon. In addition to the foregoing, GRANTEE covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to
flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City’s negligence, or from any other cause whatsoever.

(h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.
Authorize the quitclaim of two properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: $42,132

BACKGROUND

This item authorizes the quitclaim of two properties that were foreclosed by the Sheriff's Department for unpaid taxes pursuant to judgments or seizure warrants from a District Court. These properties are being sold to the highest bidders and will return to the tax rolls upon conveyance.

Successful bidders are required to sign a certification stating that they are not purchasing these properties on behalf of the foreclosed owners and that they have no debts owed to the City, no pending code violations and that they are not chronic code violators.

On February 28, 2007 by Resolution No. 07-0670, City Council approved the high bid received from Leo Miranda for the property located at 2413 Jordan Street in the amount of $9,551.50. The bid was subsequently forfeited and the property was re-advertised for sale on January 6 and 7, 2008. Bids were opened on January 24, 2008 and one bid was received in the amount of $10,100.

All properties have been reviewed by the Housing Department for infill housing and are not desired for this program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 28, 2007, City Council approved the bid submitted by Leo Miranda on the property located at 2413 Jordan by Resolution No. 07-0670.
FISCAL INFORMATION

Revenue: $42,132

MAPS

Attached
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<tr>
<td>1.</td>
<td>1831 Riverway Place</td>
<td>Manuel Gonzalez</td>
<td>5</td>
<td>11,413</td>
<td>$32,032</td>
<td>$21,600</td>
<td>$86,380</td>
<td>R-7.5(A)</td>
<td>No 5</td>
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<tr>
<td>2.</td>
<td>2413 Jordan Lopez</td>
<td>Florentino Lopez</td>
<td>1</td>
<td>4,996</td>
<td>$10,100</td>
<td>$8,700</td>
<td>$26,700</td>
<td>PD 595</td>
<td>No 7</td>
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</table>

TOTAL $42,132
WHEREAS, the City of Dallas, the State of Texas, (“State”), the County of Dallas, (“County”), and/or the Dallas Independent School District, (“DISD”), acquired a Sheriff’s Deed to the properties, (“Properties”), at a sheriff’s tax sale, (“the First Sale”), authorized by a District Court of Dallas County, Texas, by a Judicial Foreclosure (“the Judgment”) in a tax foreclosure sale or a Seizure Warrant, (“Warrant”) and the subsequent Sheriff’s Deeds were filed in the Real Property Records of Dallas County, Texas, all as described on “Exhibit A”, attached hereto and made a part hereof; and

WHEREAS, in accordance with Attorney General Opinion No. JM-1232, the City of Dallas, pursuant to the provisions of Section 34.05(a) of the Property Tax Code, may sell the Properties at any time, (“the Second Sale”), subject to any right of redemption existing at the time of the Second Sale; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.05 of the Property Tax Code, a taxing unit is authorized to resell the Properties; and

WHEREAS, by accepting its pro rata proceeds from the Second Sale, the State concurs in the transfer of Properties in which it has an interest; and

WHEREAS, the City Manager, acting on behalf of the County, when granted consent pursuant to a County Commissioner’s Court Order, and DISD, when granted consent pursuant to a School Board Resolution, has the authority to execute a quitclaim deed to the Properties quitclaiming to the purchasers the right, title, and interest acquired or held by each taxing unit that was a party to the judgment foreclosing tax liens on the Properties or the warrant authorizing Seizure of the Properties; and

WHEREAS, the Properties were advertised in the Dallas Morning News on the dates as indicated on Exhibit A; and

WHEREAS, the City Council has previously approved the resale of other properties where funds were not received and have not been disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County; and

WHEREAS, the distribution of the proceeds of the resale will be in accordance with Chapter 34, Section 34.06 of the Property Tax Code; Now, Therefore,

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

SECTION 1. That upon receipt of the monetary consideration from the bidder for each parcel from the list of Properties, as specified in Exhibit A, and upon consent by the County and DISD, the City Manager is hereby authorized to execute Quitclaim Deeds, subject to the right of redemption, if any, and to the terms, conditions and release of the taxing entities therein, to be attested by the City Secretary upon approval as to form by the City Attorney.
SECTION 2. That the consideration received shall be distributed pursuant to Chapter 34, Section 34.06 of the Property Tax Code and applied to payment of the judgment, court costs, interest, and cost of sale owed to the taxing entities by the delinquent taxpayer or the amount of delinquent taxes, penalties, the amount secured by any municipal health or safety liens on the Property included in the Warrant application, court costs, interest and cost of seizure and sale owed by the delinquent taxpayer to any of the taxing entities shall be distributed in the manner described in Section 34.03 of the Property Tax Code.

SECTION 3. That the purchasers shall be responsible for the pro rata property taxes assessed from the date of closing for the remaining part of the then current calendar year. These Properties shall be placed back on the tax rolls effective as of the date of execution of the deed.

SECTION 4. That to the extent authorized by law the liens securing the taxes referenced in Section 2 above are hereby released.

SECTION 5. That any and all proceeds for the resale of the properties listed on Exhibit A and for the properties previously approved for resale by the City Council where funds were not received and have not been disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County be deposited to General Fund 0001, Department DEV, Balance Sheet Account 0519.

SECTION 6. That upon receipt of the consideration, the City Controller is authorized to disburse proceeds of the resale of the properties listed on Exhibit A, in accordance with Chapter 34, Section 34.06 of the Property Tax Code, which calculations for disbursement shall be provided by the Director of Development Services, to the City of Dallas Land Based Receivables, the Dallas County District Clerk and the Dallas County Tax Office from the account specified in Section 5 above.

SECTION 7. That upon receipt of the consideration, the City Controller is authorized to disburse proceeds pursuant to Chapter 34, Section 34.06 of the Property Tax Code, which calculations for disbursement shall be provided by the Director of Development Services, for properties previously approved for resale by the City Council where funds have not been disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County from the account specified in Section 5 above.

SECTION 8. That any procedures required by Section 2-24 of the Dallas City Code that are not required by state laws are hereby waived with respect to this conveyance.
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

Distribution: City Attorney's Office - Sarah Hasib
## EXHIBIT A
TAX-FORECLOSED (TF) AND SEIZURE WARRANT (SW) PROPERTY RESALES
MAY 14, 2008

<table>
<thead>
<tr>
<th>ITEM #</th>
<th>STREET ADDRESS</th>
<th>TF/SW</th>
<th>VAC/IMP</th>
<th>OWNED BY TAXING ENTITIES *</th>
<th>DMN DATES ADVERTISED</th>
<th># BIDS</th>
<th>MINIMUM BID</th>
<th>HIGHEST BID AMOUNT</th>
<th>HIGHEST BIDDER</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>2413 Jordan</td>
<td>TF</td>
<td>IMP</td>
<td>1,2,3</td>
<td>1-6/7-08</td>
<td>1</td>
<td>$8,700</td>
<td>$10,100</td>
<td>Florentino Lopez</td>
</tr>
<tr>
<td></td>
<td>18 Feet Lot 26 and 24 Feet Lot 27, Block 1712-A P. T. Petton’s Subdivision</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>1831 Riverway Place</td>
<td>TF</td>
<td>VAC</td>
<td>1,2,3</td>
<td>1-6/7-08</td>
<td>5</td>
<td>$21,600</td>
<td>$32,032.32</td>
<td>Manuel Gonzalez</td>
</tr>
<tr>
<td></td>
<td>Part Lot 31, Block 6315-5 Bruton Terrace Addition</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

*1=CITY, 2=DISD, 3=COUNTY, 4=STATE. All properties are located in the City of Dallas, Dallas County, Texas. All Sheriff's Deeds are recorded in the Dallas County Deed Records.
SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jon A. Grinaldi, of approximately 40,331 square feet of land located on Arturo Road near the intersection of Lakeland Drive for the Ash Creek Drainage Project - $85,000 - Financing: 2003 Bond Funds

BACKGROUND

This item authorizes the acquisition of a tract of land containing approximately 40,331 square feet located on Arturo Road near its intersection with Lakeland Drive. This property will be used for the Ash Creek Drainage Project. The property is unimproved. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2003 Bond Funds - $85,000

MAPS

Attached
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": Ash Creek Drainage

"PROPERTY INTEREST": Fee Simple

"OWNER": Jon A. Grinaldi, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": $85,000.00

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 Flood Protection and Storm Drainage Facilities Fund No 5R23, Department PBW, Unit R691, Activity FLDM, Program No. PB03R691, Object 4210, Encumbrance No. DEVR691EG01.
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: [Signature]
Assistant City Attorney
Field Notes Describing 40,331 Sq. Ft. of Land to be Acquired in Block 7042 From Jon A. Grinaldi

Being situated in the C.A. Lovejoy Survey, Abstract No. 830, Dallas County, Texas, and lying in Block 7042 (official City of Dallas Block Numbers), and being all of the property conveyed to Jon A. Grinaldi by deed dated October 6, 2000 and recorded in Volume 2000199, Page 3286 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a one-inch dia. Iron Pipe found at the intersection of the Southeast line of Arturo Road (a 60-foot Right-of-Way) with the Southwest line of the herein described tract, being also a common corner with a tract of land conveyed to Rudolph & Lilia Salvato, by deed recorded in Volume 2000204, Page 2791 of the Deed Records of Dallas County:

THENCE North 45°00'00" East with the said Southeast line of Arturo Road, a distance of 124.86 feet to the North corner of this tract, being also a common corner with a tract of land conveyed to Cyrus S. Johnson by deed recorded in Volume 94102, Page 1466 of the Deed Records of Dallas County, from which a ½" dia. steel rod (found) bears South 2°51'53" West a distance of 0.24 feet:

THENCE South 43°43'36" East, departing the last said Southeast line of Arturo road, pass at 369.57 feet a 5/8" dia. steel rod with cap marked "CITY OF DALLAS" (hereafter referred to as "5/8" dia. steel rod with cap") set for a reference mark on the North bank of the South Branch of Ash Creek, and continuing for a total distance of 386.69 feet to an inside corner of this tract:

THENCE South 53°43'03" East a distance of 8.00 feet to the most Easterly Southeast corner of this tract, lying in the bed of the South Branch of Ash Creek and on the North line of a tract of land conveyed to the Enclave at Ash Creek Homeowners Association by deed recorded in Volume 2002117, Page 5910 of the Deed Records of Dallas County (unable to monument):

THENCE North 86°34'36" West with the bed of the South Branch of Ash Creek and the common line with said Homeowner Association tract a distance of 183.65 feet to the most Southerly Southwest corner of this tract, being also a common corner with the above referenced Rudolph & Lilia Salvato tract:

THENCE North 44°01'13" West, pass at 25.18 feet a 60-D nail found for a reference mark on the North bank of the South Branch of Ash Creek, and continuing with the common line with the Salvato tract for a total distance of 257.15 feet to the POINT OF BEGINNING, containing 40,331 Square Feet, or 0.926 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Northwest line of Arturo Road, at South 45°00'00" West, as shown on the Irby Subdivision, recorded in Volume 34, Page 11 of the Map Records of Dallas County, Texas.
An ordinance abandoning portions of sanitary sewer and storm sewer easements to the Board of Regents of The University of Texas System, the abutting owner, containing a total of approximately 24,305 square feet of land located near the intersection of Inwood and Forest Park Roads - Revenue: $5,400 plus the $20 ordinance publication fee

This item authorizes the abandonment of portions of sanitary sewer and storm sewer easements to the Board Regents of The University of Texas System, the abutting owner. The area will be included with the property of the abutting owner to allow for the construction of a new building to accommodate biomedical research, commercial development and marketing. The cost of this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore no appraisal is required.

This transaction is consistent with the recommendations of the Real Estate Task Force.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

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

Board of Regents of The University of Texas System

Florence P. Mayne, Executive Director

MAPS

Attached
ORDINANCE NO. __________

An ordinance providing for the abandonment and relinquishment of a portion of a sanitary sewer easement and a portion of a storm sewer easement, located in City Block 5756 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to the Board of Regents of The University of Texas System; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of the Board of Regents of The University of Texas System, an agency of the State of Texas, 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 portions of 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 and future effective date 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 and future effective date hereinafter more fully set out.
SECTION 2. That for and in monetary consideration of the sum of FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS paid by GRANTEE, and the further consideration described in Section 8, the City of Dallas does by these presents FOREVER QUITCLAIM unto the said GRANTEE, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to those certain tracts or parcels of land hereinabove described in Exhibit A. TO HAVE AND TO HOLD all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said GRANTEE forever.

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

SECTION 4. That the City Controller is authorized to deposit the sum paid by GRANTEE pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Development Services - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.
SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon GRANTEE, its successors and assigns.

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

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to GRANTEE herein, GRANTEE, its successors and assigns, to the extent authorized by the Constitution and laws of the State of Texas, agrees to indemnify, defend, release and hold the City of Dallas whole and harmless against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by GRANTEE, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A which GRANTEE, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. GRANTEE, its successors and assigns, to the extent authorized by the Constitution and laws of the State of Texas, hereby agrees 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 this abandonment, relinquishment and quitclaim of the City’s right, title and interest in and to said portion of storm sewer easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at GRANTEE’s expense, to the new easement to be provided by GRANTEE and acceptable to the Director of Development Services, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Development Services; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Development Services. All work shall be done at the sole cost of GRANTEE and to the satisfaction of the Director of Development Services.

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 Development Services, 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 Development Services, or designee shall deliver to GRANTEE a certified copy of this ordinance. The Director of Development Services, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.
SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY

Assistant City Attorney

Passed ____________________.

THERESA O’DONNELL
Director of Development Services

BY

Assistant Director
EXHIBIT A

ABANDONMENT OF 8’ SANITARY SEWER EASEMENT
in
Block 5756
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
City of Dallas, Dallas County, Texas

Being a 5,168 square foot tract of land situated in the Crawford Grigsby Survey, Abstract No. 533, City of Dallas, Dallas County, Texas, and in Block 5756, and being all of an 8’ Sanitary Sewer Easement as recorded in Volume 3080, Page 294, Deed Records, Dallas County, Texas, and being all of an 8’ Sanitary Sewer Easement as shown on City of Dallas Sanitary Sewer Plan 411Q-1357, Sheet No. 9, being a part of that tract of land conveyed to The Board of Regents of the University of Texas System, by Special Warranty Deed recorded in Volume 2004155, Page 601, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a mag nail set for corner in the southeast line of Inwood Road (a 90’ right-of-way), said nail being North 45° 00' 00" East a distance of 433.67 feet from a 5/8" capped iron rod stamped "Carter & Burgess", found at the westerly common corner of said Board of Regents tract and Lot 1, Block A, Inwood No. 4 Addition, an addition to the City of Dallas, Dallas County, Texas as recorded in Volume 85161, Page 3418 of the Deed Records, Dallas County, Texas;

THENCE North 45° 00' 00" East along the southeasterly line of said Inwood Road and the northwesterly line of said Board of Regents tract a distance of 8.00 feet to a mag nail set for corner;

THENCE South 45° 00' 00" East departing the southeasterly line of said Inwood Road and the northwesterly line of said Board of Regents tract, a distance of 142.50 feet to a mag nail set in concrete corner;

THENCE North 45° 00' 00" East a distance of 127.00 feet to a mag nail set for corner;

THENCE South 45° 00' 00" East a distance of 143.06 feet to a mag nail set for corner;

THENCE North 45° 00' 00" East a distance of 94.50 feet to a mag nail set for corner in the southwesterly line of a 15’ sanitary sewer easement created by City Ordinance No. 10184;

THENCE South 45° 00' 00" East along the southwest line of said 15 foot sanitary sewer easement a distance of 8.00 feet to a mag nail set for corner;

THENCE South 45° 00' 00" West departing the southwest line of said 15 foot sanitary sewer easement a distance of 233.50 feet to a mag nail set for corner;

THENCE North 45° 00' 00" West a distance of 8.00 feet to a mag nail set for corner;

THENCE North 45° 00' 00" East a distance of 131.00 feet to a mag nail set for corner;

THENCE North 45° 00' 00" West a distance of 135.06 feet to a mag nail set for corner;

THENCE South 45° 00' 00" West a distance of 127.00 feet to a mag nail set for corner;

(For SPRG use only)
Reviewed By:  
Date: 3-27-04  
SPRG NO.: 1232

Sheet 1 of 3  
24,650X
ABANDONMENT OF 8' SANITARY SEWER EASEMENT
in
Block 5756
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
City of Dallas, Dallas County, Texas

THENCE North 45° 00' 00" West a distance of 150.50 feet to the POINT OF BEGINNING containing, 5,168 square feet or 0.1186 acres, more or less.

G. RICHARD BUSBY
RPLS NO. 4111
December 10, 2007
Revised: February 8, 2008

BASIS OF BEARINGS:
THE SOUTHEASTERLY LINE OF INWOOD ROAD (NORTH 45° 00' 00" EAST) PER DEED TO THE CITY OF DALLAS, RECORDED IN VOLUME 82174, PAGE 5161, DEED RECORDS, DALLAS COUNTY, TEXAS.

CONTROLLING MONUMENTS:
5/8" CAPPED IRON ROD STAMPED "CARTER & BURGESS", FOUND AT THE WESTERLY COMMON CORNER OF SAID TRACT OF LAND AND LOT 1, BLOCK A/5757, OF THE M.C.D., INWOOD NO. 4 ADDITION, AN ADDITION TO THE CITY OF DALLAS, TEXAS AS RECORDED IN VOLUME 85161, PAGE 3418 OF THE DEED RECORDS, DALLAS COUNTY, TEXAS.

5/8" CAPPED IRON ROD STAMPED "CARTER BURGESS", FOUND AT THE NORTH EASTERLY CORNER OF SAID TRACT OF LAND AND THE NORTHERLY COMMON CORNER OF LOT 1, BLOCK A/2372 AS CONVEYED TO DALLAS INDEPENDENT SCHOOL DISTRICT BY DEED RECORDED IN VOLUME 94137, PAGE 2503 OF THE DEED RECORDS, DALLAS COUNTY, TEXAS.

(For SPRG use only)
Reviewed By:  
Date:  
SPRG NO.:  

Sheet 2 of 3
24,650X
GREGG ST
ABANDONED BY
CITY ORDANANCE
Na 10184-
15' SANITARY
SEWER

G. RICHARD BU
DECEMBER 10, 2007
REVISED: FEBRUARY 8, 2008

G. RICHARD BURKY
R.P.L.S. NO. 4111
DECEMBER 10, 2007
REVISED: FEBRUARY 8, 2008

ABANDONMENT OF
8' SANITARY WATER EASEMENT
BLOCK 5756
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SCALE 1" = 60
DATE 12/02/2007

JOB NO. 07120
E-FILE 07120AB2
DWG NO. 24650X
ABANDONMENT OF 15' STORM SEWER EASEMENT
in
Block 5756
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
City of Dallas, Dallas County, Texas

Being a 19,137 square foot tract of land situated in the Crawford Grigsby Survey, Abstract No. 533, City of Dallas, Dallas County, Texas, and in Block 5756, and being all of a 15' Sanitary Sewer Easement as shown on City of Dallas Storm Sewer Plan 421Q-5144 Sheet Number 3, and being a part of that tract of land conveyed to The Board of Regents of the University of Texas System, by Special Warranty Deed recorded in Volume 2004155, Page 601, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a mag nail set for corner in the southeasterly line of Inwood Road (a 90' right-of-way), said nail being North 45° 00' 00" East a distance of 196.50 feet from a 5/8" capped iron rod stamped "Carter & Burgess" found at the westerly corner of said Board of Regents tract and the northerly corner of Lot 1, Block A/5757, of the M.C.D., Inwood No. 4 Addition, an addition to the City of Dallas, Dallas County, Texas as recorded in Volume 85161, Page 3418 of the Deed Records, Dallas County, Texas;

THENCE North 45° 00' 00" East along the East along the southeasterly line of said Inwood Road and the northwesterly line of said Board of Regents tract a distance of 15.00 feet to a mag nail set for corner;

THENCE South 45° 00' 00" East departing the southeasterly line of said Inwood Road and the northwesterly line of said Board of Regents tract a distance of 21.28 feet to a mag nail set in concrete for corner, and the beginning of a non-tangent curve to the left;

THENCE in a northeasterly direction along said non-tangent curve to the left whose chord bears North 59° 31' 04" East a distance of 46.38 feet, having a radius of 92.50 feet, a central angle of 29° 02' 09", and an arc length of 46.88 feet to a mag nail set for corner at the end of said non-tangent curve to the left;

THENCE North 45° 00' 00" East a distance of 41.23 feet to a mag nail set for corner;

THENCE North 15° 00' 00" West a distance of 11.55 feet to a mag nail set for corner;

THENCE North 45° 00' 00" East a distance of 28.00 feet to a mag nail set for corner;

THENCE South 15° 00' 00" East a distance of 11.55 feet to a mag nail set for corner;

THENCE North 45° 00' 00" East a distance of 20.00 feet to a mag nail set for corner;

THENCE North 15° 00' 00" West a distance of 11.55 feet to a mag nail set for corner;

THENCE North 45° 00' 00" East a distance of 53.00 feet to a mag nail set for corner;

THENCE South 45° 00' 00" East a distance of 25.00 feet to a mag nail set for corner;

THENCE South 45° 00' 00" West a distance of 148.00 feet to a mag nail set for corner and the beginning of a curve to the right;

(For SPRG use only)
Reviewed By: [Signature]
Date: 2/21/08
SPRG NO.: [1234]
ABANDONMENT OF 15' STORM SEWER EASEMENT
in
Block 5756
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
City of Dallas, Dallas County, Texas

THENCE in a southwesterly direction along said curve to the right whose chord bears South 58° 09' 22" West a distance of 48.94 feet, having a radius of 107.50 feet, a central angle of 26° 18' 45", and an arc length of 49.37 feet to a mag nail set for corner at the end of said curve to the right;

THENCE South 15° 00' 00" West a distance of 44.96 feet to a mag nail set for corner and the beginning of a curve to the right;

THENCE in a southwesterly direction along said curve to the right whose chord bears South 24° 10' 56" West a distance of 23.14 feet, having a radius of 72.50 feet, a central angle of 18° 21' 51", and an arc length of 23.24 feet to a mag nail set for corner at the end of said curve to the right;

THENCE South 33° 21' 51" West a distance of 61.92 feet to a mag nail set for corner and the beginning of a curve to the left;

THENCE in a southwesterly direction along said curve to the left whose chord bears South 09° 39' 03" West a distance of 46.25 feet, having a radius of 57.50 feet, a central angle of 47° 25' 36", and an arc length of 47.60 feet to a mag nail set for corner at the end of said curve to the left and the beginning of a compound curve to the left;

THENCE in a southeasterly direction along said compound curve to the left whose chord bears South 29° 31' 08" East a distance of 75.95 feet, having a radius of 142.50 feet, a central angle of 30° 54' 45", and an arc length of 76.88 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner and the end of said compound curve to the left;

THENCE South 44° 58' 29" East a distance of 173.43 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner and the beginning of a curve to the left;

THENCE in a southeasterly direction along said curve to the left whose chord bears South 89° 58' 29" East a distance of 272.24 feet, having a radius of 192.50 feet, a central angle of 90° 00' 00", and an arc length of 302.38 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner and the end of said curve to the left;

THENCE North 45° 00' 00" East a distance of 139.61 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner and the beginning of a curve to the right;

THENCE in a northeasterly direction along said curve to the right whose chord bears North 58° 52' 08" East a distance of 75.37 feet, having a radius of 157.50 feet, a central angle of 27° 41' 13", and an arc length of 76.11 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner and the end of said curve to the right;

THENCE North 45° 00' 00" East a distance of 11.53 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner;

THENCE South 45° 00' 00" East a distance of 20.52 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner;

(For SPRG use only)
Reviewed By: JL
Date: 2-21-08
SPRG NO.: 1233
ABANDONMENT OF 15' STORM SEWER EASEMENT
in
Block 6756
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
City of Dallas, Dallas County, Texas

THENCE South 45° 00' 00" West a distance of 18.50 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner;

THENCE North 45° 00' 00" West a distance of 7.27 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner and the beginning of a non-tangent curve to the left;

THENCE in a southwesterly direction along said non-tangent curve to the left whose chord bears South 58° 50' 35" West a distance of 68.19 feet, having a radius of 142.50 feet, a central angle of 27° 41' 10", and an arc length of 68.86 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner and the end of said non-tangent curve to the left;

THENCE South 45° 00' 00" West a distance of 139.61 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner and the beginning of a curve to the right;

THENCE in a northwesterly direction along said curve to the right whose chord bears North 89° 58' 29" West a distance of 293.45 feet, having a radius of 207.50 feet, a central angle of 90° 00' 00" and an arc length of 325.94 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner and the end of said curve to the right;

THENCE North 44° 58' 29" West a distance of 173.43 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner and the beginning of a curve to the right;

THENCE in a northwesterly direction along said curve to the right whose chord bears North 34° 49' 14" West a distance of 55.53 feet, having a radius 157.50 feet, a central angle of 20° 18' 31" and an arc length of 55.83 feet to a mag nail set for corner and the end of said curve to the right;

THENCE South 45° 00' 00" West a distance of 7.97 feet to a mag nail set for corner;

THENCE North 45° 00' 00" West a distance of 15.00 feet to a mag nail set for corner;

THENCE North 45° 00' 00" East a distance of 14.43 feet to a mag nail set for corner and the beginning of a non-tangent curve to the right;

THENCE in a northwesterly direction along said non-tangent curve to the right whose chord bears North 16° 23' 32" West a distance of 12.81 feet, having a radius of 157.50 feet, a central angle of 04° 39' 35", and an arc length of 12.81 feet to a mag nail set for corner, and the end of said non-tangent curve to the right and the beginning of a compound curve to the right;

THENCE in a northeasterly direction along said compound curve to the right whose chord bears North 09° 39' 03" East a distance of 58.31 feet, having a radius of 72.50 feet, a central angle of 47° 25' 37", and an arc length of 60.01 feet to a mag nail set for corner and the end of said compound curve to the right;

THENCE North 33° 21' 51" East a distance of 61.92 feet to a mag nail set for corner and the beginning of a curve to the left;
ABANDONMENT OF 15' STORM SEWER EASEMENT
in
Block 5756
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 533
City of Dallas, Dallas County, Texas

THENCE in a northeasterly direction along said curve to the left whose chord bears North 24° 10' 55" East a distance of 18.35 feet, having a radius of 57.50 feet, a central angle of 18° 21' 52", and an arc length of 18.43 feet to a mag nail set for corner and the end of said curve to the left;

THENCE North 15° 00' 00" East a distance of 39.48 feet to a mag nail set for corner;

THENCE North 45° 00' 00" West a distance to 25.52 feet to the POINT OF BEGINNING, containing 19,137 square feet or 0.4393 acres, more or less.

G. RICHARD BUSBY
RPLS NO. 4111
December 10, 2007
Revised: February 8, 2008

BASIS OF BEARINGS:

THE SOUTHEASTERLY LINE OF INWOOD ROAD (NORTH 45° 00' 00" EAST) PER DEED TO THE CITY OF DALLAS, RECORDED IN VOLUME 82174, PAGE 5161, DEED RECORDS, DALLAS COUNTY, TEXAS.

CONTROLLING MONUMENTS:

5/8" CAPPED IRON ROD STAMPED "CARTER & BURGESS", FOUND AT THE WESTERLY COMMON CORNER OF SAID TRACT OF LAND AND LOT 1, BLOCK A/5757, OF THE M.C.D., INWOOD NO. 4 ADDITION, AN ADDITION TO THE CITY OF DALLAS, TEXAS AS RECORDED IN VOLUME 85161, PAGE 3418 OF THE DEED RECORDS, DALLAS COUNTY, TEXAS.

5/8" CAPPED IRON ROD STAMPED "CARTER BURGESS", FOUND AT THE NORTH EASTERLY CORNER OF SAID TRACT OF LAND AND THE NORTHERLY COMMON CORNER OF LOT 1, BLOCK A/2372 AS CONVEYED TO DALLAS INDEPENDENT SCHOOL DISTRICT BY DEED RECORDED IN VOLUME 94137, PAGE 2503 OF THE DEED RECORDS, DALLAS COUNTY, TEXAS.
AGENDA ITEM # 31

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: May 14, 2008
COUNCIL DISTRICT(S): Outside City Limits
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 742 K L M P Q R

SUBJECT

Authorize an amendment to Resolution No. 08-0400, previously approved on February 13, 2008, that amended the district boundaries of Kaufman County Municipal Utility District No. 4 by the addition of 114 acres to include support for the issuance of tax exempt bonds for road improvements within the entire boundary of Kaufman County Municipal Utility District No. 4 - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas consented to the creation of Kaufman County Municipal Utility Districts No. 2, 3 and 4 on October 8, 2003, by Resolution No. 03-2751. The MUDs were organized, created and established pursuant to an Order of the Texas Commission on Environmental Quality dated April 12, 2005. On September 22, 2006, a petition was submitted to the City of Dallas requesting a resolution indicating support for the municipal utility districts to seek authorization from the Texas Legislature to issue tax exempt bonds for road improvements. On December 13, 2006, support was authorized for the issuance of tax exempt bonds for road improvements within the boundaries of the municipal utility districts by Resolution No. 06-3397. On February 13, 2008, by Resolution No. 08-0400, the district boundaries of Kaufman County Municipal Utility District No. 4 was amended by the addition of 114 acres. This action extends support for the issuance of tax exempt bonds for road improvements within the entire boundary of Kaufman County Municipal Utility District No. 4, including the appended 114 acres.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 13, 2008, the district boundaries of Kaufman County Municipal Utility District No. 4 was amended by the addition of 114 acres by Resolution No. 08-0400.

On December 13 2006, support was authorized for the issuance of tax exempt bonds for road improvements within the boundaries of the Kaufman County Municipal Utility Districts by Resolution No. 06-3397.
PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On October 8, 2003, consent for the creation of Kaufman County Municipal Utility Districts No. 2, 3 and 4 was authorized by Resolution No. 03-2751.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.
WHEREAS, on October 8, 2003, by Resolution No. 03-2751, Dallas consented to the creation of three Municipal Utility Districts on property in Dallas' extraterritorial jurisdiction known as Kaufman County Municipal Utility Districts No. 2, 3 and 4; and

WHEREAS, on December 13, 2006, by Resolution No. 06-3397, Dallas authorized support for the issuance of tax exempt bonds for road improvements within the boundaries of Kaufman County Municipal Utility Districts No. 2, 3, and 4; and

WHEREAS, on October 26, 2007, Kaufman County Municipal Utility District No. 4 petitioned the City of Dallas for consent to amend its boundaries by the addition of approximately 114 acres; and

WHEREAS, the City Council finds that it is in the best interests of existing and future taxpayers of the City to encourage the development of road improvements within the entire boundary of Kaufman County Municipal Utility District No. 4; and; Now, Therefore,

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

SECTION 1. That the City Council hereby consents to and the City Manager is instructed to create such documents, if any, as required to amend Resolution No. 08-0400 to include support for the issuance of tax exempt bonds for road improvements within the entire boundary of Kaufman County Municipal Utility District No. 4.

SECTION 2. That consent to the amendment includes the requirement that all development within the amended Kaufman County Municipal Utility District No. 4 must comply with Article VIII, "Plat Regulations," of Chapter 51A of the Dallas City Code.

SECTION 3. That the City Council further hereby notifies the amended Kaufman County Municipal Utility Districts No. 4, its residents, and property owners that the Texas Local Government Code allows Dallas to annex any portion of the districts located within Dallas’ extraterritorial jurisdiction, and Dallas hereby requests that the MUD include a statement in the form required under Section 49.455 of the Texas Water Code reflecting the possibility of annexation by Dallas.

Section 4. That this resolution shall take effect from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.
An ordinance authorizing a correction to Ordinance No. 26920, previously approved on September 12, 2007, which amended Chapters 51 and 51A of the Dallas City Code by amending existing regulations and adding new sections entitled "Gas Drilling and Production" to correct the Article numbering designation in Chapter 51 from Article XI to Article XII - DCA067-006 - Financing: No cost consideration to the City.

BACKGROUND

The City Council, on September 12, 2007, closed the public hearing and approved Ordinance No. 26920 which amended Chapters 51 and 51A of the Dallas City Code by amending existing regulations and adding a new Article entitled "Gas Drilling and Production."

Subsequent to the passage of the ordinance, it was determined that the numbering of the Article designation for "Gas Drilling and Production" in Chapter 51 was incorrect. The correction ordinance changes the numbering designation for this Article in Chapter 51 from Article XI to Article XII and is not a change in zoning district or boundary.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 12, 2007, the City Council approved Ordinance No. 26920 which amended Chapters 51 and 51A of the Dallas City Code by amending existing regulations and adding a new Article entitled "Gas Drilling and Production."

On August 23, 2007, the City Plan Commission recommended approval of amendments to Chapters 51 and 51A of the Dallas City Code by amending existing regulations and adding a new Article entitled "Gas Drilling and Production."

FISCAL INFORMATION

No cost consideration to the City.
ORDINANCE NO. ____________

An ordinance correcting Ordinance No. 26920, passed by the Dallas City Council on September 12, 2007, which amended Chapters 51 and 51A of the Dallas City Code and added a new article to both chapters entitled, “Gas Drilling and Production;” changing the article designation in Chapter 51 from Article XI to Article XII; providing a saving clause; and providing an effective date.

WHEREAS, the city council finds that it is in the public interest to correct Ordinance No. 26920 to accurately reflect the intent of the city council; Now, Therefore,

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

SECTION 1. That Ordinance No. 26920, passed by the Dallas City Council on September 12, 2007, is corrected by amending Section 2 to read as follows:


(19) Gas drilling and production.

(A) Definitions:

(i) Gas drilling and production means the activities related to the extraction of any fluid, either combustible or noncombustible, that is produced in a natural state from the earth and that maintains a gaseous or rarefied state at standard temperature and pressure conditions, or the extraction of any gaseous vapors derived from petroleum or natural gas.
(ii) See Article XII for definitions that apply to gas drilling and production.

(B) Districts permitted: Specific use permit required in all residential and nonresidential districts.

(C) Required off-street parking: None. No handicapped parking is required.

(D) Required off-street loading: See Section 51-4.303(a)(1)(C).

(E) Additional provisions:

(i) See Article XII for additional regulations relating to gas drilling and production. No provision found in Article XII may be waived through the adoption of or amendment to a planned development district.

(ii) City council may require that an operator use a closed-loop system.

(iii) Trailers or mobile homes that are temporarily placed on the operation site and used by gas drilling workers as a residence is a permitted accessory use.

(iv) Gas wells must be spaced at least:

(aa) 300 feet from any community service use, religious use, educational use, recreation and entertainment use (except when the operation site is in a public park), or residential use (except trailers or mobile homes placed on the operation site as temporary residences for workers);

(bb) 200 feet from any fresh-water well;

(cc) 25 feet from any property line;

(dd) 25 feet from any storage tank or source of ignition;

(ee) 75 feet from any right-of-way; and

(ff) 100 feet from any structure that is not used for the everyday operation of the well;

(v) All structures and equipment, including tanks and tank batteries, must be spaced at least 100 feet from any community service use, religious use, educational use, recreation and entertainment use (except when the operation site is in a public park).
park), or residential use (except trailers or mobile homes placed on the operation site as temporary residences for workers).

(vi) Tanks and tank batteries must be spaced at least 100 feet from any combustible structure and spaced at least 25 feet from all right-of-ways and property lines. The Dallas Fire Code may require additional spacing depending on the size of the tank.

(vii) Spacing is measured from the center of the well bore at the surface of the ground or from the closest point of the structure or equipment, in a straight line, without regard to intervening structures or objects, to the closest point of the use, structure, or feature creating the spacing requirement. Spacing requirements may not be waived or decreased through the adoption of a planned development district.

(viii) Once any gas drilling related activity begins on the operation site, the applicant shall limit access to the operation site by erecting an eight-foot-tall temporary chain-link fence or by providing a guard to supervise the operation site 24 hours per day. Within 30 days after the wells on the operation site are completed, an eight-foot-tall permanent fence must be erected and maintained around the perimeter of the operation site. This provision controls over the fence height regulations of the zoning district. The SUP may require a different form of screening, but may not reduce the fence height requirements of this provision.

(ix) Gates must be installed on all fences and must remain locked unless gas drilling personnel are present. Access to the operation site must comply with Chapter 5 of the Dallas Fire Code. The operation site plan must be reviewed and approved by the fire marshal before an SUP can be granted.

(x) The operation site may not have a slope greater than 10 degrees unless the director determines that all equipment is located and activities occur on a portion of the operation site that does not have a slope greater than 10 degrees, there is adequate erosion control, and the slope of the operation site will not be a threat to the public safety or welfare.”

SECTION 2. That Ordinance No. 26920, passed by the Dallas City Council on September 12, 2007, is corrected by amending Section 3 to read as follows:

“SECTION 3. That Chapter 51, ‘Dallas Development Code: Ordinance No. 10962, as amended,’ of the Dallas City Code is amended by adding a new Article XII, ‘Gas Drilling and Production,’ to read as follows:
ARTICLE XII.

GAS DRILLING AND PRODUCTION.

This article incorporates by reference the language of Article XII, “Gas Drilling and Production,” of Chapter 51A of the Dallas Development Code, as amended.”

SECTION 3. That the Ordinance No. 26920 and Chapters 51 and 51A shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By_______________________________
Assistant City Attorney

Passed
AGENDA ITEM # 33

KEY FOCUS AREA:  A Cleaner, Healthier City Environment
Economic Vibrancy

AGENDA DATE:  May 14, 2008

COUNCIL DISTRICT(S):  2

DEPARTMENT:  Environmental & Health Services
Department of Development Services

CMO:  David O. Brown, 670-3390
A. C. Gonzalez, 671-8925

MAPSCO:  44C

SUBJECT

Authorize an amendment to the lease agreement with the County of Dallas for an additional area of approximately 270 square feet of space and improvements for a total of approximately 10,854 square feet of office space in the Dallas County Health and Human Services building located at 2377 Stemmons Freeway, fourth floor, to be used as a Women, Infants and Children Clinic, office and training center for the period August 1, 2008 through August 31, 2011 - Not to exceed $458,742 - Financing: Texas Department of State Health Services Grant Funds (subject to annual appropriations)

BACKGROUND

This item authorizes an amendment to the lease agreement with the County of Dallas to expand the current lease space by approximately 270 square feet, for a total of approximately 10,854 square feet of office space. The amendment also provides for the County of Dallas to make certain leasehold improvements at its sole cost and expense to the expansion space and to make certain additional leasehold improvements, repairs and refurbishments at its sole cost and expense to the lease premises.

The WIC program is a USDA program administered in Texas by the Department of State Health Services. The countywide program has been administered by the City of Dallas' Environmental and Health Services Department since 1974. The WIC program provides vouchers for nutritious food, nutrition education, breastfeeding promotion and support, referrals to health services, and immunization. The program serves infants and children under age 5, and pregnant, postpartum and breastfeeding women.

The City of Dallas WIC program operates a regional WIC Training Center in this location. The center provides training not only to Dallas WIC staff, but also includes training for other local public agencies.
The training center includes a distance-based learning environment, computer laboratory, classrooms and conference rooms.

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

Authorized an extension to the lease agreement with the County of Dallas for office space in the Dallas County Health and Human Services building on September 13, 2006, by Resolution No. 06-2482.

Authorized a renewal to the lease agreement with the County of Dallas for office space in the Dallas County Health and Human Services building on August 22, 2001, by Resolution No. 01-2393.

Authorized a lease agreement with the County of Dallas for office space in the Dallas County Health and Human Services building on June 26, 1996, by Resolution No. 96-2181.

**FISCAL INFORMATION**

$458,741.54 - Texas Department of State Health Services Grant Funds (subject to annual appropriations)

**MAPS**

Attached
WHEREAS, on June 26, 1996 the City Council of the City of Dallas approved Resolution No. 96-2181, authorizing the City Manager to execute a lease agreement dated July 24, 1996, (the “Lease”) with the County of Dallas as Lessor (“County”) and the City of Dallas, as Lessee (“City”) for approximately 10,854 square feet of office space located at 2377 Stemmons Freeway, fourth floor, Dallas, Dallas County, Texas to be used by the Women, Infants, and Children Program Services; and

WHEREAS, the Lease was amended by a Lease Amendment, dated December 1, 1998 to include three (3) additional parking spaces and modify the required utility and building services provided to the City; and

WHEREAS, pursuant to City Council Resolution No. 01-2393, the Lease was further amended by an Amendment to Lease Agreement dated September 1, 2001 to extend the term of the Lease, as previously amended, to August 31, 2006; and

WHEREAS, pursuant to City Council Resolution No. 06-2482, the Lease was further amended by an Amendment to Lease Agreement, dated September 1, 2006 to extend the term of the Lease, as previously amended, to August 31, 2011 and provide for certain refurbishment of Leasehold Improvements; and

WHEREAS, the parties desire to supplement, modify and amend the Lease, as previously amended, to include approximately 270 square feet of additional space, for a total of approximately 10,854 square feet of space.

NOW, THEREFORE;

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

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, be and is hereby authorized to execute an Amendment to Lease Agreement between the County of Dallas and the City of Dallas.

SECTION 2. That the special terms and conditions of the Amendment to Lease Agreement are:

(a) The “Premises” are to be increased to include approximately 270 square feet of additional space, referred to as the “Expansion Space”, for a total of approximately 10,854 square feet of space.

(b) Base rental payments after increasing the “Premises” by the expansion space shall be as follows:

<table>
<thead>
<tr>
<th>Period</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 1, 2008 - August 31, 2011</td>
<td>$12,398.42 per month</td>
</tr>
</tbody>
</table>
(c) County shall provide certain improvements and repairs to the expansion space as specified in the Amendment to Lease Agreement.

(d) All other terms of the Lease, as previously amended, not expressly amended, hereby shall remain unchanged and in full force and effect.

SECTION 3. That the City Controller be and is hereby authorized to draw warrants payable to the County of Dallas or its successors and assigns on the first day of each month in advance during the lease term effective May 1, 2008 in the amount specified below:

<table>
<thead>
<tr>
<th>Period</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 1, 2008 - August 31, 2011</td>
<td>$12,398.42 per month</td>
</tr>
</tbody>
</table>

(subject to annual appropriations)

SECTION 4. That the payments will be charged as follows:

August 1, 2008 - September 30, 2008: Fund F163, Department EHS, Unit 1605, Object 3330, Encumbrance No. EHSLEASE664, Commodity Code 97145, Vendor No. 014003

October 1, 2008 through September 30, 2009: Fund TBD, Department EHS, Unit TBD, Object TBD, Encumbrance No. TBD, Commodity Code 97145, Vendor No. 014003

October 1, 2009 through September 30, 2010: Fund TBD, Department EHS, Unit TBD, Object TBD, Encumbrance No. TBD, Commodity Code 97145, Vendor No. 014003

October 1, 2010 through August 31, 2011: Fund TBD, Department EHS, Unit TBD, Object TBD, Encumbrance No. TBD, Commodity Code 97145, Vendor No. 014003

SECTION 5. That the City Controller is hereby authorized to draw warrants payable to the respective communication companies upon receipt of a bill for charges throughout the lease term.
SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas and it is accordingly so resolved.

APPROVED AS TO FORM:
Thomas P. Perkins, Jr., City Attorney

By: Assistant City Attorney
SUBJECT

Ratify an emergency purchase for maintenance and repair of the cooling tower at the Dallas Museum of Art located at 1901 North Harwood Street - Trane, U.S., Inc. only bidder - Not to exceed $93,644 - Financing: Current Funds

BACKGROUND

A purchase order was issued to Trane, U.S., Inc., on January 10, 2008 for maintenance including cleaning; replacing inlet airflow screens; replacing the two electric motors; painting and coating the metal surfaces; and changing the gear lube on the cooling tower at the Dallas Museum of Art. The contractor proceeded to clean the towers and prepare the metal for resurfacing. During the course of the work, it was discovered that the gear boxes had so much corrosion that the integrity of the mounts would not hold causing the tower to fail in the immediate future if not replaced. Failure of the cooling tower would result in a lack of heating, ventilation and air conditioning which would place valuable art work at risk.

The towers are vital for providing cooling and humidity control for the art and patrons. Trane, was unable to complete the original scope of work due to the unforeseen problem with the gear box. As a result, a new scope of work was developed on March 19, 2008 to include replacement of the gear box which had to be manufactured. This item authorizes Trane to complete all the necessary maintenance and repairs.

Bids were received in December to complete the original scope of work for maintenance on the cooling towers. Trane, was the low bidder. Since the unforeseen condition was discovered during the process of Trane’s work, the original work authorization was cancelled and a new scope of work was issued to Trane. Due to the emergency gear replacement, Trane was requested to begin work on the new scope as soon as possible.
ESTIMATED SCHEDULE OF PROJECT

Began Construction       January 2008
Complete Construction    May 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Current Funds - $93,644

MWBE INFORMATION

See Attached.

ETHNIC COMPOSITION

Trane, U.S., Inc.

Hispanic Female  1  Hispanic Male  15
African American Female  1  African American Male  13
Other Female  1  Other Male  0
White Female  30  White Male  166

OWNER

Trane, U.S., Inc.

David Smith, Manager

MAP

See attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Ratify an emergency purchase for maintenance and repair of the cooling tower at the Dallas Museum of Art located at 1901 North Harwood Street - Trane, U.S., Inc. only bidder - Not to exceed $93,644 - Financing: Current Funds

Trane, U.S., Inc., is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforces.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
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<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
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<td>0.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$93,644.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
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<tbody>
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<td>0.00%</td>
</tr>
<tr>
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<tr>
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<tr>
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<tr>
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<tr>
<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
Dallas Museum of Art - Emergency Cooling Tower Repair

1901 N. Harwood Street

Dallas, TX 75201
WHEREAS, Trane, U.S., Inc., was authorized to perform maintenance on January 10, 2008 to the Dallas Museum of Art located at 1901 North Harwood; and,

WHEREAS, while in the process of completing the maintenance work, Trane, U.S., Inc., identified the gear box had major corrosion which would cause the tower to fail in the immediate future if not replaced; and,

WHEREAS, the towers are a vital aspect for providing cooling and humidity control for valuable art work and patrons visiting the museum; and,

WHEREAS, Trane, U.S., Inc., original scope of work was revised to include the aforementioned repairs and replacement of the gear box on an emergency basis; and,

WHEREAS, it has been determined that acceptance of the low bid from Trane, U.S., Inc. in the amount of $93,644 is most advantageous to the City of Dallas.

WHEREAS, the City now desires ratification by the City Council of this expenditure.

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 Trane, U.S., Inc. for an emergency purchase for repair of the cooling tower at the Dallas Museum of Art in the amount of $93,644, after it has been approved as to form by the City Attorney.

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

Current Funds  
Fund 0001 Dept. EBS, Unit 3061, Act. EB01  
Obj. 3210, PO#0000044304  
Vendor# 192154 in an amount not to exceed $ 93,644

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.

Distribution:  
Equipment and Building Services (Sheila Singleton) 6BN  
Office of Financial Services, 4FN  
City Attorney
SUBJECT

Authorize (1) the acceptance of amended proposals from SouthFair Community Development Corporation for the development of 4 unimproved properties obtained under the HB110 process and 1 unimproved property obtained under the Land Assembly process all through the Land Transfer Program, and (2) a time extension for the development and amended Deed Restrictions (list attached) - Financing: No cost consideration to the City.

BACKGROUND

SouthFair acquired various properties to assemble with these 5 properties which have all been subsequently replatted for the development of a 30-unit mixed income single-family subdivision. The infrastructure has been completed and the construction of the homes has begun.

On September 9, 1999, September 18, 2002, July 28, 1999, June 15, 1999 and October 4, 2001, SouthFair Community Development Corporation (SouthFair), a qualified nonprofit organization, submitted various proposals to the City for purchase of a total of 4 tax-foreclosed properties under the HB110 process and 1 unimproved property under the Land Assembly process all through the Land Transfer Program to develop single-family homes for low-income homebuyers. In accordance with the HB110 and Land Assembly Program requirements, SouthFair submitted a total bid of $27,251.61 for the properties. On October 27, 1999, January 8, 2003, January 12, 2000 and November 14, 2001, the City Council passed Resolution Nos. 99-3457, 03-0198, 00-0280 and 01-3329 accepting SouthFair’s proposals and bids for the properties. Dallas County and Dallas Independent School District also approved the sale of the properties through the HB 110 Program. On March 21, 2000, March 26, 2003, May 17, 2000 and January 7, 2002, the City Manager executed Quitclaim Deeds to the various properties.
BACKGROUND (continued)

On February 25, 2004, SouthFair submitted written modified Land Transfer Proposals to the City to extend the development periods for the properties at 2810 Oakland, 2828 Park Row and 2827 South. On July 2, 2004, the City Manager executed various Amended and Restated Deed Restrictions to the various properties. SouthFair submitted a written modified Land Transfer Proposal to the City to extend the development period for the property at 2829 South. On July 1, 2004, the City Manager executed an Amended and Restated Deed Restrictions to the property.

SouthFair did not develop the Properties by the construction deadline dates and now desires to request City Council approval of its amended proposals.

On March 21, 2008, SouthFair submitted written modified Land Transfer proposals to the City to approve a change in the proposal to develop the Properties. SouthFair proposes to extend the development period for 2810 Oakland until March 21, 2010, for 2803 South until March 26, 2010, for 2828 Park Row and 2827 South until May 17, 2010 and for 2829 South until January 7, 2011.

The Properties are deed restricted for affordability, and the Deed Restrictions will be amended to allow SouthFair to provide affordable housing on each Property, in accordance with its amended proposal for that property as described above.

This action requires the approval of all taxing units for the HB110 properties only.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 27, 1999, the City Council accepted a bid from SouthFair for the purchase of 1 vacant lot and authorized the execution of a Quitclaim Deed to the Property, subject to five year deed restrictions and the written proposal submitted by SouthFair on September 9, 1999 by Resolution No. 99-3457.

On January 8, 2003, the City Council accepted a bid from SouthFair for the purchase of 1 vacant lot and authorized the execution of a Quitclaim Deed to the Property, subject to five year deed restrictions and the written proposal submitted by SouthFair on September 18, 2002 by Resolution No. 03-0198.

On January 12, 2000, the City Council accepted a bid from SouthFair for the purchase of 2 vacant lots and authorized the execution of Quitclaim Deeds to the Properties, subject to five year deed restrictions and the written proposals submitted by SouthFair on July 28, 1999 and June 15, 1999 by Resolution No. 00-0280.

On November 14, 2001, the City Council accepted a bid from SouthFair for the purchase of 1 vacant lot and authorized the execution of a Quitclaim Deed to the Property, subject to five year deed restrictions and the written proposal submitted by SouthFair on October 4, 2001 by Resolution No. 01-3329.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On December 8, 2003, the City Council approved Ordinance No. 25443, amending Chapter 2 of the Dallas City Code to authorize changes in and extension of the time lines under a nonprofit organization’s proposal to develop affordable housing on land purchased through an alternate manner of sale of tax foreclosed and seized real property and to update references to applicable state law by Resolution No. 03-3354.

On November 10, 2004, the City Council authorized the City Manager, or designee, to amend the program statement of the House Bill 110 Program to prohibit the placement of industrialized housing on properties sold by the City by Resolution No. 04-3193.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached
SouthFair Community Development Corporation Properties Extension

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Property</th>
<th>Council District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2810 Oakland (Malcolm X)</td>
<td>7</td>
</tr>
<tr>
<td>2.</td>
<td>2803 South</td>
<td>7</td>
</tr>
<tr>
<td>3.</td>
<td>2828 Park Row</td>
<td>7</td>
</tr>
<tr>
<td>4.</td>
<td>2827 South</td>
<td>7</td>
</tr>
<tr>
<td>5.</td>
<td>2829 South</td>
<td>7</td>
</tr>
</tbody>
</table>
WHEREAS, the City of Dallas, for itself and as trustee on behalf of the County of Dallas, and the Dallas Independent School District acquired Sheriff’s Deeds to the properties (Properties) at a sheriff’s tax sale (attached list on Exhibit “A”); and

WHEREAS, on September 9, 1999, September 18, 2002, July 28, 1999, June 15, 1999 and October 4, 2001, SouthFair Community Development Corporation (SouthFair) submitted 5 written proposals (Proposals) to purchase the Properties and construct affordable housing on each Property; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.015 of the Property Tax Code (redesignated as Local Government Code Section 253.010), the City Council, on October 27, 1999, January 8, 2003, January 12, 2000 and November 14, 2001, the City Council by Resolution Nos. 99-3457, 03-0198, 00-0280 and 01-3329, respectively, accepted bids from SouthFair for the Properties and authorized the execution of Quitclaim Deeds to the Properties, subject to five year deed restrictions for affordability and written proposals submitted by SouthFair; and

WHEREAS, SouthFair did not develop the Properties by the construction deadline dates and now requests changes in its Proposals to extend the time line to develop the Properties; NOW THEREFORE,

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

SECTION 1. That the amended Proposals, submitted by SouthFair on March 21, 2008 and summarized on Exhibit “A” hereto, be accepted by the City of Dallas for the 5 Properties shown on Exhibit "A".

SECTION 2. That the City Manager is authorized to execute, upon approval as to form by the City Attorney, the amendments to the deed restrictions and Correction Quitclaim Deeds for the 5 Properties, executed on March 21, 2000, March 26, 2003, May 17, 2000 and January 7, 2002. The amended deed restrictions will reflect the acceptance of the March 21, 2008 amendment to the Proposals for the Properties from SouthFair to extend the term for providing the affordable housing per Exhibit A (attached).

SECTION 3. That the City’s acceptance of the Proposals does not obligate the City of Dallas to expend any funding for the development of the Properties.
SECTION 4. That this Resolution shall take effect immediately from and after its passage, in accordance with the Charter of the City of Dallas and is accordingly so resolved.

DISTRIBUTION:
Housing Department
City Attorney's Office
Office of Financial Services/Community Development, 4FN
EXHIBIT A

SouthFair Community Development Corporation Properties Extension

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Property</th>
<th>Land Transfer Program</th>
<th>Time Line Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2810 Oakland</td>
<td>HB110</td>
<td>March 21, 2010</td>
</tr>
<tr>
<td></td>
<td>(Malcolm X)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>2803 South</td>
<td>HB110</td>
<td>March 26, 2010</td>
</tr>
<tr>
<td>3.</td>
<td>2828 Park Row</td>
<td>HB110</td>
<td>May 17, 2010</td>
</tr>
<tr>
<td>4.</td>
<td>2827 South</td>
<td>HB110</td>
<td>May 17, 2010</td>
</tr>
<tr>
<td>5.</td>
<td>2829 South</td>
<td>Land Assembly</td>
<td>January 7, 2011</td>
</tr>
</tbody>
</table>
SUBJECT

Authorize a secured, no interest, forgivable loan pursuant to the Residential Development Acquisition Loan Program in the amount of $85,000 to Dallas Neighborhood Alliance for Habitat to pay part of the acquisition cost of 11 unimproved properties at 3100 Bickers Street for the development of low-to-moderate income single-family homes – Not to exceed $85,000 - Financing: FY 2007-08 Community Development Grant Funds ($85,000)

BACKGROUND

In 2002, KB Home developed a 303 single family, mixed-income development in west Dallas with the City of Dallas, the Dallas Housing Authority, and Dallas Neighborhood Alliance for Habitat called Greenleaf Village I. Greenleaf Village I became a national model for corporate, government, and nonprofit partnerships in building communities. The City of Dallas provided $925,560 in homebuyer subsidies for Greenleaf Village I.

In April 2007, KB Home submitted a development proposal to the City of Dallas requesting funding for the Greenleaf Village II Project. The proposal requested $341,529 in infrastructure bond funds to prepare a 13.25 acre site in West Dallas for 71 single family homes. KB Home will invest an additional $2 million dollars in acquisition and infrastructure development funds to prepare the site. KB Home is also investing funds to contract the homes in the Greenleaf Village II Project. KB Home has solidified their partnership with Dallas Neighborhood Alliance for Habitat to build lower income housing units.

On December 3, 2007, the Housing Committee was briefed on this project.

On December 12, 2007, the City Council approved bond fund participation with KB Home by Resolution No. 07-3707. On February 19, 2008, Dallas Neighborhood Alliance formally requested CDBG Funding for the acquisition of 13 developed lots from KB Homes for construction of 13 homes available to families at 80% or below of Area Median Family Income (AMFI).
**BACKGROUND (continued)**

These 11 homes are part of the larger mixed-income subdivision development of 71 single-family homes. KB Home is planning on constructing the remaining homes.

The 11 Properties will be deed restricted for families at 80% or less of Area Median Family Income for sale or resale to eligible homebuyers for a period of five years. Habitat will execute a note payable to the City of Dallas for $85,000. The 0% RDALP note will be forgiven 1/11th as each home is constructed and sold to a low-to-moderate income family.

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

On June 26, 2002, the City Council adopted the final FY 2002-03 Consolidated Plan Budget, which included $1,000,000 in CDBG funds for single-family development by Resolution No. 02-1980.

In September 24, 2003, City Council authorized (1) the use of $1,000,000 in Community Development Block Grant (CDBG) funds, for the acquisition of real property for single-family and multi-family developments, (2) a Program Statement for the Residential Development Acquisition Loan Program (RDALP), and (3) implementation of the RDALP by Resolution No. 03-2552.

On June 9, 2004, the City Council adopted the final FY 2004-05 Consolidated Plan Budget, which included $300,000 in CDBG funds for single-family development by Resolution No. 04-1865.

On August 10, 2005, the City Council adopted the final FY 2005-06 Consolidated Plan Budget, which included $1,000,000 of CDBG funds for the RDALP by Resolution No. 05-2233.

On June 28, 2006, the City Council adopted the final FY 2006-07 Consolidated Plan Budget, which included $1,000,000 of CDBG funds for the RDALP by Resolution No. 06-1739.

On June 27, 2007, the City Council adopted the final FY 2007-08 Consolidated Plan Budget, which included $825,000 of CDBG funds for the RDALP by Resolution No. 07-1978.

On December 3, 2007, the Housing Committee was briefed on this project.

FISCAL INFORMATION

FY 2007-08 - Community Development Grant Funds - $85,000

OWNERS

Dallas Neighborhood Alliance for Habitat

Norm Wilbur, Executive Director

MAP(S)

Attached
WHEREAS, the City of Dallas seeks to increase the supply of new affordable workforce housing in order to attract and retain economic growth; and

WHEREAS, on June 26, 2002, the City Council adopted the FY 2002-03 Consolidated Plan Budget which included $1,000,000 in CDBG funds for single-family development by Resolution No. 02-1980; and

WHEREAS, on September 24, 2003, City Council authorized (1) the use of $1,000,000 in Community Development Block Grant (CDBG) funds, for the acquisition of real property for single-family and multi-family developments, (2) a Program Statement for the Residential Development Acquisition Loan Program (RDALP), and (3) implementation of the RDALP by Resolution No. 03-2552.

WHEREAS, on June 9, 2004, the City Council adopted the FY 2004-05 Consolidated Plan Budget which included $300,000 in CDBG funds for single-family development by Resolution No. 04-1865; and

WHEREAS, on August 10, 2005, the City Council adopted the FY 2005-06 Consolidated Plan Budget which included $1,000,000 of CDBG funds for the Residential Development Acquisition Loan Program (RDALP) by Resolution No. 05-2233; and

WHEREAS, on June 28, 2006, the City Council adopted the FY 2006-07 Consolidated Plan Budget which included $1,000,000 of CDBG funds for the RDALP by Resolution No. 06-1739; and

WHEREAS, on June 27, 2007, the City Council adopted the FY 2007-08 Consolidated Plan Budget which included $825,000 of CDBG funds for the RDALP by Resolution No. 07-1978; and

WHEREAS, in December 2007, Dallas Neighborhood Alliance for Habitat submitted a proposal to the City of Dallas requesting financing for acquisition of unimproved properties for the Cedar Creek Ranch Project in South Dallas for $940,000 to develop 94 single-family homes; and

WHEREAS, on December 3, 2007, the Housing Committee was briefed on the Greenleaf Village II proposed project; and

WHEREAS, on December 12, 2007, the City Council approved bond fund participation with KB Home by Resolution No. 07-3707; and,

WHEREAS, the City of Dallas desires to provide a $85,000 0% interest loan under the RDALP to the Dallas Neighborhood Alliance for Habitat for the acquisition of 11 unimproved properties at 3100 Bickers Street; NOW, THEREFORE,
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to execute a secured, no interest, forgivable loan pursuant to the RDALP in the amount of $85,000 to Dallas Neighborhood Alliance for Habitat ("Borrower") for the acquisition of 11 unimproved properties at 3100 Bickers Street for the development of low-to-moderate income single-family homes.

The terms of the agreement include:
(a) The Borrower must execute a note payable to the City of Dallas for $85,000 that is interest free with a four-year maturity;
(b) Borrower must complete and sell 11 homes to low-to-moderate income families whose incomes are 80% or less of area median family income by the maturity date.
(c) Prior to the maturity date, Borrower will be released from $7,727 (1/11 of $85,000) liability on the Note at the same time the low-to-moderate income family closes the purchase of the home.
(d) Borrower will execute a Deed of Trust and Deed Restrictions on the lots. Properties will be deed restricted for affordability at 80% or less of Area Median Family Income for sale and resale to eligible homebuyers for a period of five years.
(e) If Borrower obtains acquisition loan for remainder of acquisition costs, the City and Lender will share a pro-rata lien position in proportion to actual expenditures.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a subordination of lien to a lender who is providing construction financing on the property and an intercreditor agreement, with a lender who is providing acquisition financing if necessary.

Section 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute releases of liens and terminate deed restrictions on the 11 properties upon compliance with the loan terms and deed restrictions.

Section 4. That the Controller is hereby authorized to encumber and disburse funds in accordance with the terms and conditions of the contracts as follows:

Dallas Neighborhood Alliance for Habitat Vendor# 500903

<table>
<thead>
<tr>
<th>Fund</th>
<th>Dept</th>
<th>Unit</th>
<th>Obj</th>
<th>Act.</th>
<th>Program</th>
<th>Amount</th>
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<td>2888</td>
<td>3099</td>
<td>H098</td>
<td>Residential Development</td>
<td>$85,000</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Acquisition Loan Program (RDALP)</td>
<td></td>
</tr>
</tbody>
</table>

CT HOU2888D009 - not to exceed $85,000
Section 5. That nothing in this resolution shall be construed as a binding contract or agreement upon the City, that it is subject to available CDBG funding, and there will be no liability or obligation on the City until final contract documents are approved, executed, and final closing completed.

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

DISTRIBUTION:

Housing Department
City Attorney's Office
Office of Financial Services/Community Development, 4FS
KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: May 14, 2008
COUNCIL DISTRICT(S): 2
DEPARTMENT: Housing
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 46K L

SUBJECT
Authorize a secured, no interest, forgivable loan pursuant to the Residential Development Acquisition Loan Program in the amount of $550,000 to Jubilee Park and Community Center Corporation to pay for the acquisition cost of improved and unimproved properties bounded by Stonewall Street, I-30 Freeway, Bank Street, and East Grand Avenue and associated relocation, environmental remediation, or demolition costs for the purpose of developing low-to-moderate income family housing – Not to exceed $550,000 - Financing: 2005-06 Community Development Grant Funds ($250,000); and 2006-07 Community Development Grant Funds ($300,000)

BACKGROUND
Over the period of 2003-2008, master planning, leveraging of capital investments, public/private developments, and redevelopment has been completed or has begun in the Jubilee Neighborhood Investment Program (NIP) Area. In order to implement components of the master plan, catalyst projects for new private/public development and redevelopment have been identified.

One of the key Jubilee community stakeholders, Jubilee Park and Community Center Corporation (JPCCC) proposed to work with the City of Dallas to undertake the Jubilee Revitalization, which is a component of the master plan. JPCCC will begin acquisition of improved and unimproved properties, address any relocation issues, address environmental remediation, and demolish existing improvements in order to begin revitalization efforts. If private sector funding is available and certain intermediate benchmarks are met, JPCCC will redevelop the properties in accordance with the master plan or another City of Dallas approved use.
BACKGROUND (continued)

City Council approval of this agenda item from Community Development Block Grant (CDBG) funds will provide a loan in the amount of $550,000 at 0% interest to JPCCC for the acquisition of improved and unimproved properties bounded by Stonewall Street, I-30 Freeway, Bank Street, and East Grand and associated acquisition costs, relocation, environmental remediation, or demolition costs. Sites are to be acquired for the purpose of developing low-to-moderate income family housing.

JPCCC’s loan will carry zero interest with a seven year term, subject to acceleration for (1) failure to expend the $550,000 within two years or, (2) complete and sell or lease the residential housing to persons at 80% or less of area median family income or within seven years of execution of the note. JPCCC will be required to file deed restrictions and liens on acquired properties in order to assure their redevelopment in accordance with CDBG Program requirements.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 26, 2002, the City Council adopted the final FY 2002-03 Consolidated Plan Budget, which included $1,000,000 in CDBG funds for single-family development by Resolution No. 02-1980.

On September 24, 2003, City Council authorized (1) the use of $1,000,000 in Community Development Block Grant (CDBG) funds for the acquisition of real property for single-family and multi-family development, (2) a Program Statement for the Residential Development Acquisition Loan Program (RDALP), and (3) implementation of the RDALP by Resolution No. 03-2552.

On June 9, 2004, the City Council adopted the final FY 2004-05 Consolidated Plan Budget, which included $300,000 in CDBG funds for single-family development by Resolution No. 04-1865.

On August 10, 2005, the City Council adopted the final FY 2005-06 Consolidated Plan Budget, which included $1,000,000 of CDBG funds for the RDALP by Resolution No. 05-2233.

On June 28, 2006, the City Council adopted the final FY 2006-07 Consolidated Plan Budget, which included $1,000,000 of CDBG funds for the RDALP by Resolution No. 06-1739.

On June 27, 2007, the City Council adopted the final FY 2007-08 Consolidated Plan Budget, which included $825,000 of CDBG funds for the RDALP by Resolution No. 07-1978.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On January 22, 2008, the Housing Committee was briefed on the Frazier Neighborhood Investment area, which includes the Jubilee Neighborhood.

On April 7, 2008, the Housing Committee was briefed on the Jubilee Park Neighborhood.

FISCAL INFORMATION

FY 2005-06 Community Development Grant Funds - $250,000
FY 2006-07 Community Development Grant Funds - $300,000

Jubilee Park and Community Center Corporation (JPCCC)

Walter J. Humann, Chairman

MAP(S)

Attached
WHEREAS, the City of Dallas seeks to increase the supply of new affordable workforce housing in order to attract and retain economic growth; and

WHEREAS, on February 26, 2003, the City Council approved the designation of five (5) census tracts, (CT 25.00, CT 39.02, CT 49.00, CT 89.00, and CT 101.01) as Neighborhood Investment Program (NIP) target areas for two years beginning October 1, 2003; and

WHEREAS, on September 28, 2005, the City Council approved the redesignation and expansion of three of the existing five NIP targeted areas as follows: CT 25.00 expanded to include CT 27.01 and CT 27.02; CT 39.02 expanded to include CT 115.00 (part); and CT 101.01 expanded to include CT 101.02. These census tracts were designated for a minimum of three years, beginning October 1, 2005; and

WHEREAS, on May 23, 2007, the City Council authorized the final FY 2006-07 Consolidated Plan Reprogramming Budget #2 which appropriated $3,343,732 of Section 108 Intown Program Income to be used for downtown condominium purchases and southern sector acquisition, demolition, infrastructure, and construction financing for housing, economic development and mixed-use development by Resolution No. 07-1577; and

WHEREAS, on June 27, 2007, the City Council adopted the final FY 2007-08 Consolidated Plan Budget by Resolution No. 07-1978; and

WHEREAS, on January 22, 2008, the Housing Committee of the City Council was briefed on the Frazier Neighborhood Investment Program Area which includes the Jubilee Neighborhood; and

WHEREAS, Jubilee Park and Community Center Corporation (JPCCC) proposes to work with the City of Dallas for the Frazier Neighborhood Investment Program Area-Jubilee Revitalization Project; and

WHEREAS, the City of Dallas desires to provide a 0% interest loan to JPCCC in the amount of $550,000 for use in the acquisition of improved and unimproved properties, associated relocation costs, environmental remediation, or demolition costs for the purpose of developing low-to-moderate income family housing; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:
SECTION 1. That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to execute loan documents for the City’s Residential Development Acquisition Loan Program (RDALP) loan in the amount of $550,000 at 0% interest to Jubilee Park and Community Center Corporation (JPCCC) (“Borrower”). Loan funds may be used for the acquisition of improved and unimproved properties bounded by Stonewall Street, I-30 Freeway, Bank Street, and East Grand and associated relocation, environmental remediation, or demolition costs for the purpose of developing low-to-moderate income family housing.

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

a Borrower’s note payable to the City of Dallas will have a maturity date of seven (7) years; provided, however, if Borrower fails to expend all of the Loan proceeds within two years of execution of the Note or to redevelop the acquired properties with low-to-moderate income family housing within seven years of execution of the Note, then the entire amount of the loan becomes due and payable. To be considered “redeveloped,” the properties must be residential units that have all been constructed and sold or rented to households at 80% or less of area median income.

b If Borrower fails to timely comply with the expenditure or construction requirements in Section 2(a) hereof, the City of Dallas has the option to require Borrower to convey fee simple title to the properties acquired with the CDBG funds under the loan to the City of Dallas, free of any liens or encumbrances not acceptable to the City.

c Borrower shall execute deed restrictions and a first lien deed of trust on each property acquired for which acquisition, relocation, environmental remediation, or demolition costs have been expended from loan proceeds.

d For Borrower to receive approval from the City to purchase a property or expend funds for other allowable costs, Borrower must provide a property survey, title commitment, environmental assessment, and appraisal performed by an independent fee appraiser, acceptable to the City in the City’s sole discretion. The City retains the right to conduct a review appraisal of the property for which approval is sought, and in no event will the City loan be in excess of the appraised value of the property as determined by the City.
SECTION 2. (continued)

   e No approval by the City of the expenditure of any loan funds shall bind or
obligate the City to approve any zoning or replat change that Borrower
may request for the properties.
   f Borrower shall obtain approval from the City for the permitted uses of the
properties. Residential units must be sold or rented to persons at 80% or
less of area median income.
   g As each property is sold or fully leased for a residential project on a
property, Borrower will be released from the indebtedness on the note for
the corresponding loan proceeds advanced. Deed Restrictions shall
remain on the property for five years.
   h Intermediate benchmarks for progress acceptable to the City of Dallas will
be established in the loan documents.

SECTION 3. That the City Manager, upon approval as to form by the City Attorney, is
authorized to execute a subordination of lien to a lender who is providing acquisition or
construction financing on the property if necessary.

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

SECTION 5. That the Controller is hereby authorized to encumber and disburse funds
in accordance with the terms and conditions of the contracts as follows:

Jubilee Park and Community Center Corporation Vendor # 356593

Fund CD05, Dept HOU, Unit 4363, Obj 3099, Program # JUBPARK01 ($250,000)
Fund CD06, Dept HOU, Unit 3955, Obj 3099, Program # JUBPARK01 ($300,000)
CT HOU4363G049 - in an amount not to exceed $550,000

SECTION 6. That nothing in this resolution shall be construed as a binding contract or
agreement upon the City, that it is subject to available bond funding, and there will be
no liability or obligation on the City until final contract documents are approved,
executed, and final closing completed.
SECTION 7. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

DISTRIBUTION:

Housing Department
City Attorney's Office
Office of Financial Services/Community Development, 4FS
KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: May 14, 2008
COUNCIL DISTRICT(S): 2
DEPARTMENT: Housing
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 46K L

SUBJECT
Authorize a loan in the amount of $500,000 at 0% interest to Jubilee Park and Community Center Corporation for the acquisition of improved and unimproved properties bounded by Stonewall Street, I-30 Freeway, Bank Street, and East Grand Avenue and associated relocation, environmental remediation, or demolition costs for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment – Not to exceed $500,000 - Financing: 2006 Bond Funds

BACKGROUND
Over the period of 2003-2008, master planning, leveraging of capital investments, public/private developments, and redevelopment has been completed or has begun in the Jubilee Neighborhood Investment Program (NIP) Area. In order to implement components of the master plan, catalyst projects for new private/public development and redevelopment have been identified.

One of the key Jubilee community stakeholders, Jubilee Park and Community Center Corporation (JPCCC) proposed to work with the City of Dallas to undertake the Jubilee Revitalization, which is a component of the master plan. JPCCC will begin acquisition of improved and unimproved properties, address any relocation issues, address environmental remediation, and demolish existing improvements in order to begin revitalization efforts. If private sector funding is available and certain intermediate benchmarks are met, JPCCC will redevelop the properties in accordance with the master plan or another City of Dallas approved use.

City Council approval of this agenda item from FY06 Bond proceeds will provide a loan in the amount of $500,000 at 0% interest to JPCCC for the acquisition of improved and unimproved properties bounded by Stonewall Street, I-30 Freeway, Bank Street, and East Grand and associated acquisition costs, relocation, environmental remediation, or demolition costs. Sites are to be acquired for the purpose of constructing and/or reconstructing residential, retail, commercial, and mixed-use projects.
BACKGROUND (continued)

JPCCC’s loan will carry zero interest with a seven year term, subject to multiple acceleration for failure to expend the $500,000 within two years or complete and sell or lease the residential housing to persons at 140% or less of area median family income or obtain a certificate of occupancy for completed non-residential structures and projects within seven years of execution of the note. JPCCC will be required to file deed restrictions and liens on acquired properties in order to assure their redevelopment in accordance with Bond Program requirements.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 26, 2003, the City Council approved the designation of five (5) census tracts, (CT 25.00, CT 39.02, CT 49, CT 89, CT 101.01) as Neighborhood Investment Program (NIP) target areas for two years beginning October 1, 2003.

On September 28, 2005, the City Council approved the redesignation and expansion of three of the existing five NIP targeted areas as follows: CT 25 expanded to include CT 27.01 and CT 27.02; CT 39.02 expanded to include CT 115.00(part); and CT 101.01 expanded to include CT 101.02. These census tracts were designated for a minimum of three years, beginning October 1, 2005.

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

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

On January 22, 2008, the Housing Committee was briefed on the Frazier Neighborhood Investment Area, which includes the Jubilee Neighborhood.

On April 7, 2008, the Housing Committee was briefed on Jubilee Park Neighborhood.

FISCAL INFORMATION

2006 Bond Funds - $500,000
OWNERS

Jubilee Park and Community Center Corporation (JP CCC)

Walter J. Humann, Chairman

MAP(S)

Attached
WHEREAS, the City of Dallas seeks to increase the supply of new affordable workforce housing in order to attract and retain economic growth; and

WHEREAS, the City of Dallas seeks to split acquisition and redevelopment of certain areas in the Southern sector of the City in order to foster the public purpose of economic development; and

WHEREAS, on February 26, 2003, the City Council approved the designation of five (5) census tracts, (CT 25.00, CT 39.02, CT 49.00, CT 89.00, and CT 101.01) as Neighborhood Investment Program (NIP) target areas for two years beginning October 1, 2003; and

WHEREAS, on September 28, 2005, the City Council approved the redesignation and expansion of three of the existing five NIP targeted areas as follows: CT 25.00 expanded to include CT 27.01 and CT 27.02; CT 39.02 expanded to include CT 115.00 (part); and CT 101.01 expanded to include CT 101.02. These census tracts were designated for a minimum of three years, beginning October 1, 2005; and

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

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

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

WHEREAS, on January 22, 2008, the Housing Committee of the City Council was briefed on the Frazier Neighborhood Investment Area which includes the Jubilee Neighborhood; and

WHEREAS, Jubilee Park and Community Center Corporation (JPCCC) proposes to work with the City of Dallas for the Frazier Neighborhood Investment Program Area-Jubilee Revitalization Project; and

WHEREAS, the City Council has determined that the Jubilee Revitalization Project will foster the public purpose of economic development in accordance with the City Council goals as outlined in its Economic Development GO Bond Program for Southern Dallas;
NOW THEREFORE,

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

SECTION 1. That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to execute loan documents for the City's loan in the amount of $500,000 at 0% interest to Jubilee Park and Community Center Corporation (JPCCC) (“Borrower”). Loan funds may be used for the acquisition of improved and unimproved properties bounded by Stonewall Street, I-30 Freeway, Bank Street, and East Grand and associated relocation, environmental remediation, or demolition costs for the purpose of constructing residential, retail, commercial, and mixed-use redevelopment.

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

a. Borrower’s note payable to the City of Dallas will have a maturity date of seven (7) years; provided, however, if Borrower fails to expend all of the Loan proceeds within two years of execution of the Note or to redevelop the acquired properties with residential, retail, commercial, or mixed-use structures and projects within seven years of execution of the Note, then the entire amount of the loan becomes due and payable. To be considered “redeveloped,” the properties must be either residential units that have all been constructed and sold or rented to households at 140% or less of area median income or all the construction for the retail, commercial, or mixed-use redevelopment structures and projects on the acquired properties have all been completed, as evidenced by a certificate of occupancy having been obtained from the City of Dallas for each unit in all the structures or projects.

b. If Borrower fails to timely comply with the expenditure or construction requirements in Section 2(a) hereof, the City of Dallas has the option to require Borrower to convey fee simple title to the properties acquired with the bond funds under the loan to the City of Dallas, free of any liens or encumbrances not acceptable to the City.

c. Borrower shall execute deed restrictions and a first lien deed of trust on each property acquired for which acquisition, relocation, environmental remediation, or demolition costs have been expended from loan proceeds.
SECTION 2. (continued)

d. For Borrower to receive approval from the City to purchase a property or expend funds for other allowable costs, Borrower must provide a property survey, title commitment, environmental assessment, and appraisal performed by an independent fee appraiser, acceptable to the City in the City’s sole discretion. The City retains the right to conduct a review appraisal of the property for which approval is sought, and in no event will the City loan in excess of the appraised value of the property as determined by the City. Leases for the non-residential structures of projects must be provided to the City for approval in the City’s sole discretion prior to construction commencing on those structures or projects.

e. No approval by the City of the expenditure of any loan funds shall bind or obligate the City to approve any zoning or replat change that Borrower may request for the properties.

f. Borrower shall obtain approval from the City for the permitted uses of the properties. Residential units must be sold or rented to persons at 140% or less of area median income. "Permitted uses" includes those uses that are permitted under the Dallas Development Code on the property, but in no event may they include any use that requires a sexually oriented business license under Chapter 41A of the Dallas City Code, or a liquor store, a pawn shop, a body piercing studio, or a tattoo studio, as those terms are defined by the Dallas Development Code.

g. As each property is sold or fully leased for a residential project on a property or a certificate of occupancy has been obtained for a constructed non-residential structure or project on a property, Borrower will be released from the indebtedness on the note for the corresponding loan proceeds advanced and the Deed Restrictions thereon shall be terminated on that property.

h. Intermediate benchmarks for progress acceptable to the City of Dallas will be established in the loan documents.

i. If borrower obtains an acquisition loan for the remainder of acquisition costs, the City and lender will share a pro-rata lien position in proportion to actual expenditures.

SECTION 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a subordination of lien to a lender who is providing interim construction financing on the property and an intercreditor agreement with a lender who is providing acquisition or interim construction financing, if necessary.

SECTION 4. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute lien releases of liens and terminate deed restrictions on the properties upon compliance with the terms.
SECTION 5. That the Controller is hereby authorized to encumber and disburse funds in accordance with the terms and conditions of the contracts as follows:

Jubilee Park and Community Center Corporation Vendor # 356593

Fund 7T52, Dept HOU, Unit T807, Obj 3015, Program # JUBPARK01
CT HOUT807G036 - in an amount not to exceed $500,000

SECTION 6. That the City Controller is hereby authorized to set up receivable balance sheet account (033F) and an allowance for uncollectible debt (0224) in fund 7T52 for the amount of the loan.

SECTION 7. That nothing in this resolution shall be construed as a binding contract or agreement upon the City, that it is subject to available bond funding, and there will be no liability or obligation on the City until final contract documents are approved, executed, and final closing completed.

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

DISTRIBUTION:

Housing Department
City Attorney's Office
Office of Financial Services/Community Development, 4FN
SUBJECT

Authorize the reconstruction on-site of two homes in accordance with the Reconstruction /SHARE Program Statement requirements for the properties located at 4620 Silver Avenue in the amount of $87,500, and 4207 Bonnie View Road in the amount of $87,500 – Total not to exceed $175,000 - Financing: 2000-2001 HOME Funds ($67,600); 2005-2006 HOME Funds ($19,900); and 2007-2008 Community Development Grant Funds ($87,500)

BACKGROUND

On November 12, 2007, City Council approved amendment of the Program Statement for the Home Repair Program which authorizes loans for reconstruction on-site of new homes to low-income homeowners in Dallas earning less than 50% Citywide and 80% in NIP areas of Area Median Family Income (AMFI).

On April 23, 2008, City Council approved amendment to the Program Statement for the Reconstruction/SHARE program to provide that up to $5,900 of the maximum $87,500 may be used by the borrower/homeowner for an amenities package. (Maximum Program funding is up to $87,500 for a new home on-site approximately 1200 sq ft).

City Council authorization is also required prior to proceeding with reconstruction on-site when all of the following conditions exist: (a) repairs necessary to meet the City’s locally adopted Housing Rehabilitation Standards or Federal Housing Quality Standards and all applicable codes cannot be accomplished within the program funding limits; (b) the conditions of the home create an imminent danger to the life, health and/or safety of the residents and/or the neighborhood; and (c) repairs are not feasible in that they will not extend the life of the repaired structure beyond 15 years.
BACKGROUND (continued)

The following homeowners and properties described are eligible for a loan to reconstruct the home on-site: Nell A. Burns, a 61 year-old elderly female residing at 4620 Silver Avenue; and Freddie Richardson, a 75 year-old disabled female residing at 4207 Bonnie View Road; are at 57% and below AMFI, and are eligible for a loan to reconstruct the homes on-site.

This action provides authority to proceed with reconstruction of 2 single-family home(s) on-site, as all conditions noted above have been met.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 28, 1998, the City Council authorized the Program Statement authorizing the Housing Department to implement the Home Improvement Loan Program and included clarification of procedures for reconstruction on-site under certain conditions by Council Resolution No. 98-3157.

On August 23, 2000, the City Council authorized approval of the Program Statement for the Home Improvement Loan Program by Resolution No. 00-2656.

On June 27, 2001, the City Council authorized approval of a program statement for the Home Repair Program by Resolution No. 01-2049.

On August 14, 2002, the City Council authorized the Program Statement for the Home Repair Program by Resolution No. 02-2272.

On October 23, 2002, the City Council authorized the Program Statement for the Home Repair Program by Resolution No. 02-3047.

On October 22, 2003, the City Council authorized the Program Statement for the Replacement and SHARE Housing Program by Resolution No. 03-2833.

On June 23, 2004, the City Council authorized an amendment to the Program Statement for the Replacement and SHARE Housing Program by Resolution No. 04-2097.

On October 18, 2004, the Housing and Neighborhood Development Committee recommended increasing the Maximum loan for a replacement home to $70,000.

On November 10, 2004, the City Council authorized an amendment to the Program Statement for the Replacement and SHARE Housing Program to increase the maximum amount to $70,000 by Resolution No. 04-3194.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On November 12, 2007, the City Council authorized the Program Statement authorizing the Housing Department to implement the Reconstruction/SHARE Program Statement for reconstruction on-site under certain conditions for assistance up to $87,500 by Council Resolution No. 07-3307.

On April 23, 2008 the City Council authorized an amendment to the Reconstruction/SHARE Program Statement to add an amenities package up to $5,900 by Resolution No. 08-1266.

FISCAL INFORMATION

2000-2001 HOME Funds - $67,600
2005-2006 HOME Funds - $19,900
2007-2008 Community Development Grant Funds - $87,500

Council District 4 - $87,500
Council District 7 - $87,500

MAP(S)

Attached
WHEREAS, on October 28, 1998, the City Council authorized the Program Statement authorizing the Housing Department to implement the Home Improvement Loan Program and included clarification of procedures for reconstruction on-site under certain conditions by Council Resolution No. 98-3157.

WHEREAS, on August 23, 2000, the City Council authorized approval of the Program Statement for the Home Improvement Loan Program by Resolution No. 00-2656.

WHEREAS, on June 27, 2001, the City Council authorized approval of a program statement for the Home Repair Program by Resolution No. 01-2049.

WHEREAS, on August 14, 2002, the City Council authorized the Program Statement for the Home Repair Program by Resolution No. 02-2272.

WHEREAS, on October 23, 2002, the City Council authorized the Program Statement for the Home Repair Program by Resolution No. 02-3047.

WHEREAS, on October 22, 2003, the City Council authorized the Program Statement for the Replacement and SHARE Housing Program by Resolution No. 03-2833.

WHEREAS, on June 23, 2004, the City Council authorized an amendment to the Program Statement for the Replacement and SHARE Housing Program by Resolution No. 04-2097.

WHEREAS, on October 18, 2004, the Housing and Neighborhood Development Committee recommended increasing the Maximum loan for a replacement home to $70,000.

WHEREAS, on November 10, 2004, the City Council authorized an amendment to the Program Statement for the Replacement and SHARE Housing Program to increase the maximum amount to $70,000 by Resolution No. 04-3194.

WHEREAS, on November 12, 2007, the City Council approved a Program Statement for the Reconstruction/SHARE Program; and

WHEREAS, the homeowners described made application to the Home Repair Program; and Nell A. Burns, 4620 Silver Avenue; Freddie Richardson, 4207 Bonnie View Road; and

WHEREAS, all three conditions outlined in the Reconstruction /SHARE Program Statement for reconstruction of a home on-site have been met for the property owner(s) Nell A. Burns and Freddie Richardson; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:
SECTION 1. That the applications and properties from homeowners described for a reconstruction loan be approved under the Reconstruction/SHARE Program: Nell A. Burns, 4620 Silver Avenue; and Freddie Richardson, 4207 Bonnie View Road.

SECTION 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute loan documents with Ms. Nell Burns and Ms. Freddie Richardson for reconstruction on-site of homes to be located at 4620 Silver Avenue and 4207 Bonnie View Road.

SECTION 3. That the City Controller is authorized to make payments for reconstruction of the homes in accordance with the funding information listed according to:

Fund HM00  Dept HOU,  Unit HM05,  Obj 3100  CT HOUHM00G032 ($67,600)
Fund HM05  Dept HOU,  Unit 3261,  Obj 3100  CT HOUHM00G032 ($19,900)
Vendor # 339393 - $87,500 – 4620 Silver Avenue

Fund CD07  Dept HOU,  Unit 2895,  Obj 3100  CT HOUCD07G033
Vendor # 339393 - $87,500 – 4207 Bonnie View Road.

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

DISTRIBUTION:

Housing Department
City Attorney’s Office
Office of Financial Services/Community Development, 4FS
KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing
Police

CMO: A. C. Gonzalez, 671-8925
Ryan S. Evans, 670-3314

MAPSCO: N/A

SUBJECT

Authorize (1) an amendment to the Police Special Pay Down Payment Assistance Program authorized by Resolution No. 07-2839, previously approved on September 26, 2007; and (2) confirmation of the lump sum compensation provided for the purchase of a home located at 7141 Lanyon Drive in accordance with the terms and conditions outlined in Exhibit A - Financing: No cost consideration to the City

BACKGROUND

In September 2007, the City Council adopted the comprehensive human resources resolution listing the proposed position changes and revised salary schedules for fiscal year 2007-08. As part of that resolution, the City Council authorized the Police Special Pay Down Payment Assistance Program (Down Payment Program) which provided police officers who did not currently own a home in the City of Dallas, conditional grants, loans or employee compensation of $6,000 to be used towards their down payment and non-recurring closing costs. The grant is an incentive to increase the number of officers living in Dallas.

The Down Payment Program required officers to purchase a home in Dallas and live there for at least 5 years. The home could not be purchased with an adjustable rate mortgage. The Officer had to sign an affidavit and documentation of a grant and a forgivable loan. The grant was subject to employee tax withholding and the City would pay the pension contribution. Eligible participants had to be sworn police officers employed by the City of Dallas and successful graduates of the City of Dallas Police Academy.

As program implementation began, grant application, affidavit and loan closing documents were prepared. The payment process for the grant was identified as a salary check with tax deductions and City payment of the pension contribution.
BACKGROUND (continued)

When the documents and method of payment for the first applicant were reviewed, program statement amendments were recommended that would clarify the program for future participants.

A police officer has received compensation and applied the compensation toward the purchase of 7141 Lanyon Drive after signing an affidavit acknowledging his intent to live at the homestead for five years and reimburse the City $1,000 for each year that he does not reside at the homestead.

Program amendment recommendations include clarification that the incentive is lump sum compensation to the employee subject to tax and Medicare withholding. The applicant will sign an affidavit only and loan documentation would not be used. The applicant will sign the affidavit to acknowledge intent to live at the homestead for five years and reimburse the City $1,200 for each year that the applicant does not reside at the homestead. First lien loans must be at a fixed rate of interest.

This action will authorize an amendment to the Police Special Pay Down Payment Assistance Program, in accordance with the terms and conditions as outlined in Exhibit A, and confirms the officer’s use of the lump sum compensation for the purchase of a home located at 7141 Lanyon Drive upon signing an affidavit.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 26, 2007, the City Council authorized adoption of the Police Special Pay Down Payment Assistance Program governing the provision of conditional grants in the amount of $6,000 to be used toward the down payment and non-recurring closing costs of purchasing a home in Dallas, by Resolution No. 07-2839.

On April 21, 2008, the Public Safety Committee was briefed on the down payment and closing cost assistance incentive payment for Dallas Police Officers and the lump sum compensation used by an officer to purchase a home at 7141 Lanyon Drive.

FISCAL INFORMATION

No cost consideration to the City.
WHEREAS, the Dallas City Council recognizes the importance of increasing the number of officers living in Dallas; and

WHEREAS, in September, 2007, the Dallas City Council adopted the Police Special Pay Down Payment Assistance Program; and

WHEREAS, the Police Special Pay Down Payment Assistance Program can be refined and improved by amendment to clarify that the incentive is lump sum compensation to the employee subject to tax and Medicare withholding, that the applicants will sign affidavits to document the understanding of the qualifications and uses of the compensation; and

WHEREAS, on April 11, 2008 a qualified police officer used lump sum compensation from the Police Special Pay Down Payment Assistance Program to purchase the home at 7141 Lanyon Drive; NOW, THEREFORE,

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

SECTION 1. That the program statement for Police Special Pay Down Payment Assistance Program is hereby amended to include clarification that incentive payment is lump sum compensation to the employee for down payment and non-recurring closing costs subject to tax and Medicare withholding, that the employee will sign an affidavit only and not a note and subordinate lien, and that the employee will acknowledge intent to live at the homestead for five years and reimburse the City $1,200 for each year the recipient does not occupy the purchased homestead, according to Exhibit A.

SECTION 2. That the use of lump sum compensation by an officer who purchased a home on 7141 Lanyon Drive on April 11, 2008 is hereby confirmed even though the compensation was used before amendment of the Police Special Pay Down Payment Assistance Program.

SECTION 3. That other aspects of the Police Special Pay Down Payment Assistance Program, as amended will remain in full force and effect.
SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

DISTRIBUTION:

Dallas Police Department
Human Resources Department
City Controller’s Office
Housing Department, 6DN
City Attorney’s Office
Exhibit A

POLICE SPECIAL PAY

Down Payment Assistance Program  Rate: $6,000 one time lump sum compensation

The Police Down Payment Assistance Program provides qualified police officers [conditional grants] compensation of $6,000 to be used towards their down payment and non-recurring closing costs as described below []. The conditional grant may be applied to 100% the borrower’s required down payment and may be forgiven after five years residency at the homestead purchased. The program and is available throughout the City of Dallas geographical boundaries.

HOW DO I QUALIFY?

To qualify for the program, you must meet the following requirements:

1. An Applicant must be a sworn police officer employed by the City of Dallas and have successfully completed the City of Dallas' Police Academy.
2. Applicants [do] have not [currently] owned a home, condominium or townhome in the City of Dallas in the last twelve months. 2.
3. Applicants must qualify for a fixed-rate or adjustable-rate first mortgage from a private lender. 3.3.3.

3. Applicants must sign an Affidavit of intent to live at the homestead for five years and [agrees] to reimburse the City [$1,000] $1,200 for each year the recipient does not occupy the purchased homestead.

HOW LONG IS THE PROCESS?

After you have completed the application and submitted all supplemental documentation to
the [Police Departments Personnel Unit, the Police] department designated by the City Manager, staff will need to verify the information and determine whether or not you are eligible for the program. The process time is approximately 10 to 15 business days. If you qualify, a Certificate of Eligibility will be sent to you and/or your lender. A check or wire transfer will be sent to the title company at closing with the Affidavit for execution by the Applicant.

GENERAL PROGRAM GUIDELINES

All applications are subject to the following program guidelines. These are general guidelines and may or may not be complete.

I. [Persons] Applicants currently living in a rental situation or similar non-ownership situation are eligible for consideration under the program. [Persons] Applicants [currently owning a home or] having owned a home, condominium or townhome in the last 12 months within the City of Dallas are not eligible for consideration. The program is not intended to assist current homeowners purchase a new home.

2. Only Single Family Homes, Condo[s]s, miniums and Townhomes are eligible for consideration. New construction is eligible under this program but must be [substantially completed within] 120 days of [Grant Approval] determination of eligibility by the department designated by the City Manager[s Office].

3. All homes must be [owner occupied by the Applicant/recipient] for a period of five (5) years from the date of purchase and will be verified by the City annually.

[4.—Grants are not transferable from one property to another.]
4. Applicants are allowed to have co-signers on the first lien loan; however, if the co-signer is to occupy the property, the applicant’s name must be on the trust deed and any and all changes to the original trust deed will require repayment of the grant.

5. The grant down payment assistance compensation is taxable to the employee (20%) and subject to withholding for Medicare, and the City is responsible for paying the its pension rate contribution on the $6,000.

7. The City will not approve any subordination for the life of the grant (5 years).

6. The City requires all first lien loans to be at a fixed rate of interest for the five (5)-year period. [Should the applicant choose to utilize an Adjustable Rate mortgage (ARM) the interest rate must be fixed for a period of five (5) years.]

9. The City will not subordinate or take any position below second position on any and all loans.

7. The property to be purchased must meet the minimum property requirements of the Code and Compliance Department and will be inspected by the City or its representatives for compliance. [The applicant must provide any and all costs for Lead Base Paint testing].

8. It is the applicant's responsibility to verify that the property to be purchased is located within the City of Dallas.

9. Applications will be accepted by the department designated by the City Manager beginning at 8:30 A.M., [October 1, 2007] May 15, 2008.
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 45Z 46S W

SUBJECT

Authorize (1) a public hearing to be held on May 28, 2008 to receive citizens’ comments on the proposed private sale by quitclaim deed of four unimproved properties acquired by the taxing authorities from the Sheriff's Sale to Cornerstone Community Development Corporation, a qualified non-profit organization; and, (2) at the close of the public hearing, consideration of approval of the sale of these properties (list attached) - Financing: No cost consideration to the City

BACKGROUND

This item will begin the acquisition process for Cornerstone Community Development Corporation to purchase four (4) properties for construction of four (4) single-family homes containing approximately 1,400 square feet each for purchase by a low to moderate income homebuyer at the proposed sales price of $120,000 each. The anticipated commencement date of construction is August 2008. The calling of a public hearing is part of the state requirements under House Bill 110.

The 1997 Texas State Legislature enacted House Bill 110 which amended Chapter 34 of the Texas Property Tax Code. Subsequently, Tax Code Section 34.015 was redesignated as Local Government Code Section 253.010. The legislation allows a municipality to adopt an ordinance which provides for land acquired by the municipality following the foreclosure of a tax lien in favor of or seizure by the municipality, to be sold to non-profit organizations for the development of affordable housing for low income individuals and families. The City Council approved Ordinance 23713, implementing House Bill 110, on November 11, 1998. Subsequently, the Texas Legislature moved these provisions by redesignating Tax Code Section 34.015 as Local Government Code Section 253.010. On December 8, 2003, the City Council approved Ordinance 25443 to reference this applicable state law.
**BACKGROUND (continued)**

The ordinance requires that housing be provided to households with incomes at or below 80% of Area Median Family Income. The ordinance defines non-profit organization as either: (1) a non-profit corporation as provided by the State law, or (2) a joint venture or partnership between a nonprofit corporation and a non-profit corporation or other non-profit legal entity composed of residents or property owners in the community or neighborhood in which the land subject to a purchase proposal under the ordinance is located.

Housing units require a 5-year deed restriction for single-family properties and a 15-year deed restriction for multi-family properties developed under this program. Rental property to be developed that contains more than 25 housing units will also be deed-restricted to require that social services be provided to residents based on the needs of the residents.

Non-profit organizations are allowed to purchase the property for a fixed sum of $1,000 for up to 7,500 square feet of land purchased under the single proposal plus $0.133 for each additional square foot of land purchased under the proposal. This revenue is paid first for court costs and maintenance costs and then any excess to taxing units in proportion to their share of taxes on the property. An additional sum will be paid to the City for costs of recording legal documents associated with the transaction. The purchase of properties is subject to any redemption rights of the owners. Approval by the City Council and the other taxing units will be required for all land transactions under this ordinance. The affordable housing unit(s) must be constructed within 3 years from the date on which the City conveys the quitclaim deed, unless City Council extends the time line.

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

On November 13, 1996, the City Council authorized the development of procedures to allow for the private sale of tax foreclosed or seized properties to qualified non-profit organizations by Resolution No. 96-3691.

On May 14, 1997, the City Council authorized implementation of the procedures for the Land Assembly Program by Resolution No. 97-1504.

On November 11, 1998, the City Council authorized an ordinance amending Chapter 2 of the Dallas City Code to allow for an alternate manner of sale for tax foreclosed property to non-profit housing corporations and non-profit organizations by Ordinance No. 23713.
PRIOR ACTION/REVIEW (Council, Boards, Commissions) (continued)

On September 22, 1999, the City Council authorized an ordinance amending Chapter 2 of the Dallas City Code to authorize and provide requirements, qualifications, restrictions, and procedures for an alternate manner of sale of seized real property to nonprofit organizations for the development of affordable housing by Ordinance No. 24046.

On May 9, 2001, the City Council authorized implementation of the procedures contained in the Land Transfer Program Statement and consolidate all land assembly processes under the Land Transfer Program Statement to allow for the private sale of City surplus, tax foreclosed and seized property to qualified, non-profit organizations for the public purpose of creating or preserving affordable housing by Resolution No. 01-1411.

On June 27, 2001, the City Council authorized implementation of policies and procedures contained in the adopted Housing Policy and to allow for modifications to Housing Program Statements under the adopted Housing Policy by Resolution No. 01-2049.

On December 8, 2003, the City Council authorized an ordinance amending Chapter 2 of the Dallas City Code to allow for changes in and extension of the development periods under H.B. 110 proposals and update references to applicable state law by Ordinance No. 25443.

On December 8, 2003, the City Council authorized an amendment to the program statement of the Land Transfer Program Policy to reflect the December 8, 2003 Ordinance change and changes to Section V. of the program statement by Resolution No. 03-3355.

On November 10, 2004, the City Council authorized an amendment to the program statement of the House Bill 110 Program to prohibit the placement of industrialized housing on properties sold by the City by Resolution No. 04-3193.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached
<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Address</th>
<th>Non-Profit Organization</th>
<th>Mapsco</th>
<th>DCAD Amount</th>
<th>Sale Amount</th>
<th>Vac/Imp</th>
<th>Zoning</th>
<th>Council District</th>
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<tr>
<td>1.</td>
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<td>$1,816.35</td>
<td>V</td>
<td>PD 595</td>
<td>MF-2(A)</td>
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<tr>
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<td>Cornerstone Community Development Corporation</td>
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<td>$30,560.00</td>
<td>$2,173.06</td>
<td>V</td>
<td>PD 595</td>
<td>MF-2(A)</td>
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<tr>
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WHEREAS, on May 14, 1997, the City Council authorized implementation of the procedures for the Land Assembly Program by Resolution No. 97-1504; and

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WHEREAS, on December 8, 2003, the City Council authorized an ordinance amending Chapter 2 of the Dallas City Code to allow for changes in and extension of the development periods under H.B. 110 proposals and update references to applicable state law by Ordinance No. 25443; and

WHEREAS, on December 8, 2003, the City Council authorized an amendment of the program statement of the Land Transfer Program Policy to reflect the December 8, 2003 Ordinance change and changes to the program statement by Resolution 03-3355; and

WHEREAS, on November 10, 2004, the City Council authorized an amendment of the program statement of the House Bill 110 Program to prohibit the placement of industrialized housing on properties sold by the City by Resolution 04-3193; and
WHEREAS, on March 10, 2008, the City received four proposals from Cornerstone Community Development Corporation to purchase four (4) properties shown on Exhibit "A" for construction of four (4) single-family homes for purchase by a low to moderate income homebuyers; NOW, THEREFORE,

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

Section 1. That the public hearing shall be held at 1:00 p.m. on May 28, 2008 in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, at which time any interested person may appear and speak for or against the proposed private sale by quitclaim deed of four (4) unimproved properties acquired by the taxing authorities from the Sheriff's Sale to a qualified non-profit organization; and, at the close of the public hearing, consider approval of the sale of the properties to the nonprofit organization, all as shown on Exhibit "A".

Section 2. That notice of such public hearing shall be published in the newspaper of record not later than ten (10) days prior to the date of such hearing. Written notice of such hearing shall be sent to all owners of real property lying within 200 feet of the boundary of the area subject to the purchase and notice of the hearing along with a copy of this resolution shall be delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed purchase.

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

DISTRIBUTION:

Housing Department
City Attorney's Office
Office of Financial Services/Community Development, 4FN
Office of Property Management
### EXHIBIT “A”

**Tax Foreclosure Property Sale**

<table>
<thead>
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</table>
AGENDA ITEM # 42

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Intergovernmental Services

CMO: Mary K. Suhm, 670-5306

MAPSCO: N/A

SUBJECT

Authorize the acceptance of a 2007 Buffer Zone Protection Program grant from the U.S. Department of Homeland Security, through its agent, the Governor’s Division of Emergency Management for costs associated with securing critical infrastructure and key resource sites to prevent acts of terrorism within the City for the period August 7, 2007 to February 28, 2010 – Not to exceed $548,625 – Financing: U.S. Department of Homeland Security, Governor’s Division of Emergency Management Grant Funds

BACKGROUND

On March 10, 2008, the City of Dallas was awarded $548,625 from the Governor’s Division of Emergency Management under the Department of Homeland Security 2007 Buffer Zone Protection Plan (BZPP). The BZPP is designed to reduce vulnerabilities of critical infrastructure and key resource sites across the country. The 2007 BZPP grants provide funding for the equipment of these protective actions to better safeguard and minimize the potential for terrorist attacks.

Funding from the 2007 BZPP is reserved for the acquisition and use of the allowable materials, equipment, and resources identified in the Buffer Zone Plan (BZP) and resulting Vulnerability Reduction Purchase Plan (VRPP). DHS must provide written approval for the BZP for each site. The BZP and VRPP must be coordinated with the State Administrative Agency in the Governor’s Division of Emergency Management to ensure development and implementation of all ongoing prevention, preparedness, and response initiatives, programs, and funding sources within the state.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed to the Public Safety Committee on May 5, 2008.
FISCAL INFORMATION

$548,625 – U.S. Department of Homeland Security, Governor’s Division of Emergency Management Grant Funds
WHEREAS, the U.S. Department of Homeland Security, through its agent, the Governor’s Division of Emergency Management, has awarded the City of Dallas a 2007 Buffer Zone Protection Program grant for costs associated with securing critical infrastructure and key resource sites to prevent acts of terrorism within the City of Dallas; and

WHEREAS, grant funds have been awarded to the City of Dallas for such equipment to protect critical infrastructure and key resources; and

WHEREAS, the City of Dallas will benefit from increased law enforcement capabilities to safeguard and minimize potential for terrorist attacks.

NOW THEREFORE,

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

Section 1. That the City Manager be authorized to accept a 2007 Buffer Zone Protection Program grant from the U.S. Department of Homeland Security through its agent, the Governor’s Division of Emergency Management for costs associated with securing critical infrastructure and key resource sites to prevent acts of terrorism within the City of Dallas for the period Aug 7, 2007 to Feb 28, 2010, in an amount not to exceed $548,625.

Section 2. That the City Manager be authorized to establish appropriations in an amount not to exceed $548,625 in Fund F207, Department CMO, Unit 1105, Object Code 3099.

Section 3. That the City Controller be authorized to deposit grant funds in Fund F207, Department CMO, Unit 1105, Revenue Source Code 6506, total not to exceed $548,625.

Section 4. That the City Controller be authorized to disburse funds from Fund F207, Department CMO, Unit 1105, Object Code 3099, total not to exceed $548,625.

Section 5. That this resolution shall take effect immediately from and after its passage in accordance with the provision of the Charter of the City of Dallas, and it is accordingly resolved.
KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Environmental Quality

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

MAPSCO: N/A

SUBJECT

Authorize the execution of a partner agreement with the North Central Texas Council of Governments for the purpose of providing assistance and support for the development of the Air North Texas campaign - Financing: No cost consideration to the City

BACKGROUND

Air pollution is a significant environmental issue that many major metropolitan areas face that threatens the health and welfare of human beings and also damages the ecological system. Of particular concern to the City of Dallas is ozone. The Dallas-Fort Worth region (DFW region) does not meet the Environmental Protection Agency’s (EPA) eight hour ozone standard of 85 parts per billion (ppb). In addition, on March 12, 2008 the EPA announced its decision to lower the ozone standard to 75 parts per billion. Ozone is an air pollution issue currently targeted for reductions. Ozone occurs when emissions of nitrogen oxides (NOx) combine with volatile organic compounds (VOCs) in the presence of sunlight. Emissions contributing to the ozone problem in the DFW area are from a variety of sources, including but not limited to on and off-road vehicles, lawn and garden equipment, and construction equipment. Health effects from ozone include breathing complications, especially in young children and the elderly, and it exacerbates asthma.

Marketing and Outreach activities can be used to promote awareness about air quality improvement as well as foster behavioral changes. The North Central Texas Council of Governments (NCTCOG) has initiated a marketing and outreach campaign around air quality improvement entitled Air North Texas. This campaign is a collaborative initiative involving partners from public, private, and non-profit sectors to promote a consistent regional message for air quality. The overall goal of the initiative is to increase awareness about air quality and steps for improvement among residents and citizens in the North Texas region.
BACKGROUND (Continued)

NCTCOG is currently recruiting partners for assistance with the campaign. The Office of Environmental Quality will work on the implementation of the following activities to increase awareness about air quality improvement:
- Air Quality Education and Outreach - Plan, host, and participate in public events and press events
- Shared Resources (non-monetary)
- Media Relations
- Regional Partner Recruitment and Solicitation
- Progress Reporting/Annual Recognition

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City
WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy body with the North Central Texas Council of Governments, and has been and continues to be a forum for cooperative decisions of transportation; and

WHEREAS, the City of Dallas is a local government that supports the Regional Transportation Council and the goals and mission statements of the Air North Texas campaign; and,

WHEREAS, the Dallas-Fort Worth area is a federally designated nonattainment area for the pollutant ozone and air quality impacts the public and economic health of the entire region; and

WHEREAS, the primary goal of air quality management is the protection of public health and welfare, reducing and improving the health impacts caused predominantly by mobile-source emissions with the assistance of partnering entities while preserving the economic vitality of the region; and

WHEREAS, the North Central Texas Council of Governments has formed alliances with public and private entities in the region to assist and support in the development of the Air North Texas campaign elements, and the dissemination of information; and

WHEREAS, the Air North Texas campaign is a collaborative initiative involving partners from public, private and non-profit entities that will promote a consistent regional message; and

WHEREAS, the Air North Texas campaign is committed to increasing air quality awareness to citizens and residents in the North Texas region; and

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a partner agreement with the North Central Texas Council of Governments for the purpose of providing assistance and support for the development of the Air North Texas campaign.
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: Office of Envioronmental Quality
AIR NORTH TEXAS PARTNER AGREEMENT

WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be a forum for cooperative decisions on transportation; and,

WHEREAS, the ________________________ is a ________________________ that supports the Regional Transportation Council and the goals and mission statements of the Air North Texas campaign; and,

WHEREAS, the Dallas-Fort Worth area is a federally designated nonattainment area for the pollutant ozone and air quality impacts the public and economic health of the entire region; and,

WHEREAS, the primary goal of air quality management is the protection of public health and welfare, reducing and improving the health impacts caused predominantly by mobile-source emissions with the assistance of partnering entities while preserving the economic vitality of the region; and,

WHEREAS, the North Central Texas Council of Governments has formed alliances with public and private entities in the region to assist and support in the development of the Air North Texas campaign elements, and the dissemination of information; and,

WHEREAS, the Air North Texas campaign is a collaborative initiative involving partners from public, private and non-profit entities that will promote a consistent regional message; and,

WHEREAS, the Air North Texas campaign is committed to increasing air quality awareness to citizens and residents in the North Texas region; and,

AIR NORTH TEXAS PARTNERS PLEDGE TO ACKNOWLEDGE AND ACCOMPLISH THE FOLLOWING, AS IT APPLIES OR AS APPROPRIATE:

Section 1. Air North Texas Goal and Mission Statement

1.1 A voluntary effort and creative platform to develop a regional brand to generate increased awareness that will foster behavioral changes to improve air quality

1.2 An all-inclusive branding effort that will serve to bridge existing and developing air quality programs into one comprehensive and mutually complementary initiative
Section 2. Air North Texas Support to Partners

2.1 Promotion and placement of partner logos on www.airnorthtexas.org

2.2 Air North Texas partners will be promoted and recognized throughout the run of the campaign as a regional partner, generating consistent brand visibility

2.3 Sample press releases are available for download online

2.4 Advertising collateral and campaign materials are available for download online

2.5 Partner recruitment tools will be provided to aid in the process of soliciting new and potential members

2.6 Shared results generated from the annual performance evaluation process

2.7 Shared results generated from audience survey

Section 3. Partners Support to Air North Texas (where applicable and as appropriate)

3.1 Branding

3.1.1 Placement of the Air North Texas brand/logo on relevant printed collateral for air quality efforts and initiatives, or where applicable

3.1.2 Provide a link to the official Air North Texas campaign Web site on your Web site. Air North Texas Web site buttons are available for download or the URL can be listed that shows the link: www.airnorthtexas.org

3.2 Implementation

3.2.1 Air Quality Education and Outreach

a. Plan, host and/or participate in one or more public event to generate awareness of the Air North Texas campaign

b. Plan, host and/or support one or more press, promotional, or partner recognition event for media or other stakeholders

c. Recruit and encourage general public audience to sign up as an Air North Texas member to promote clean air
3.2.2 Shared Resources (non-monetary)

a. Assist new and existing partners by providing guidance and resources needed to fulfill partner commitments (resources may be in the form of promotional/educational materials, marketing collateral, and services)

b. Provide discounted or complementary services to Air North Texas partners for article placement, advertising, conference registrations and/or other events that promote the partnership and/or campaign

3.2.3 Media Relations

a. Issue one or more press release(s) announcing your membership and participation in the Air North Texas campaign. Sample press releases and boilerplate information are available for download on our Web site

b. Each quarter, publicize your organization’s involvement with the Air North Texas campaign. Sample advertising collateral are available for download from the Air North Texas Web site

3.2.4 Regional Partner Recruitment and Solicitation

a. Inform your members or constituents about the partnership and promote the benefits of being involved in the regional initiative

b. Publish articles or other informational materials endorsing the partnership

c. Identify and provide opportunities for Air North Texas partners to communicate with your members or constituents about the Air North Texas campaign and the partnership

d. Recruit new Air North Texas partner(s) to assist in the planning and implementation of this regional air quality collaborative effort

3.2.5 Progress Reporting / Annual Recognition

a. Provide an annual status report on implemented tasks

b. Share and exchange information with Air North Texas partners highlights and successes of your promotional efforts
c. Qualify and/or participate in annual recognition event for partners and members of the Air North Texas community

d. Distribute a survey about the Air North Texas campaign's overall performance to your member and/or constituents

This partner agreement is a non-binding mutual expression of cooperation to support the principles outlined in section 1. This agreement is not intended to confer or create a financial obligation or expectation of payment to or from an Air North Texas Partner, the North Central Texas Council of Governments, or the Regional Transportation Council.

Execution Date ________________

______________________________
Name

______________________________
Title

______________________________
Entity
AGENDA ITEM # 44

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Dave Cook, 670-7804

MAPSCO: N/A

SUBJECT

Authorize (1) the City's continued participation in the Steering Committee of Texas Utilities Electric Service Area Cities in hearings before the Public Utilities Commission of Texas concerning electric restructuring and rates to be charged by Oncor Electric Delivery, and (2) the establishment of appropriations in the amount of $128,050 in the Rate Case Reimbursement Reserve Fund to pay the City's 2008 assessment - Not to exceed $128,050 - Financing: Rate Case Reimbursement Reserve Funds

BACKGROUND

In 1985, the Public Utilities Commission of Texas (PUC) issued a ruling that called for unified rates throughout the Texas Utility Electric service area. As a result, any rates established during a local proceeding were automatically appealed to the PUC for reconciliation with other local rates. When Texas Utility Electric filed its application for rate increase in 1990, the Steering Committee was created to provide a means for area cities to pool their resources and prevent duplicate effort while participating in that state level electric utility rate proceeding. The City of Dallas participated with this committee in the 1990 and 1993 rate cases. The City also participated with this Committee in the various regulatory proceedings relating to SB 7 and electric deregulations. As part of electric deregulation, T. U. Electric was required to functionally separate its wires operations into a separate entity, TXU Electric Delivery, which has subsequently changed its name to Oncor Electric Delivery Company (Oncor).

In 2004, the Steering Committee coordinated the activities of 20 member cities, including the City of Dallas, that initiated an investigation of TXU Electric Delivery’s wires rates. As a result of the Steering Committee’s activities TXU agreed to make settlement payments to the cities beginning in 2005 and to fund “beneficial public use” payments through the cities for the benefit of the city’s ratepayers. Settlement payments from TXU will continue to be made annually through the entry of a final order in TXU’s next rate case (expected in 2008 or 2009). The City of Dallas has received in excess of $12.7 million as a result of the settlement agreement.
BACKGROUND (Continued)

The Steering Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery (formerly known as TXU Electric Delivery) within the City. Steering Committee representation is also strong at Electric Reliability Council of Texas. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Under Franchise Ordinance No. 21666, passed April 1993, Special Reserve Fund 0007, captioned the Rate Case Reimbursement Reserve Fund, was created to cover City rate case expenses. Original funding for this fund came from an advance payment of franchise fees by T.U. Electric. Funds for this activity would come from investment earnings accrued in this special fund. Earnings from the investment of the original deposit should replenish this fund in less than a year.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

This item has no prior action.

FISCAL INFORMATION

Rate Case Reimbursement Reserve Funds - $128,050
WHEREAS, Texas Utilities Electric Company (TXU) provides electric service within the city limits of Dallas in accordance with City Franchise Ordinance No. 21666, and under the authority of a Certificate of Convenience and Necessity issued by the Public Utilities Commission of Texas (P.U.C.); and

WHEREAS, on June 18, 1999 the 76th Legislature of the State of Texas adopted SB 7, which restructures the electric industry in Texas; and

WHEREAS, the interests of the citizen/rate payers of Dallas would be best served by a more in-depth participation as an intervener in electric rate related proceedings before the P.U.C.; and

WHEREAS, a Steering Committee of the Texas Utilities Electric Service Area Cities was organized in 1990 for the purpose of providing a unified and coordinated representation of all cities served by Texas Utilities Electric Company before the P.U.C.; and

WHEREAS, the costs of participation in these proceedings would be shared by all member cities on a per capita basis; and

WHEREAS, Ordinance No. 21665 establishes a special reserve fund expressly for the purpose of covering expenses related to rate change requests and other rate related hearings. Now, Therefore,

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

SECTION 1. That the City Manager, City Attorney, Chief Financial Officer, and their designees are authorized to represent the interests of the City of Dallas and to support and cooperate with the Steering Committee in the joint efforts before the P.U.C. in matters related to electric rates and electric utility restructuring.

SECTION 2. That the City Manager be and is authorized to establish appropriations in Fund 0007, Dept. BMS, Unit P390, Object Code 3070 in the amount of $128,050.

SECTION 3. That the City Controller is authorized to disburse funds in an amount not to exceed $128,050 to the Steering Committee of Texas Utilities Electric Service Area Cities to assist in covering expenses arising from participation in these regulatory proceedings from Fund 0007, Dept. BMS, Unit P390, Object Code 3070, Encumbrance No. CT BMS80050927, Vendor 264729.

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.
SUBJECT

Authorize a public hearing to be held on May 28, 2008 to receive comments in preparation of the FY 2008-09 Operating, Capital, Grant, and Trust budgets - Financing: No cost consideration to the City.

BACKGROUND

Each year the City of Dallas holds a series of public hearings to provide the opportunity for comments on next year's budget.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City
COUNCIL CHAMBER

May 14, 2008

WHEREAS, the City Council is committed to providing the opportunity for comments on the City's FY 2008-09 budget;

NOW, THEREFORE,

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

Section 1. That a public hearing on the City’s proposed FY 2008-09 Operating, Capital, Grant and Trust budgets will be held on May 28, 2008 at 1:00 p.m. in the Council Chambers.

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

DISTRIBUTION:

Office of Financial Services, Administration, 4FN
AGENDA ITEM # 46

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 5

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 64-P

SUBJECT

Authorize a contract for the construction of gabion retaining walls at Twin Falls Park located at 6300 South Polk Street - Erosion and Retaining Wall Structures, Inc., lowest responsible bidder of five - Not to exceed $247,870 - Financing: 2006 Bond Funds

BACKGROUND

On February 28, 2008, five bids were received for the construction of gabion retaining walls at Twin Falls Park located at 6300 South Polk Street. This item authorizes award of the construction contract to Erosion and Retaining Wall Structures, Inc. for Base Bid and Alternate No. 1, with a bid of $247,869.50.

Erosion and Retaining Wall Structures, Inc. has had no contractual activities with the City of Dallas for the past three years.

ESTIMATED SCHEDULE OF PROJECT

Began Design November 2006
Completed Design April 2007
Begin Construction May 2008
Complete Construction September 2008

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized the advertisement for bids on June 21, 2007.

The Park and Recreation Board authorized award of the contract on April 17, 2008.
FISCAL INFORMATION

2006 Bond Funds - $247,869.50

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Erosion and Retaining Wall Structures, Inc.

<table>
<thead>
<tr>
<th></th>
<th>White Male</th>
<th>White Female</th>
<th>Black Male</th>
<th>Black Female</th>
<th>Hispanic Male</th>
<th>Hispanic Female</th>
<th>Other Male</th>
<th>Other Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>37</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Black</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hispanic</td>
<td>37</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

BID INFORMATION

The following five bids with quotes were received and opened on February 28, 2008:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Base Bid</th>
<th>Alter. No. 1**</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Erosion and Retaining Walls Structures, Inc. (2126 Hamilton, Argyle, TX)</td>
<td>$139,111.80</td>
<td>$108,757.70</td>
<td>$247,869.50</td>
</tr>
<tr>
<td>Ark Contracting Services, LLC</td>
<td>$168,175.00</td>
<td>$83,430.00</td>
<td>$251,605.00</td>
</tr>
<tr>
<td>Craig Olden, Inc.</td>
<td>$185,950.00</td>
<td>$83,750.00</td>
<td>$269,700.00</td>
</tr>
<tr>
<td>2L Construction, LLC</td>
<td>$274,044.00</td>
<td>$127,296.00</td>
<td>$401,340.00</td>
</tr>
<tr>
<td>Hydromulch Services, Inc.</td>
<td>$252,308.72</td>
<td>$203,470.95</td>
<td>$455,779.67</td>
</tr>
</tbody>
</table>

**Alternate No. 1 - provides for additional gabion retaining walls.

OWNERS

Erosion and Retaining Wall Structures, Inc.

James E. Fee, President  
James A. Fee, Vice President/Treasurer

MAP

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of gabion retaining walls at Twin Falls Park located at 6300 South Polk Street - Erosion and Retaining Wall Structures, Inc., lowest responsible bidder of five - Not to exceed $247,870 - Financing: 2006 Bond Funds

Erosion and Retaining Wall Structures, Inc. is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

<table>
<thead>
<tr>
<th>LOCAL/NON-LOCAL CONTRACT SUMMARY</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$247,869.50</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>TOTAL CONTRACT</strong></td>
<td><strong>$247,869.50</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Non-local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>J/M Materials</td>
<td>WFWB3623Y1208</td>
<td>$51,336.81</td>
<td>20.71%</td>
</tr>
<tr>
<td><strong>Total Minority - Non-local</strong></td>
<td></td>
<td><strong>$51,336.81</strong></td>
<td><strong>20.71%</strong></td>
</tr>
</tbody>
</table>

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
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<td>0.00%</td>
<td><strong>$51,336.81</strong></td>
<td>20.71%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$0.00</strong></td>
<td><strong>0.00%</strong></td>
<td><strong>$51,336.81</strong></td>
<td><strong>20.71%</strong></td>
</tr>
</tbody>
</table>
Twin Falls Park
Council District 5

6300 South Polk Street
MAPSCO # 64-P
WHEREAS, on February 28, 2008, five bids were received for the construction of gabion retaining walls at Twin Falls Park located at 6300 South Polk Street.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Base Bid</th>
<th>Alter. No. 1**</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erosion and Retaining Walls Structures, Inc.</td>
<td>$139,111.80</td>
<td>$108,757.70</td>
<td>$247,869.50</td>
</tr>
<tr>
<td>Ark Contracting Services, LLC</td>
<td>$168,175.00</td>
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<td>Craig Olden, Inc.</td>
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<tr>
<td>Hydromulch Services, Inc.</td>
<td>$252,308.72</td>
<td>$203,470.95</td>
<td>$455,779.67</td>
</tr>
</tbody>
</table>

**Alternate No. 1 - provides for additional gabion retaining walls.

Now, Therefore,

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

SECTION 1. That interim funding for this project will be provided by 2006 Bond Funds designated for Pleasant Oaks Recreation Center Design (T345) in advance of 2006 Bond sales designated for Environmental Conservation (T083) slated for sale November 2008.

SECTION 2. That the City Manager is hereby authorized to enter into a contract with Erosion and Retaining Wall Structures, Inc. at Twin Falls Park located at 6300 South Polk Street, in an amount not to exceed $247,869.50.

SECTION 3. That the President of the Park and Recreation Board and the City Manager be authorized to execute a contract with Erosion and Retaining Wall Structures, Inc., after approval as to form by the City Attorney's Office.

SECTION 4. That the City Controller be and is hereby authorized to pay the amount of $247,869.50 to Erosion and Retaining Wall Structures, Inc., from (2006) Park and Recreation Facilities Improvement Fund 7T00, Department PKR, Unit T083, Object 4599, Activity ENVR, Program PK98N766, CT-PKR08018975, Vendor VS0000029945.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
AGENDA ITEM # 47

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 10

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 27-K

SUBJECT

Authorize a contract for the installation of a new playground and site furnishings at Arbor Park located at 7701 Skillman Street - A S Con, Inc., lowest responsible bidder of three - Not to exceed $139,900 - Financing: 2003 Bond Funds

BACKGROUND

On February 21, 2008, three bids were received for the installation of a new playground and site furnishings at Arbor Park located at 7701 Skillman Street. This item authorizes award of the construction contract to A S Con, Inc. for Base Bid and Alternate Nos. 1, 2, 4, 5, 7, 9, 11, 12, 13 and 14, with a bid of $139,900.

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

<table>
<thead>
<tr>
<th></th>
<th>PWT</th>
<th>DWU</th>
<th>PKR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects Completed</td>
<td>0</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>Change Orders</td>
<td>0</td>
<td>0</td>
<td>16</td>
</tr>
<tr>
<td>Projects Requiring Liquidated Damages</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Project Completed by Bonding Company</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

ESTIMATED SCHEDULE OF PROJECT

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Began Design</td>
<td>March 2007</td>
</tr>
<tr>
<td>Completed Design</td>
<td>October 2007</td>
</tr>
<tr>
<td>Begin Construction</td>
<td>June 2008</td>
</tr>
<tr>
<td>Complete Construction</td>
<td>August 2008</td>
</tr>
</tbody>
</table>
PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized the advertisement for bids on October 18, 2007.

The Park and Recreation Board authorized award of the contract on April 17, 2008.

FISCAL INFORMATION

2003 Bond Funds - $139,900

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

A S Con, Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>White Male</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Black Male</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hispanic Male</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other Male</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>White Female</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Black Female</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hispanic Female</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

BID INFORMATION

The following three bids with quotes were received and opened on February 21, 2008:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Alter. Nos. A1,A2, A4, A5,A7, A9,A11, A12,A13 and A14**</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*A S Con, Inc.</td>
<td>$73,000</td>
<td>$139,900</td>
</tr>
<tr>
<td>(2300 Leta Way, Mesquite, TX)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Henneberger Construction, Inc.</td>
<td>$73,971</td>
<td>$148,926</td>
</tr>
<tr>
<td>Wall Enterprises</td>
<td>$108,425</td>
<td>$195,677</td>
</tr>
</tbody>
</table>

**Alternate No. A1 - provides for faux stone bridge.

**Alternate No. A2 - provides for Oklahoma flagstone bands.

**Alternate No. A4 - provides for flagstone walks and decomposed granite base.

**Alternate No. A5 - provides for flagstone plaza steps.
**BID INFORMATION** (Continued)

**Alternate No. A7 - provides for Playworld Systems playground equipment.**

**Alternate No. A9 - provides for Victor Stanley benches.**

**Alternate No. A11 - provides for Victor Stanley litter receptacles.**

**Alternate No. A12 - provides for a drinking fountain.**

**Alternate No. A13 - provides for Eastern Red Cedars.**

**Alternate No. A14 - provides for black chain link fencing.**

**OWNER**

A S Con, Inc.

Ali Safdarinia

**MAP**

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the installation of a new playground and site furnishings at Arbor Park located at 7701 Skillman Street - A S Con, Inc., lowest responsible bidder of three - Not to exceed $139,900 - Financing: 2003 Bond Funds

A S Con, Inc. is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$139,900.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$139,900.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local Contractors / Sub-Contractors</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Playwell Group</td>
<td>HFDB34671Y0808</td>
<td>$21,000.00</td>
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</tr>
<tr>
<td>Berumen Construction</td>
<td>HMMB34178N0608</td>
<td>$45,000.00</td>
<td>32.17%</td>
</tr>
<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$66,000.00</td>
<td>47.18%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$66,000.00</td>
<td>47.18%</td>
<td>$66,000.00</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Total</td>
<td>$66,000.00</td>
<td>47.18%</td>
<td>$66,000.00</td>
</tr>
</tbody>
</table>
WHEREAS, on February 21, 2008, three bids were received for the installation of a new playground and site furnishings at Arbor Park located at 7701 Skillman Street.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Base Bid</th>
<th>Alter. Nos. A1,A2, A4, A5,A7, A9,A11, A12,A13 and A14**</th>
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<tr>
<td>A S Con, Inc.</td>
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<td>$139,900</td>
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<td>$74,955</td>
<td>$148,926</td>
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<td>$108,425</td>
<td>$87,252</td>
<td>$195,677</td>
</tr>
</tbody>
</table>

**Alternate No. 1 - provides for faux stone bridge.**

**Alternate No. 2 - provides for Oklahoma flagstone bands.**

**Alternate No. 4 - provides for flagstone walks and decomposed granite base.**

**Alternate No. 5 - provides for flagstone plaza steps.**

**Alternate No. 7 - provides for Playworld Systems playground equipment.**

**Alternate No. 9 - provides for Victor Stanley benches.**

**Alternate No. 11 - provides for Victor Stanley litter receptacles.**

**Alternate No. 12 - provides for a drinking fountain.**

**Alternate No. 13 - provides for Eastern Red Cedars.**

**Alternate No. 14 - provides for black chain link fencing.**

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into a contract with A S Con, Inc. for the installation of a new playground and site furnishings at Arbor Park located at 7701 Skillman Street, in an amount not to exceed $139,900.

SECTION 2. That the President of the Park and Recreation Board and the City Manager be authorized to execute a contract with A S Con, Inc., after approval as to form by the City Attorney's Office.
SECTION 3. That the City Controller be and is hereby authorized to pay the amount of $139,900 to A S Con, Inc., as follows:

(2003) Neighborhood Park and Recreation Facilities Fund 3R05, Department PKR, Unit K104, Object 4599, Activity NEPK, Program PK03K104, CT-PKR08018977, Commodity 91200, Vendor 261853 $3,118.42

(2003) Neighborhood Park and Recreation Facilities Fund 4R05, Department PKR, Unit K104, Object 4599, Activity NEPK, Program PK03K104, CT-PKR08018977, Commodity 91200, Vendor 261853 $92,755.00

(2003) Neighborhood Park and Recreation Facilities Fund 5R05, Department PKR, Unit K104, Object 4599, Activity NEPK, Program PK03K104, CT-PKR08018977, Commodity 91200, Vendor 261853 $44,026.58

Total amount not to exceed $139,900.00

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
AGENDA ITEM # 48

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 10

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 27-S

SUBJECT

Authorize a contract for the installation of a new playground and site furnishings at R.P. Brooks Park located at 7101 Merriman Parkway - A S Con, Inc., lowest responsible bidder of four - Not to exceed $152,200 - Financing: 2003 Bond Funds

BACKGROUND

On March 20, 2008, four bids were received for the installation of a new playground and site furnishings at R.P. Brooks Park located at 7101 Merriman Parkway. This item authorizes award of the construction contract to A S Con, Inc. for Base Bid and Alternate Nos. 2, 5, 6 and 7, with a bid of $152,200.

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

<table>
<thead>
<tr>
<th></th>
<th>PWT</th>
<th>DWU</th>
<th>PKR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects Completed</td>
<td>0</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>Change Orders</td>
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<td>16</td>
</tr>
<tr>
<td>Projects Requiring Liquidated Damages</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Project Completed by Bonding Company</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**ESTIMATED SCHEDULE OF PROJECT**

- Began Design: September 2007
- Completed Design: November 2007
- Begin Construction: June 2008
- Complete Construction: August 2008
**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

The Park and Recreation Board authorized the advertisement for bids on October 18, 2007.

The Park and Recreation Board authorized award of the contract on April 17, 2008.

**FISCAL INFORMATION**

2003 Bond Funds - $152,200

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

A S Con, Inc.

<table>
<thead>
<tr>
<th></th>
<th>White Male</th>
<th>White Female</th>
<th>Black Male</th>
<th>Black Female</th>
<th>Hispanic Male</th>
<th>Hispanic Female</th>
<th>Other Male</th>
<th>Other Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>A S Con, Inc.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

**BID INFORMATION**

The following four bids with quotes were received and opened on March 20, 2008:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Base Bid</th>
<th>Alter. Nos. 2,5,6&amp;7**</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>*A S Con, Inc. (2300 Leta Way, Mesquite, TX)</td>
<td>$71,000</td>
<td>$81,200</td>
<td>$152,200</td>
</tr>
<tr>
<td>Henneberger Construction, Inc.</td>
<td>$87,000</td>
<td>$98,222</td>
<td>$185,222</td>
</tr>
<tr>
<td>Robinson Landscape &amp; Construction, LLC</td>
<td>$187,670</td>
<td>$101,766</td>
<td>$289,436</td>
</tr>
<tr>
<td>Phoenix I Restoration and Construction, Ltd.</td>
<td>$280,000</td>
<td>$121,000</td>
<td>$401,000</td>
</tr>
</tbody>
</table>

**Alternate No. 2 - provides for Playworld Systems playground equipment.**

**Alternate No. 5 - provides for installation of a drinking fountain.**
**BID INFORMATION** (Continued)

**Alternate No. 6 - provides for installation of site furnishings.**

**Alternate No. 7 - provides for non-Dry-Kiln Portland Cement.**

**OWNER**

A S Con, Inc.

Ali Safdarinia

**MAP**

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the installation of a new playground and site furnishings at R.P. Brooks Park located at 7101 Merriman Parkway - A S Con, Inc., lowest responsible bidder of four - Not to exceed $152,200 - Financing: 2003 Bond Funds

A S Con, Inc. is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$152,200.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$152,200.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Playwell Group</td>
<td>HFDB34671Y0808</td>
<td>$54,000.00</td>
<td>35.48%</td>
</tr>
<tr>
<td>Berumen Construction</td>
<td>HMMB34178N0608</td>
<td>$42,000.00</td>
<td>27.60%</td>
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<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$96,000.00</td>
<td>63.07%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>63.07%</td>
<td>$96,000.00</td>
<td>63.07%</td>
</tr>
<tr>
<td>Asian American</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>63.07%</td>
<td>$96,000.00</td>
<td>63.07%</td>
</tr>
</tbody>
</table>
WHEREAS, on March 20, 2008, four bids were received for the installation of a new playground and site furnishings at R.P. Brooks Park located at 7101 Merriman Parkway.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Base Bid</th>
<th>Alter. Nos.</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>A S Con, Inc.</td>
<td>$71,000</td>
<td>$81,200</td>
<td>$152,200</td>
</tr>
<tr>
<td>Henneberger Construction, Inc.</td>
<td>$87,000</td>
<td>$98,222</td>
<td>$185,222</td>
</tr>
<tr>
<td>Robinson Landscape &amp; Construction, LLC</td>
<td>$187,670</td>
<td>$101,766</td>
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<td>$280,000</td>
<td>$121,000</td>
<td>$401,000</td>
</tr>
</tbody>
</table>

**Alternate No. 2 - provides for Playworld Systems playground equipment.**

**Alternate No. 5 - provides for installation of a drinking fountain.**

**Alternate No. 6 - provides for installation of site furnishings.**

**Alternate No. 7 - provides for non-Dry-Kiln Portland Cement.**

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into a contract with A S Con, Inc. for the installation of a new playground and site furnishings at R.P. Brooks Park located at 7101 Merriman Parkway, in an amount not to exceed $152,200.

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

SECTION 3. That the City Controller be and is hereby authorized to pay the amount of $152,200 to A S Con, Inc., (2003) Neighborhood Park and Recreation Facilities Fund 5R05, Department PKR, Unit K248, Object 4599, Activity NEPK, Program PK03K248, CT-PKR08018978, Commodity 91200, Vendor 261853.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities
AGENDA DATE: May 14, 2008
COUNCIL DISTRICT(S): 1, 4
DEPARTMENT: Park & Recreation
CMO: Paul D. Dyer, 670-4071
MAPSCO: 54-H

SUBJECT
Authorize Supplemental Agreement No. 2 to the professional services contract with HBC/Terracon for additional project management services for the stormwater quality improvements at the Dallas Zoo located at 650 South R.L. Thornton Freeway - $39,160, from $145,700 to $184,860 - Financing: 2005 Certificates of Obligation

BACKGROUND
The original professional services contract with HBC/Terracon approved by Council on October 13, 2004, by Resolution No. 04-2906 for project management for the stormwater quality improvements implementation at the Dallas Zoo located at 650 South R.L. Thornton Freeway, in an amount not to exceed $96,500.

Supplemental Agreement No. 1, approved by Council on December 13, 2006, by Resolution No. 06-3361, for project management services for the stormwater quality improvements, Phase III, in an amount not to exceed $49,200, making a revised contract amount of $145,700.

Supplemental Agreement No. 2, authorizes the additional project management services for the stormwater quality improvements, Phase III at the Dallas Zoo, in an amount not to exceed $39,160, making a revised contract amount of $184,860.

ESTIMATED SCHEDULE OF PROJECT
Begin Project Management Services June 2008
Complete Project Management Services January 2010

PRIOR ACTION/REVIEW (Council, Boards, Commissions)
The Park and Recreation Board authorized the professional services contract on September 16, 2004.
PRIOR ACTION/REVIEW (Council, Boards, Commissions) (Continued)

City Council authorized the professional services contract on October 13, 2004 by Resolution No. 04-2906.

The Park and Recreation Board authorized Supplemental Agreement No. 1 on November 2, 2006.

City Council authorized Supplemental Agreement No. 1 on December 13, 2006 by Resolution No. 06-3361.

The Park and Recreation Board authorized Supplemental Agreement No. 2 on April 17, 2008.

FISCAL INFORMATION

2005 Certificates of Obligation - $39,160

Original Contract $96,500
Supplemental Agreement No. 1 $49,200
Supplemental Agreement No. 2 (this action) $39,160

Total $184,860

Council District Amount
1 $19,580
4 $19,580

Total $39,160

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

HBC/Terracon

White Male 62 White Female 14
Black Male 6 Black Female 1
Hispanic Male 13 Hispanic Female 5
Other Male 5 Other Female 2
OWNERS

HBC/Terracon

David R. Gaboury, President
Dennis E. Whited, Vice President
Roger R. Herting, Secretary
Douglas D. Loveridge, Treasurer

MAP

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with HBC/Terracon for additional project management services for the stormwater quality improvements at the Dallas Zoo located at 650 South R.L. Thornton Freeway - $39,160, from $145,700 to $184,860 - Financing: 2005 Certificates of Obligation

HBC/Terracon is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local contracts</td>
<td>$39,160.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>TOTAL THIS ACTION</strong></td>
<td><strong>$39,160.00</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors
None

Non-Local Contractors / Sub-Contractors
None

TOTAL M/WBE PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>This Action</th>
<th>Participation to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
</tr>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
</tr>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$0.00</strong></td>
<td><strong>0.00%</strong></td>
</tr>
<tr>
<td></td>
<td><strong>$0.00</strong></td>
<td><strong>0.00%</strong></td>
</tr>
</tbody>
</table>
WHEREAS, on October 13, 2004, Resolution No. 04-2906, HBC/Terracon was awarded a contract to provide project management services for the stormwater quality improvements implementation at the Dallas Zoo located at 650 South R.L. Thornton Freeway in the amount of $96,500; and

WHEREAS, on December 13, 2006, Resolution No. 06-3361, authorized Supplemental Agreement No. 1 for project management services for the stormwater quality improvements at the Dallas Zoo located at 650 South R.L. Thornton Freeway, in an amount not to exceed $49,200, making a revised contract amount of $145,700; and

WHEREAS, it is now desired to enter into Supplemental Agreement No. 2 with HBC/Terracon for additional project management services for the stormwater quality improvements at the Dallas Zoo located at 650 South R.L. Thornton Freeway, in an amount not to exceed $39,160, increasing the contract amount from $145,700 to $184,860.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the professional services contract with HBC/Terracon for additional project management services at the Dallas Zoo located at 650 South R.L. Thornton Freeway, in an amount not to exceed $39,160, increasing the contract amount from $145,700 to $184,860.

SECTION 2. That the President of the Park and Recreation Board and the City Manager be authorized to execute a contract with HBC/Terracon, after approval as to form by the City Attorney's Office.

SECTION 3. That the City Controller be and is hereby authorized to pay the amount of $39,160 to HBC/Terracon (2005) Certificates of Obligation Fund 0592, Unit P197, Department PKR, Object 4111, Activity MAPK, Program PKSW3, CT-PDPKR04017652, Commodity 92500, Vendor 341409.

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.
Authorize Supplemental Agreement No. 3 to the professional services contract with Group One/VAI Architects, L.L.P., for a structural evaluation of the roof, design revisions to the heating, ventilation and air conditioning system documents, and additional construction administration services at Kidd Springs Recreation Center located at 700 West Canty Street - $10,500, from $43,690 to $54,190 - Financing: 2003 Bond Funds

BACKGROUND

The original professional services contract with Group One/VAI Architects, L.L.P., approved by Council on February 23, 2005, by Resolution No. 05-0645 for improvements at Kidd Springs Recreation Center. The scope of work consisted of schematic design, construction documents, bidding and construction administration services for Americans with Disabilities Act (ADA) modifications to two rest rooms and improvements to the gymnasium including an athletic wooden floor system, upgrading lighting, modifying the electrical outlets and replacing two exit doors and the power operated folding partition, in an amount not to exceed $32,320.

Supplemental Agreement No. 1, approved by Administrative Action No. 06-3027 on October 26, 2006 for design and construction administration services for the replacement of the existing HVAC system for the gymnasium, in an amount not to exceed $8,070, making a revised contract amount of $40,390.

Supplemental Agreement No. 2, approved by Administrative Action No. 07-1217 on July 19, 2007 for design and construction administration services for the removal of an old concrete slab for the existing HVAC equipment, design two new concrete slabs and relocation of the electrical service for new HVAC equipment, in an amount not to exceed $3,300, making a revised contract amount of $43,690.
BACKGROUND (Continued)

Supplemental Agreement No. 3, authorizes a structural evaluation of the roof; design revisions to the heating, ventilation and air conditioning (HVAC) system documents, and additional construction administration services at Kidd Springs Recreation Center, in an amount not to exceed $10,500, making a revised contract amount of $54,190. This design work is required to modify the HVAC equipment to be placed on the roof of the gymnasium rather than at the ground level.

ESTIMATED SCHEDULE OF PROJECT

Begin structural evaluation and design        June 2008
Complete structural evaluation and design    July 2008
Begin Construction                          October 2008
Complete Construction                        December 2008

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized the professional services contract on February 3, 2005.

City Council authorized the professional services contract on February 23, 2005, by Resolution No. 05-0645.

The Park and Recreation Board authorized Supplemental Agreement No. 3 on April 17, 2008.

FISCAL INFORMATION

2003 Bond Funds - $10,500

Original Contract                         $32,320
Supplemental Agreement No. 1              $8,070
Supplemental Agreement No. 2              $3,300
Supplemental Agreement No. 3 (this action) $10,500

Total                                     $54,190

M/WBE INFORMATION

See attached.
ETHNIC COMPOSITION

Group One/VAI Architects, L.L.P.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
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<td>5</td>
</tr>
<tr>
<td>Black</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hispanic</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

OWNERS

Group One/VAI Architects, L.L.P.

Valentine Okammor
Donald Gardner
William Vidaud

MAP

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 3 to the professional services contract with Group One/VAI Architects, L.L.P. for a structural evaluation of the roof, design revisions to the heating, ventilation and air conditioning system documents, and additional construction administration services at Kidd Springs Recreation Center located at 700 West Canty Street - $10,500, from $43,690 to $54,190 - Financing: 2003 Bond Funds

Group One/VAI Architects is a local, minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local contracts</td>
<td>$10,500.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>TOTAL THIS ACTION</strong></td>
<td>$10,500.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>VAI Architects, Inc.</td>
<td>HMDB33637Y0209</td>
<td>$6,300.00</td>
<td>60.00%</td>
</tr>
<tr>
<td><strong>Total Minority - Local</strong></td>
<td></td>
<td>$6,300.00</td>
<td>60.00%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>This Action</th>
<th>Participation to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
</tr>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
</tr>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$6,300.00</td>
<td>60.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$6,300.00</td>
<td>60.00%</td>
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<tr>
<td><strong>Total</strong></td>
<td>$25,320.00</td>
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<tr>
<td>Hispanic American</td>
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</tr>
<tr>
<td>Asian American</td>
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<td>Native American</td>
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<td>WBE</td>
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<td>0.00%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$38,180.00</td>
<td>70.46%</td>
</tr>
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</table>
WHEREAS, on February 23, 2005, Resolution No. 05-0645, Group One/VAI Architects, L.L.P. was awarded a contract for schematic design, construction documents, bidding and construction administration for Americans with Disabilities Act (ADA) modifications to two rest rooms and improvements to the gymnasium including an athletic wooden floor system, upgrading lighting, modifying the electrical outlets and replacing two exit doors and the power operated folding partition at Kidd Springs Recreation Center located at 700 West Canty Street, in an amount not to exceed $32,320; and

WHEREAS, on October 26, 2006, Administrative Action No. 06-3027, authorized Supplemental Agreement No. 1 to include design and construction administration services for the replacement of existing heating, ventilation and air conditioning system for the gymnasium at Kidd Springs Recreation Center located at 700 West Canty Street, in an amount not to exceed $8,070, increasing the contract amount from $32,320 to $40,390; and

WHEREAS, on July 19, 2007, Administrative Action No. 07-1217, authorized Supplemental Agreement No. 2 to include design and construction administration services for the removal of an old concrete slab for the existing heating, ventilation and air conditioning equipment, design two new concrete slabs and relocation of electrical service for new heating, ventilation and air conditioning equipment at Kidd Springs Recreation Center located at 700 West Canty Street, in an amount not to exceed $3,300, increasing the contract amount from $40,390 to $43,690; and

WHEREAS, it is now desired to enter into Supplemental Agreement No. 3 with Group One/VAI Architects, L.L.P. for a structural evaluation of the roof, design revisions to the heating, ventilation and air conditioning system documents, and additional construction administration services at Kidd Springs Recreation Center located at 700 West Canty Street, in an amount not to exceed $10,500, increasing the contract amount from $43,690 to $54,190.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 3 to the professional services contract with Group One/VAI Architects, L.L.P. for a structural evaluation of the roof, design revisions to the heating, ventilation and air conditioning system documents, and additional construction administration services at Kidd Springs Recreation Center located at 700 West Canty Street, in an amount not to exceed $10,500, increasing the contract amount from $43,690 to $54,190.
SECTION 2. That the President of the Park and Recreation Board and the City Manager be authorized to execute the contract with Group One/VAI Architects, after approval as to form by the City Attorney's Office.

SECTION 3. That the City Controller be and is hereby authorized to pay the amount of $10,500 to Group One/VAI Architects, L.L.P. from (2003) Neighborhood Park and Recreation Facilities Fund 5R05, Department PKR, Unit K195, Object 4114, Activity COPK, Program PK03K195, CT-PDPKR05017953, Commodity 92500, Vendor 508434.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
AGENDA ITEM # 51

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 3, 8, Outside City Limits

DEPARTMENT: Police

CMO: Ryan S. Evans, 670-3314

MAPSCO: 61BY 61BZ 62S 62W 62Q 62P 62N 62R 63S 63W 71BQ 71BL 71BG 71BC 73A

SUBJECT

Authorize an Interlocal Agreement and a Memorandum of Understanding with the City of Duncanville regarding the provisions of law enforcement services in geographical areas located within the cities of Dallas and Duncanville for the period May 14, 2008 through May 13, 2009 - Financing: No cost consideration to the City

BACKGROUND

In March 1994, the cities of Dallas and Duncanville entered into a cooperative agreement authorizing each City's police officers to assist the other in the defined Service Area when time and opportunity permit. This action, concurred with by the City of Duncanville, will continue that commitment and continue to allow Duncanville Police to assist Dallas officers in the defined Service Area when they have the time and opportunity to do so. The reverse is also true, with Dallas officers able to assist Duncanville officers if time and opportunity permit. The agreement allows either City to respond to emergency calls to the Service Area and hold the situation in check until the officers of the appropriate City arrive and take charge. The agreement does not require either City to perform any services but simply allows their assistance if time permits. This agreement will not affect the Dallas Police Department's commitment to resources to the area nor the City of Dallas' responsibility for all services. Each City assumes full liability for the acts of its officers only.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized an Interlocal Agreement and Memorandum of Understanding with the City of Duncanville on March 9, 1994 by Resolution No. 94-1003.

Authorized an Interlocal Agreement and Memorandum of Understanding with the City of Duncanville on August 28, 1996 by Resolution No. 96-2736.

Authorized an Interlocal Agreement and Memorandum of Understanding with the City of Duncanville on March 25, 1998 by Resolution No. 98-0924.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

Authorized an Interlocal Agreement and Memorandum of Understanding with the City of Duncanville on March 25, 1999 by Resolution No. 99-1084.

Authorized an Interlocal Agreement and Memorandum of Understanding with the City of Duncanville on April 12, 2000 by Resolution No. 00-1192.

Authorized an Interlocal Agreement and Memorandum of Understanding with the City of Duncanville on September 12, 2001 by Resolution No. 01-2622.

Authorized an Interlocal Agreement and Memorandum of Understanding with the City of Duncanville on September 25, 2002 by Resolution No. 02-2656.

Authorized an Interlocal Agreement and Memorandum of Understanding with the City of Duncanville on December 8, 2003 by Resolution No. 03-3362.

Authorized an Interlocal Agreement and Memorandum of Understanding with the City of Duncanville on December 8, 2004 by Resolution No. 04-3488.

Authorized an Interlocal Agreement and Memorandum of Understanding with the City of Duncanville on January 25, 2006 by Resolution No. 06-0330.

Authorized an Interlocal Agreement and Memorandum of Understanding with the City of Duncanville on April 11, 2007 by Resolution No. 07-1160.

Briefed to the Public Safety Committee on April 21, 2008.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.
WHEREAS, pursuant to Chapter 791, Texas Government Code, as amended, otherwise known as the Interlocal Cooperation Act, Texas home rule municipal corporations may enter into interlocal agreements for the provision of governmental services relating to police protection, public health and welfare, parks, recreation and such other governmental functions and services which are of mutual concern to the contracting parties; and

WHEREAS, pursuant to the Act, Texas home rule municipal corporations may enter into interlocal agreements for the provision of administrative functions normally associated with the routine operation of government which are of mutual concern to the contracting parties; and

WHEREAS, there is an area in Dallas and in Duncanville (hereinafter referred to as the Service Area) where Dallas and Duncanville have mutual concerns about potential jurisdictional conflicts and about the efficiency of certain governmental services related to public safety and welfare; and

WHEREAS, Dallas and Duncanville further expressly find that, in order to best ensure that the public health, safety and welfare needs of the Service Area and the surrounding areas are served in the most efficient and competent manner, the execution of an Interlocal Agreement between the two municipalities for the enforcement of certain state laws and the provision of certain governmental and administrative functions and services to the Service Area is necessary and desirable;

Now, Therefore,

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

Section 1. That the City Manager be and is hereby authorized to execute an Interlocal Agreement and a Memorandum of Understanding with the City of Duncanville for the period May 14, 2008 through May 13, 2009, for the enforcement of state laws and the provision of governmental and administrative functions and services to the Service Area.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.
AGENDA ITEM # 52

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 3, Outside City Limits

DEPARTMENT: Police

CMO: Ryan S. Evans, 670-3314

MAPSCO: 51A-K P Q

SUBJECT

Authorize an Interlocal Agreement and a Memorandum of Understanding with the City of Grand Prairie to provide mutual law enforcement services within specified territorial boundaries dividing the cities of Dallas and Grand Prairie for the period May 14, 2008 through May 13, 2009 - Financing: No cost consideration to the City

BACKGROUND

This Interlocal Agreement and Memorandum of Understanding will create and authorize a twelve month contract between the cities of Dallas and Grand Prairie to provide mutual law enforcement services in specified areas. The Interlocal Agreement addresses law enforcement operations conducted by the Dallas Police Department and the Grand Prairie Police Department within the territorial boundaries of the other city. The agreement covers several designated service areas of the City of Dallas that adjoin the borders of the City of Grand Prairie and several areas of the City of Grand Prairie that adjoin the borders of the City of Dallas. The agreement outlines the notification, arrest, investigative, and case filing procedures to be followed by both police departments to provide better services to the citizens of Dallas and Grand Prairie. The agreement will be reviewed and renewed annually.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed to the Public Safety Committee on April 21, 2008.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.
WHEREAS, pursuant to Chapter 791, Texas Government Code, as amended, otherwise known as the Interlocal Cooperation Act, Texas home rule municipal corporations may enter into interlocal agreements for the provision of governmental services relating to police protection, public health and welfare, parks, recreation and such other governmental functions and services which are of mutual concern to the contracting parties; and

WHEREAS, pursuant to the Act, Texas home rule municipal corporations may enter into interlocal agreements for the provision of administrative functions normally associated with the routine operation of government which are of mutual concern to the contracting parties; and

WHEREAS, there is an area in Dallas and in Grand Prairie (hereinafter referred to as the Service Area) where Dallas and Grand Prairie have mutual concerns about potential jurisdictional conflicts and about the efficiency of certain governmental services related to public safety and welfare; and

WHEREAS, Dallas and Grand Prairie further expressly find that, in order to best ensure that the public health, safety and welfare needs of the Service Area and the surrounding areas are served in the most efficient and competent manner, the execution of an Interlocal Agreement between the two municipalities for the enforcement of certain state laws and the provision of certain governmental and administrative functions and services to the Service Area is necessary and desirable;

Now, Therefore,

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

Section 1. That the City Manager be and is hereby authorized to execute an Interlocal Agreement and a Memorandum of Understanding with the City of Grand Prairie for the period May 14, 2008 through May 13, 2009, for the enforcement of state laws and the provision of governmental and administrative functions and services to the Service Area.

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

Authorize (1) the application for and acceptance of the “Click It or Ticket” Overtime Enforcement grant from the Texas Department of Transportation for a safety belt enforcement initiative for the period of May 19, 2008 through June 1, 2008, in the amount of $90,000; (2) a City contribution of pension and Federal Insurance Contributions Act costs in the amount of $25,398; and (3) execution of the grant agreement – Total not to exceed $115,398 – Financing: Current Funds ($25,398), Texas Department of Transportation Grant Funds ($90,000)

BACKGROUND

The Texas Department of Transportation provides grant funds from the National Highway Traffic Safety Administration for local law enforcement agencies to provide enforcement actions targeting injury and fatality accidents. The Comprehensive Step Grant was awarded to the City of Dallas for fiscal year 2006-2008 in October 2006, in the amount of $1,200,000.00. This grant provides funding for the reimbursement of officer overtime salaries in the enforcement of Driving While Intoxicated laws, as well as a traffic enforcement plan targeting speeding, safety belt and red light violations. The City of Dallas has been the recipient of such grants from the Texas Department of Transportation for many years.

As a part of the overall traffic safety plan from the Texas Department of Transportation, separate grants called “wave grants” are available for grantees throughout the grant year targeting specific violations. The Impaired Driver Mobility (IDM) grant was awarded to the City of Dallas earlier this year targeting Driving While Intoxicated violators during four specific periods of time when there are traditionally a high number of accidents involving these violators. The "Click It or Ticket" wave grant of $90,000.00 will provide for the reimbursement of overtime salaries for officers and supervisors enforcing safety belt violations throughout the City of Dallas from May 19-June 1, 2008. The grant is fully funded; however, the City will incur $25,398 in expenses for pension and FICA costs that is associated with the overtime expenditures.
BACKGROUND (Continued)

This enforcement action follows a national public service campaign stressing the importance of the proper use of safety belts and child safety seats. The non-use of safety belts was a factor in over 50% of traffic fatalities the past two years. The sites selected for enforcement action have been surveyed for compliance with the safety belt ordinance and all have a high incidence of non-compliance. Post initiative surveys of targeted areas have shown a compliance rate of over 90% in the past three years of the Click It or Ticket campaign in the City of Dallas.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Authorized an application for and acceptance of the “Click It or Ticket” Overtime Enforcement grant from the Texas Department of Transportation for a safety belt initiative on March 27, 2002 by Resolution No. 02-1095.

Authorized an application for and acceptance of the “Click It or Ticket” Overtime Enforcement grant from the Texas Department of Transportation for a safety belt initiative on November 13, 2002 by Resolution No. 02-3216.

Authorized an application for and acceptance of the “Click It or Ticket” Overtime Enforcement grant from the Texas Department of Transportation for a safety belt initiative on April 9, 2003 by Resolution No. 03-1205.

Authorized an application for and acceptance of the “Click It or Ticket” Overtime Enforcement grant from the Texas Department of Transportation for a safety belt initiative on November 12, 2003 by Resolution No. 03-3109.

Authorized an application for and acceptance of the “Click It or Ticket” Overtime Enforcement grant from the Texas Department of Transportation for a safety belt initiative on April 28, 2004 by Resolution No. 04-1456.

Authorized an application for and acceptance of the “Click It or Ticket” Overtime Enforcement grant from the Texas Department of Transportation for a safety belt initiative on May 11, 2005 by Resolution No. 05-1477.

Authorized an application for and acceptance of the “Click It or Ticket” Overtime Enforcement grant from the Texas Department of Transportation for a safety belt initiative on April 26, 2006 by Resolution No. 06-1219.

Authorized an application for and acceptance of the “Click It or Ticket” Overtime Enforcement grant from the Texas Department of Transportation for a safety belt initiative on April 25, 2007 by Resolution No. 07-1349.

Briefed to the Public Safety Committee on April 21, 2008.
FISCAL INFORMATION

$90,000 – Texas Department of Transportation Grant Funds
$25,398 – Current Funds
WHEREAS, the Texas Department of Transportation has made the “Click It or Ticket” Overtime Enforcement grant funds available for overtime salaries for a safety belt enforcement initiative for the period May 19, 2008 through June 1, 2008; and

WHEREAS, the “Click It or Ticket” Overtime Enforcement grant will provide $90,000; and

WHEREAS, the City of Dallas contributes pension and FICA costs of $25,398; and

WHEREAS, it is in the best interest of the City of Dallas to apply for and accept such funding; Now Therefore,

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

Section 1. That the City Manager or designee be and is hereby authorized to apply for and accept the “Click It or Ticket” Overtime Enforcement grant in the amount of $90,000 and execute the grant agreement.

Section 2. That the City Manager be authorized to establish the appropriation in the "Click It or Ticket" Overtime Enforcement grant fund in the amount of $90,000, in Fund F206, Department DPD, Unit 2200, Object Code 3899.

Section 3. That the City Controller be authorized to deposit grant funds in the amount of $90,000 into Fund F206, Department DPD, Unit 2200, Revenue Source 6506.

Section 4. That the City Controller be authorized to transfer funds in an amount not to exceed $90,000 from Fund F206, Department DPD, Unit 2200, Object Code 3899 to Fund 0001, Department DPD, Unit 2127, Object Code 5011 after the expenditure of overtime in Fund 0001, Department DPD, Unit 2127, Object Code 1202.

Section 5. That in the event of the loss or misuse of funds, the grantee will return all funds to the Texas Department of Transportation, in full.

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.
Authorize an Interlocal Agreement with the Texas Department of Transportation for the City’s share of right-of-way acquisition and utility relocation costs for proposed paving improvements at the intersection of Preston Road (State Highway 289) and Royal Lane - $15,000 - Financing: 2003 Bond Funds

BACKGROUND

This project was nominated and accepted as a candidate project for the Congestion Mitigation Air Quality (CMAQ) Program, provided for by the Transportation Equity Act for the 21st Century (TEA-21). The program was established to fund projects that reduce traffic congestion and vehicle emissions, particularly in metropolitan areas that fail to meet national air quality standards.

The Texas Department of Transportation (TxDOT) is responsible for administering the design, right-of-way acquisition, and construction for this project. TxDOT, in cooperation with the City of Dallas, proposes to add dual left turn lanes for northbound and southbound Preston Road.

TxDOT has notified the City they are ready to proceed with the right-of-way acquisition and has requested the City’s local share in the amount of $15,000. The City of Dallas is responsible for 10 percent of the right-of-way and eligible utility relocation costs.

This action will authorize the interlocal agreement with TxDOT and provide the local share of funding. No future council action is anticipated for this project.
ESTIMATED SCHEDULE OF PROJECT

Began Design  
Completed Design  
Begin Construction  
Complete Construction  

July 2005  
November 2007  
March 2009  
December 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2003 Bond Funds - $15,000

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<tr>
<td>13</td>
<td>$ 7,500</td>
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<tr>
<td>Total</td>
<td>$15,000</td>
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</tbody>
</table>

Right-of-way and Utility Relocation

City  
TxDOT/Federal  

$ 15,000  
$135,000

Construction

TxDOT/Federal  

$475,000

Total Project Cost  

$625,000

MAP

Attached.
WHEREAS, the Congestion Mitigation and Air Quality (CMAQ) program was established to fund transportation improvement projects to reduce congestion and improve air quality; and,

WHEREAS, the City of Dallas submitted a proposed CMAQ intersection improvement at Preston Road (State Highway 289) and Royal Lane for funding consideration and it was selected for implementation; and,

WHEREAS, the Texas Department of Transportation (TxDOT) is responsible for administering the design, right-of-way acquisition, and construction; and,

WHEREAS, TxDOT has notified the City of Dallas they are ready to proceed with right-of-way acquisition and will require payment of the City’s local share amount of $15,000, which is 10 percent of the current right-of-way and utility relocation cost estimate ($150,000); and,

WHEREAS, the City of Dallas shall remit a warrant payable to TxDOT, upon execution of the Interlocal Agreement, in the amount of $15,000, which represents the City’s estimated share of right-of-way and utility relocation costs.

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 between the City of Dallas and the Texas Department of Transportation for the City's share of right-of-way acquisition and utility relocation costs at the intersection of Preston Road (State Highway 289) and Royal Lane, after if has been approved as to form by the City Attorney.

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

Street and Thoroughfare Improvements Fund
Fund 3R22, Dept. PBW, Unit P427, Act. INGV
Obj. 4210, Program #PB03P427, CT PBW03P427E1
Vendor #239588, in an amount not to exceed $15,000

Section 3. That the City Controller is hereby authorized to deposit any unused Bond funds advanced to the Texas Department of Transportation pertaining to this project into Fund 3R22, Dept. PBW, Unit P427, Object 4210.
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.

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Dawna Brown, 1500 Marilla, L1BN
City Attorney
Controller's Office, Sherrian Parham, 4BN
AGENDA ITEM # 55

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 7

DEPARTMENT: Public Works & Transportation
Water Utilities
Housing

CMO: Ramon F. Miguez, P.E., 670-3308
A. C. Gonzalez, 671-8925

MAPSCO: 56C

SUBJECT

Authorize an increase in the contract with Jeske Construction Company for additional water and wastewater main extensions, wastewater access devices, manholes and quantities of paving materials needed for the reconstruction of Bexar Street from C. F. Hawn Freeway (U.S. 175) service road to Brigham Lane - Not to exceed $151,495, from $3,436,764 to $3,588,259 - Financing: 2004-05 Community Development Grant Funds ($2,401), 2006-2007 Community Development Grant Funds ($65,464) and Water Utilities Capital Construction Funds ($83,630)

BACKGROUND

On November 8, 2006, Resolution No. 06-3124 authorized a contract with Jeske Construction Company for the reconstruction of street paving, storm drainage, streetscape, street and pedestrian lighting, and water and wastewater main improvements on Bexar Street from C. F. Hawn Freeway (U.S. 175) service road to Brigham Lane.

During the construction phase, Dallas Water Utilities staff determined that additional water and wastewater main extensions, wastewater access devices and manholes will be needed to accommodate future water and wastewater improvements included in the Master Plan for the Bexar Street Corridor Redevelopment Project.

Also, additional quantities of paving materials are needed to maintain vehicular traffic during construction.
BACKGROUND (Continued)

This action will authorize Change Order No. 3 to the contract with Jeske Construction Company for additional water and wastewater main extensions, wastewater access devices, manholes and quantities of paving materials needed for the reconstruction of Bexar Street from C. F. Hawn Freeway service road to Brigham Lane. The costs for the new contract items were negotiated with the contractor.

ESTIMATED SCHEDULE OF PROJECT

Began Construction April 2007
Complete Construction November 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized NIP Selection Criteria on February 26, 2003, by Resolution No. 03-0830.


Authorized Public Hearing on December 8, 2003 for hearing to be held on January 14, 2004, by Resolution No. 03-3388.

Briefed to the Housing and Neighborhood Development Committee on December 15, 2003.


Authorized a professional services contract for engineering services on May 26, 2004, by Resolution No. 04-1684.

Authorized Supplemental Agreement No. 1 to the engineering contract for the design of paving and drainage improvements on July 26, 2006, by Administrative Action No. 06-2299.

Authorized a construction contract on November 8, 2006, by Resolution No. 06-3124.

Authorized Change Order No. 1 to the construction contract on June 13, 2007, by Resolution No. 07-1759.

Authorized Change Order No. 2 to the construction contract on January 23, 2008, by Resolution No. 08-0320.
FISCAL INFORMATION

2004-05 Community Development Grant Funds - $2,400.80  
2006-07 Community Development Grant Funds - $65,464.20  
Water Utilities Capital Construction Funds - $83,630.00

Design $171,626.24  
Construction  
Paving - (PBW) $2,361,321.20  
Water & Wastewater (DWU) $784,424.00  
Supplemental Agreement No. 1 $24,607.00  
Change Order No. 1 $184,495.80  
Change Order No. 2 $106,523.00  
Change Order No. 3 (this action) $151,495.00

Total Project Cost $3,784,492.24

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Jeske Construction Company

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<tr>
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OWNER(S)

Jeske Construction Company

Steve Jeske, President

MAP

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Jeske Construction Company for additional water and wastewater main extensions, wastewater access devices, manholes and quantities of paving materials needed for the reconstruction of Bexar Street from C. F. Hawn Freeway (U.S. 175) service road to Brigham Lane - Not to exceed $151,495, from $3,436,764 to $3,588,259 - Financing: 2004-05 Community Development Grant Funds ($2,401), 2006-2007 Community Development Grant Funds ($65,464) and Water Utilities Capital Construction Funds ($83,630)

Jeske Construction Company is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

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<thead>
<tr>
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<td><strong>TOTAL CHANGE ORDER</strong></td>
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<td><strong>100.00%</strong></td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

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<td><strong>34.11%</strong></td>
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Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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<th>Percent</th>
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<td><strong>Total</strong></td>
<td><strong>$51,680.00</strong></td>
<td><strong>34.11%</strong></td>
<td><strong>$51,680.00</strong></td>
<td><strong>34.11%</strong></td>
</tr>
</tbody>
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WHEREAS, on February 26, 2003, Resolution No. 03-0830 authorized the NIP Selection criteria, authorizing the top five (5) ranking census tracts (CT 49.00, CT 101.01, CT 25.00, CT 39.02 and CT 89.00) to be designed as NIP target areas for a two-year period, after which time the City Council shall review the success of the NIP and the target area selection criteria prior to selecting new neighborhoods for program participation; and,

WHEREAS, on August 13, 2003, Resolution No. 03-2191 authorized the FY 2003-04 Consolidated Plan Budget, including funding for NIP public improvements; and,

WHEREAS, on December 8, 2003, Resolution No. 03-3388 authorized a public hearing for January 14, 2003 to receive public input on the proposed FY 2003-04 Consolidated Plan Reprogramming Budget #3 to provide an additional $1,639,187 for NIP public Improvements; and,

WHEREAS, on December 15, 2003, the Housing and Neighborhood Development Committee voted to recommend approval of the proposed FY 2003-04 Neighborhood Investment Program Public Improvement Plan as recommended by staff; and,

WHEREAS, on January 14, 2004, Resolution No. 04-0202 authorized a Public Improvement Plan for Neighborhood Investment Program target areas, including $1,972,069 for streetscape and infrastructure improvements along Bexar Street in CT 39.02; and,

WHEREAS, on May 26, 2004, Resolution No. 04-1684 authorized a professional services contract with Williams-Russell and Johnson, Inc. for the design of streetscape and infrastructure (intersection improvements, sidewalks, curb and gutter replacements), water and wastewater main improvements for Bexar Street from C.F. Hawn (U.S. 175) service road to Brigham Lane in the amount of $171,626.24; and,

WHEREAS, on July 26, 2006, Administrative Action No. 06-2299 authorized Supplemental Agreement No. 1 to the engineering contract with Williams-Russell and Johnson for the design of paving and drainage improvements for Bexar Street from C.F. Hawn (U.S. 175) service road to Brigham Lane in the amount of $24,607.00; and,

WHEREAS, bids were received on September 14, 2006, for the reconstruction of street paving, storm drainage, streetscape, street and pedestrian lighting, water and wastewater main improvements for Bexar Street from C.F. Hawn (U.S. 175) service road to Brigham Lane; and,
WHEREAS, on November 8, 2006, Resolution No. 06-3124 authorized a contract for the reconstruction of street paving, storm drainage, streetscape, street and pedestrian lighting, water and wastewater main improvements for Bexar Street from C.F. Hawn (U.S. 175) service road to Brigham Lane, in an amount not to exceed $3,145,745.20; and,

WHEREAS, on June 13, 2007, Resolution No. 07-1759 authorized Change Order No. 1 to the contract with Jeske Construction Company for the construction of a temporary road and the installation of new water services to accommodate new development along Bexar Street during the reconstruction of street paving, storm drainage, streetscape, street and pedestrian lighting, water and wastewater main improvements on Bexar Street from C.F. Hawn Freeway (U.S. 175) service road to Brigham Lane, in the amount of $184,495.80, increasing the contract from $3,145,745.20 to $3,330,241.00; and,

WHEREAS, on January 23, 2008, Resolution No. 08-0320 authorized Change Order No. 2 to the contract with Jeske Construction Company for additional quantities of paving materials and subgrade preparation needed for the reconstruction of street paving, storm drainage, streetscape, street and pedestrian lighting, water and wastewater main improvements on Bexar Street from C.F. Hawn Freeway (U.S. 175) service road to Brigham Lane, in the amount of $106,523, increasing the contract from $3,330,241.00 to $3,436,764.00.

WHEREAS, it is now necessary to authorize Change Order No. 3 to the contract with Jeske Construction Company for additional water and wastewater main extensions, wastewater access devices, manholes and quantities of paving materials needed for the reconstruction of Bexar Street from C.F. Hawn Freeway (U.S. 175) service road to Brigham Lane in the amount of $151,495, increasing the contract from $3,436,764.00 to $3,588,259.00.

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 Change Order No. 3 to the contract with Jeske Company for additional water and wastewater main extensions, wastewater access devices, manholes and quantities of paving materials needed for the reconstruction of Bexar Street from C. F. Hawn Freeway (U.S. 175) service road to Brigham Lane in the amount of $151,495, increasing the contract from $3,436,764.00 to $3,588,259.00.

Section 2. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.
Section 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the agreement from:

2004-05 Community Development Grant Fund
Fund CD04, Dept. HOU, Unit 2657, Act. SSUD
Obj. 4510, Program #PBNIP001, CT PBWNIP001B1
Vendor #083791, in an amount not to exceed $2,400.80

2006-07 Community Development Grant Fund
Fund CD06, Dept. HOU, Unit 3963, Act. SSUD
Obj. 4510, Program #PBNIP001, CT PBWNIP001B1
Vendor #083791, in an amount not to exceed $65,464.20

Wastewater Construction Fund
Fund 0103, Dept. DWU, Unit CS42, Act. RELP
Obj. 4560, Program #706104, Rept. TN32, CT PBW706104EA
Vendor #083791, in an amount not to exceed $65,680.00

Wastewater Construction Fund
Fund 0103, Dept. DWU, Unit CS42, Act. RELP
Obj. 3222, Program #706104X, Rept. TN32, CT PBW706104EN
Vendor #083791, in an amount not to exceed $9,790.00

Water Construction Fund
Fund 0102, Dept. DWU, Unit CW42, Act. RELP
Obj. 3221, Program #706103X, Rept. WW13, CT PBW706103EN
Vendor #083791, in an amount not to exceed $8,160.00

Total in an amount not to exceed $151,495.00

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

Distribution:
Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Paulette Williams, OCMC, Room 307
Esther Darden, Water Utilities, 3AN
City Attorney
Controller's Office, Sherrian Parham, 4BN
Office Financial Services/Community Development, 4FS
AGENDA ITEM # 56

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14

DEPARTMENT: Public Works & Transportation
Fire

CMO: Ramon F. Miguez, P.E., 670-3308
Ryan S. Evans, 670-3314

MAPSCO: 53F; 52R; 45Q; 36W; 42U; 43H; 45U; 58K; 65S; 23E; 23S; 44N; 33U; 69A-P; 65M; 59X; 38G; 39E; 28Z; 37A; 26L; 17V; 16T; 5F; 25G; 45K; 33D

_______________________________________________________________

SUBJECT

Authorize an increase in the contract with Texas Standard Construction, LTD for additional work related to stormwater drainage modifications, Phase II at 27 fire stations and extend the contract by sixty-one calendar days (list attached) - Not to exceed $33,914, from $1,981,000 to $2,014,914 - Financing: 2006 Bond Funds

BACKGROUND

Modifications are needed to bring the fire stations into regulatory compliance to collect and properly dispose of the water generated while washing off fire trucks and apparatus. The scope generally includes modifications to site and utility lines, and drainage and erosion control improvements, and will vary depending upon the station.

Phase II of the project provides for the installation of collection systems for vehicle wash waters for the following City fire stations:

<table>
<thead>
<tr>
<th>Station No.</th>
<th>Address</th>
<th>Council District</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>3303 Sheldon Avenue</td>
<td>1</td>
</tr>
<tr>
<td>52</td>
<td>2504 Cockrell Hill Road</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>816 South Akard Street</td>
<td>2</td>
</tr>
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<td>8</td>
<td>1904 North Garrett Avenue</td>
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<td>331 East Camp Wisdom Road</td>
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</tr>
<tr>
<td>30</td>
<td>11381 Zodiac Lane</td>
<td>6</td>
</tr>
</tbody>
</table>
**BACKGROUND** (Continued)

<table>
<thead>
<tr>
<th>Station No.</th>
<th>Address</th>
<th>Council District</th>
</tr>
</thead>
<tbody>
<tr>
<td>43</td>
<td>2844 Lombardy Lane</td>
<td>6</td>
</tr>
<tr>
<td>45</td>
<td>716 West Commerce Street</td>
<td>6</td>
</tr>
<tr>
<td>47</td>
<td>7161 Envoy Court</td>
<td>6</td>
</tr>
<tr>
<td>9</td>
<td>2002 Cool Mist Lane</td>
<td>8</td>
</tr>
<tr>
<td>25</td>
<td>2112 56th Street</td>
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<td>31</td>
<td>9365 Garland Road</td>
<td>9</td>
</tr>
<tr>
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<td>2850 Ruidosa</td>
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</tr>
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<td>48</td>
<td>10480 East Northwest Highway</td>
<td>9</td>
</tr>
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<td>6600 Trammel Drive</td>
<td>9</td>
</tr>
<tr>
<td>28</td>
<td>8701 Greenville Avenue</td>
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<td>5920 Royal Lane</td>
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<td>660 North Griffin Street</td>
<td>14</td>
</tr>
<tr>
<td>21</td>
<td>3210 Love Field Drive</td>
<td>14</td>
</tr>
</tbody>
</table>

The City's existing 55 fire stations are scheduled to be retrofitted:

- 19 fire stations are already completed in Phase I.
- 4 fire stations are being replaced by 2003 Bond funds. The new facilities shall be designed and constructed to comply with regulatory mandate to collect and properly dispose of the water generated.
- 5 fire stations are scheduled to be replaced at a later date; these shall be designed and constructed to comply with regulatory mandate to collect and properly dispose of the water generated.
- Modifications for the remaining 27 fire stations needing retrofitting are being dealt with in this action.

This action authorizes an increase in the contract in the amount of $33,914, from $1,981,000 to $2,014,914 and extends the contract by sixty-one calendar days with Texas Standard Construction, LTD (Change Order No. 1) for the following items:

a) To use Schedule 40 pipe/fittings instead of Schedule 80, additional cleanouts on vent line, modify vent pipe routing all over
b) Delete excess cleanouts on wastewater lines all over
c) Move Reduced Pressure Zone assembly inside on Stations 8, 16, 22, 41, 43, 45, 46, 47, 51, 52, and 55
d) Provide new location of wastewater connection at Station 39
e) Insulation for Reduced Pressure Zone assembly at Station 31
f) Lift Station and associated electrical work at Stations 4, 48, and 51
BACKGROUND (Continued)

g) Curb and wastewater main connection at Station 55  
h) New wastewater connection at Station 43  
i) Reroute waste service line at Station 4

This action is funded by the 2006 Bond Program. 2006 bonds were sold in May 2007, in the amount of $3,499,742.

ESTIMATED SCHEDULE OF PROJECT

Began Design: July 2006  
Completed Design: January 2007  
Began Construction: July 2007  
Complete Construction: June 2008

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for design and construction administration on June 28, 2006, by Resolution No. 06-1687.

Authorized a contract for construction on June 13, 2007, by Resolution No. 07-1830.

FISCAL INFORMATION

2006 Bond Funds - $33,914

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design</td>
<td>$ 288,000</td>
</tr>
<tr>
<td>Material Testing</td>
<td>$ 50,000</td>
</tr>
<tr>
<td>Construction Contract</td>
<td>$1,981,000</td>
</tr>
<tr>
<td>Change Order No. 1 (this action)</td>
<td>$ 33,914</td>
</tr>
<tr>
<td>Contingency</td>
<td>$ 56,086</td>
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</tbody>
</table>

Total Project Cost: $2,409,000

<table>
<thead>
<tr>
<th>Council District</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
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<td>($1,620.24)</td>
</tr>
<tr>
<td>2</td>
<td>$8,954.76</td>
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<tr>
<td>3</td>
<td>$1,929.76</td>
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<tr>
<td>4</td>
<td>($ 580.12)</td>
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<td>5</td>
<td>($1,577.24)</td>
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<tr>
<td>6</td>
<td>$2,568.52</td>
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<td>8</td>
<td>$4,326.64</td>
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<tr>
<td>9</td>
<td>$23,579.64</td>
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</table>
FISCAL INFORMATION (Continued)

<table>
<thead>
<tr>
<th>Council District</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>($4,049.24)</td>
</tr>
<tr>
<td>11</td>
<td>$1,109.88</td>
</tr>
<tr>
<td>12</td>
<td>($1,749.12)</td>
</tr>
<tr>
<td>13</td>
<td>$1,840.88</td>
</tr>
<tr>
<td>14</td>
<td>($ 820.12)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$33,914.00</strong></td>
</tr>
</tbody>
</table>

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Texas Standard Construction, LTD

<table>
<thead>
<tr>
<th>Hispanic Female</th>
<th>0</th>
<th>Hispanic Male</th>
<th>32</th>
</tr>
</thead>
<tbody>
<tr>
<td>African-American Female</td>
<td>0</td>
<td>African-American Male</td>
<td>0</td>
</tr>
<tr>
<td>White Female</td>
<td>2</td>
<td>White Male</td>
<td>3</td>
</tr>
<tr>
<td>Other Female</td>
<td>0</td>
<td>Other Male</td>
<td>0</td>
</tr>
</tbody>
</table>

OWNER(S)

Texas Standard Construction, LTD

Sam Dalton, Vice President

MAP

Attached.
## City Fire Stations Storm Water Drainage Modifications Phase II

<table>
<thead>
<tr>
<th>Station No.</th>
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<tbody>
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</tr>
</tbody>
</table>
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Texas Standard Construction, LTD for additional work related to stormwater drainage modifications, Phase II at 27 fire stations and extend the contract by sixty-one calendar days (list attached) - Not to exceed $33,914, from $1,981,000 to $2,014,914 - Financing: 2006 Bond Funds

Texas Standard Construction, LTD is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local contracts</td>
<td>$33,914.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>TOTAL THIS ACTION</td>
<td>$33,914.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenyatta Sand &amp; Gravel</td>
<td>BMMB34253Y0608</td>
<td>$33,914.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$33,914.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

<table>
<thead>
<tr>
<th>This Action</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$33,914.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$33,914.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Participation to Date</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$587,914.00</td>
<td>29.18%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
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<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$587,914.00</td>
<td>29.18%</td>
</tr>
</tbody>
</table>
WHEREAS, the Environmental Protection Agency (EPA) requires public facilities to comply with NPDES rules for discharge of storm water; and,

WHEREAS, the City of Dallas requires design and construction administration services for the Stormwater Management Program for the following 27 City fire stations to ensure compliance; and,

<table>
<thead>
<tr>
<th>Station No.</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>816 South Akard Street</td>
</tr>
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<td>2504 Cockrell Hill Road</td>
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<tr>
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<td>6600 Trammel Drive</td>
</tr>
</tbody>
</table>

WHEREAS, on June 28, 2006, Resolution No. 06-1687 authorized a contract with Alan Plummer Associates, Inc. to provide professional design services for this project in the amount of $271,475; and,
WHEREAS, on June 13, 2007, Resolution No. 07-1830 authorized a contract with Texas Standard Construction, LTD, lowest responsible bidder of two, for stormwater improvements to modify the stormwater collection areas at 27 fire stations, Phase II, in the amount of $1,981,000.00, and;

WHEREAS, it is now desirable to increase the contract with Texas Standard Construction, LTD for additional work related to stormwater drainage modifications, Phase II at 27 fire stations and extend the contract by sixty-one calendar days in the amount of $33,914, from $1,981,000 to $2,014,914.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to increase the contract with Texas Standard Construction, LTD for additional work related to stormwater drainage modifications, Phase II at 27 fire stations and extend the contract by sixty-one calendar days in the amount of $33,914, from $1,981,000 to $2,014,914 after it has been approved as to form by the City Attorney.

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

- Public Safety Facilities Fund
- Fund 6T33, Dept. PBW, Unit T844, Act. FIRF
- Obj. 4599, Program #PBSWP196, CT PBWSWP196H1
- Vendor #339573, in an amount not to exceed $33,914

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.

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Pankaj Shah, OCMC, Room 321
City Attorney
Fire Rescue Department
Office of Financial Services
Controller's Office, Sherrian Parham
AGENDA ITEM # 57

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 3

DEPARTMENT: Public Works & Transportation
Code Compliance

CMO: Ramon F. Miguez, P.E., 670-3308
David O. Brown, 670-3390

MAPSCO: 43T

SUBJECT

Authorize (1) an increase in the contract with Alshall Construction Company for additional work necessary to complete construction and upgrades to improve operations at the new Dallas Animal Services and Adoption Center located at 1818 North Westmoreland Road in an amount not to exceed $169,544, from $11,693,034 to $11,862,578; and (2) an increase in appropriations in the amount of $275,000 in the Animal Control Facilities Fund - Total not to exceed $169,544 - Financing: 2003 Bond Funds

BACKGROUND

This action will authorize an increase in the construction contract with Alshall Construction Company for additional work necessary to complete construction, including two retaining walls to improve drainage around TXU equipment pads, pavement revisions necessary for compliance with the Americans with Disabilities Act (ADA), electrical revisions necessary for operation of the spray wash system, addition of a trench drain at the farm animal holding area, addition of full height, solid panels at all Quarantine and Protective Custody kennels, various door and hardware revisions and installation of additional electrical and data outlets at the two Clinic areas.

The project was authorized in the 1998 Bond Program, with $3,500,000 in funding approved, and supplemented in the 2003 Bond Program with $11,755,000 in funding approved, for a total of $15,255,000 in bond funds available. Funding for construction was authorized in the 2003 Bond Program, with the entire sale occurring in November 2003, in the amount of $11,755,000.
BACKGROUND (Continued)

On February 22, 2006, Resolution No. 06-0649 authorized a construction contract with Alshall Construction Company in the amount of $11,133,000 for a new animal shelter, to be located at Interstate Highway 30 and Westmoreland Road. By previous Council resolution and administrative change orders, the contract amount has been increased by $560,034, from $11,133,000 to $11,693,034.

ESTIMATED SCHEDULE OF PROJECTS

Began Design       June 2003
Completed Design   October 2005
Began Construction March 2006
Complete Construction May 2008

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed the Housing & Neighborhood Committee on the animal shelter replacement site on November 1, 1999.

Briefed the Health, Youth & Human Services Committee on the animal shelter replacement site on November 8, 1999.

Authorized site acquisition, including exercise of right of eminent domain, if necessary, on April 26, 2000, by Resolution No. 00-1398.

Authorized architectural consultant contract with Hildinger Associates for professional services on June 7, 2000, by Resolution No. 00-1807.

Authorized settlement in the amount of $345,307, in lieu of condemnation, for site acquisition on December 13, 2000, by Resolution No. 00-3686.

Briefed the Health, Youth & Human Services Committee on the City animal control facility on February 9, 2001.

Authorized a professional services contract with the Humane Society of the United States for an evaluation of Dallas animal control operations on June 27, 2001, by Resolution No. 01-2044.

Authorized interim financing, fund transfer, and deposit of $128,187 for a Special Commissioners' Award for site acquisition on October 24, 2001, by Resolution No. 01-3189.

Briefed the Health, Youth & Human Services Committee on the City animal control facility on February 9, 2001.
PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)  (Continued)

Briefed the Health, Education & Human Services Committee on size and scope of proposed replacement shelter on November 12, 2001.

Animal Shelter Advisory Commission unanimously recommended construction of a 41,000 s.f. shelter on November 15, 2001.


Briefed the Health, Youth & Human Services Committee on February 12, 2002.

Briefed the Health, Environment & Human Services Committee on April 30, 2002.

Authorized Supplemental Agreement No. 3 to the professional services contract with The Hillier Group on June 25, 2003, by Resolution No. 03-1824.

Authorized reassignment of the architectural consultant contract from The Hillier Group to Workarchitecture, P.L.L.C. on December 8, 2003, by Resolution No. 03-3401.

Authorized a contract for site work and utility construction on August 11, 2004 by Resolution No. 04-2228, to AUI Contractors, Inc.

Authorized the rejection of bids for the construction contract on June 8, 2005, by Resolution No. 05-1724.

Authorized Change Order No. 1 to the site work phase of the construction contract on September 14, 2005, by Resolution No. 05-2596.

Briefed the Quality of Life Committee on September 12, 2005.

Authorized a contract for construction on February 22, 2006, by Resolution No. 06-0649 to Alshall Construction Company.

Briefed the Quality of Life Committee on August 25, 2006.

Authorized an increase to the construction contract with Alshall Construction Company for building phase on September 27, 2006, by Resolution No. 06-2578.

FISCAL INFORMATION

2003 Bond Funds - $169,544
MWBE INFORMATION
See attached.

ETHNIC COMPOSITION
Alshall Construction Company

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
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<tbody>
<tr>
<td>Hispanic Female</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>African-American Female</td>
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<td>0</td>
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<tr>
<td>Other Female</td>
<td>0</td>
<td>2</td>
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<tr>
<td>White Female</td>
<td>2</td>
<td>7</td>
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</table>

OWNER(S)
Alshall Construction Company

Rabie Hashem, President
Parwaiz Alam, Vice President

MAP
Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize (1) an increase in the contract with Alshall Construction Company for additional work necessary to complete construction and upgrades to improve operations at the new Dallas Animal Services and Adoption Center located at 1818 North Westmoreland Road in an amount not to exceed - $169,544, from $11,693,034 to $11,862,578; and (2) an increase in appropriations in the amount of $275,000 in the Animal Control Facilities Fund - Total not to exceed $169,544 - Financing: 2003 Bond Funds

Alshall Construction Company is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

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<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Local contracts</td>
<td>$125,742.29</td>
<td>74.16%</td>
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<tr>
<td>Non-local contracts</td>
<td>$43,801.71</td>
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<td>TOTAL THIS ACTION</td>
<td>$169,544.00</td>
<td>100.00%</td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

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<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
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<td>$17,681.40</td>
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<tr>
<td>West Side Construction</td>
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<td>$7,108.00</td>
<td>5.65%</td>
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<td>American Striping</td>
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<td>$25,414.40</td>
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### Non-Local Contractors / Sub-Contractors

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</thead>
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<td>$7,686.00</td>
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<td><strong>Total Minority - Non-local</strong></td>
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<td><strong>$7,686.00</strong></td>
<td><strong>17.55%</strong></td>
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### TOTAL M/WBE PARTICIPATION

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<tr>
<th></th>
<th>This Action</th>
<th>Participation to Date</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
</tr>
<tr>
<td>African American</td>
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<td>10.43%</td>
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<td>Hispanic American</td>
<td>$7,108.00</td>
<td>4.19%</td>
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<td>Asian American</td>
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<td>WBE</td>
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<td><strong>Total</strong></td>
<td><strong>$33,100.40</strong></td>
<td><strong>19.52%</strong></td>
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</table>
WHEREAS, the 1998 Bond Program provided funding for a replacement facility for the existing Oak Cliff Animal Shelter; and,

WHEREAS, on April 26, 2000, Resolution No. 00-1398 authorized site acquisition, including exercising right of eminent domain, if necessary; and,

WHEREAS, on June 7, 2000, Resolution No. 00-1807 authorized a contract with Hildinger Associates to provide professional services to include programming, site planning, design development, and construction document preparation for the new Animal Shelter to be located at Interstate Highway 30 and Westmoreland Road, in an amount not to exceed $249,900; and,

WHEREAS, on December 13, 2000, Resolution No. 00-3686 authorized settlement of $345,307 in lieu of condemnation for site acquisition; and,

WHEREAS, on May 1, 2001, Administrative Action No. 01-1551 authorized Supplemental Agreement No. 1, changing the consultant firm's name on the contract from Hildinger Associates to The Hillier Group to reflect the acquisition of Hildinger Associates by The Hillier Group; and,

WHEREAS, on June 27, 2001, Resolution No. 01-2044 authorized a professional services contract with Humane Society of the United States for an evaluation of Dallas animal control operations; and,

WHEREAS, on October 24, 2001, Resolution No. 01-3189 authorized (1) interim financing, (2) fund transfer, and (3) deposit of $128,187 for a Special Commissioners' Award for site acquisition; and,

WHEREAS, the 2003 Bond Program provided additional funding for an enlarged replacement facility suitable to comply with the proposed new animal shelter operation policies; and,

WHEREAS, on June 11, 2003, an Administrative Action authorized Supplemental Agreement No. 2 to the contract with The Hillier Group for a feasibility assessment study of the Forney Road Animal Shelter, funding within the existing contract; and,

WHEREAS, on June 25, 2003, Resolution No. 03-1824 authorized Supplemental Agreement No. 3 to the contract with The Hillier Group to provide complete architectural services for the expanded project scope required to meet the modified animal control policies in the amount of $1,259,846, increasing the contract from $249,900 to $1,509,746; and,
WHEREAS, on December 8, 2003, Resolution No. 03-3401 authorized consent to assign the architectural contract for the new animal shelter from The Hillier Group to Workarchitecture, P.L.L.C.; and,

WHEREAS, on August 11, 2004, Resolution No. 04-2228 authorized a contract with AUI Contractors, L.P. to provide site work and utility construction for the new Animal Shelter in an amount not to exceed $717,000; and,

WHEREAS, on June 8, 2005, Resolution No. 05-1724 authorized the rejection of bids for construction, and readvertisement of the project for new bids; and,

WHEREAS, on September 14, 2005, Resolution No. 05-2596 authorized Change Order No. 1 to the contract with AUI Contractors, L.P. and accept conveyance of fee simple title to a 2.94 acre tract of regraded and revegetated real property in Lone Star Park Phase 3, Block B/7226, City of Dallas, Dallas County, Texas, adjacent to the Animal Shelter project site in lieu of a planned retaining wall at no cost consideration to the City; and,

WHEREAS, on February 22, 2006, Resolution No. 06-0649 authorized a contract with Alshall Construction Company for the construction of the new Animal Shelter facility in an amount not to exceed $11,133,000; and,

WHEREAS, on August 30, 2006, Administrative Change Order No. 06-2336 authorized Change Order No. 1 to the contract with Alshall Construction Company in the amount of $0.00, for zero increase; and,

WHEREAS, on September 06, 2006, Administrative Change Order No. 06-2341 authorized Change Order No. 2 to the contract with Alshall Construction Company in the amount of $20,388, increasing the contract from $11,133,000 to $11,153,388; and,

WHEREAS, on September 27, 2006, Resolution No. 06-2578 increased the contract with Alshall Construction Company to provide an on-site wastewater treatment system for the new Dallas Animal Shelter located at 1818 North Westmoreland Road, in the amount of $332,449, from $11,153,388 to $11,485,837; and,

WHEREAS, on September 21, 2006, Administrative Change Order No. 06-2555 authorized Change Order No. 4 to the contract with Alshall Construction Company in the amount of $1,545, increasing the contract from $11,485,837 to $11,487,382; and,

WHEREAS, on October 03, 2006, Administrative Change Order No. 06-2701 authorized Change Order No. 5 to the contract with Alshall Construction Company in the amount of $8,862, increasing the contract from $11,487,382 to $11,496,244; and,
WHEREAS, on January 10, 2007, Administrative Change Order No. 07-0224 authorized Change Order No. 6 to the contract with Alshall Construction Company in the amount of $24,791, increasing the contract from $11,496,244 to $11,521,035; and,

WHEREAS, on March 19, 2007, Administrative Change Order No. 07-0915 authorized Change Order No. 7 to the contract with Alshall Construction Company in the amount of $5,268, increasing the contract from $11,521,035 to $11,526,303; and,

WHEREAS, on April 16, 2007, Administrative Change Order No. 07-1229 authorized Change Order No. 8 to the contract with Alshall Construction Company in the amount of $24,308, increasing the contract from $11,526,303 to $11,550,611; and,

WHEREAS, on April 24, 2007, Administrative Change Order No. 07-1240 authorized Change Order No. 9 to the contract with Alshall Construction Company in the amount of $21,733, increasing the contract from $11,550,611 to $11,572,344; and,

WHEREAS, on May 7, 2007, Administrative Change Order No. 07-1401 authorized Change Order No. 10 to the contract with Alshall Construction Company in the amount of $10,112, increasing the contract from $11,572,344 to $11,582,456; and,

WHEREAS, on June 14, 2007, Administrative Change Order No. 07-1674 authorized Change Order No. 11 to the contract with Alshall Construction Company in the amount of $21,389, increasing the contract from $11,582,456 to $11,603,845; and,

WHEREAS, on July 2, 2007, Administrative Change Order No. 07-1920 authorized Change Order No. 12 to the contract with Alshall Construction Company in the amount of $22,918, increasing the contract from $11,603,845 to $11,626,763; and,

WHEREAS, on August 6, 2007, Administrative Change Order No. 07-2251 authorized Change Order No. 13 to the contract with Alshall Construction Company in the amount of $17,738, increasing the contract from $11,626,763 to $11,644,501; and,

WHEREAS, on August 28, 2007, Administrative Change Order No. 07-2321 authorized Change Order No. 14 to the contract with Alshall Construction Company in the amount of $24,839, increasing the contract from $11,644,501 to $11,669,340; and,

WHEREAS, on November 2, 2007, Administrative Change Order No. 07-3443 authorized Change Order No. 15 to the contract with Alshall Construction Company in the amount of $23,694, increasing the contract from $11,669,340 to $11,693,034; and,
WHEREAS, it is now desirable to authorize (1) an increase in the construction contract with Alshall Construction Company for additional work necessary to complete construction and upgrades to improve operations at the new Dallas Animal Services and Adoption Center in the amount of $169,544, from $11,693,034 to $11,862,578; and (2) an increase in appropriations in the amount of $200,000 in the Animal Control Facilities Fund.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to increase the construction contract with Alshall Construction Co. for additional work necessary to complete construction and upgrades to improve operations at the new Dallas Animal Services and Adoption Center in the amount of $169,544, from $11,693,034 to $11,862,578.

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

Section 3. That the City Manager is hereby authorized to increase appropriations in the Animal Control Facilities Fund 3R46, Department PBW, Unit R755, Object 4310 in the amount of $275,000.

Section 4. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Animal Control Facilities Fund
Fund 3R46, Dept. PBW, Unit R755, Act. ACFC
Obj. 4310, Program #PB03R755, CT PBW03R755E1-17
Vendor #505905, in an amount not to exceed $169,544

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.

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Robert Van Buren, OCMC, Room 321
City Attorney
Code Compliance
Office of Financial Services
Controller's Office, Sherrian Parham
Authorize ordinances granting 20 franchises for solid waste collection and hauling, pursuant to Chapter XIV, of the City Charter, and Chapter 18, Article IV, of the Dallas City Code (list attached) - Estimated Annual Revenue: $207,000

BACKGROUND

Dallas City Code (Chapter 18) was revised in September 2006 for the purpose of allowing franchises for solid waste haulers. Previously, all solid waste haulers were issued permits by the City based on quantity of solid waste containers and quantity of hauling vehicles. The ordinance allows for a franchise system of collecting solid waste fees in which the City collects 4% of a hauler's gross revenues rather than "per vehicle / per container" permit fees. Council passed the ordinance changes on the September 27,2006, agenda.

Each solid waste hauler operating in the city must apply for and receive a franchise to collect and haul solid waste in Dallas. In addition to the one hundred twenty-two solid waste haulers that have been awarded to date, twenty additional solid waste haulers have applied for and are prepared to receive the franchise agreement. This action awards a 20-year franchise to each applicant with 5-year extensions, up to a total period of 40 years. Additional franchise applications will be received periodically and will come before Council for consideration to award.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On June 27, 2007, Council authorized ordinances granting 42 franchises for solid waste collection and hauling, pursuant to Chapter XIV, City Charter, and Chapter 18, Article IV, of the Dallas City Code, by Ordinance Nos. 26814 – 26855.

On March 28, 2007, Council authorized ordinances granting 80 franchises for solid waste collection and hauling, pursuant to Chapter XIV, City Charter, and Chapter 18, Article IV, of the Dallas City Code, by Ordinance Nos. 26609 - 26688.
PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS) (Continued)

On September 27, 2006, Council authorized an amendment to the Dallas City Code to include a franchise fee method for regulating solid waste haulers, by Ordinance No. 26478.

FISCAL INFORMATION

Estimated Annual Revenue: $207,000.00
## 20 Franchises for Solid Waste Collection and Hauling

<table>
<thead>
<tr>
<th>Franchise Haulers</th>
<th>Estimated Annual Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berry Logistics &amp; Transportation, Inc.</td>
<td>$500</td>
</tr>
<tr>
<td>Casa Linda Fence Co., Inc.</td>
<td>$25,000</td>
</tr>
<tr>
<td>Consolidated Construction Services, GP, LLC</td>
<td>$500</td>
</tr>
<tr>
<td>Curtis Dearmont</td>
<td>$500</td>
</tr>
<tr>
<td>Don Patterson Roofing &amp; Construction, Co.</td>
<td>$25,000</td>
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<tr>
<td>Environmental Recycling, Inc.</td>
<td>$500</td>
</tr>
<tr>
<td>Fredy Sorto</td>
<td>$500</td>
</tr>
<tr>
<td>Gallegos Used Merchandise</td>
<td>$500</td>
</tr>
<tr>
<td>Garcia Fence</td>
<td>$500</td>
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<tr>
<td>Hayward Rubin, Jr.</td>
<td>$500</td>
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<tr>
<td>Ignacio Salinas dba I.S.L.</td>
<td>$25,000</td>
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<tr>
<td>John A. Arnold, Inc.</td>
<td>$500</td>
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<td>John Campbell</td>
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<tr>
<td>Lovie’s Hauling</td>
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<tr>
<td>Michelle Ann Villalon</td>
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<tr>
<td>R &amp; R Roofing</td>
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<tr>
<td>Service First Disposal</td>
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<tr>
<td>Star Fence</td>
<td>$26,000</td>
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<tr>
<td>Star Waste Remove</td>
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</table>

Total $207,000
ORDINANCE NO. ________

An ordinance granting a franchise to ________________, pursuant to Chapter XIV, City Charter and Chapter 18, Article IV, Dallas City Code, to own, operate and maintain a solid waste collection service within the City of Dallas; providing for its terms and conditions; providing for civil penalties for failure to adhere to the terms and conditions in the franchise ordinance; providing for payment of a franchise fee; providing for the payment of the publication fee; providing for the filing of an acceptance by Franchisee; and providing an effective date.

WHEREAS, the City of Dallas is authorized to grant one or more non-exclusive franchises for the provision of solid waste collection service to premises within the City of Dallas; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the granting of the franchise on the terms and conditions set forth in this ordinance is in the public interest and in the interest of the City of Dallas and its residents. Now, Therefore,

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

SECTION 1. Preamble

That the declarations contained in the preambles to this ordinance are material and are hereby repeated and incorporated herein as a part of this ordinance as though they were fully set forth in this Section 1.
SECTION 2. Definitions

That for the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given in this Ordinance. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; words in the singular number include the plural number; and the use of any gender shall be applicable to all genders whenever the tense requires. The word "shall" is mandatory and not merely directory.

The word "may" is not mandatory and is merely permissive. Words defined elsewhere in this ordinance shall be accorded that meaning throughout this ordinance. Words not defined shall be given their common and ordinary meaning.

a. **Affiliate** and **Affiliated** means any entity controlling, controlled by or under common control with the Franchisee.
b. **Authorized Area** means the entire area from time to time within the corporate limits of the City of Dallas.
c. **City** means the City of Dallas, a municipal corporation, a political subdivision of the State of Texas.
d. **City Charter** means the City’s organic law, equivalent to a constitution, which defines the City’s existence and prescribes the powers, duties, and organization of the City’s governmental structure.
e. **City Code** shall mean the ordinances of the City codified into the Dallas City Code, The Revised Code of Civil and Criminal Ordinances of the City of Dallas, Texas (1960 Edition, 1997 Printing), as amended from time to time.
f. **City Manager** shall mean the City Manager or the City Manager's designated assistant or representative.
g. **Control** (and its variants) shall mean actual working control, by whatever means exercised. Without limiting the generality of the foregoing, for the purposes hereof, a change in control shall be deemed to have occurred at any point in time when there is: (i) a change in working or effective voting control, in whatever manner effectuated, of the Franchisee; (ii) an agreement of the holders of voting stock or rights of the Franchisee which effectively vests or assigns policy decision-making in any person or entity other than the Franchisee; (iii) a sale, assignment or transfer of any shares or interest in the Franchisee which results in a change in the Control of the Franchisee.
h. **Council** shall mean the governing body of the City of Dallas. This section does not authorize delegation of any decision or function that is required by the City Charter or State law to be made by the Council. In any case in which a hearing is held pursuant to this Ordinance, the Council may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the Council or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution. Unless otherwise stated in this Ordinance or prohibited by the City Charter or State law, the Council may delegate to the City Manager or the Director the exercise of any and all of the powers conferred upon the City by its Charter or by general law relating to the administration and enforcement of this Ordinance and to the Franchisee’s exercise of the rights and privileges conferred in this Ordinance.

i. **Director** means the Director of the Sanitation Services Department of the City, or the Director’s designated representative.

j. **Franchise** means the grant of the non-exclusive permission and privilege to use Public Ways under this Ordinance, and all of the incidental rights and obligations as described by this Ordinance.

k. **Franchisee** shall mean ________________, a ________________, the grantee of rights under this Ordinance; or the successor, transferee, or assignee of this Ordinance.

l. **Ordinance** shall mean this document.

m. **Public Ways** shall mean all dedicated rights-of-way, streets, highways, and alleys for use by the general public and easements dedicated for the benefit of all utilities. “Public Ways” shall not include property of the City which is not a dedicated public way, street, highway, or alley or available for use by the general public or easements not dedicated for the benefit of all utilities.

n. **Solid Waste Collection Service** shall mean the term as defined in Section 18-29(5) of the City Code.

**SECTION 3.** Granting of Franchise

That subject to all the terms and conditions contained in this Ordinance, the Texas Constitution, the City Charter, the City Code, other City ordinances as from time to time may be in effect, and applicable federal law, the City hereby grants the Franchisee non-exclusive permission and privilege solely for the purpose of operating and maintaining a Solid Waste Collection Service in, over, along and across the Public Ways in the Authorized Area. this grant is subject to the following additional conditions:
a. **Franchisee purpose.**
The Franchisee accepts the grant set forth above and agrees to operate and maintain the Solid Waste Collection Service in the Authorized Area in accordance with the terms and provisions of this Ordinance.

b. **Other Services.**
By granting this Ordinance, the City is not authorizing any non-Solid Waste Collection Service to be provided and does not waive and specifically retains any right to regulate and receive compensation as allowed by law for services offered by Franchisee which are not Solid Waste Collection Services. The Franchisee shall immediately notify the City if it provides any non-Solid Waste Collection Services within the Authorized Area.

c. **No Priority.**
This Ordinance does not establish any priority for the use of the Public Ways by the Franchisee or by any present or future recipients of franchise agreements, franchisees, permit holders, or other users of the Public Ways. In the event of any dispute as to the priority of use of the Public Ways, the first priority shall be to the public generally, the second priority to City, the third priority to the State of Texas and its political subdivisions in the performance of their various functions, and thereafter, as between recipients of franchise agreements, franchisees and other state or local permit holders, as determined by the City Manager in the exercise of the City’s powers, including the police power and other powers reserved to and conferred on it by the State of Texas.

d. **City’s Use of Public Ways.**
The Franchisee acknowledges that by this Ordinance it obtains no rights to use or further use of the Public Ways other than those expressly granted in this Ordinance. The Franchisee acknowledges and accepts at its own risk, provided that the City has the legal authority for the use or uses in question, that the City may make use in the future of the Public Ways in which the Solid Waste Collection Service is located in a manner inconsistent with the Franchisee’s use of such Public Ways for the Solid Waste Collection Service, and in that event the Franchisee shall not be entitled to compensation from the City unless compensation is available to all users of the Public Ways which are affected in a similar manner.

e. **Emergencies.**
The City may temporarily suspend the operation of the Solid Waste Collection Service of Franchisee in the event of a public emergency or calamity as determined by the City. In such event neither the City nor any agent, contractor, or employee of the City shall be liable to the Franchisee or its customers or third parties for any damages caused them or the Solid Waste Collection System. Where possible, prior notice shall be given to the Franchisee. In any event notice of such action shall be given to the Franchisee after such action is taken.
g. Compliance with Law and Standards of Operation.
The Franchisee shall be subject to and comply with all applicable local, state, and federal laws, including the rules and regulations of any and all agencies thereof, whether presently in force or whether enacted or adopted at any time in the future.

h. Other Approvals and Authorizations.
This Ordinance does not relieve and the Franchisee shall comply with any obligation to obtain permits, licenses and other approvals from the City or other units of government, which are required for the operation and maintenance of the Solid Waste Collection Service.

i. City’s Right of Eminent Domain Reserved.
Nothing in this Ordinance shall limit any right the City may have to acquire by eminent domain any property of the Franchisee.

j. Taxes, Fees and Other Assessments.
Nothing in this Ordinance shall be construed to limit the authority of the City to impose a tax, fee, or other assessment of any kind on any person. The Franchisee shall pay all fees necessary to obtain and maintain all applicable federal, state, and local licenses, permits, and authorizations required for the construction, installation, upgrading, maintenance, or operation of its Solid Waste Collection Service.

k. Disputes Among Public Ways Users.
The Franchisee shall respect the rights and property of the City and other authorized users of the Public Ways. Disputes between the Franchisee and other similar Franchisees over use of Public Ways shall be submitted to the Director for resolution; provided, however, that the Franchisee reserves its rights to submit such disputes directly to a court of competent jurisdiction.

SECTION 4. Service Requirements

a. It is expressly understood and agreed that the Franchisee may collect and deliver for disposal all solid waste accumulated on premises within the Authorized Area where the individuals or companies contract with the Franchisee for those services, excluding residential service (other than apartment complexes and motels). The Franchisee shall, at its own expense, furnish personnel and equipment to collect solid waste and shall establish and maintain the contracted Solid Waste Collection service in an efficient and businesslike manner.
b. All vehicles used by the Franchisee for the collection and transportation of solid waste shall display a decal issued by the Director in or upon a conspicuous place on the vehicle, in accordance with the applicable requirements of the City Code. All vehicles shall be covered at all times while loaded and in transit to prevent the spillage of solid waste onto the public Ways or properties adjacent to the Public Ways. Any spillage will be promptly recovered by the Franchisee. All vehicles owned by the Franchisee shall be clearly marked with the Franchisee’s name in letters not less than four (4) inches in height. All vehicles shall be cleaned and maintained by the Franchisee so as to be in good repair, of good appearance and, when idle, free of solid waste residue as may cause odor, provide a breeding place for vectors, or otherwise create a nuisance. In addition, the Franchisee shall comply with the requirements for solid waste collection vehicles contained in Section 18-45 of the City Code.

c. The Franchisee expressly agrees to assume liability and responsibility for all costs of repair to the Public Ways and other facilities that are damaged as a result of the negligence of the Franchisee, its officers, agents, or employees, during the Franchisee’s operations pursuant to this Ordinance.

d. The Franchisee will comply with all rules, regulations, laws and ordinances pertaining to the disposal of solid waste as directed by responsible governmental agencies having jurisdiction. Disposal of all solid waste collected by the Franchisee from premises within the Authorized Area must be made at an authorized solid waste disposal, collection, or processing facility.

SECTION 5. Indemnity and Insurance

a. **Indemnification of City.**

The Franchisee shall, at its sole cost and expense, defend, indemnify, and hold harmless the City and its respective officers, boards, commissions, employees, agents, attorneys, and contractors (hereinafter referred to as “Indemnitees”), from and against:
1. any and all claims, lawsuits, judgments, costs, and expenses for personal injury (including death), property damage, or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by Franchisee's breach of any of the terms or provisions of this Franchise, or by any negligent or strictly liable act or omission of Franchisee, its officers, agents, employees, contractors, or subcontractors, in the operation or maintenance of the Solid Waste Collection SERVICE, OR IN THE DISPOSAL, HANDLING, OR TRANSFER OF ANY SOLID WASTE COLLECTED THROUGH THE SOLID WASTE COLLECTION SERVICE; THE FRANCHISEE'S OBLIGATION TO DEFEND AND INDEMNIFY INDEMNITEES UNDER THIS SUBPARAGRAPH SHALL EXTEND TO CLAIMS, LOSSES, AND OTHER MATTERS COVERED UNDER THIS SUBPARAGRAPH THAT ARE CONTRIBUTED TO BY THE NEGLIGENCE OF ONE OR MORE INDEMNITEES, PROVIDED, HOWEVER, THAT INDEMNITY WILL BE REDUCED BY THE PROPORTIONATE AMOUNT THROUGH WHICH THE INDEMNITEE CONTRIBUTED TO THE LIABILITY, AS PROVIDED UNDER TEXAS LAW, without waiving any governmental immunity available to City under Texas law and without waiving any defenses of either the Franchisee or the City under Texas law; THE ABOVE INDEMNIFICATION SHALL NOT, HOWEVER, APPLY TO ANY JUDGMENT OF LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CITY; AND

2. any and all liability, obligation, damages, fines, penalties, claims, suits, judgments, actions, liens, and losses, which may be imposed upon or asserted against the Indemnitees because of any violation of any state or federal law or regulation governing the Solid Waste Collection Service or related to the collection, disposal, transfer, or handling by the Franchisee, its officers, employees, agents, or subcontractors, of solid waste collected through the Solid Waste Collection SERVICE REGARDLESS OF WHETHER OR NOT THE NEGLIGENCE, FAULT, OR OTHER WRONGFUL CONDUCT OF THE INDEMNITEES CONTRIBUTED TO ANY VIOLATION; and the Franchisee shall pay all judgments, with costs, attorney's fees, and expenses awarded in such judgment which may be obtained against the City related to any such claim. upon the written request of the City, the Franchisee shall immediately, at its sole cost and expense, cause any lien covering the City's property as described in this subparagraph to be discharged or bonded.

3. THIS SUBSECTION SHALL NOT BE CONSTRUED TO WAIVE ANY GOVERNMENTAL IMMUNITY FROM SUIT OR LIABILITY AVAILABLE TO CITY UNDER TEXAS OR FEDERAL LAW. the provisions of this SUBSECTION are solely for the benefit of the City and the Franchisee and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.
b. **Franchisee’s Assumption of Risk.**
The Franchisee undertakes and assumes for its officers, employees, agents, contractors, and subcontractors (collectively “Franchisee” for the purpose of this subsection), all risk of dangerous conditions, if any, on or about any City-owned or controlled property, including the Public Ways, and the Franchisee hereby agrees to indemnify and hold harmless the Indemnitees against and from any claim asserted or liability imposed upon the Indemnitees for personal injury or property damage to any person (other than from an Indemnitee's negligence or willful misconduct) arising out of the Franchisee’s operation, maintenance, or condition of the Solid Waste Collection SERVICE or the Franchisee’s failure to comply with any federal, state or local statute, ordinance or regulation.

c. **Defense of City.**
In the event any action or proceeding shall be brought against the Indemnitees by reason of any matter for which the Indemnitees are indemnified hereunder, the Franchisee shall, upon notice from any of the Indemnitees, at the Franchisee’s sole cost and expense, (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses, and consultants), resist and defend the same with legal counsel selected by the Franchisee and consented to by the City, such consent not to be unreasonably withheld; provided, however, that the Franchisee shall not admit liability in any such matter on behalf of the Indemnitees without the City’s written consent and provided further that the Indemnitees shall not admit liability for, nor enter into any compromise or settlement of, any claim for which they are indemnified hereunder, without the prior written consent of the Franchisee and execution of any settlement agreement on behalf of the City by the City Attorney.

d. **Expenses.**
The Indemnitees shall give the Franchisee prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this Section 5. Nothing herein shall be deemed to prevent the Indemnitees from participating in the defense of any litigation by their own counsel at their own expense. The Franchisee shall pay all expenses incurred by the Indemnitees in participating in the defense, provided that the participation has been requested or required by the Franchisee in conducting the defense. These expenses may include out-of-pocket expenses reasonably and necessarily incurred, such as attorney fees and the reasonable value of any services rendered by the City’s counsel and the actual expenses of the Indemnitees' agents, employees or expert witnesses, and disbursements and liabilities assumed by the Indemnitees in connection with such suits, actions or proceedings but shall not include attorneys fees for services that are unnecessarily duplicative of services provided the Indemnitees by the Franchisee.
e. **Insurance Required.**
Not later than the Effective Date of this Ordinance, the Franchisee shall procure, pay for, and maintain insurance coverage in at least the minimum amounts and coverages described in Exhibit A, attached to and made a part of this Ordinance. The insurance shall be written by companies approved by the State of Texas and acceptable to the City. The insurance shall be evidenced by delivery to the City of certificates of insurance executed by the insurer or its authorized agent stating coverages, limits, expiration dates and compliance with all applicable required provisions. Upon request, the City shall be entitled to review copies of the policies and all endorsements at a site determined mutually by the City and the Franchisee.

**THIS ORDINANCE SHALL NOT TAKE EFFECT UNTIL SUCH CERTIFICATE HAS BEEN DELIVERED TO THE CITY and no officer or employee shall have authority to waive this requirement.** If satisfactory evidence of the required insurance is not submitted within thirty (30) days after the date the Council approves this Ordinance, then this Ordinance shall be considered null and void and shall have no force or effect. The Director may prevent the Franchisee from operating a Solid Waste Collection Service under this Franchise until satisfactory evidence of insurance coverage required under this subsection is presented to the Director. Evidence of insurance coverage shall be updated by the Franchisee and delivered in writing to the Director on an annual basis, no later than the anniversary date of this Ordinance.

f. **Adjustments to Insurance Requirements.**
The City reserves the right to review the insurance requirements stated in Exhibit A during the effective period of this Ordinance and to recommend to the Council reasonable adjustments in the insurance requirements contained in the City Code prior to the anniversary renewal of the insurance when deemed necessary and prudent by City’s Risk Management Division of the Human Resources Department. Any adjustments shall be mutually agreeable to the City and the Franchisee, and based upon changes in statutory law, court decisions, or the claims history of the industry as well as the Franchisee. When any insurance coverage limit changes are agreed, the Franchisee shall pay any resulting increase in cost due to the changes.

g. **Liability of Franchisee.**
Approval, disapproval, or failure to act by the City regarding any insurance supplied or not supplied by the Franchisee shall not relieve the Franchisee of full responsibility or liability for damages and accidents as set forth in the Ordinance. The bankruptcy, insolvency, or denial of liability by any insurer of Franchisee shall not exonerate the Franchisee from the liability obligations of the Franchisee provided for under this Ordinance.
SECTION 6. Fees, Payments and Compensation.

a. Compensation Required.
Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to four percent (4%) of the Franchisee’s gross receipts (hereinafter called the “Franchise Fee”).

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:
   (i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City’s landfill;
   (ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; and
   (iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts;
   (iv) revenues directly received or generated from the processing of recyclable materials.
b. **Payment Procedures.**
The Franchisee shall pay the Franchise Fee to the City each month during the term of this Ordinance. The monthly payment required by this Ordinance shall be due and payable by certified check, electronic funds transfer, or other means that provide immediately available funds on the day the payment is due not later than 3:00 p.m. of the thirtieth calendar (30th) day following the end of each calendar month. If the thirtieth (30th) calendar day following the end of a calendar month falls on a Saturday, Sunday, or official City holiday, then the payment is due on the business day prior to the due date. Subject to applicable law, the compensation set forth in this Section 6 shall be exclusive of and in addition to all special assessments and taxes of whatever nature, including, but not limited to, ad valorem taxes.

In the event any monthly payment or partial payment is made after 3:00 p.m. on the due date, the Franchisee shall pay simple interest at the annual percentage rate of ten percent (10%) on the total amount past due. Payment shall be accompanied by a monthly report certified by an officer of the Franchisee showing the total Gross Receipts of the preceding calendar month. The monthly report shall also include a detailed breakdown of Gross Receipts and the computation of the payment amount.

c. **Annual Report.**
The Franchisee shall file with the City by the end of each calendar year an annual report, prepared and audited by an independent certified public accounting firm acceptable to the City, whose work papers will be made available to the City on request, showing the total Gross Receipts of the preceding calendar year along with the information required under Section 18-41 of the Dallas City Code. Such annual report shall include a detailed breakdown of Gross Receipts and the computation of the payment amount. Bad debt write-offs taken for the year in question shall also be included and summarized in the annual report, along with supporting documentation in a form satisfactory to the Director.
d. **City Audit.**
The City may audit the Franchisee (or any Affiliate of the Franchisee who has information directly pertaining to Gross Receipts) as often as is reasonably necessary to verify the accuracy of the Franchise Fees paid to the City. All books, records, accounts, or other documents in paper or electronic form, necessary for the audit shall be made available by the Franchisee at a location in the City, or the Franchisee shall pay the City’s expenses in traveling to any other location necessary to conduct the audit. Any net undisputed amount due to the City, plus interest at the rate of ten percent (10%) per annum, compounded monthly, calculated from the date each portion of the underpayment was originally due until the date the Franchisee remits the underpayment to the City, shall be paid by the Franchisee within forty-five (45) days after the City’s submitting an invoice for the underpayment to the Franchisee with reasonable detail supporting the amount claimed. If the amount of the underpayment exceeds five percent (5%) of the total Franchise Fee owed for the audit period, the Franchisee shall pay the City’s audit costs as well. The City’s right to audit and the Franchisee’s obligation to retain records related to the Franchise Fee shall be limited to the previous two (2) calendar years.

**SECTION 7. Term; Performance Evaluation**

a. **Term and Extensions.**
The term of this Ordinance shall be twenty (20) years from the Effective Date of this Ordinance plus any extensions mutually agreed to by the City and the Franchisee; provided that the term, including extensions, shall not be longer than forty (40) years.

b. **Franchisee Rights Upon Termination.**
Subject to applicable law, this Ordinance and all rights, permissions, and privileges of the Franchisee under this Ordinance shall automatically terminate on the expiration of the term of this Ordinance, unless extended by mutual agreement, court order, or applicable law.

c. **Performance Evaluation**
In order to: (i) assure that the Franchisee is complying with the terms of this Ordinance, as it may be from time to time amended, and (ii) promote a sharing of information between the City and the Franchisee, the City may schedule a performance evaluation no more often than every five (5) years during the term of the Ordinance, subject to subsection d. of this Section, in accordance with the following process:

1. At least ninety (90) days prior to each performance evaluation, the City shall notify the Franchisee of the date, time and location of the evaluation. Such notice shall include specification of any additional information to be provided by the Franchisee pursuant to subsection c.2.(iv) below. Unless specifically waived by the Council, attendance of the Franchisee’s duly authorized representative at these meetings shall be mandatory.
2. Within sixty (60) days from receipt of such notification, the Franchisee shall file a report with the City that is certified by a representative of the Franchisee knowledgeable of the operations of the Franchisee within the Authorized Area, in reasonable detail, specifically addressing, at a minimum, the following areas:
   (i) compliance of the Franchisee’s vehicles with solid waste and air quality requirements;
   (ii) customer service, including but not limited to a listing of customer complaints and their resolution;
   (iii) history in regard to prompt and accurate payment of franchise fees;
   (iv) any other topic deemed material or relevant by the City for its enforcement of this Ordinance.

3. All reports to be prepared under this subsection and submitted by the Franchisee shall be based upon information for at least the most recent five (5) year period, inclusive of the most current quarter available. No report under this subsection shall be based upon data that ends more than six (6) months before the time of the performance evaluation.

4. Following receipt of the report, but not less than thirty (30) days prior to the performance evaluation, the City may request additional information, clarification or detailed documentation concerning those topics identified for inclusion in the performance evaluation. The Franchisee shall make reasonable effort to provide such additional information to the City prior to the meeting. In the event that the information cannot be made available prior to the performance evaluation, the Franchisee shall notify the City in writing explaining the reasons for any delay.

5. The Council shall hear any interested persons during such performance evaluation. The Franchisee shall be entitled to all the rights of due process consistent with the City proceedings, including but not limited to, the right to present evidence and the right to be represented by counsel.

6. Upon request of the City, the Franchisee shall assist the City in notifying customers of the evaluation session. Nominal costs associated with the notification, in an amount not to exceed one thousand and no/100 dollars ($1,000.00), shall be borne by the Franchisee.

d. Additional Performance Evaluations.
Notwithstanding subsection c., the Council may initiate and conduct such additional performance evaluations regarding the Franchisee’s performance under this Ordinance as the Council, in its sole discretion, may deem justified or necessary under the circumstances. The Franchisee shall be given reasonable notice of the date, time, and location of any such additional performance evaluations.
SECTION 8. Transfers of Ownership and Control

a. Franchisee Ownership, Management and Operation.

1. Only the Franchisee and its Affiliates, if any, shall operate, manage, and maintain the Solid Waste Collection Service. The Franchisee shall not otherwise directly or indirectly transfer or assign, in whole or in part, the operation, management, or maintenance of the Solid Waste Collection Service without the prior written consent of the Council as provided in subsections 8.b and 8.c below.

2. This Section shall not apply to the Franchisee’s employment contracts and other personnel decisions, nor shall it prohibit the Franchisee from contracting for or subcontracting, in whole or in part, any operational, management or maintenance functions in connection with the Solid Waste Collection Service, so long as the Franchisee does not relinquish its decision making authority over or its responsibilities under this Ordinance for any particular function; nor shall it prohibit the Franchisee from complying with this Ordinance or other requirements of federal, state, or local laws and regulations.

3. The Franchisee shall provide the Director written notice, within five (5) calendar days after its occurrence, of any change in the corporate or business structure, change in the chief executive or the top executive structure, change in the board of directors, or other change in the corporate or business method of governance of the Franchisee, regardless of whether or not it results in a transfer or assignment of the Franchise or a transfer of control or ownership of the Franchisee.

b. Transfer and Assignment Procedures.

This Ordinance or the Solid Waste Collection Service shall not be transferred or assigned, by operation of law or otherwise, nor shall title to the Franchisee’s rights and obligations under this Ordinance or to the Solid Waste Collection Service pass to or vest in any person, other than for mortgaging or financing of solid waste collection operations or to an Affiliate of the Franchisee under the conditions described below, without the prior written consent of the Council. This Ordinance shall not be leased or subleased without the prior written consent of the Council. The procedures related to transfer or assignment are as follows:

1. The Council’s written consent shall not be required for a transfer solely for security purposes (such as the grant of a mortgage or security interest), but shall be required for any realization on the security by the recipient, such as a foreclosure on a mortgage or security interest. The Director shall be advised in writing of a transfer solely for security purposes at least sixty (60) days before such transfer occurs.
2. The Franchisee may, without additional approval by the Council, transfer or assign this Ordinance to an Affiliate provided that the Affiliate: (i) assumes all of Franchisee’s obligations and liabilities under this Ordinance occurring both before and after the transfer or assignment; (ii) agrees to comply with all provisions of this Ordinance; and (iii) has the legal, technical and financial ability to properly perform and discharge such obligations and liabilities, which abilities are each at least as great as those of the Franchisee.

The Director shall be advised in writing of such transfer and of the Affiliate’s qualifications at least sixty (60) days before such transfer occurs. The City shall be reimbursed any reasonable, documented costs it incurs in connection with such transfer up to a maximum of ten thousand and no/100 dollars ($10,000.00).

c. **Transfer of Control.**

There shall be no transfer of or acquisition of control of the Franchisee without the prior written consent of the Council.

d. **Schedule of Ownership.**

The Franchisee represents and warrants that its current ownership is as set forth on Exhibit C, attached to and made a part of this Ordinance, and that it has full legal and equitable title to the Solid Waste Collection Service as of the Effective Date of this Ordinance.

e. **Applications for Consent/Procedure/Restrictions.**

If the Franchisee seeks to obtain the consent of the Council to any transactions or matters described in this Section, the Franchisee shall submit an application for such consent to the City and shall submit or cause to be submitted to the City such additional documents and information as the Director may request that are reasonably related to the transaction, including the purchase price of the Solid Waste Collection Service, and the legal, financial, and technical qualifications of the proposed transferee or new controlling entity.

1. The Council shall have one hundred twenty (120) days from the date of submission of a complete and accurate application to act upon the application for consent. If the Council fails to act upon such application for consent within one hundred twenty (120) days, such application shall be deemed as consented to unless the City and the Franchisee otherwise agree to an extension of time.

2. The Council shall not unreasonably withhold its consent to any proposed transaction. The Council may: (i) grant its consent outright, (ii) grant such consent with conditions, which conditions it finds are necessary to ensure performance of the Franchisee or its successor under the Ordinance, or (iii) deny consent.

3. Nothing in any approval by the City under this Section shall be construed to waive or release any rights of the City in and to the Public Ways, public places of the City or property owned by the City.

4. Nothing in any approval by the City under this Section shall be construed as a waiver or release of any of the City’s police powers, or as an exercise of eminent domain.
5. The City’s granting of consent in any one instance shall not require it to grant consent in other instances.

6. The Franchisee shall reimburse the City for the incidental costs incurred by the City in considering any request of the Franchisee under this Section. Such reimbursement shall not exceed ten thousand and no/100 dollars ($10,000.00), shall be supported by invoices, and shall not include any costs or expenses incurred by the City in defending any denial of the request; provided, however, that the City does not waive its right to request that its attorney’s fees and expenses be reimbursed in any claim or defense related to denial of a request under this Section.

f. City Approval Requirements.
Before any transfer, assignment, sale, foreclosure, or other change of control described under this Section becomes effective and before the Council shall consider giving its consent, the proposed transferee, assignee, purchaser, buyer, foreclosing party, or other person or entity seeking to obtain the rights and obligations under this Ordinance through a change of control shall provide the Director: (i) an agreement and acceptance in writing to comply with all terms of this Ordinance, as amended, (ii) all evidence of insurance required under this Ordinance, as amended, (iii) the legal name and address of the transferee, as well as the name of the person to be contacted for notices, (iv) payment of outstanding Franchise Fees due, and (iv) the legal, technical, and financial ability of the transferee to properly perform and discharge all obligations and liabilities of this Ordinance.

g. Transfer of Control Requirements.
In the event of a transfer of control, before such transfer becomes effective and before the Council shall consider giving its consent, the proposed transferee shall agree in writing to not take any action that will keep the Franchisee from complying with this Ordinance.

SECTION 9. Defaults

a. Events of Default.
The occurrence of any one or more of the following events at any time during the term of this Ordinance shall constitute an Event of Default by the Franchisee under this Ordinance:
1. The failure or refusal by the Franchisee to pay the Franchise Fee when due as prescribed by this Ordinance.
2. The Franchisee’s material violation of or failure to comply with any provision or condition of Chapter 18, Article IV of the City Code relating to solid waste collection service franchisees or any other applicable provision or condition of the City Code.
3. The Franchisee’s material violation of or failure to comply with any of the other terms, covenants, representations, or warranties contained in this Ordinance, or the Franchisee’s failure or refusal to perform any obligation contained in this Ordinance.
4. The Franchisee’s failure or refusal to pay or cause to be paid any of the City’s governmentally-imposed taxes of any kind whatsoever, including but not limited to real estate taxes, sales taxes, and personal property taxes on or before the due date for same; provided, however, Franchisee shall not be in default under this subsection with respect to the non-payment of taxes which are being disputed in good faith in accordance with applicable law.

5. The entry of any judgment against the Franchisee in which another party becomes entitled to possession of any of the Franchisee’s assets of the Solid Waste Collection Service, for which change in possession the consent of the Council has not been obtained, and such judgment is not stayed pending rehearing or appeal for forty-five (45) or more days following entry of the judgment.

6. The dissolution or termination, as a matter of law, of the Franchisee without the prior consent or approval of the City, which approval, if formally requested, shall not unreasonably be withheld.

7. The Franchisee’s filing of a voluntary petition in bankruptcy; being adjudicated insolvent; obtaining an order for relief under Section 301 of the Bankruptcy Code (11 U.S.C. §301); filing any petition or failing to contest any petition filed against it seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief for itself under any laws relating to bankruptcy, insolvency or other relief for debtors; seeking or consenting to or acquiescing in the appointment of any bankruptcy trustee, receiver, master, custodian or liquidator of the Franchisee, or any of Franchisee’s property or this Ordinance or of any and all of the revenues, issues, earnings, profits or income thereof; making an assignment for the benefit of creditors (except secured creditors); or failing to pay Franchisee’s debts as they become due such that the Franchisee is unable to meet its obligations under this Ordinance.

8. The Franchisee attempts to dispose of any of the facilities or property of its Solid Waste Collection Service with the intent of preventing the City from purchasing it as provided for in this Ordinance.

9. The Franchisee engages in any fraudulent or deceitful conduct with the City or its customers.

10. The Franchisee knowingly or intentionally makes a false statement or a misrepresentation as to a material matter in the application for or in the negotiation of this Ordinance.

11. Any director, officer, employee, or agent of the Franchisee is convicted of the offense of bribery or fraud connected with or resulting from the granting, term extension, or renewal of this Ordinance.

12. The Franchisee’s failure or refusal to comply with or a violation of any applicable local, state, or federal law or regulation.
b. **Default Procedures.**
Upon the occurrence of an Event of Default which can be cured by the immediate payment of money to the City or a third party, the Franchisee shall have thirty (30) days from written notice of the occurrence of the Event of Default from the Director to cure the default before the City may exercise any of the default remedies provided for in Section 10. Upon the occurrence of an Event of Default by the Franchisee which cannot be cured by the immediate payment of money to the City or a third party, the Franchisee shall have sixty (60) days from the date of written notice from the City to the Franchisee of the occurrence of the Event of Default to cure the Event of Default before the City may exercise any of its rights or remedies provided for in Section 10, unless the Director, the City Manager, or the Council authorizes a longer cure period upon a showing of good cause to extend the cure period. If an Event of Default is not cured within the time period allowed for curing the Event of Default, as provided above, the Event of Default becomes, without additional notice, an Uncured Event of Default, which shall entitle the City to exercise the remedies provided for in Section 10.

**SECTION 10. Remedies**

a. **Default Remedies.**
Upon the occurrence of any Uncured Event of Default as described in Section 9, the Director shall report the occurrence of same to the City Manager and the Council. The Council shall be entitled in its sole discretion and upon recommendation of the Director and the City Manager to exercise any or all of the following cumulative remedies:
1. Exercise its rights to impose civil penalties as described in subsection d.
2. Authorize the City Attorney to commence an action against the Franchisee at law for monetary damages.
3. Authorize the City Attorney to commence an action in equity seeking injunctive relief or the specific performance of any of the provisions of this Ordinance which, as a matter of equity, are specifically enforceable.
4. Revoke the Franchise granted under this Ordinance.
b. **Revocation Procedure.**

Upon the occurrence of an uncured event of default, the Council shall have the right to revoke the Ordinance. Upon revocation, the rights, permissions, and privileges comprising the Franchise granted under this Ordinance shall be automatically deemed null and void and shall have no further force or effect and the provisions that are contractual in nature which are also included as a part of this Ordinance are hereby automatically terminated. Upon revocation, the City shall retain any portion of the Franchise Fee and other fees or payments paid to it, or which are due and payable to it, to the date of the revocation. Notwithstanding the above, prior to any Council hearing to formally consider revocation of the Franchise granted under this Ordinance, the Director shall notify the Franchisee in writing at least ten (10) days in advance of the Council hearing at which the issue of revocation shall be considered and decided. The Franchisee shall have the right to appear before the Council in person or by legal counsel and raise any objections or defenses the Franchisee may have that are relevant to the proposed revocation. In addition, the following procedures shall apply in regard to the revocation hearing:

1. The Council shall hear and consider the issue of revocation, shall hear any person interested in the issue, and shall determine, in its sole discretion, whether or not any violation by the Franchisee has occurred justifying a revocation of the Franchise.

2. At such hearing, the Franchisee shall be provided due process, including the opportunity to be heard.

3. Upon completion of the hearing described above, the Council shall render a decision and shall transmit a copy of the decision to the Franchisee. The Franchisee shall be bound by the Council’s decision, unless it appeals the decision to a court of competent jurisdiction within fifteen (15) days after the date of the decision. The Franchisee reserves the right to challenge both the decision itself and the fairness of the process followed by the City in the proceeding.

4. The Council reserves the right, in its sole discretion, to impose a civil penalty or to pursue other remedies as provided in this Article 10 in lieu of a revocation.
c. **Letter of Credit.**
As security for the faithful performance by the Franchisee of the provisions of this Ordinance and compliance with all orders, permits, and directions of the City and the payment of all claims, liens, fees, civil penalties, and taxes to the City, the Franchisee shall deposit with the City, no later than the Effective Date of this Ordinance, an unconditional and irrevocable letter of credit issued by a bank in an amount equal to one month’s franchise fee payment. The initial value of the letter of credit shall be established on the basis of the monthly franchise fee that would have been paid on the previous calendar year’s monthly average gross receipts. The letter of credit shall be updated annually in January of each calendar year during the term of this Ordinance. The value of the annually updated letter of credit will be fixed on the basis of the average monthly franchise fee payment submitted by the Franchisee as required in this Ordinance. The letter of credit must be issued by a federally-chartered or state-chartered financial institution with a principal office or branch located in Dallas County and otherwise acceptable to the Council, on terms acceptable to the Council and approved by the City Attorney.

The letter of credit must be honored upon presentation to the issuing financial institution at a principal office or branch located within Dallas County by presentation of a letter of demand from the City delivered in person or by courier delivery. Failure to deposit the letter of credit in a timely fashion, or the failure to maintain the letter of credit in the full amount required under this subsection and in effect during the entire term of this Ordinance, or any renewal or extension of this Ordinance, shall constitute a material breach of the terms this Ordinance.

1. If the Franchisee fails to make timely payment to the City or its designee of any amount due as a result of this Ordinance or fails to make timely payment to the City of any taxes due; or fails to repay City for damages and costs; or fails to comply with any provision of this Ordinance which the City reasonably determines can be remedied by an expenditure of monies, the City may draw upon the letter of credit an amount sufficient to repay the City with interest as set forth in this Ordinance, if not otherwise specified by law. If the interest rate is not set forth in this Ordinance or set by federal, state or local law, then the interest rate shall be the prime rate as established in the Wall Street Journal on the day before the City sends notice to the Franchisee of its intent to draw on the letter of credit.

2. Within three (3) days after a drawing upon the letter of credit, the City shall send written notification of the amount, date, and purpose of the drawing to the Franchisee by certified mail, return receipt requested.
3. If, at the time of a drawing by the City, the aggregate amount realized from the letter of credit is insufficient to provide the total payment toward which the drawing is directed, the balance of such payment shall constitute an obligation of the Franchisee to the City until paid, including interest. If the interest rate is not set forth in this Ordinance or set by laws, then interest shall be the prime rate as established in the Wall Street Journal on the day before the City sends notice to the Franchisee of its intent to draw the letter of credit.

4. No later than thirty (30) days after mailing of notification to the Franchisee of a drawing pursuant to subsection c.2. above, the Franchisee shall cause the letter of credit to be restored to the full amount required under this Ordinance. Failure to timely restore the letter of credit shall constitute a material breach of the terms of this Ordinance.

5. The rights reserved to the City with respect to this letter of credit are in addition to all other rights and remedies of the City, whether reserved by this Ordinance or authorized by law, and no action, proceeding or exercise of a right with respect to such letter of credit shall affect any other rights the City may have.

d. Civil Penalties.

In addition to the other remedies provided for in this Section 10, civil penalties in the amounts set forth below may be assessed by the Council to the Franchisee, following the notice and opportunity to cure procedures in subsection e. below, for failure or refusal to comply with any material term or condition of this Ordinance or for any other Uncured Event of Default. In the event the Council determines that the Franchisee has committed, continued, or permitted a material failure or refusal of compliance or other Uncured Event of Default that has not been cured as provided in this Ordinance, the Franchisee shall pay Two Thousand Dollars ($2,000) per day for each day or part of a day that the material failure or refusal or other Uncured Event of Default is committed, continued, or permitted, unless the Council at the time of imposition of the civil penalty determines that good cause justifies a lesser penalty, based upon the surrounding circumstances, frequency, number, and seriousness of the material violations or Uncured Events of Default in question and the public interest served by imposing a lesser civil penalty.

e. Civil Penalties Procedure.

Civil penalties may be assessed by the Council in accordance with the following procedure:

1. Following notice from the Director, which notice, at the Director’s election, may be combined with the notice described in subsection 9.b., the Franchisee shall meet with the Director to attempt to resolve any disagreements on whether civil penalties should be assessed or what civil penalties should be recommended to the Council. If there is no resolution of the issue within fifteen (15) days after the mailing of the notice, then the Director shall present the Director’s recommendation regarding civil penalties to the City Manager for review and concurrence.
If the City Manager concurs in the Director’s recommendation that civil penalties should be assessed, the matter shall be presented to the Council. The Director shall notify the Franchisee of the recommendation of the City Manager to the Council, the time and date of the proposed hearing concerning the issue of civil penalties, and a statement that the Franchisee has a right to appear and be heard before the Council on the matter.

2. Upon presentation of the recommendations of the Director and the City Manager, the Council may decide on one of the following courses of action:
   (i) to authorize the City Attorney to proceed against the Franchisee under Section 10.a.2 or 10.a.3;
   (ii) to assess a civil penalty in the amount provided above for the applicable material violation or Uncured Event of Default;
   (iii) to determine that a civil penalty is not justified under the circumstances and assess no penalty; or
   (iv) to remand the matter to the City Manager or the Director for further investigation, consideration, and recommendation to the Council.

3. Assessment of civil penalties by the Council shall be a monetary obligation of the Franchisee to the City in the amount determined by the Council and shall be paid in full by the Franchisee within fifteen (15) business days after the date of assessment by the Council.

4. The procedures stated in this subsection do not apply to the Council’s determination to impose civil penalties in lieu of a proposed revocation of the Franchise under subsection b.4.

f. Remedies Cumulative.
Subject to applicable law, the rights and remedies of the City set forth in this Section 10 shall be in addition to and not in limitation of, any other rights and remedies provided by law or in equity. If the Council determines that a violation by the Franchisee was the Franchisee’s fault and within its control, the Council may pursue any or all of the remedies provided in Section 10. The remedies of the City created under this Ordinance shall be cumulative to the maximum extent permitted by law. The exercise by the City of any one or more remedies under this Ordinance shall not preclude the exercise by the City, at the same or different times, of any other remedies for the same material Uncured Event of Default. Notwithstanding any provision of this Ordinance, however, the City shall not recover both civil penalties and actual damages for the same violation, breach, non-compliance, or material Uncured Event of Default.

g. Curable Violations.
The Franchisee shall not be found in violation of this Ordinance or any other applicable law or regulation, and shall suffer no penalties or damages as a result, if the violation occurs without fault of the Franchisee or occurs as a result of circumstances beyond its control, and, if curable, is promptly cured. The Franchisee shall not be excused by mere economic hardship nor by the negligence or malfeasance of its directors, officers or employees.
h. **City Right to Purchase.**
In the event the City revokes the Franchise granted under this Ordinance for cause, terminates the Franchise as provided in subsection i. below, or denies renewal of the Franchise granted under this Ordinance, the City shall have the right (but not the obligation) subject to the applicable provisions of the City Charter, directly or as an intermediary, to purchase the assets of the Solid Waste Collection System.

i. **Termination in the Public Interest.**
Nothing in this Section shall be construed as affecting the right of the Council under the City Charter to terminate this Ordinance without cause in the public interest when it is deemed inconsistent with the public use of the City’s Public Ways or is deemed to cause or constitute a nuisance.

**SECTION 11. Providing Information**

a. **Complete and Accurate Books Required.**
The Franchisee shall keep complete and accurate books of account and records of its Solid Waste Collection Service business and operations under and in connection with this Ordinance in accordance with generally accepted accounting principles and generally accepted government auditing standards.

b. **City Review of Documentation.**
The City may fully review such of the Franchisee’s books, accounts, documents, and other records of the Franchisee or the Franchisee’s Affiliates during normal business hours on a non-disruptive basis and with such advance notice as is reasonably necessary to monitor compliance with the terms of this Ordinance. All books, accounts, documents, and other records shall be made available at a location in the Authorized Area, or the Franchisee shall pay the City’s expenses in traveling to any other location necessary to review the books, accounts, documents, or other records. Books, accounts, documents, and other records that are kept on an electronic basis shall also be made available on the same basis as the paper books, accounts, documents, and other records; where possible, such items shall be made available in a CD-Rom disk or other similar format that is readable by the City’s computers. The reviewable items shall include, but shall not be limited to, records required to be kept by the Franchisee pursuant to law and the financial information underlying the written report accompanying the Franchise Fee. To the extent permitted by law, the City agrees to treat any information disclosed by the Franchisee under this Section as confidential, if the Franchisee provides prior written notice that the information is confidential.

c. **Additional Reports.**
The Franchisee shall, when required by the Council, the City Manager, or the Director, report to the City any reasonably requested information relating to the Franchisee or the Affiliates or necessary for the administration of this Ordinance. The Director shall have the right to establish formats for all reports, determine the time for reports and the frequency with which any reports are to be made, and require that any reports be made under oath.
SECTION 12. General

a. **Entire Agreement.**
   This Ordinance (with all referenced Exhibits, attachments, and provisions incorporated by reference) embodies the entire agreement and the rights, privileges, and permissions between the City and the Franchisee, superseding all oral or written previous negotiations or agreements between the City and the Franchisee relating to matters set forth in this Ordinance. This Ordinance can only be modified by an ordinance amendment approved by Council.

b. **Notices.**
   Except as otherwise provided in subsection 12.c of this Ordinance, any notice, payment, statement, or demand required or permitted to be given under this Ordinance by either party to the other may be effected by any of the means described in subsection 12.d of this Ordinance. Mailed notices shall be addressed to the parties at the addresses appearing below, but each party may change its address by written notice in accordance with this section. Mailed notices shall be deemed communicated as of three (3) days after mailing.

If to the City:

City Manager
City of Dallas
Dallas City Hall
1500 Marilla – Room 4/f/North
Dallas, Texas 75201

With a copy to:

Director
Department of Sanitation Services
3112 Canton Street
Dallas, Texas 75226

If to the Franchisee:

____________________
____________________
____________________
____________________

Either the City or the Franchisee may change its address or personnel for the receipt of notices at any time by giving notice of the change to the other party as provided in this subsection 12.b. Any notice given by either the City or the Franchisee must be signed by an authorized representative.
c. **Notice of Claim.**
This Ordinance is subject to the provisions of Section 2-86 of the Dallas City Code, as amended, relating to requirements for filing a notice of a breach of contract claim against the City. Section 2-86 of the Dallas City Code, as amended, is expressly incorporated by reference and made a part of this Ordinance as if written word for word in this Ordinance. Contractor shall comply with the requirements of Section 2-86 as a precondition of any claim against the City relating to or arising out of this Ordinance.

d. **Delivery of Notices.**
Notices required to be given under this Ordinance may be transmitted in any of the following four ways:
1. By personal delivery, in which case they are deemed given when delivered.
2. By delivery to Federal Express, United Parcel Service, or other nationally recognized overnight courier service, in which case they shall be deemed given when received for such service.
3. By being deposited in the U.S. Mail, by registered or certified mail, return receipt requested, postage prepaid, in which case notice shall be deemed given three (3) calendar days after having been deposited in the U.S. Mail.
4. By facsimile or electronic mail transmission where the sender’s transmittal log shows successful transmission to all the recipients (with any replacement transmission as a recipient shall request) and with a hard copy on the same date or the next day mailed to all by first class mail, postage prepaid, in which case notice shall be deemed given on the date of facsimile or electronic mail transmission.

e. **City/Franchisee Meetings.**
The Franchisee shall meet with the Director, the City Manager or the Council at reasonable times to discuss any aspect of this Ordinance or the services or facilities of the Franchisee. At all meetings Franchisee shall make available personnel qualified for the issues to be discussed and such meetings shall be at City’s offices unless otherwise agreed.

f. **Legal Construction.**
This Ordinance shall be governed by and construed in accordance with the laws and court decisions of the State of Texas, without regard to conflict of law or choice of law principles of Texas or of any other state.

g. **No Inducement.**
The Franchisee, by accepting this Ordinance, acknowledges that it has not been induced to accept this Ordinance by any promise, oral or written, by or on behalf of the City or by any third person regarding any term or condition not expressed in this Ordinance.
The Franchisee further pledges that no promise or inducement, oral or written, has been made to any City employee or official regarding the grant, receipt or award of this Ordinance.

h. **Franchisee Acknowledgement.**
The Franchisee further acknowledges by acceptance of this Ordinance that it has carefully read the terms and conditions of this Ordinance and accepts the obligations imposed by the terms and conditions herein.

i. **No Waiver by City.**
No failure by the City to insist upon the strict performance of any covenant, provision, term or condition of this Ordinance, or to exercise any right, term or remedy upon a breach thereof shall constitute a waiver of any such breach of such covenant, agreement, term, or condition.

No waiver of any breach shall affect or alter this Ordinance, but each and every covenant, provision, term or condition of this Ordinance shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

j. **Governmental Licenses.**
The Franchisee shall, at its expense, obtain and maintain all additional governmental regulatory licenses necessary to operate the Solid Waste Collection Service in accordance with this Ordinance.

k. **Severability.**
If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

l. **City Retained Powers.**
In addition to all rights provided in this Ordinance, the City reserves all rights and powers conferred by federal law, the Texas Constitution, Texas statutes and decisions, the City Charter, City Code, and City ordinances which City is allowed to exercise.

m. **Material Misinformation.**
The provision of information by the Franchisee or any of its Affiliates to the City in connection with any matters under this Ordinance which contains an untrue statement of a material fact or omits a material fact necessary to make the information not misleading shall constitute a violation of this Ordinance and shall be subject to the remedies provided in Section 10. Each day that the Franchisee or an Affiliate fails to correct an untrue statement of a material fact or the omission of a material fact necessary to make the information not misleading shall constitute a separate violation of this Ordinance.

n. **Hearing Procedures.**
The following additional procedures shall apply to any hearing held in connection with any action taken by the Council in connection with this Ordinance:

1. **The Council may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the Council or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution.**

2. **The hearing shall afford the Franchisee rudimentary due process. The Council may by resolution establish other procedural matters in connection with the hearing.**
o. **Acceptance.**
Upon adoption of this Ordinance, the Franchisee agrees to be bound by all the terms and conditions contained herein, as evidenced by filing with the City Secretary, in writing, within thirty (30) days after the date the Council approves this Ordinance, an unconditional acceptance of the Ordinance and promise to comply with and abide by all its provisions, terms, and conditions. The form of unconditional acceptance and promise, attached to and made a part of this Ordinance as Exhibit B, shall be sworn to, by, or on behalf of the Franchisee before a notary public. If the acceptance required by this Ordinance is not properly executed and filed within thirty (30) days after the date the Council approves this Ordinance, then this Ordinance and the rights, permissions, and privileges granted under this Ordinance shall considered be null and void and shall have no force or effect, unless the Franchisee evidences such failure was due to clerical error by someone other than the Franchisee or its Affiliates and then acts promptly to remedy the third party’s clerical error. The Director may prevent the Franchisee from operating a Solid Waste Collection Service under this Franchise or reapplying for a new Franchise until the acceptance required by this subsection is filed as provided herein.

p. **Time is of the Essence.**
Whenever this Ordinance shall set forth any time for an act to be performed by or on behalf of the Franchisee, such time shall be deemed of the essence and any failure of the Franchisee to perform within time allotted shall always be sufficient grounds for the City to invoke an appropriate remedy, including possible revocation of the Ordinance.

q. **Force Majeure.**
The time within which Franchisee shall be required to perform any act under this Ordinance shall be extended by a period of time equal to the number of days due to a force majeure. The term “force majeure” shall mean delays due to acts of God, inability to obtain governmental approvals, governmental restrictions, war, act of terrorism, civil disturbances, fire, unavoidable casualty, or other similar causes beyond the control of Franchisee. Notwithstanding anything contained anywhere else in this Ordinance, Franchisee shall not be excused from performance of any of its obligations under this Ordinance by the negligence or malfeasance of its directors, officers, or employees or by mere economic hardship.

r. **Recognition of Rights.**
The Franchisee agrees that by adopting this Ordinance, neither the City nor the Franchisee have waived any rights, claims, or defenses they may have with respect to the City's rights to impose the requirements contained in this Ordinance in whole or in part upon the Franchisee.
s. **Police Powers.**

1. In accepting this Ordinance, the Franchisee acknowledges that its rights under this Ordinance are subject to the police power of the City to adopt and enforce general ordinances necessary to the health, safety, and welfare of the public. Franchisee shall comply with all applicable general laws and ordinances enacted by the City pursuant to such powers. Any conflict between the provisions of this Ordinance and any other present or future lawful exercise of the City’s police powers shall be resolved in favor of the latter.

2. The Franchisee recognizes the right of the City to make reasonable amendments to this Ordinance; except that City shall not make amendments materially adversely affecting the Franchisee except under a proper exercise of City’s police powers, with notice to the Franchisee and an opportunity to be heard.

3. The Franchisee also recognizes City’s right to impose such other regulations of general applicability as shall be determined by the City to be conducive to the safety, welfare, and accommodation of the public.

t. **No Presumption of Renewal**

This Ordinance and the grant contained herein do not imply, grant, or infer any renewal rights in favor of the Franchisee or its Affiliates.

u. **Recognition of City Charter.**

The Franchisee recognizes, accepts and agrees that the terms, conditions and provisions of this Ordinance are subject to the applicable provisions of Chapter XIV of the Dallas City Charter. Any request by the Franchisee for an amendment to this Ordinance shall be subject to review by the City Attorney for compliance with the applicable provisions of the City Charter.

**SECTION 13. Outstanding License Fees**

This Ordinance shall not take effect until all fees still owed to the City from the existing license previously issued to the Franchisee for solid waste collection, hauling, and disposal service under provisions of the City Code applicable to solid waste collection, hauling, and disposal licenses are paid in full. If the previous license fees owed to the City are not paid by the Franchisee within thirty (30) days after the date the Council approves this Ordinance, then this Ordinance shall be considered null and void and shall have no force or effect. The Director may prevent the Franchisee from operating a Solid Waste Collection Service under this Franchise or reapplying for a new Franchise until the previous license fees have been paid in full.
SECTION 14. Ordinance Effective Date

Subject to the provisions of Subsections 5.e, 12.o, and Section 13, 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 (the “Effective Date”), and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

BY ____________________________

Assistant City Attorney

Passed __________________________
Exhibit B – Ordinance Acceptance

Exhibit B

Acceptance

____________________, unconditionally accepts and agrees to be bound by all the terms, covenants, and conditions contained in the Solid Waste Collection Service franchise ordinance, Ordinance No. __________, adopted on __________.

Dated: ______ day of ______, 20__.

FRANCHISEE:

By: ____________________________

President
AGENDA ITEM # 59

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 6

DEPARTMENT: Park & Recreation
Trinity River Corridor Project

CMO: Paul D. Dyer, 670-4071
Jill A. Jordan, P.E., 670-5299

MAPSCO: 44G 42C

SUBJECT

Authorize a public hearing to be held on June 11, 2008 to receive comments on the proposed use of a portion of Trinity River Park for the installation of a new 345 kV power transmission line - Financing: No cost consideration to the City

BACKGROUND

Oncor is planning a new 345 kV power transmission line connecting the Norwood Switching Station, located in Irving, with the West Levee Switching Station, located on Beckley Avenue in Dallas. The West Levee Switching Station serves the electrical demands for the Central Business District and surrounding areas. Currently, an existing 345 kV transmission line serves the West Levee Switching Station, and to ensure continued safe and reliable electricity and to accommodate for future growth in the project area, an additional 345 kV transmission line is needed. The project is currently planned for completion in 2009.

Since major public and private investment is planned for the Trinity River Corridor that will result in this area becoming an extension of, and connecting to, the existing Central Business District, City Staff worked closely with Oncor over a period of several years to determine a preferred route for the new transmission line. On March 3, 2004, the City Council approved a locally preferred route for the proposed Norwood to West Levee transmission line to avoid routes along the river levees that would conflict with planned high density development along the levees, along Canada Drive and in the vicinity of the future Woodall Rodgers Signature Bridge. The proposed route would also accommodate future consolidation of existing transmission lines currently along the East Levee, thereby reducing the cost of relocating lines that would be in conflict with planned development. This action was included in Oncor’s submission of the application for a Certificate of Convenience and Necessity (CNN) to the Public Utility Commission in March 2006.
BACKGROUND (Continued)

In June 2007, the Public Utility Commission of Texas (PUCT) approved the West Levee Norwood transmission line along the City Council's locally preferred route using:

- Aerial structures along the median of Irving Boulevard, from approximately Regal Row to Sylvan Avenue;
- Aerial structures across the Trinity River east on the downstream side of the Sylvan Bridge to near the West Levee and Canada Drive; and
- Underground along the West Levee of the Trinity River (below Canada Drive) from near the Sylvan Bridge to the West Levee Switching Station.

The route was deemed best because it:

- Avoids routing of the new transmission line along the levees of the Trinity River;
- Provides for underground installation of the segment from the West Levee switching station to near Sylvan Avenue below Canada Drive; and
- Creates the opportunity to consolidate the existing 138 kV transmission lines along the East Levee from Sylvan Avenue with the new transmission line along Irving Boulevard.

The PUCT approved route calls for a portion of the new line to be constructed on City property parallel to and approximately 130 feet east of the centerline of the proposed Sylvan Avenue Bridge between the Trinity River Levee system. The route also crosses City property at a second location West of Regal Row and North of Irving Boulevard. In order for the transmission line to cross the Trinity River on aerial structures in these two locations, Oncor has submitted a request for easements from the City of Dallas.

Oncor will provide a survey for both requested easements and will pay the City of Dallas the fair market value of the easements, in accordance with State Law.

In compliance with the Law, Oncor in cooperation with the City of Dallas has determined that there is a need and that no feasible and prudent alternative exists and that all reasonable care has been taken so as to not damage the remainder of the park property and to mitigate any disruption of park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of park land.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 3, 2004, City Council approved the locally preferred route for the West Levee Norwood transmission line by Resolution No. 04-0855.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 14, 2004, City Council authorized a Memorandum of Understanding between the City and Oncor by Resolution No. 04-1251.

On May 23, 2007, City Council authorized an agreement with Oncor permitting the escrow of $4.5 M in City funds to pay for the City's 25% share of the incremental cost to place a portion of the West Norwood transmission line underground by Resolution No. 07-1589.

Briefed the Trinity River Corridor Project Committee on March 4, 2008.

Briefed the Trinity River Corridor Project Committee on April 22, 2008.

On April 17, 2008, the Park and Recreation Board approved the placement of the transmission line.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.
Trinity River Park – Proposed Oncor Easement
Council District 6
Mapsco #44-G, 42-C
WHEREAS, the City of Dallas owns land in Dallas known as Trinity River Park, which was acquired for park, flood control, and transportation purposes; and

WHEREAS, Oncor Electric Delivery (Oncor) has requested the dedication of two permanent easements for the installation of 345 kV power transmission line connecting the Norwood Switching Station, located in Irving, with the West Levee Switching Station, located on Beckley Avenue in Dallas, and the Park and Recreation Board is agreeable to providing the property for this use; and

WHEREAS, the West Levee Switching Station serves the electrical demands for the Central Business District and surrounding areas; and

WHEREAS, an existing 345 kV transmission line currently serves the West Levee Switching Station, and to ensure continued safe and reliable electricity and to accommodate for future growth in the project area, an additional 345 kV transmission line is needed; and,

WHEREAS, on March 3, 2004, the City Council approved a locally preferred route for the proposed 345 kV transmission line from Norwood Switching Station to West Levee Switching Station as follows: aerial structures along the median of Irving Boulevard, from approximately Regal Row to Sylvan Avenue; aerial structures across the Trinity River downstream of the Sylvan Bridge to the West Levee, and underground along Canada Drive, from near Sylvan Bridge to the West Levee Switching Station; and,

WHEREAS, the City and Oncor were parties to Docket No. 32455, involving the application of Oncor for a Certificate of Convenience and Necessity for a proposed 345 kV electric transmission line from the West Levee switching station in Dallas to the Norwood switching station in Irving; and,

WHEREAS, on May 23, 2007, the City Council authorized an agreement with Oncor permitted the escrow of $4.5 million in City funds to pay for the City's twenty-five percent share of the incremental cost of placing the Canada Drive segment underground; and,

WHEREAS, on June 7, 2007, the PUC issued an order that required Oncor to install the West Levee Norwood transmission line along the locally preferred route and to place the Canada Drive segment underground and directed the City of Dallas to execute a contract with Oncor under which the City would pay for twenty-five percent of the incremental cost of placing the Canada Drive segment underground; and,

WHEREAS, on June 7, 2007, the PUCT also issued an order that the remaining $13.5 million in incremental underground installation cost to be "uplifted" to the system-wide transmission rate; and,
WHEREAS, the PUCT approved route calls for a portion of the new line to be constructed on City property parallel to and approximately 130 feet east of the centerline of the proposed Sylvan Avenue Bridge between the Trinity River Levee system and at a second location, West of Regal Row and North of Irving Boulevard; and,

WHEREAS, the Texas Parks and Wildlife code, Chapter 26 (Section 26.001 through 26.004), requires that before a municipality may approve any program or project that requires the use or taking of any public land designated and used as park land, the governing body of such public municipality must determine that there is no feasible and prudent alternative to the use or taking of such land, and that the program or project includes all reasonable planning to minimize harm to the remainder of the park; and

WHEREAS, prior to making this determination, notice must be given and a public hearing be held relative to the proposed change of park use; and

WHEREAS, the City Council desires to give notice and hold such hearing in accordance with the law with respect to the utilization of the Trinity River Park. Now, Therefore,

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

SECTION 1. That the Park and Recreation Department is hereby authorized and directed to advise in writing of such proposed use of the park property by delivering a notice for publishing to the official newspaper to be advertised once each week nor more than two weeks before the date of the hearing, which shall be held in the City Council Chambers on June 11, 2008.

SECTION 2. That the approval of the aforementioned project by the City Council, at the close of said hearing, shall be construed as making the proper findings as to the use, taking and conveyance of park land, consistent with the Texas Parks and Wildlife Code and the Texas Local Government Code.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 4

DEPARTMENT: Trinity River Corridor Project

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

MAPSCO: 56 L 56 Q

SUBJECT

Authorize (1) a contract with Stark Built GP, LLC, lowest responsible bidder of four, for the construction and installation of a concrete and decomposed granite nature trail (Texas Buckeye Trail) in compliance with Americans with Disabilities Act requirements, a pedestrian bridge and landscaping improvements at Rochester Park for the Trinity River Corridor Project in the amount of $259,564; and (2) execution of a license agreement with ONCOR to allow the trail to be built and maintained across the ONCOR right-of-way for the Texas Buckeye Trail - $259,564 - Financing: 1998 Bond Funds

BACKGROUND

Development of the Trinity River Corridor has been identified as a top priority of the City of Dallas. One of the projects identified in the Trinity River Corridor Project Master Implementation Plan was the Rochester Gateway which included enhancements to the entrance at Bexar Street and trails to the Great Trinity Forest. The purpose of this project is to improve public access to a part of the Great Trinity Forest for recreational uses such as hiking and birding. The 1998 Bond Fund allocated funds for various types of trails to be constructed in the Great Trinity Forest.

This action will authorize the construction of an ADA accessible nature trail into the Great Trinity Forest. The improvements will consist of constructing two accessible parking spaces, a concrete trail to a pedestrian bridge, a decomposed granite trail ramping over the levee, a concrete trail to a river overlook and landscaping amenities.

ESTIMATED SCHEDULE OF PROJECT

Began Design: April 2002
Completed Design: October 2003
Begin Construction: June 2008
Complete Construction: December 2008
PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

Briefed the Trinity River Corridor Project Committee on January 8, 2008.

Briefed the Park Board on February 7, 2008.

FISCAL INFORMATION

1998 Bond Funds - $259,564

MWBE INFORMATION

See attached.

ETHNIC COMPOSITION

Stark Built GP, LLC

<table>
<thead>
<tr>
<th>Hispanic Female</th>
<th>Hispanic Male</th>
<th>African-American Female</th>
<th>African-American Male</th>
<th>Other Female</th>
<th>Other Male</th>
<th>White Female</th>
<th>White Male</th>
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<td>3</td>
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<td>0</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

BID INFORMATION

The following bids with quotes were received and opened on February 22, 2008:

*Denotes successful bidders(s)

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
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</thead>
<tbody>
<tr>
<td>*Stark Built GP, LLC</td>
<td>$259,563.99</td>
</tr>
<tr>
<td>680 Majestic Oaks</td>
<td></td>
</tr>
<tr>
<td>Oak Point, Texas 75068</td>
<td></td>
</tr>
<tr>
<td>Texas Standard Construction, LTD</td>
<td>$298,450.00</td>
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<tr>
<td>C. Green Scaping Company, LP</td>
<td>$444,911.90</td>
</tr>
<tr>
<td>Brazos Valley Contracting Co.</td>
<td>$633,262.73</td>
</tr>
</tbody>
</table>

OWNER(S)

Stark Built GP, LLC

Gordon Stark, Managing Partner
MAP

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize (1) a contract with Stark Built GP, LLC, lowest responsible bidder of four, for the construction and installation of a concrete and decomposed granite nature trail (Texas Buckeye Trail) in compliance with Americans with Disabilities Act requirements, a pedestrian bridge and landscaping improvements at Rochester Park for the Trinity River Corridor Project in the amount of $259,564; and (2) execution of a license agreement with ONCOR to allow the trail to be built and maintained across the ONCOR right-of-way for the Texas Buckeye Trail - $259,564 - Financing: 1998 Bond Funds

Stark Built GP, LLC is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$241,334.70</td>
<td>93.05%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$18,028.80</td>
<td>6.95%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$259,363.50</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Non-local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
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</thead>
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<tr>
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<td>$4,228.80</td>
<td>23.46%</td>
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<tr>
<td>V&amp;V Enterprises</td>
<td>WFDB34958Y0908</td>
<td>$13,800.00</td>
<td>76.54%</td>
</tr>
<tr>
<td>Total Minority - Non-local</td>
<td></td>
<td>$18,028.80</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$4,228.80</td>
<td>1.63%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
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<tr>
<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$18,028.80</td>
<td>6.95%</td>
</tr>
</tbody>
</table>
WHEREAS, it is deemed feasible, and ONCOR is willing, to enter into a license agreement with the City for use of an ONCOR right-of-way for the Texas Buckeye Natural Trail; and

WHEREAS, on October 23, 2002, Resolution No. 02-3006 authorized a professional service contract; and

WHEREAS, bids were received on February 22, 2008, for the construction and installation of a concrete and decomposed granite nature trail in compliance with Americans with Disabilities Act (ADA) requirements, a pedestrian bridge and landscaping improvements at Rochester Park for the Trinity River Corridor Project, as follows:

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stark Built GP, LLC</td>
<td>$259,563.99</td>
</tr>
<tr>
<td>Texas Standard Construction, LTD</td>
<td>$298,450.00</td>
</tr>
<tr>
<td>C. Green Scaping Company, LP</td>
<td>$444,911.90</td>
</tr>
<tr>
<td>Brazos Valley Contracting Co.</td>
<td>$633,262.73</td>
</tr>
</tbody>
</table>

Now, Therefore,

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

Section 1. That the execution of a license agreement with ONCOR be approved to allow the trail to be built in the ONCOR right-of-way for the Texas Buckeye Trail.

Section 2. That the City Manager be authorized to execute the license agreement with ONCOR, after approval as to form by the City Attorney’s Office.

Section 3. That the City Manager be and is hereby authorized to execute a contract with Stark Built GP, LLC for the construction and installation of a concrete and decomposed granite nature trail in compliance with Americans with Disabilities Act (ADA) requirements, a pedestrian bridge and landscaping improvements at Rochester Park for the Trinity River Corridor Project in an amount not to exceed $259,563.99 this being the lowest responsible bid received as indicated by the tabulation of bids.

Section 4. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.
**Section 5.** That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Great Trinity Forest Park Fund  
Fund 5P14, Dept. PBW, Unit. N966, Act. TRPP  
Obj. 4510, Encumbrance No. PBW98N966G2  
Vendor #VS0000027065, in an amount not to exceed $259,563.99

**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.

Distribution:  
Trinity River Corridor Project, Mary Ayala, City Hall, 6BS  
Public Works and Transportation  
City Attorney  
City Controller's Office, Sherrian Parham, City Hall, 4BN
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 6

DEPARTMENT: Trinity River Corridor Project

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

MAPSCO: 44 Q R U V

SUBJECT

Authorize (1) an Interlocal Agreement with the North Central Texas Council of Governments for the creation of a master plan to implement the West Dallas Signature Point Project; (2) receipt and deposit of funds from the West Dallas Chamber of Commerce in an amount not to exceed $25,406; and (3) payment to the North Central Texas Council of Governments for the required local match for the creation of a master plan to implement the West Dallas Signature Point Project - Not to exceed $25,406 - Financing: Private Funds

BACKGROUND

On April 13, 2006, North Central Texas Council of Government’s Regional Transportation Council approved projects for the Sustainable Development Program in the Dallas-Fort Worth Metropolitan Area. These projects were selected to implement transportation improvements related to sustainable development projects, land banking and local sustainable development planning programs. The West Dallas Signature Point Project was selected as a Sustainable Development Transportation Planning Project.

The approximate boundaries of the project area are Singleton Boulevard to the north, the Trinity River levee to the east, Interstate 30 to the south, and the Hardwick Street to the west. The purpose of the project is to examine linkages from the project area to the Trinity trail system, evaluate potential mass transit opportunities, and manage vehicular traffic in the area. The study will result in a master plan to guide future development of sustainable linkages to downtown, the remainder of West Dallas, the Trinity River Project, and examine the viability of mass transit opportunities.

The total project cost is $127,031. Regional Transportation Council funds will fund a maximum of 80 percent of the total project cost, or $101,625. The West Dallas Chamber of Commerce is providing the local match of $25,406.
PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

None

FISCAL INFORMATION

Private Funds - $25,406

MAP

Attached.
WHEREAS, the North Central Texas Council of Governments (NCTCOG) has been designated as the Metropolitan Planning Organization for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with NCTCOG and has been, and continues to be, a forum for cooperative decisions on transportation; and,

WHEREAS, it is the goal of the RTC to encourage and provide opportunities to develop sustainable development projects throughout the region; and,

WHEREAS, on April 13, 2006, the RTC approved projects for the Sustainable Development Program in the Dallas-Fort Worth Metropolitan Area for the implementation of transportation improvements related to sustainable development projects, land banking and local sustainable development planning programs, including the West Dallas Signature Point Project sponsored by the City of Dallas; and,

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code provides authority for the North Central Texas Council of Governments, and the City of Dallas to enter into this agreement for the provision of governmental functions and services of mutual interest.

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 Interlocal Agreement with the North Central Texas Council of Governments for the creation of a master plan to implement the West Dallas Signature Point Project, after it has been approved as to form by the City Attorney.

Section 2. That the City Manager is hereby authorized to deposit advanced funds from the West Dallas Chamber of Commerce into Fund 0556, Department PBW, Unit P458, Balance Sheet Acct. 0740 in an amount not to exceed $25,406.

Section 3. That the City Manager is hereby authorized to increase appropriations in the Capital Projects Reimbursement Fund 0556, Department PBW, Unit P458, Obj. 4114 in the amount of $25,406.

Section 4. That the City Controller is hereby authorized to disburse funds to the North Central Texas Council of Governments according to the terms and conditions of the agreement from:
Section 4. (Continued)

Capital Projects Reimbursement Fund  
Fund 0556, Dept. PBW, Unit P458, Act. TRPP  
Object 4114, Program # PB98P458 CT PBW08P458G01  
Vendor #265554, in an amount not to exceed $25,406

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

Distribution:  Trinity River Corridor Project, Paul Lehner, 6CS  
Public Works and Transportation, Rosemary Prichard, OCMC, Room 101  
City Attorney  
Office of Financial Services
SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Bridgefarmer and Associates, Inc. for additional engineering design and surveying services for water and wastewater upgrades for the Beckley Avenue and Commerce Street intersection improvements - Not to exceed $71,423, from $203,700 to $275,123 - Financing: 1998 Bond Funds ($15,100) and Water Utilities Capital Construction Funds ($56,323)

BACKGROUND

The original professional services contract with Bridgefarmer and Associates, Inc. was approved by Council on December 14, 2005, by Resolution No. 05-3470 for conceptual planning, topographic survey, and construction documents for Beckley Avenue and Commerce Street intersection improvements in an amount not to exceed $191,900.

Supplemental Agreement No. 1 authorized additional detailed engineering design and construction documents for Beckley Avenue and Commerce Street intersection improvements in an amount not to exceed $11,800, making a revised contract amount of $203,700.

This action will authorize Supplemental Agreement No. 2 to provide additional detailed engineering design and construction documents specifically for water & wastewater infrastructure upgrades for Beckley Avenue and Commerce Street intersection improvements, in an amount not to exceed $71,423, making a revised contract amount of $275,123.

ESTIMATED SCHEDULE OF PROJECT

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Begin Design</td>
<td>May 2008</td>
</tr>
<tr>
<td>Complete Design</td>
<td>August 2008</td>
</tr>
<tr>
<td>Begin Construction</td>
<td>December 2008</td>
</tr>
<tr>
<td>Complete Construction</td>
<td>April 2010</td>
</tr>
</tbody>
</table>
PRIOR ACTION/REVIEW (Council, Boards, Commissions)

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

FISCAL INFORMATION

1998 Bond Funds - $15,100
Water Utilities Capital Construction Fund - $56,323

Design $191,900.00
Supplemental Agreement No. 1 $ 11,800.00
Supplemental Agreement No. 2 (this action) $ 71,423.00

Total $275,123.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Bridgefarmer and Associates, Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Male</th>
<th>Female</th>
</tr>
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<tr>
<td>White Male</td>
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<td>Other Male</td>
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OWNER

Bridgefarmer and Associates, Inc.

Sterling Forsythe, P.E., President

MAP

Attached
Intersection Improvement

Mapsco 44 R
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with Bridgefarmer and Associates, Inc. for additional engineering design and surveying services for water and wastewater upgrades for the Beckley Avenue and Commerce Street intersection improvements - Not to exceed $71,423, from $203,700 to $275,123 - Financing: 1998 Bond Funds ($15,100) and Water Utilities Capital Construction Funds ($56,323)

Bridgefarmer and Associates, Inc. is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Other Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local contracts</td>
<td>$71,423.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>TOTAL THIS ACTION</strong></td>
<td><strong>$71,423.00</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
<td>Nathan D. Maier Consulting Engineers, Inc.</td>
<td>WFWB33878Y0508</td>
<td>$19,100.00</td>
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Total Minority - Local

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<tr>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>$19,100.00</td>
<td>26.74%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

<table>
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<tr>
<th></th>
<th>This Action</th>
<th>Participation to Date</th>
</tr>
</thead>
<tbody>
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<td></td>
<td>Amount</td>
<td>Percent</td>
</tr>
<tr>
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<td>0.00%</td>
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<tr>
<td>Hispanic American</td>
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<tr>
<td>Asian American</td>
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<td>Native American</td>
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<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$19,100.00</td>
<td>26.74%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$19,100.00</strong></td>
<td><strong>26.74%</strong></td>
</tr>
</tbody>
</table>
WHEREAS, on December 14, 2005, Resolution No. 05-3470 authorized a professional services contract for engineering services for design of the Beckley Avenue and Commerce Street intersection improvements not to exceed $191,900

WHEREAS, on December 7, 2006, Administrative Action No. 063514 authorized Supplemental Agreement No. 1 for additional detailed engineering design and construction documents for Beckley Avenue and Commerce Street intersection improvements, in an amount not to exceed $11,800, making a revised contract amount of $203,700.

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 2 to the engineering contract with Bridgefarmer and Associates, Inc. for additional engineering design and surveying services for Water and Wastewater upgrades for the Beckley Avenue and Commerce Street intersection improvements, in an amount not to exceed $71,423, from $203,700 to $275,123.

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 the professional services contract with Bridgefarmer and Associates, Inc. for additional engineering design and surveying services for Water and Wastewater upgrades for Beckley Avenue and Commerce Street intersection improvements, in an amount not to exceed $71,423, from $203,700 to $275,123.

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

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

Water Construction Fund
Fund 0102, Department DWU, Unit CW42, Act. RELP
Object 4111, Program 708203, CT PBW708203EA
Vender #148766, in an amount not to exceed $32,189.00

Wastewater Construction Fund
Fund 0103, Department DWU, Unit CS42, Act. RELP
Object 4111, Program 708204, CT PBW708204EA
Vender #148766, in an amount not to exceed $24,134.00
Trinity River Corridor Project Fund
Fund 8P14, Department PBW, Unit N972, Act. TRPP
Object 4111, Program PB98N972, CT PBW98N972A1
Vendor #148766, in an amount not to exceed $15,100.00
Total in an amount not to exceed $71,423.00

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

Distribution: Trinity River Corridor Project, Rebecca Dugger, 6BS
Public Works and Transportation, Rosemary Prichard, OCMC, Room 101
City Attorney
City Controller’s Office, Sherrian Parham, City Hall, 4BN
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Water Utilities

CMO: Ramon F. Miguez, P.E., 670-3308

MAPSCO: 30A N S W Z

SUBJECT

Authorize an Interlocal Agreement with North Texas Tollway Authority (NTTA) for (1) dedication of easements over Lake Ray Hubbard along the proposed alignment of the President George Bush Turnpike, (2) identify NTTA as the responsible entity for construction and maintenance of storm water treatment units to ensure water quality, and (3) ensure NTTA will adhere to all City of Dallas regulations and water quality requirements pertaining to Lake Ray Hubbard for the proposed Eastern Extension of the President George Bush Turnpike - Financing: No cost consideration to the City

BACKGROUND

The North Texas Tollway Authority (NTTA) has plans to construct the Eastern Extension of the President George Bush Turnpike over Lake Ray Hubbard. The Eastern Extension Project begins at State Highway 78 in Garland and extends southeasterly to Interstate Highway 30 in Garland.

This NTTA project consists of constructing permanent paving, access ramps, storm drainage, and a bridge over Lake Ray Hubbard. The City of Dallas owns, maintains, and operates Lake Ray Hubbard as a source of drinking water. The protection of the water quality at the lake is an important issue for both the City of Dallas and NTTA.

Subject to applicable state law governing the conveyance of interests in land, the City of Dallas has agreed to dedicate easements that are reasonably required for the construction of the bridge over Lake Ray Hubbard at no cost to NTTA. NTTA agrees to design, construct, and maintain a storm water system that will treat run-off from the bridge over Lake Ray Hubbard to ensure water quality at the lake is not compromised.

NTTA also agrees to conform to all Dallas Water Utilities standards, procedures, and practices when constructing, maintaining, and operating the bridge over Lake Ray Hubbard.
ESTIMATED SCHEDULE OF PROJECT

Begin Construction  August 2008
Complete Construction August 2011

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached
Eastern Extension of the President George Bush Turnpike over Lake Ray Hubbard
WHEREAS, the City of Dallas owns, manages, and operates Lake Ray Hubbard; and,

WHEREAS, the North Texas Tollway Authority (NTTA) requests dedication of easements across Lake Ray Hubbard for the proposed Eastern Extension of President George Bush Turnpike; and,

WHEREAS, subject to applicable state law governing the conveyance of interests, in land, the City of Dallas has agreed to dedicate easements; and,

WHEREAS, the NTTA has agreed to be the responsible entity for construction and maintenance of storm water treatment units to ensure water quality for Lake Ray Hubbard; and,

WHEREAS, the NTTA will adhere to all City of Dallas regulations and water quality requirements pertaining to Lake Ray Hubbard for the proposed Eastern Extension of President George Bush Turnpike; and,

WHEREAS, the City of Dallas desires to enter into an Interlocal Agreement with the NTTA for the proposed Eastern Extension of President George Bush Turnpike; Now, Therefore,

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

Section 1. That the City Manager be and is hereby authorized to enter into an Interlocal Agreement with the North Texas Tollway Authority for dedication of easements over Lake Ray Hubbard along the proposed alignment of the President George Bush Turnpike, identify NTTA as the responsible entity for construction and maintenance of storm water treatment units to ensure water quality, and ensure NTTA will adhere to all City of Dallas regulations and water quality requirements pertaining to Lake Ray Hubbard.

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: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities

CMO: Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT

Authorize an Interlocal Agreement with the Trinity River Authority, North Texas Municipal Water District, and the Tarrant Regional Water District to continue the evaluation of inflows into the Galveston Bay and the impact of the Trinity River Basin instream flow requirements on Trinity River Basin water rights – $63,000 – Financing: Water Utilities Capital Construction Funds

BACKGROUND

In 1998, the Texas Parks and Wildlife Department (TPWD) recommended a pattern of monthly inflows into Galveston Bay as necessary for the maintenance of the ecological health of the bay. The “beneficial inflows” recommended by TPWD were developed using a comprehensive methodology developed by the Texas Water Development Board (TWDB) and TPWD referred to as the “State Methodology.” The State Methodology identified a total environmental flow need of 5.2 million acre-feet of water per year, with a large portion originating from the Trinity River Basin. The four Dallas water supply lakes within the Trinity River Basin (Ray Roberts, Lewisville, Grapevine and Ray Hubbard) can provide a total of 1.8 million acre-feet of water.

Environmental flows, as referenced in the ongoing studies, consist of bay and estuary inflows and instream flows in the Trinity River Basin. The bay and estuary inflows refer to the amount of fresh water, that will be required by the State, to be delivered to Galveston Bay to maintain the health of the bay. Instream flows in the Trinity River Basin refer to the amount of water in the rivers and streams, that will be required by the State, to maintain the health of the flora and fauna in and adjacent to the rivers and streams.
BACKGROUND (Continued)

In 2007 Senate Bill 3 of the 80th Legislature was passed which set forth a process to determine the Environmental Flow throughout the State. Senate Bill 3 creates committees and a schedule to determine the instream flow requirements in the rivers and streams throughout the State and the inflow requirements for the bays and estuaries based on the “best available science.” The Trinity River Basin as well as the Sabine and Neches River Basins are the first river basins scheduled for the determination of the instream flow requirements and bay and estuary inflow requirements that are required to be submitted to the Texas Commission on Environmental Quality by September 1, 2009.

Since 2000, the major water rights holders in the Trinity River Basin, Trinity River Authority (TRA), City of Dallas, North Texas Municipal Water District (NTMWD) and Tarrant Regional Water District (TRWD) as well as the City of Houston through TRA, have taken the lead in independently evaluating the State Methodology and more recently developing more representative relationships between the various water parameters and species found in the bay. The outcome of the continued study will be used to assist in the development of environmental flows in the Trinity River Basin.

With the expiration of the February 6, 2006 Interlocal Agreement, the Trinity River Authority as the administrative agency for the study has prepared a new agreement for the continuation of the environmental flow evaluation.

The apportionment of study costs to each member based on reservoir yields in the Trinity River Basin is as follows:

<table>
<thead>
<tr>
<th>Member</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Dallas</td>
<td>$63,000</td>
</tr>
<tr>
<td>Tarrant Regional Water District</td>
<td>$141,600</td>
</tr>
<tr>
<td>North Texas Municipal Water District</td>
<td>$33,000</td>
</tr>
<tr>
<td>Trinity River Authority</td>
<td>$362,400</td>
</tr>
</tbody>
</table>

*TRA’s amount includes $114,000 from TRA and $248,400 on behalf of the City of Houston.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized an Interlocal Agreement to evaluate the impact of Trinity River Basin environmental flows and inflows into Galveston Bay on January 25, 2006, by Resolution No. 06-0331.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

Authorized an amendment to the Interlocal Agreement to address technical deficiencies identified in the TPWD and TWDB model and make a positive contribution to the success of the model on May 28, 2003, by Resolution No. 03-1531.

Briefed the Health, Environment and Human Services Committee on March 4, 2003.

Authorized an Interlocal Agreement to conduct a study of the water availability in the Trinity River Basin on May 24, 2000, by Resolution No. 00-1676.

FISCAL INFORMATION

$63,000.00 - Water Utilities Capital Construction Funds
WHEREAS, the City of Dallas, Trinity River Authority, North Texas Municipal Water District and Tarrant Regional Water District desire to enter into an Interlocal Agreement to continue to evaluate the impacts of Trinity River Basin environmental flows and inflows into Galveston Bay; and,

WHEREAS, the evaluation of the impacts on Trinity River Basin environmental flows and inflows into Galveston Bay is a cooperative study to provide the information necessary to make an assessment of actions required to protect water resources of the participating parties; and,

WHEREAS, it is necessary to evaluate specific parameters related to the ecological health of Galveston Bay and Estuary; and,

WHEREAS, Senate Bill 3 of the 80th Legislature has set forth a schedule to develop in-stream flows and bay and estuary flows and,

WHEREAS, the apportionment of cost of the Study is based on reservoir yields in the Trinity River Basin; and,

WHEREAS, a cooperative effort is the most cost-effective manner for Dallas to obtain the desired review and Dallas’ share is 10.5 percent of the total cost of $600,000 for the study; Now, Therefore,

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

Section 1. That the City Manager be and is hereby authorized to enter into an Interlocal Agreement with the Trinity River Authority, North Texas Municipal Water District and Tarrant Regional Water District to continue to evaluate the impacts of Trinity River Basin environmental flows and inflows into Galveston Bay.

Section 2. That the City Controller be and is hereby authorized to pay in an amount of $63,000 from the Water Utilities Capital Construction Funds as follows:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>ACT</th>
<th>OBJ</th>
<th>PRO</th>
<th>REP</th>
<th>ENCUMBRANCE</th>
<th>VENDOR</th>
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</thead>
<tbody>
<tr>
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<td>DWU</td>
<td>CW01</td>
<td>STMP</td>
<td>3072</td>
<td>7A1080X</td>
<td>WW42</td>
<td>CTDWU7A1080EN</td>
<td>068563</td>
</tr>
</tbody>
</table>

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.

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Business, 4AN, James Carrigan
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield
Office of Financial Services, 4BN, Sherrian Parham
SUBJECT

Authorize a professional services contract with GSWW, Inc. to provide engineering design services for the renewal of water and wastewater mains at 70 locations (list attached) - $1,699,595 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This project consists of providing engineering services for the evaluation, design, and surveying for the renewal of an estimated 100,445 total feet of water and wastewater mains, including approximately 37,572 feet of 8-inch, 2,442 feet of 12-inch, and 2,400 feet of 16-inch water mains, and 47,828 feet of 8-inch, 1,371 feet of 10-inch, 4,400 feet of 12-inch, and 4,432 feet of 18-inch wastewater mains at various locations.

The mains targeted for design were built between 1930 and 1980. These mains contribute to water quality issues associated with older cast iron pipes, in addition to excessive maintenance and service interruptions. The renewal of the proposed segments will improve the capacity of the water and wastewater systems and will reduce maintenance costs.

The estimated construction cost associated with this design project is $20,089,000.00.

ESTIMATED SCHEDULE OF PROJECT

Begin Design May 2008
Complete Design December 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.
FISCAL INFORMATION

$1,699,595.00 - Water Utilities Capital Improvement Funds

<table>
<thead>
<tr>
<th>District</th>
<th>Amount</th>
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<tr>
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<td>8</td>
<td>$456,307.00</td>
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<td><strong>Total</strong></td>
<td><strong>$1,699,595.00</strong></td>
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M/WBE INFORMATION

Attached

ETHNIC COMPOSITION

GSWW, Inc.

<table>
<thead>
<tr>
<th>Hispanic female</th>
<th>Hispanic male</th>
<th>Black female</th>
<th>Black male</th>
<th>Other female</th>
<th>Other male</th>
<th>White female</th>
<th>White male</th>
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<td>4</td>
<td>2</td>
<td>2</td>
<td>8</td>
<td>32</td>
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</table>

OWNER

GSWW, Inc.

Charles G. Wilmut, President

MAPS

Attached
Renewal of Water and Wastewater Mains
at 70 Locations

**District 2**

Alley between Beeman Avenue and Winslow Avenue from Jerome Street to Culver Street
Alley between Culver Street and Fairview Avenue from Winslow Avenue east
Alley between Fairview Avenue and Kinmore Street from Winslow Avenue east
Alley between Henderson Avenue and Fairview Avenue from Oleander Street to Winslow Avenue
Alley between Jerome Street and Kinmore Street from Henderson Avenue east
Kinmore Street from Beeman Avenue west

**District 4**

Alley between Alabama Avenue and Arizona Avenue from Missouri Avenue to McVey Avenue
Alley between Atoll Drive and Madrid Street from Crest Avenue to Belknap Avenue
Alley between Gaylord Drive and Traymore Avenue from Traymore Avenue southwest
Alley between Hillard Drive and Seco Boulevard from Traymore Avenue east
Alley between Michigan Avenue and Arizona Avenue from Edgemont Avenue to Appian Way
Alley between Michigan Avenue and Arizona Avenue from McVey Avenue to Brownlee Avenue
Alley between Traymore Avenue and Whitley Drive from Hillburn Drive southwest
Easement between Beckley Avenue and Seevers Avenue from Crestwood Drive to Seevers Avenue
Alhambra Street from north of Tillman Street south
Appian Way from Michigan Avenue west
Colebrook Street from Gaylord Drive to Prichard Lane
Dugan Street from Gaylord Drive to Prichard Lane
Ewing Avenue from Ann Arbor Avenue to Pentagon Parkway
Gaylord Drive from Tillman Street to Colebrook Street
Gillette Circle from Gillette Street south
Hendricks Avenue from Denley Drive to Moore Street
Huttig Avenue from Gaylord Drive to Buckner Boulevard
San Pablo Drive from Bruton Road to Ravehill Lane
Seydel Street from Gaylord Drive east
Strobel Avenue from Mentor Avenue to Hortense Avenue
Renewal of Water and Wastewater Mains  
at 70 Locations (Continued)

**District 5**

Alley between Mattison Street and Rosemead Drive between Hillburn Drive and Prichard Lane  
Alley between Ramona Avenue and Frio Drive from Adelaide Drive to Atlas Drive  
Alley between Seco Boulevard and Mattison Street from Hillburn Drive northeast  
Easement between Dasch Street and Rilla Avenue from Hillburn Drive west  
Easement between World Store Court and Buckner Boulevard from Trade Village Place south  
Adelaide Drive from Ramona Avenue to Burnside Avenue  
Bramlett Drive from Jim Miller Road to Barrett Drive  
Burnside Avenue from Adelaide Drive to Kingsley Drive  
Dasch Street from Hillburn Drive to Rowland Avenue  
Glenciff Drive from Paramount Avenue to San Leon Avenue  
Hazel Road from Jim Miller Road to Houghton Road  
Hillburn Drive from Dasch Street to Rilla Avenue  
Paramount Avenue from Glenciff Drive to Algonquin Drive  
Rayville Drive from Buckner Boulevard to Pleasant Drive  
Red Bird Lane from Moonglow Drive east  
Reno Court from Prichard Lane to Prichard Lane  
Rilla Avenue from Hillburn Drive to Rowland Avenue  
Rowland Avenue from Dasch Street to Elam Road  
Tenino Street from Pleasant Drive to Holcomb Road  
Trade Village Place from Gardenview Drive east  
Wes Hodges Road from Rilla Avenue to Buckner Boulevard

**District 7**

Easement between Clarence Street and Grand Avenue from Malcolm X Boulevard to Atlanta Street  
Easement southwest of Colonial Avenue from Pennsylvania Avenue to Panama Place  
Jamaica Street from Second Avenue to Cross Street  
Loomis Avenue from Lamar Street to Interstate Highway 45 (Julius Schepps Freeway)  
Park Row Avenue from Colonial Avenue to Harwood Street

**District 8**

Easement east of Silver Brook Road from Edd Road southeast  
Easement between Grogan Street and Silver Brook Road from Cool Mist Lane to Handlin Street  
Easement between Interstate Highway 20 (L.B.J. Freeway) and U.S. Highway 175 (C.F. Hawn Freeway) from access road south  
Easement south of Sunview Drive from Smoke Tree Lane southeast
Renewal of Water and Wastewater Mains at 70 Locations (Continued)

**District 8** (Continued)

Coldbrook Lane from U.S. Highway 175 (C.F. Hawn Freeway) to Sultana Street
Echo Lake Drive from Sultana Street southwest
Grogan Street from Echo Lake Drive to Cool Mist Lane
Handlin Street from Silver Brook Road northeast
Homeplace Drive from Southgate Lane to St. Augustine Drive
Leota Drive from Pleasant Oaks Drive to Cheyenne Road
Silverado Drive from Kleberg Road to U.S. Highway 175 (C.F. Hawn Freeway)
Silver Brook Road from Handlin Street to Edd Road
Starwood Circle from Kleberg Road northeast
Sultana Street from Coldbrook Lane to Echo Lake Drive
Sunburst Drive from Marvel Drive to Homeplace Drive
Uarda Drive from Elam Road to Tara Lane
U.S. Highway 175 (C.F. Hawn Freeway) crossing, east of Jordan Valley Road
U.S. Highway 75 (Central Expressway) from McCommas Bluff Road to Interstate Highway 20 (L.B.J. Freeway)
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with GSWW, Inc. to provide engineering design services for the renewal of water and wastewater mains at 70 locations (list attached) - $1,699,595 - Financing: Water Utilities Capital Improvement Funds

GSWW, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

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<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
<td>Total local contracts</td>
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</tr>
<tr>
<td>Total non-local contracts</td>
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<td>0.00%</td>
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<tr>
<td>TOTAL CONTRACT</td>
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<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

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<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
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<tbody>
<tr>
<td>BDS Technologies, Inc.</td>
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<tr>
<td>Texas Municipal Engineering, LLC</td>
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<td>Lim &amp; Associates, Inc.</td>
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<td>Total Minority - Local</td>
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Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
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<th>Percent</th>
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<th>Percent</th>
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<td>WBE</td>
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<tr>
<td>Total</td>
<td>$517,500.00</td>
<td>30.45%</td>
<td>$517,500.00</td>
<td>30.45%</td>
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Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal
at 70 Locations
Dallas Water Utilities

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D1724 4
Dallas Water Utilities

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D1724 11
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D1724 12
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D1724 13
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Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal at 70 Locations

15: Mapsco: 58F
Council District: 4
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal
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Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal at 70 Locations

D172417
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
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D1724 18
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal at 70 Locations

D1724 19
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
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D1724 20
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Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal
at 70 Locations

MORRELL AVE
HENDRICKS AVE
Council District 4
HE NDR ICKS AVE
8" W (In Street)
DENLEY DR
STRICKLAND ST
GALLOWAY AVE

HENDRICKS AVE
WOOBINE AVE
GALLOWAY AVE

Dallas Water Utilities

D1724 22
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal
at 70 Locations

D1724 23
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
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D1724 27
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D1724 31
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D1724 32
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D1724 33
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D1724 36
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
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at 70 Locations

D1724 37

37: Mapsco: 58J, K
Council District: 5
Dallas Water Utilities

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Contract Nos. 07-207E and 07-208E
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D1724 39
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Contract Nos. 07-207E and 07-208E
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D1724 41
Dallas Water Utilities

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D1724 47
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D1724 48
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D1724 50
Dallas Water Utilities

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Water and Wastewater Main Renewal
at 70 Locations

55: Mapsco: 69A E, J
Council District: 8

51-55

Project Location

HAZELCREST DR

8" WW
(In Easement)

Council District 8

US 175 (C F HAWN FWY)

I-20 (L B J FWY)
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal
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at 70 Locations

D1724 57
Dallas Water Utilities  

Contract Nos. 07-207E and 07-208E  
Water and Wastewater Main Renewal  
at 70 Locations

Council District 8

12", 18" WW  
(In Street)

56-58  
Mapsco: 69A P
Council District: 8
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal at 70 Locations

D1724 59
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
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Council District 8

Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal at 70 Locations
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal
at 70 Locations

D1724 64
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal
at 70 Locations

D1724 65
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal
at 70 Locations

D1724 66
Council District 8

Dallas Water Utilities
Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal
at 70 Locations
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal
at 70 Locations
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal
at 70 Locations

D1724 69
Dallas Water Utilities

Contract Nos. 07-207E and 07-208E
Water and Wastewater Main Renewal
at 70 Locations
COUNCIL CHAMBER

May 14, 2008

WHEREAS, this project consists of providing engineering services for the renewal of water and wastewater mains at 70 locations; and,

WHEREAS, deteriorated water and wastewater mains impact quality of service to our customers and require excessive maintenance; and,

WHEREAS, engineering services are required for the evaluation, design, and survey to renew deteriorated water mains and renew the associated deteriorated wastewater mains; and,

WHEREAS, GSWW, Inc., 11117 Shady Trail, Dallas, Texas 75229 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 proposal submitted by GSWW, Inc., in the amount of $1,699,595.00 be approved and the consultant be authorized to perform the required engineering services.

Section 2. That the City Manager be and is hereby authorized to enter into Contract Nos. 07-207E and 07-208E with GSWW, Inc., for engineering design services for the renewal of water and wastewater mains at 70 locations, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of $1,699,595.00 from the Water Improvement Series C Fund and Wastewater Improvement Series C Fund as follows:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>ACT</th>
<th>OBJ</th>
<th>PRO</th>
<th>REP</th>
<th>ENCUMBRANCE VENDOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1170</td>
<td>DWU</td>
<td>PW40</td>
<td>MPSA</td>
<td>4111</td>
<td>707207</td>
<td>WW09</td>
<td>CTDWU707207CP 090012</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>GSWW, Inc. - (Contract No. 07-207E) - $717,673.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>ACT</th>
<th>OBJ</th>
<th>PRO</th>
<th>REP</th>
<th>ENCUMBRANCE VENDOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1180</td>
<td>DWU</td>
<td>PS40</td>
<td>MPSA</td>
<td>4111</td>
<td>707208</td>
<td>TN29</td>
<td>CTDWU707208CP 090012</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>GSWW, Inc. - (Contract No. 07-208E) - $981,922.00</td>
</tr>
</tbody>
</table>
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.

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield
Office of Financial Services, 4BN, Sherrian Parham
SUBJECT

Authorize a thirty-six-month service contract for pavement repairs at various locations throughout the city - NPL Construction Company, lowest responsible bidder of two - Not to exceed $17,621,313 - Financing: Water Utilities Capital Construction Funds ($12,621,313), Current Funds ($5,000,000) (subject to annual appropriations)

BACKGROUND

This project provides for pavement and surface repairs to streets, alleys, sidewalks, medians, parkways, parking lots, and other areas resulting from water and wastewater main repairs at various locations throughout the city. This project also includes paving replacements and reconstruction of asphalt streets in support of the Street Services Department.

NPL Construction Company contractual activities for the past three years:

<table>
<thead>
<tr>
<th></th>
<th>PWT</th>
<th>DWU</th>
<th>PKR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects Authorized</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Change Orders</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Projects Requiring Liquidated Damages</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Projects Completed by Bonding Company</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

ESTIMATED SCHEDULE OF PROJECT

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Begin Construction</td>
<td>June 2008</td>
</tr>
<tr>
<td>Complete Construction</td>
<td>June 2011</td>
</tr>
</tbody>
</table>
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized the rejection of bids received for a thirty-six-month master agreement for pavement repairs on City of Dallas infrastructures at various locations and the re-advertisement for new bids, on October 24, 2007 by Resolution No. 07-3177.

FISCAL INFORMATION

$12,621,312.50 - Water Utilities Capital Construction Funds
$5,000,000.00 - Current Funds (subject to annual appropriations)

MWBE INFORMATION

Attached

ETHNIC COMPOSITION

NPL Construction Company

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>0</td>
<td>45</td>
</tr>
<tr>
<td>Black</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>White</td>
<td>6</td>
<td>31</td>
</tr>
</tbody>
</table>

BID INFORMATION

The following bids with quotes were opened on February 21, 2008:

*Denotes successful bidder

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>*NPL Construction Company</td>
<td>$17,621,312.50</td>
</tr>
<tr>
<td>2638 Oakland Avenue</td>
<td></td>
</tr>
<tr>
<td>Ed Bell Construction Company</td>
<td>$24,924,000.00</td>
</tr>
</tbody>
</table>

OWNER

NPL Construction Company

Michael Kemper, President and CEO

MAP

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a thirty-six-month service contract for pavement repairs at various locations throughout the city - NPL Construction Company, lowest responsible bidder of two - Not to exceed $17,621,313 - Financing: Water Utilities Capital Construction Funds ($12,621,313), Current Funds ($5,000,000) (subject to annual appropriations)

NPL Construction Company is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

---

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$16,739,527.50</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$881,785.00</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$17,621,312.50</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrews Paving &amp; Construction WFDB36361Y0109</td>
<td>$3,760,345.00</td>
<td>22.46%</td>
</tr>
<tr>
<td>Total Minority - Local</td>
<td>$3,760,345.00</td>
<td>22.46%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eagle Express Truck Services, Inc. WFWB34162N0608</td>
<td>$881,785.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total Minority - Non-local</td>
<td>$881,785.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>WBE</td>
<td>$3,760,345.00</td>
<td>22.46%</td>
<td>$4,642,130.00</td>
</tr>
<tr>
<td>Total</td>
<td>$3,760,345.00</td>
<td>22.46%</td>
<td>$4,642,130.00</td>
</tr>
</tbody>
</table>
D1485
WHEREAS, bids were received on February 21, 2008 for pavement repairs at various locations throughout the city:

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>NPL Construction Company</td>
<td>$17,621,312.50</td>
</tr>
<tr>
<td>Ed Bell Construction Company</td>
<td>$24,924,000.00</td>
</tr>
</tbody>
</table>

WHEREAS, the bid submitted by NPL Construction Company, 2638 Oakland Avenue, Garland, Texas 75041, in the amount of $17,621,312.50 is the lowest and best of all bids received; Now, Therefore,

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

Section 1. That the City Manager be and is hereby authorized to execute a thirty-six-month service contract with NPL Construction Company for pavement repairs at various locations throughout the city, in an amount not to exceed $17,621,312.50, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to NPL Construction Company shall be based only on the amount of the services directed to be performed by the City and properly performed by NPL Construction Company under the contract.

Section 2. That the City Controller be and is hereby authorized to disburse funds in an amount not to exceed $17,621,312.50 from the Water Construction Fund, Wastewater Construction Fund, and Street Services General Fund as follows:

<table>
<thead>
<tr>
<th>FUND DEPT UNIT ACT OBJ PRO REP VENDOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>0102 DWU CW50 REEQ 3221 7WPAVING WW29 335435</td>
</tr>
<tr>
<td>NPL Construction Company - $7,572,787.50</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FUND DEPT UNIT ACT OBJ PRO REP VENDOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>0103 DWU CS50 REEQ 3222 7TPAVING TN39 335435</td>
</tr>
<tr>
<td>NPL Construction Company - $5,048,525.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FUND DEPT UNIT OBJ ENCUMBRANCE VENDOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>0001 STS 3431 3072 STS-ASPHALT 3431 335435</td>
</tr>
<tr>
<td>NPL Construction Company - $2,646,825.00 (subject to annual appropriations)</td>
</tr>
</tbody>
</table>
NPL Construction Company - $2,353,175.00 (subject to annual appropriations)

**Section 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.
Authorize additional work associated with an existing study with the Tarrant Regional Water District to determine the feasibility of raw water transmission facilities to deliver water from East Texas and other areas of existing and proposed reservoirs, to jointly participate in the development, construction, and operation of infrastructure capable of delivering raw water supply to the Dallas/Fort Worth Metroplex – $47,946 – Financing: Water Utilities Capital Construction Funds

BACKGROUND

On September 26, 2007 the City entered into an Interlocal Cooperation Contract with TRWD to participate in the development, construction, and operation of infrastructure capable of delivering raw water supply to the Dallas area, to jointly study the feasibility of raw water transmission facilities to deliver water from East Texas and other areas of existing and proposed reservoirs, and to utilize Lake Palestine as one of the potential reservoirs for shared infrastructure to meet long-term water supply requirements. This study is currently underway. Dallas and TRWD are each funding one-half the cost of the feasibility study to evaluate a joint approach to transport Lake Palestine water through TRWD’s existing and proposed transmission system to Dallas’ service area.

The City needs to connect Lake Palestine in order to meet the projected water needs of the citizens and customers of Dallas. The 2005 Long Range Water Supply Plan recommended that Lake Palestine be connected by 2015, as did the 2007 State Water Plan. The City’s projected need to connect Lake Palestine to its system coincides with TRWD’s need to expand its transmission capabilities from Cedar Creek and Richland Chambers Reservoirs in the 2015 timeframe.

The Interlocal Cooperation Contract stipulates that either Dallas or TRWD may include additional work to the scope of work for the sole benefit of one party provided that the work will be solely funded by entity requesting the additional work.
BACKGROUND (Continued)

In this Resolution, the Water Utilities Department is requesting that Council approve additional work which will evaluate transmission and treatment scenarios from the jointly studied transmission line in the vicinity of Joe Pool Lake to the City’s Bachman Water Treatment Plant.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized Interlocal Cooperation Contract between Dallas and Tarrant Regional Water District on March 28, 2007, by Resolution No. 07-1001.


FISCAL INFORMATION

$47,946.00 – Water Utilities Capital Construction Funds
WHEREAS, Dallas has contractual water rights in Lake Palestine, in the Neches River Basin, currently projected to be connected to Dallas’ water supply system in 2015, and,

WHEREAS, TRWD owns and operates Cedar Creek Reservoir and Richland Chambers Reservoir, in the Trinity River Basin which are connected to the TRWD water supply system, and,

WHEREAS, TRWD currently is projected to expand its existing raw water transmission system from Cedar Creek Reservoir and Richland Chambers Reservoirs in the vicinity of the Dallas service area by 2015, and,

WHEREAS, Dallas and TRWD recognize that optimal development, conservation and use of Texas’ water resources depends upon cooperative inter-regional planning and cooperative development, and,

WHEREAS, Dallas and TRWD desire, to the extent possible, to jointly participate in the development, construction, and operation of infrastructure capable of delivering raw water supply to the Dallas/Fort Worth Metroplex, and,

WHEREAS, Dallas and TRWD are jointly studying the feasibility of raw water transmission facilities to deliver water from East Texas and other areas of existing and proposed reservoirs, and,

WHEREAS, TRWD is serving as the lead agency in this study, and,

WHEREAS, Lake Palestine will be utilized as one of the reservoirs to supply water to meet municipal water demands to Dallas, TRWD, and possibly other entities in North Central Texas; Now, Therefore,

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

Section 1. That the City Manager hereby authorizes additional work associated with an existing study with the Tarrant Regional Water District (TRWD) to determine the feasibility of raw water transmission facilities to deliver water from East Texas and other areas of existing and proposed reservoirs, to jointly participate in the development, construction, and operation of infrastructure capable of delivering raw water supply to the Dallas/Fort Worth Metroplex.

Section 2. That the City Controller be and is hereby authorized to pay in the amount of $47,946.00 from the Water Utilities Capital Construction Funds as follows:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>ACT</th>
<th>OBJ</th>
<th>PRO</th>
<th>REP</th>
<th>ENCUMBRANCE</th>
<th>VENDOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>0102</td>
<td>DWU</td>
<td>CW01</td>
<td>STMP</td>
<td>3070</td>
<td>7A1079X</td>
<td>WW41</td>
<td>CTDWU7A1079EN</td>
<td>510851</td>
</tr>
</tbody>
</table>
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.

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Business, 4AN, James Carrigan
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield
Office of Financial Services, 4BN, Sherrian Parham
AGENDA ITEM # 68

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 8

DEPARTMENT: Water Utilities

CMO: Ramon F. Miguez, P.E., 670-3308

MAPSCO: 63 S

SUBJECT

Authorize an increase in the contract with Oscar Renda Contracting, Inc. for additional work associated with construction of the Camp Wisdom Pump Station and rehabilitation improvements in the American Way elevated storage tank - $306,691, from $7,860,000 to $8,166,691 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

On September 13, 2006, the City of Dallas authorized the construction of a new 30 million gallons per day Camp Wisdom Pump Station to replace a 10 million gallons per day temporary pump station, to meet increasing demands in the southwest Dallas area and provide more reliable service to customers. The project also included rehabilitation work on the adjacent American Way elevated storage tank to address corrosion and deterioration of the painted surfaces.

This change order work includes installation of water mixing inlet nozzles to improve water quality by improving water circulation in the tank, thereby reducing the cost to drain, discard and refill the water in the tank. Work is also necessary to provide additional structural support to address corrosion issues discovered during surface preparation to retain the structural integrity of the American Way elevated storage tank.

This change order also includes additional work required to install a moisture barrier for the below grade exterior pump station walls, motor and pump equipment modifications needed for operational maintenance and testing, and the installation of additional pipe supports that were determined to be needed on the supplied motors.

This change order also provides a credit for suction elbow fabrication. Additional hydraulic analysis of the supplied pumps provided critical information that deemed the suction elbow as being unnecessary.
ESTIMATED SCHEDULE OF PROJECT

Began Construction  January 2007
Complete Construction  September 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized a professional services contract for design of the Camp Wisdom Pump Station and a feasibility study in the Mountain Creek area, with Nathan D. Maier Consulting Engineers, Inc., on August 13, 2003, by Resolution No. 03-2095.

Council authorized a contract for the construction of the Camp Wisdom Pump Station, with Oscar Renda Contracting, Inc., on September 13, 2006, by Resolution No. 06-2383.

FISCAL INFORMATION

$306,691.00 - Water Utilities Capital Construction Funds

M/WBE INFORMATION

Attached

ETHNIC COMPOSITION

Oscar Renda Contracting, Inc.

Hispanic female  4  Hispanic male  186
Black female  0  Black male  2
Other female  0  Other male  2
White female  10  White male  36

OWNER

Oscar Renda Contracting, Inc.

Oscar Renda, President

MAP

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Oscar Renda Contracting, Inc. for additional work associated with construction of the Camp Wisdom Pump Station and rehabilitation improvements in the American Way elevated storage tank - $306,691, from $7,860,000 to $8,166,691 - Financing: Water Utilities Capital Construction Funds

Oscar Renda Contracting, Inc. is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local contracts</td>
<td>$31,925.00</td>
<td>10.41%</td>
</tr>
<tr>
<td>Non-local contracts</td>
<td>$274,766.00</td>
<td>89.59%</td>
</tr>
<tr>
<td>TOTAL THIS ACTION</td>
<td>$306,691.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Non-local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>LKT &amp; Associates</td>
<td>WFDB35418Y1008</td>
<td>$8,850.00</td>
<td>3.22%</td>
</tr>
<tr>
<td>Total Minority - Non-local</td>
<td></td>
<td>$8,850.00</td>
<td>3.22%</td>
</tr>
</tbody>
</table>

TOTAL M/WBE PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>This Action</th>
<th>Participation to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
</tr>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$8,850.00</td>
<td>2.89%</td>
</tr>
<tr>
<td>Total</td>
<td>$8,850.00</td>
<td>2.89%</td>
</tr>
</tbody>
</table>
Council District 8

New Camp Wisdom Pump Station

Dallas Water Utilities

Contract No. 06-233
Change Order No. 1
Camp Wisdom Pump Station
WHEREAS, on September 13, 2006 the City Council awarded Contract No. 06-233 in the amount of $7,860,000.00 by Resolution No. 06-2383, to Oscar Renda Contracting, Inc., 522 Benson Lane, Roanoke, Texas 76262, for construction of the Camp Wisdom Pump Station and painting of the American Way elevated storage tank; and,

WHEREAS, additional construction work at the Camp Wisdom Pump Station and water quality improvements in the American Way elevated storage tank are needed; and,

WHEREAS, Oscar Renda Contracting, Inc. has submitted an acceptable proposal for this additional work; and,

WHEREAS, the Water Utilities Department recommends that Contract No. 06-233 be increased by $306,691.00, from $7,860,000.00 to $8,166,691.00; Now, Therefore,

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

Section 1. That the proposed Change Order No. 1 be accepted and that Contract No. 06-233 with Oscar Renda Contracting, Inc., be revised accordingly.

Section 2. That the City Controller be and is hereby authorized to pay the amount of $306,691.00 from the Water Construction Fund as follows:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>ACT</th>
<th>OBJ</th>
<th>PRO</th>
<th>REP</th>
<th>ENCUMBRANCE VENDOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>0102</td>
<td>DWU</td>
<td>CW40</td>
<td>MPSA</td>
<td>4550</td>
<td>706233</td>
<td>WW33</td>
<td>CTDWU706233EN 244607</td>
</tr>
</tbody>
</table>

Oscar Renda Contracting, Inc. - (Contract No. 06-233) - $306,691.00

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.
Authorize Supplemental Agreement No. 4 to the professional services contract with Malcolm Pirnie, Inc. for additional services related to security and risk management for water and wastewater facilities - Not to exceed $692,803, from $2,593,009 to $3,285,812 - Financing: Water Utilities Capital Construction Funds ($577,803), U.S. Department of Homeland Security Grant Funds ($115,000)

BACKGROUND

The original contract was to perform the work for a vulnerability assessment as required at the time by the Environmental Protection Agency. All Water Utilities Department assets and areas of concern were assessed and prioritized according to risk of threat to the utility. The consultant provided a recommendation that included prioritization of existing assets for long-term and short-term improvements. Also, this award included additional services needed to comply with the requirements of the Risk Management Plan update that is performed every five years to assure that the risk of potentially hazardous spills of highly toxic substances, such as chlorine, sulfur dioxide, ammonia, and propane are contained and controlled to minimize lethal effects to the public and neighboring areas.

Recommendations for abating security risks were identified under the original contract that required implementation into all future facilities construction projects. As a consequence, a second Supplemental Agreement was negotiated and awarded to include the design of recommended security items into the capital construction projects identified in the budget for FY 2004-05.
BACKGROUND (Continued)

Additionally, a third Supplemental Agreement provided for special services and assistance to ensure implementation of recommendations to the update of the Risk Management Plan. This included providing recommendations to security protocol and development and training exercises as required by the Risk Management Plan update consisting of training for responders to hazardous spills. The Environmental Protection Agency regulations that govern Risk Management Plans specifically identify all of the training required for plant staff and first responders.

This Supplemental Agreement consists of short-term and strategic planning of security and risk management issues related to the delivery and treatment of potable water and the collection and treatment of wastewater. Additional services include updating Integrated Contingency Plans for water and wastewater facilities, addressing the elimination of gaseous chlorine and development of the Water Contaminant Warning System grant application. Additional National Incident Management System and hazardous material training will be provided, as well as emergency drills and tabletop exercises.

ESTIMATED SCHEDULE OF PROJECT

Began Design    September 2002  
Complete Design  June 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized Contract Nos. 02-319E and 02-320E, to provide engineering services for the evaluation of vulnerability assessment for security planning and analysis process, with Malcolm Pirnie, Inc. on September 11, 2002, by Resolution No. 02-2505.

Council authorized Supplemental Agreement No. 1, for additional engineering services to update the Dallas Water Utilities Risk Management Plans for each of the water and wastewater treatment plants, on April 14, 2004, by Resolution No. 04-1172.

Council authorized Supplemental Agreement No. 2, for additional engineering services to design and incorporate new security requirements into current water facility construction projects, on February 23, 2005, by Resolution No. 05-0657.

Council authorized Supplemental Agreement No. 3, for additional engineering services to design and incorporate new security requirements into current water facility construction projects, on January 25, 2006, by Resolution No. 06-0306.
FISCAL INFORMATION

$577,803.00 - Water Utilities Capital Construction Funds
$115,000.00 - U.S. Department of Homeland Security Grant Funds

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<td>Total</td>
<td>$692,803.00</td>
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M/WBE INFORMATION

Attached

ETHNIC COMPOSITION

Malcolm Pirnie, Inc.

Hispanic female 0  Hispanic male 2
Black female 2  Black male 1
Other female 2  Other male 6
White female 3  White male 11

OWNER

Malcolm Pirnie, Inc.

William Dee, President

MAP

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with Malcolm Pirnie, Inc. for additional services related to security and risk management for water and wastewater facilities - Not to exceed $692,803, from $2,593,009 to $3,285,812 - Financing: Water Utilities Capital Construction Funds ($577,803), U.S. Department of Homeland Security Grant Funds ($115,000)

Malcolm Pirnie, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

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<td>TOTAL THIS ACTION</td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

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Non-Local Contractors / Sub-Contractors

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TOTAL M/WBE PARTICIPATION

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WHEREAS, on September 11, 2002, the City Council awarded Contract Nos. 02-319E and 02-320E, in the amount of $1,363,089.00, by Resolution No. 02-2505, to Malcolm Pirnie, Inc., 12400 Coit Road, Suite 1200, Dallas, Texas 75251, for engineering services for a vulnerability assessment, remediation planning and emergency plan development for water facilities; and,

WHEREAS, on April 14, 2004, the City Council awarded Supplemental Agreement No. 1, in the amount of $342,938.00, by Resolution No. 04-1172, for engineering services to update the Risk Management Plans for each of the water and wastewater treatment plants; and,

WHEREAS, on February 23, 2005, the City Council awarded Supplemental Agreement No. 2, in the amount of $124,500.00, by Resolution No. 05-0657, for engineering services to design and incorporate new security requirements into current water facility construction projects; and,

WHEREAS, on January 25, 2006, the City Council awarded Supplemental Agreement No. 3, in the amount of $762,482.00, by Resolution No. 06-0306, for engineering services to design and incorporate new security requirements into current water facility construction projects; and,

WHEREAS, additional professional services are needed to provide engineering services related to security and risk management for water and wastewater facilities; and,

WHEREAS, Malcolm Pirnie, Inc. has submitted an acceptable proposal to provide these engineering services; and,

WHEREAS, the Water Utilities Department recommends that Contract Nos. 02-319E and 02-320E be increased by $692,803.00, from $2,593,009.00 to $3,285,812.00; Now, Therefore,

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

Section 1. That the proposed Supplemental Agreement No. 4 be accepted and that Contract Nos. 02-319E and 02-320E with Malcolm Pirnie, Inc., be revised accordingly, in a total amount not to exceed $692,803, from $2,593,009 to $3,285,812.

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

May 14, 2008

Section 3. That the City Controller be and is hereby authorized to pay the amount of $692,803.00 from the Water Construction Fund, Wastewater Construction Fund and 2007 UASI (Urban Areas Security Initiative) Fund as follows:

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<td>Malcolm Pirnie, Inc. - $115,000.00</td>
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Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield
Office of Financial Services, 4BN, Sherrian Parham
City Manager’s Office, 2BN, Brandon Freeman
SUBJECT

An appeal of the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application for a Specific Use Permit for an alcoholic beverage establishment for a private club or bar on the northeast corner of Buckner Boulevard and Kipling Drive, and consideration of alternate resolutions either affirming or reversing the decision of the City Plan Commission - W078-012 - Financing: No cost consideration to the City

BACKGROUND

Section 51A-4.701(d) of the Dallas Development Code states that "after a final decision is reached by the Commission or City Council either granting or denying a request for a change in a zoning district classification or boundary, no further applications may be considered for that property for two years from the date of the final decision." The code allows for a property owner to apply for a waiver of the two-year limitation. The Commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. If the City Plan Commission denies the request, the applicant may appeal to the City Council.

An applicant submitted an application for Specific Use Permit for an alcoholic beverage establishment for a private club or bar on the northeast corner of Buckner Boulevard and Kipling Drive. This request was denied by the City Council on August 9, 2006. Thereafter, on April 10, 2008, the City Plan Commission denied a request for a waiver for the two-year waiting period.

The applicant indicates the change in circumstances regarding the property to warrant a new hearing is that they have "additional operating history and have addressed certain issues raised during the previous case."
PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 9, 2006 the City Council denied a request for a Specific Use Permit for an alcoholic beverage establishment for a private club or bar on the northeast corner of Buckner Boulevard and Kipling Drive.

On April 10, 2008, the City Plan Commission denied a request for a waiver for the two-year waiting period.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.
April 11, 2008

Ms. Theresa O’Donnell, Director  
Mr. David Cossum, Assistant Director  
Department of Development Services  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201  

Re: File No. W078-012;  
Appeal of Denial at City Plan Commission.  

Dear Ms. O’Donnell and Mr. Cossum:

The above-referenced Application for a Waiver of the two-year waiting period for certain property located at 400 South Bucker Boulevard, under File No. W078-012, was denied by the City Plan Commission on April 10, 2008.

Pursuant to Sec. 51A-4.701 (d)(3)(C) of the Dallas Development Code, as the Applicant’s representative in this case, we hereby appeal this denial by the City Plan Commission and we request that the City Council review the Commission’s findings.

Please proceed to process this appeal and schedule it for hearing on the first available City Council Agenda. Thank you very much.

Very truly yours,

Jonathan G. Vinson

cc: Robert Milligan
MISCELLANEOUS DOCKET ITEM:

Waiver of Two-Year Waiting Period

On August 9, 2006, the City Council denied a request for a Specific Use Permit for an alcoholic beverage establishment for a private club-bar on property zoned the Subarea 4 portion of Planned Development District No. 366, the Buckner Boulevard Special Purpose District, and an IM Industrial Manufacturing District, on the abovementioned property. According to Section 51A-4.701(d) of the Dallas Development Code, a new application on this property cannot be filed prior to August 9, 2006, without a waiver of the two-year waiting period.

The applicant is requesting a waiver of the two-year waiting period in order to submit an application for a Specific Use Permit for an alcoholic beverage establishment for a private club-bar. The applicant indicates that the owner has “additional operating history and has addressed certain issues raised during the previous case.”

According to the Dallas Development Code, “the commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing.”

Staff Recommendation: Denial
APPLICATION FOR WAIVER OF TWO-YEAR WAITING PERIOD

Zoning File No. Z056-231 (previous case)

Location 400 South Buckner Boulevard

Date of last CPC or CC Action August 9, 2006

Applicant's Name, Address & Phone Number What's Hot Fun World Ltd.

400 South Buckner Boulevard, Dallas, Texas 75217

Property Owner's Name, Address and Phone No., if different from above

Same as Applicant

State briefly change of circumstances since the last hearing on the property that would warrant reconsideration of another request in less than two years.

The above-named owner/applicant has additional operating history and has addressed certain issues raised during the previous case.

Jackson Walker L.L.P.
(Applicant's representative --
See letter of authorization
By: [Signature]

Jackson Walker L.L.P.
(Owner's representative --
See letter of authorization
By: [Signature]

RECEIVED BY
MAR 26 2008
Current Planning

Date Received
Fee: $300.00

Receipt #36031
RE: Request for Change in Zoning; 5.92 Acres in City Blocks A/6353 and B/6353 (400 South Buckner Boulevard).

Dear Mr. Cossum:

As the Owner of 3.16 acres of land located in City Block B/6353, Lot 1C, also known as 400 South Buckner Boulevard, this letter will authorize Jackson Walker L.L.P. to act as our representative in connection with filing and processing a request for a waiver of the two-year waiting period and for a change in zoning on the subject property.

OWNER/APPLICANT:

WHAT'S HOT FUN WORLD LTD.

By: WHATS HOT FUN WORLD LLC
    Its General Partner

By: [Signature]
    Its: [Ownership Signature]
Mr. David Cossum, Assistant Director
Current Planning
Department of Development Services
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

**RE:** Request for Change in Zoning;
5.92 Acres in City Blocks A/6353 and B/6353 (400 South Buckner Boulevard).

Dear Mr. Cossum:

As the Owner of a total of 1.26 acres of land located in City Block B/6353, Lots 4 and 5, also known as 8106 Kipling Drive, this letter will authorize Jackson Walker L.L.P. to act as my representative in connection with filing and processing a request for a waiver of the two-year waiting period and for a change in zoning on the subject property.

OWNER:

By: Robert K. Milligan
WHEREAS, Section 51A-4.701(d) of the Dallas Development Code states that "after a final decision is reached by the City Plan Commission or City Council either granting or denying a request for a change in a zoning district classification or boundary, no further applications may be considered for that property for two years from the date of the final decision", and

WHEREAS, the code allows for a property owner to apply for a waiver of the two-year limitation, and

WHEREAS, the City Plan Commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing, and

WHEREAS, if the City Plan Commission denies the request, the applicant may appeal to the City Council, and

WHEREAS, on August 9, 2006, the City Council denied an application for a Specific Use Permit for an alcoholic beverage establishment for a private club or bar on property located on the northeast corner of Buckner Boulevard and Kipling Drive, and

WHEREAS, on April 10, 2008, in case No. W078-012, the City Plan Commission denied a request for a waiver of the two-year waiting period, and

WHEREAS, the applicant is appealing this decision to the City Council; Now, Therefore,

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

Section 1. That the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application for a Specific Use Permit for an alcoholic beverage establishment for a private club or bar on property located on the northeast corner of Buckner Boulevard and Kipling Drive is affirmed.

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.
WHEREAS, Section 51A-4.701(d) of the Dallas Development Code states that "after a final decision is reached by the City Plan Commission or City Council either granting or denying a request for a change in a zoning district classification or boundary, no further applications may be considered for that property for two years from the date of the final decision", and

WHEREAS, the code allows for a property owner to apply for a waiver of the two-year limitation, and

WHEREAS, the City Plan Commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing, and

WHEREAS, if the City Plan Commission denies the request, the applicant may appeal to the City Council, and

WHEREAS, on August 9, 2006, the City Council denied an application for a Specific Use Permit for an alcoholic beverage establishment for a private club or bar on property located on the northeast corner of Buckner Boulevard and Kipling Drive, and

WHEREAS, on April 10, 2008, in case No. W078-012, the City Plan Commission denied a request for a waiver of the two-year waiting period, and

WHEREAS, the applicant is appealing this decision to the City Council; Now, Therefore,

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

Section 1. That the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application for a Specific Use Permit for an alcoholic beverage establishment for a private club or bar on property located on the northeast corner of Buckner Boulevard and Kipling Drive is reversed.

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.
SUBJECT

An ordinance granting a Planned Development District for LI Light Industrial District Uses and a resolution granting an amendment to the public deed restrictions on property zoned an LI Light Industrial District on the west side of Waterview Parkway at Synergy Drive - Z078-154 - Financing: No cost consideration to the City

BACKGROUND

The City Council, on April 9, 2008, approved a Planned Development District for LI Light Industrial District Uses subject to an amendment to the public deed restrictions volunteered by the applicant on property zoned an LI Light Industrial District on the west side of Waterview Parkway at Synergy Drive and asked that the ordinance and deed restrictions be brought back on April 23, 2008.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 23, 2008, this item was deferred by City Councilmember Ron Natinsky.

On April 9, 2008, the City Council approved a Planned Development District for LI Light Industrial District Uses subject to an amendment to the public deed restrictions volunteered by the applicant on property zoned an LI Light Industrial District on the west side of Waterview Parkway at Synergy Drive and asked that the ordinance and deed restrictions be brought back on April 23, 2008.

On March 6, 2008, the City Plan Commission recommended approval of a Planned Development District for LI Light Industrial District Uses subject to an amendment to the public deed restrictions volunteered by the applicant on property zoned an LI Light Industrial District on the west side of Waterview Parkway at Synergy Drive.

FISCAL INFORMATION

No cost consideration to the City.
MAP

Attached.
Z078-154 (MAW)

CPC RESPONSES

7 PROPERTY OWNERS NOTIFIED
2 REPLIES IN FAVOR
0 REPLIES IN OPPOSITION
500' AREA OF NOTIFICATION
03-06-08 CPC DATE

The number 'O' indicates City of Dallas Ownership

NOTIFICATION

AREA OF NOTIFICATION
500'

NUMBER OF PROPERTY OWNERS NOTIFIED
7

DATE: 02/11/2008

Map no: A-8
Case no: Z078-154 MAW

GIS TECHNICIAN: CS
# Notification List of Property Owners

**Z078-154 (MAW)(CS)**

*7 Property Owners Notified*

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<td>17919 WATERVIEW</td>
<td>BOARD OF REGENTS OF THE</td>
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<td>3</td>
<td>8000 FRANKFORD</td>
<td>DALLAS CAMPUS LP</td>
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<td>3021 OAK</td>
<td>DART</td>
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<td>5</td>
<td>17811 WATERVIEW</td>
<td>INTERVOICE INC</td>
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<tr>
<td>6</td>
<td>18325 WATERVIEW</td>
<td>PRIME DIAMOND INV LTD</td>
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<tr>
<td>7</td>
<td>17300 COIT</td>
<td>TEXAS A &amp; M UNIVERSITY</td>
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List of Partners/Principals/Officers:

Dallas International School  
MISSION LAÏQUE FRANÇAISE

PDD Application

R - DALLAS INTERNATIONAL SCHOOL PARTNERS

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<tr>
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<tr>
<td>BELLETT, Alain</td>
<td>Capstone Underwriters, Inc. 4144 N. Central</td>
</tr>
<tr>
<td></td>
<td>Expresway Suite 950 Dallas, Texas 75204-3288</td>
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<td>GRANDJOIANN, Pierre</td>
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<tr>
<td></td>
<td>Suite 600 Houston, TX 77056-5203</td>
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<tr>
<td>BROWN, Scott</td>
<td>Jackson Walker 9256 Whitehurst Drive</td>
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<td>Dallas, Texas 75243</td>
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<td>CHEMLA, Jean-Marc</td>
<td>Ameriprise Financial Services, Inc. Suite 102</td>
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<td>DePAPP, John</td>
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<td>HARTNETT, Tammy</td>
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<tr>
<td>KOZAR, Ghassan</td>
<td>President Texas Rainbow Com. 5815 Sand Shell</td>
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<td>Court Dallas, Texas 75252</td>
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<tr>
<td>LAVIE, Robert</td>
<td>Interstable Inc. 1911 N Lamar Street, Suite</td>
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6039 Churchill Way - Dallas, Texas 75230 USA  
Tel.: 972 861 6879 – Fax: 972 861 6808  
www.dallasinternationalschool.org

2078-154
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<td></td>
<td>Dallas, TX 75230</td>
</tr>
<tr>
<td>FALLY Véronique</td>
<td>Dallas International School</td>
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<td>Assistant to the Head of School</td>
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Dallas, January 11, 2008
The University of Texas System Board of Regents:

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<tr>
<td>H. Scott Caven, Jr.</td>
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<td>John W. Barnhill, Jr.</td>
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<td>James D. Dannenbaum</td>
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CPC ACTION: March 6, 2008

Motion: It was moved to recommend approval of a Planned Development District for LI Light Industrial District uses, subject to a site plan and conditions and approval of an amendment to the deed restrictions on property zoned an LI Light Industrial District on the west side of Waterview Parkway at Synergy Drive.

Maker: Wolfish
Second: Strater
Result: Carried: 14 to 0
For: 14 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 1 - Alcantar
Vacancy: 0

Notices: Area: 500 Mailed: 7
Replies: For: 2 Against: 0
Speakers: For: Jonathan Vinson, 901 Main Street, Suite 6000 Dallas, Texas 75202
Against: None
SUBJECT
Authorize the preparations of plans for issuance in an amount not to exceed $170,000,000 in Waterworks and Sewer System Revenue Refunding Bonds, Series 2008 - Financing: This action has no cost consideration to the City

BACKGROUND
This proposed revenue bond sale is for the purpose of refunding and retirement of commercial paper notes issued for interim financing of improvements to the City’s water and wastewater system. This sale will not exceed $170,000,000.

Issuance of revenue bonds for refunding and retirement of $170,000,000 in commercial paper notes is in accordance with the capital program for water and wastewater improvements, and is within the Fiscal Year 2007-08 operating and capital budgets for the Water Utilities Department.

ESTIMATED SCHEDULE OF PROJECT
Authorize preparation for Issuance of Bonds – April 23, 2008
Bid Date and Acceptance - May 28, 2008
Estimated Delivery of proceeds - June 24, 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)
Finance, Audit & Accountability Committee was briefed on April 14, 2008.

On, April 23, 2008, this item was deferred by Councilmember Mitchell Rasansky.

FISCAL INFORMATION
This item has no cost consideration to the City.
M/WBE INFORMATION

Attachment I provides an estimate of bond issuance costs for the proposed Series 2008 bonds and the M/WBE participation.
Estimate of Total Bond Issuance Costs and M/WBE Participation

**Co-Bond Counsel**
McCall, Parkhurst & Horton L.L.P. (Vendor #193173) $ 78,000 17.3%
Escamilla & Ponnick (Vendor #518903) 52,000 11.5%

**Co-Financial Advisors**
First Southwest Company (Vendor #193056) 76,400 16.9%
Estrada Hinojosa - (Vendor #259910) 51,600 11.4%

**Out-of-Pocket Expenses**
First Southwest Company (Vendor #193056) 10,000 2.2%

**Official Statement Typing**
First Southwest Company (Vendor #193056) 1,500 0.3%

**Official Statement Printing**
Munoz Printing Co. - (Vendor #129044) 8,000 1.8%

**Rating Agencies**
Moody's Investors Service (Vendor #951236) 75,000 16.6%
Standard & Poor's (Vendor #954974) 50,000 11.1%

**Auditor**
KPMG L.L.P. (Vendor #092122) 40,000 8.8%

**Filing Fee**
Attorney General (Vendor #344989) 9,500 2.1%

**Total Issuance Costs**
$ 452,000 100.0%

Total M/WBE Participation as % of Total Issuance Costs: 24.7%
WHEREAS, the adopted Capital Improvement Program, currently underway and scheduled, requires issuance of an amount not to exceed $170,000,000 of Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2008 ("the Series 2008 Bonds") for the purposes of retiring commercial paper notes issued for interim financing of improvements to the water and wastewater system; and

WHEREAS, this retirement of outstanding commercial paper notes is expected to require bond proceeds in an amount not to exceed $170,000,000; and

WHEREAS, the City Council hereby finds and determines that in order to accomplish such refunding in a timely and cost efficient manner, the City Manager, the City's co-financial advisors, and the City's bond counsel should be authorized and directed to take such action and prepare documents as necessary in order to accomplish such refunding.

WHEREAS, it is desired to proceed with the preparatory work necessary to issue these refunding and improvement Bonds, Series 2008, through a sale of competitive bids to be received on May 28, 2008; Now, Therefore,

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

Section 1. That the City Manager be and is hereby authorized to proceed with the necessary preparations for the sale of Waterworks and Sewer System Revenue Refunding Bonds, Series 2008 in an aggregate principal amount not to exceed $170,000,000 (the “Series 2008 Bonds”) with such sale to occur on May 28, 2008 using previously contracted professional services of First Southwest Company and Estrada Hinojosa & Company, Inc., co-Financial Advisors, for the proposed refunding bond sale. If the bonds are issued, payment for such services shall not exceed $87,900 for First Southwest (Vendor #193056) and shall not exceed $51,600 for Estrada Hinojosa & Company Inc. (Vendor #259910) and shall be made from Water Utilities Operating Fund 0100, Agency DWU, Unit 7017, Object 3803.

Section 2. That the City Manager be and is hereby authorized to obtain necessary professional legal services in connection with the sale and delivery of the Series 2008 bonds, under contracts with McCall, Parkhurst & Horton L.L.P., and Escamilla & Poneck Inc. as co-bond counsel. If the bonds are issued payment for such services shall not exceed $78,000 for McCall Parkhurst & Horton L.L.P. (Vendor# 193173) and shall not exceed $52,000 for Escamilla & Poneck Inc. (Vendor# 518903) and shall be made from Water Utilities Operating Fund 0100, Agency DWU, Unit 7017, Object 3803.

Section 3. That the City Manager, the City’s co-financial advisors, and the City’s bond counsel are hereby authorized to prepare an Official Statement with respect to such bonds and to take such other action and prepare such other documents as are necessary and incidental to the issuance, sale and delivery of the Series 2008 Bonds.
Section 4. That the City Manager be and is hereby authorized to obtain bond ratings from Moody’s Investor Service (Vendor # 951236) and from Standard & Poor’s Inc. (Vendor #954974) in connection with the sale of the bonds. Payments for the bond ratings will be $125,000 and will be made from the Water Utilities Operating Fund 0100, Agency DWU, Unit 7017, Object 3803.

Section 5. That the City Manager be and is hereby authorized to use the previously contracted professional services of KPMG L.L.P to obtain an independent auditors consent letter in connection with the sale and delivery of the bonds. If the bonds are issued, payment for the services of KPMG L.L.P (Vendor #092122) shall not exceed $40,000 and will be made from Water Utilities Operating Fund 0100, Agency DWU, Unit 7017, Object 3803.

Section 6. That the City Manager be and is hereby authorized to use Munoz Printing Co. to print and mail official statements. If the bonds are issued, payment for the services of Munoz Printing Co (Vendor #954974) shall not exceed $8,000 and will be made from the Water Utilities Operating Fund 0100, Agency DWU, Unit 7017, Object 3803.

Section 7. That the City Manager be and is hereby authorized and directed to file an Official Statement with respect to such bonds and prepare such other documents as are necessary and incidental to the issuance, sale and delivery of the bonds with Attorney’s General (Vendor #344989). If the bonds are issued payment for the filing fee is estimated to be $9,500 and shall be made from the Water Utilities Operating Fund 0100, Agency DWU, Unit 7017, Object 3803.

Section 8. That the City Controller is hereby authorized to use U.S. Bank, N.A. (Vendor #355655) for services provided as paying agent/registrar and escrow agent with respect to the series 2008 at an annual cost of $200 for paying agent fees and $500 for escrow agent fees plus payment processing expenses from Water Utilities Operating Fund 0100, Agency DWU, Unit 7017, Object 3803.

Section 9. That the amount of bond sale applicable to commercial paper refunding shall be remitted directly to the commercial paper issuing and paying agent U.S. Bank Trust National Association. Any variation in proceeds due to accrued interest arising from this issue of bonds shall be deposited in Water Utilities Debt Service Fund 0109, Agency DWU, Revenue Source 8438.
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.

DISTRIBUTION:

Office of Financial Services/Administration, 4FN
Office of Financial Services/Capital, 4FS
AGENDA ITEM # 74

KEY FOCUS AREA:    Economic Vibrancy
AGENDA DATE:      May 14, 2008
COUNCIL DISTRICT(S):    1
DEPARTMENT:        Department of Development Services
CMO:               A. C. Gonzalez, 671-8925
MAPSCO:            54 E F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 306 for a Public School and Community Service Center on property zoned Planned Development District No. 306 and an R-7.5(A) Single Family District on the west line of Edgefield Avenue, between Twelfth Street and Brooklyn Avenue

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

Z078-147(RB)
FILE NUMBER: Z078-147(RB)          DATE FILED: December 26, 2007

LOCATION: West Line of Edgefield Avenue, between Twelfth Street and Brooklyn Avenue

COUNCIL DISTRICT: 1          MAPSCO: 54 E, F

SIZE OF REQUEST: Approx. 9.6 Acres          CENSUS TRACT: 52

APPLICANT: Dallas Independent School District, Owner

REPRESENTATIVE: Karl Crawley

REQUEST: An application for an amendment to and expansion of Planned Development District No. 306 for a Public school and Community service center. The expansion area is zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant is requesting the expansion of the boundary of the PDD and an amendment to the development plan and conditions to provide for an increase in the number of classrooms, floor area, lot coverage, and the addition of the Youth and Family Center use.

CPC RECOMMENDATION: Approval, subject to a development plan, landscape plan, and conditions.

STAFF RECOMMENDATION: Approval, subject to a development plan, landscape plan, and conditions.
BACKGROUND INFORMATION:

- The existing PDD is developed with a public school and typical improvements associated with a school.
- PDD No. 306 was approved by the City Council on February 22, 1989.
- The applicant is requesting an expansion of the PDD boundary by adding an approximate 1.8 acre parcel (previously the eastern portion of Greiner Park) to the western boundary of the property.
- The requested amendments to PDD No. 306 will provide for an increase in floor area, number of classrooms, lot coverage, as well as the addition of a Youth and Family Center use.

Zoning History: There has been no recent zoning activity pertinent to this request.

PDD Summary

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<th>Structure Height</th>
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<td>87</td>
<td>R-7.5, NS, O-1; Three Tracts</td>
<td>Density per R-7.5; No max. FAR per NS, O-1</td>
<td>24’-36', depending on tract</td>
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Thoroughfare/Street

- Twelfth Street: Local; 60' ROW
- Edgefield Avenue: Collector; 60' & 60' ROW
- Brooklyn Avenue: Local' 50' ROW
- Page Avenue: Local; 50' ROW
- Windomere Avenue: Local; 50' ROW
STAFF ANALYSIS:

The applicant is requesting the expansion of the boundary of the PDD and an amendment to provide for an increase in the number of classrooms, floor area, lot coverage, and the addition of the Youth and Family Center use.

forwardDallas! outlines several goals and policies to support the applicant’s request for a continued presence of the school within this residential community.

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.

Land Use Compatibility:

The request site is currently developed with a public school and typical improvements associated with a school. The expansion area was previously the eastern portion of Greiner Park. The requested amendments to PDD No. 306 will provide for an increase in floor area, number of classrooms, lot coverage, as well as the addition of a Youth and Family Center use.

The predominate land use in the immediate area is low density residential (single family) uses. An institutional church and small office use (PDD No. 87-Tract III) are developed on properties with frontage on Twelfth Street to the north. The remaining land area associated with Greiner Park abuts the western portion of the site, south of Page Avenue.

In addition to an increase in floor area (approximately 60,000 square feet), number of classrooms (three), and lot coverage (approximately 30 percent), the applicant is requesting the addition of a new use, a Youth and Family Center. This use, while found on other DISD properties, will provide for services that are compatible with the existing school and surrounding residential community. Hours of operation tend to be mutually exclusive of normal classroom hours, therefore, staff is not requiring additional off-street parking, but is recommending a maximum floor area consistent with the applicant’s intent of the visual presence of this use on the school campus.

Staff has worked with the applicant to ensure the requested expansion and amendments are compatible with the existing stable residential community. As a result, staff supports the request, subject to the attached amended development plan and conditions.
Traffic: The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the requested expansion and amendment to PDD No. 306 and determined that it will not significantly impact the surrounding street system.

Off-Street Parking: PDD No. 306 requires a minimum of 174 off-street parking spaces.

Landscaping: The existing landscape plan has been amended to provide for additional planting areas, concentrated around the expansion area, so as to soften the impact and horizontal encroachment associated with the applicant’s expansion of the school campus.

CPC ACTION

(March 27, 2008)

Motion: It was moved to recommend approval of an amendment to and expansion of Planned Development District No. 306 for a Public school and Community service center, subject to a revised development plan, revised landscape plan, and conditions on property zoned Planned Development District No. 306 and an R-7.5(A) Single Family District on the west line of Edgefield Avenue, between Twelfth Street and Brooklyn Avenue.

Maker: Weiss
Second: Prothro
Result: Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis*, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 235
Replies: For: 9 Against: 10
Speakers: None
Dallas Independent School District Board of Trustees

Jack Lowe, President
Adam Medrano, First Vice President
Lew Blackburn, Ph.D., Second Vice President
Nancy Bingham, Secretary
Edwin Flores, Ph.D., J.D.
Leigh Ann Ellis
Carla Ranger
Jerome Garza
Ron Price
CPC RECOMMENDED
AMENDING CONDITIONS FOR PDD NO. 306

ARTICLE 306.
PD 306.

SEC. 51P-306.101. LEGISLATIVE HISTORY.

PD 306 was established by Ordinance No. 20220, passed by the Dallas City Council on February 22, 1989. Ordinance No. 20220 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Ordinance No. 20220 was amended by Ordinance No. 20922, passed by the Dallas City Council on April 10, 1991. (Ord. Nos. 10962; 19455; 20220; 20922; 25850)

SEC. 51P-306.102. PROPERTY LOCATION AND SIZE.

PD 306 is established on property generally fronting on the west line of Edgefield Avenue between Brooklyn Avenue and Twelfth Street. The size of PD 306 is approximately 7.837 9.603 acres. (Ord. Nos. 20220; 25850)

SEC. 51P-306.103. 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. (Ord. 25850)

(c) In this district, ACCESSORY YOUTH AND FAMILY CENTER means a multi-functional facility sponsored or operated by a school as an accessory use to the school use where a combination of social, recreational, welfare, health, rehabilitation, counseling, educational, referral, or out-patient medical, dental, or optical treatment services are provided to students and their family members.

SEC. 51P-306.104. DEVELOPMENT PLAN.

Utilization of the Property must conform to the development plan (Exhibit 306A). (Ord. Nos. 20220; 20922; 25850)

SEC. 51P-306.105. LANDSCAPE PLAN.

(a) Landscaping must be provided as shown on the landscape plan (Exhibit 306B). All landscaping must be installed within six months after the issuance of a certificate of occupancy for a public school use. All plant materials must be maintained in a healthy, growing condition at all times. (Ord. Nos. 20220; 20922; 25850)

(b) Prior to the issuance of a certificate of occupancy for any structure located within the Expansion Area and within 100 feet of the Brooklyn Avenue right-of-way, street trees
located along the Brooklyn Avenue frontage must be provided as shown on the landscape plan.

SEC. 51P-306.106. USES.

Use of the Property is limited to a public school use and a community service center use. (Ord. Nos. 20922; 25850)

SEC. 51P-306.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however due to their unique nature are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) An accessory youth and family center is permitted by right.

SEC. 51P-306.107. DEVELOPMENT STANDARDS.

(a) Setbacks. Setbacks for all structures on the Property must be provided as shown on the development plan.

Applicant requested:

(b) Maximum floor area. Floor area on the Property is limited to 210,000 square feet.

CPC & Staff recommended:

(b) Maximum floor area. Floor area on the Property is limited to 210,000 square feet, of which the maximum floor area for a Youth and family center is 3,250 square feet and located as shown on the development plan.

(c) Maximum lot coverage. Maximum permitted lot coverage on the Property is 60 percent.

(d) Maximum height. All structures except the stage are limited to a maximum height of 40 feet. The stage is limited to a maximum height of 70 feet as shown on the development plan. (Ord. Nos. 20922; 25850)

SEC. 51P-306.108. MAINTENANCE.

The entire premises must be properly maintained in a state of good repair and neat appearance at all times. (Ord. Nos. 20220; 25850)

SEC. 51P-306.109. OFF-STREET PARKING.

A minimum of 174 off-street parking spaces must be provided on the Property as shown on the development plan. (Ord. Nos. 20922; 25850)
SEC. 51P-306.110. GENERAL REQUIREMENTS.

(a) Use of the Property must comply with all applicable federal and state laws and regulations and with the requirements of all other applicable ordinances, rules, and regulations of the city.

(b) 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.

(c) The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 20220; 20922; 25850)

SEC. 51P-306.111. ZONING MAP.

PD 306 is located on Zoning Map No. L-6. (Ord. Nos. 20220; 25850)
Z078-147(RB)

Proposed Development Plan
Proposed Landscape Plan
Notification List of Property Owners

Z078-147 (RB)(CS)

235 Property Owners Notified

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*Monday, January 14, 2008*
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<td>Betty Wadkins</td>
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<tr>
<td>Bill Dahlstrom</td>
<td>901 Main St., Ste 6000, Dallas, TX 75202</td>
<td>Bridge Ballowe c/o Nextel</td>
<td>1680 N. Prospert Dr., Richardson, TX 75081</td>
<td>Cindy Harris</td>
<td>4310 Buena Vista #8, Dallas, TX 75205</td>
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<td>Clarence F Cope</td>
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<td>Jane Guerrini</td>
<td>7032 Lupton, Dallas, TX 75225</td>
<td>Jeff Bosse</td>
<td>PO Box 4738, Dallas, TX 75208</td>
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<td>Leanne Witek</td>
<td>16660 N Dallas Pkwy #1200, Dallas, TX 75248</td>
<td>Marcus Wood</td>
<td>6060 N Central Expy Ste 333, Dallas, TX 75206</td>
<td>Pam Conley</td>
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<td>Rob Baldwin</td>
<td>401 Exposition, Dallas, TX 75226</td>
<td>Robert P. Garza</td>
<td>412 E. Sixth St., Dallas, TX 75203</td>
<td>Steve Craft</td>
<td>P O Box 542225, Dallas, TX 75354</td>
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<td>Steve Kim</td>
<td>4318 Sexton Ln., Dallas, TX 75229</td>
<td>Alpha Testing, Inc</td>
<td>Virginia Brown, 2209 Wisconsin St, Ste 100</td>
<td>Am. metro/Study Corp</td>
<td>Marque Nelson, 14881 Quorum Dr #400, Dallas, TX 75240</td>
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<td>Arborilogical Services, Inc.</td>
<td>Bill Seaman, 16 Steel Rd., Wylie, TX 75098</td>
<td>Bluffview Homeowner</td>
<td>Pat White, 4714 Wildwood, Dallas, TX 75209</td>
<td>Dallas ISD</td>
<td>Stan Armstrong, 3700 Ross Ave, Box 61, Dallas, TX 75204</td>
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<td>Dallas Planning Assoc</td>
<td>Stuart Pully, P O Box 781609, Dallas, TX 75378</td>
<td>FW Dodge Reports</td>
<td>Donna McGuire, 9155 Sterling Dr. Ste 160</td>
<td>INCAP Fund</td>
<td>Lauren Odell, 300 Crescent Court, Dallas, TX 75208</td>
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Jackson Walker
Suzan Kedron
901 Main St. #6000
Dallas, TX 75202

Jackson Walker
Jonathan Vinson
901 Main St. #6000
Dallas, TX 75202

Kiestwood Neighbors
Neoma Shafer
2538 W Kiest Blvd
Dallas, TX 75233

Koons Real Estate Law
James Schnurr
3400 Carlisle St, #400
Dallas, TX 75204

Lake Highlands AIA
Terri Woods
9603 Rocky Branch Drive
Dallas, TX 75243

Law Office of R Albright
Roger Albright
3301 Elm St
Dallas, TX 75226

Master Plan
J Kimborough
900 Jackson St
Dallas, TX 75202

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

Minyards Properties Inc
Dennis O'Malley
777 Freeport Pkwy
Coppell, TX 75019

N Pk Lovefied Comm Civic League
Joyce Lockley
4718 Waterka Dr.
Dallas, TX 75209

Oak Cliff Chamber
Joe Burkle
545 Laceywood Drive
Dallas, TX 75224

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

PWS Architects Inc.
Phillip Shepherd
4616 Abbott Ave
Dallas, TX 75205

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

W.A.R.N.
Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Michele Hanks
215 S. Edgefield
Dallas, TX 75208

Beverly Hills NA
Barbara A Barbee
303 N Barnett Ave
Dallas, TX 75211

BSEAT
Allen McGill
P O Box 41561
Dallas, TX 75241

Carver
R. L. Carver
1521 Driftwood Dr.
Dallas, TX 75224

Kimball United
Dwain T Haxel
P O Box 1404
DeSoto, TX 75213

S Wynwood Crime Watch
Stan Aten
3165 O'Bannon
Dallas, TX 75224

Sunset Hills NA
Timm Chamberlain
119 S Monteal
Dallas, TX 75208

Thelma J. Norman
DeSoto, TX 75237
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<td>Ann Lee</td>
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<td>Charles G. Griffith</td>
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<td>Wynnewood North</td>
<td>Joseph Hernandez</td>
<td>504 Monsen dr</td>
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ENZ078-147
SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 477 for an institution of a religious, charitable or philanthropic nature on property zoned an R-7.5(A) Single Family District, on the southwest corner of Park Lane and Boedecker Street. Recommendation of Staff and CPC: Approval subject to a site plan and conditions Z078-162(OTH)

AGENDA ITEM # 75

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 26 S
LOCATION: On the southwest corner of Park Lane and Boedeker Street.

COUNCIL DISTRICT: 13

MAPSCO: 26-S

SIZE OF REQUEST: Approx. 4.2399 acres.

CENSUS TRACT: 78.01

REPRESENTATIVE: Robert Baldwin, Baldwin Associates

APPLICANT/OWNER: Miracle of Pentecost Foundation

REQUEST: An application to amend Specific Use Permit No. 477 for an institution of a religious, charitable or philanthropic nature on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant is proposing to add 7,095 square feet of floor area to the existing building and a driveway with ingress and egress to Boedeker Street.

CPC RECOMMENDATION: Approval subject to conditions and a site plan.

STAFF RECOMMENDATION: Approval subject to conditions and a site plan.
BACKGROUND INFORMATION:

- The request site is currently developed with a building used to house the Miracle of the Pentecost Foundation. The applicant is planning to increase the size of the Biblical Arts Center. The property has historically housed a museum and art gallery which specialized in Biblical art.

- In June of 2005, a fire destroyed part of the building. The applicant is seeking to renovate the site and slightly expand the building by 7,095 square feet. The existing building is approximately 30,000 square feet.

- Surrounding uses are office and retail to the east, cemetery to the south, single family to the west, and duplexes and single family to the north.

- The existing SUP is for an institution of a religious, charitable or philanthropic nature, a Chapter 51 use. Therefore, staff is updating the use in the SUP to a library, art gallery, or museum, a Chapter 51(A) use.

Zoning History: There has been a Board of Adjustment case and a zoning case in the area.

1. B034-129 On February 18, 2004, the Board of Adjustment granted a special exception to the parking regulations to property located at 8687 N. Central Expressway.

2. Z067-225 On June 28, 2006, the City Council approved the renewal for the Specific Use Permit No. 1447 for a Private school on property zoned an R-7.5(A) Single Family District

Thoroughfares/Streets:

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<td>Street</td>
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Land Use:

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<tr>
<td>North</td>
<td>D(A)</td>
<td>Duplexes &amp; Single Family</td>
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<tr>
<td>East</td>
<td>RR</td>
<td>Retail &amp; Office</td>
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<tr>
<td>West</td>
<td>PD No. 275</td>
<td>Single Family</td>
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Comprehensive Plan:

The comprehensive plan does not directly address this type of use, however, it refers to core values for the city and its development.

One of the core values that **forwardDallas!** emphasizes Quality of Life: Diverse housing, recreational, cultural and educational opportunities. The proposed expansion of the Biblical Arts Center clearly enhances the cultural and educational opportunities for the city and the region as well.

The existing use is an institutional use, which serves as a buffer between a major commercial area of the city and the residential neighborhood located on the west of the site.

STAFF ANALYSIS:

Land Use Compatibility:

The applicant requests an amendment to Specific Use Permit No. 477 for an institution of a religious, charitable or philanthropic nature on property zoned an R-7.5(A) Single Family District. Specific Use Permit No. 477 was first approved for a permanent period of time on November 12, 1969.

The applicant is proposing to add 7,095 square feet of floor area to the existing building and a driveway with ingress and egress to Boedeker Street. The driveway on Boedeker Street will make the site accessible by car on Park Lane and Boedeker Street. The site is presently accessible by car on Park Lane and by foot on Boedeker Street. Both streets are collectors in the city's thoroughfare system.
There is a cemetery to the south of the property, and single family residential adjacent to the west. A major shopping center is to the east of the property, across from Boedeker Street. Across from the site are a church, duplexes and single family homes.

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.

Staff believes that the expansion of the existing use will be is compatible to the zoning and uses in the area.

**Traffic:** The new construction will generate approximately 700 trips. The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the request and determined that it will not significantly impact the surrounding street system.

**Landscaping:** Landscaping must be provided in accordance to Article X of the Dallas Development Code, as amended.
CPC ACTION

April 10, 2008

Motion: It was moved to recommend approval of an amendment to Specific Use Permit No. 477 for an institution of a religious, charitable or philanthropic nature, subject to a site plan and conditions on property zoned an R-7.5(A) Single Family District, on the southwest corner of Park Lane and Boedecker Street.

Maker: Ekblad
Second: Prothro
Result: Carried: 12 to 0

For: 12 - Prothro, Strater, Gary, Rodgers, Lozano, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 3 - Davis, Bagley, Jones-Dodd
Vacancy: 0

Notices: Area: 300 Mailed:38
Replies: For: 8 Against: 1

Speakers: None
PARTNERS/OFFICERS

The Miracle of Pentecost Foundation

Directors:

Director/Executive 1: D. Harold Byrd Jr.
Director/Executive 2: John Edward Goble Junior
Director/Executive 3: H. Vernard Grimes III
Director/Executive 4: Bill R. Tillett
Director/Executive 5: Kevin J Thomason

Officers:

Officer 1: D. Harold Byrd Jr.
Officer 2: Kevin J. Thomason
Officer 3: John E. Goble Jr.
SPECIFIC USE PERMIT FOR A LIBRARY, ART GALLERY OR MUSEUM
Z078-162(OTH)

1. USE: The only use authorized by this specific use permit is for a Library, Art Gallery or Museum. That this Specific Use Permit No. 477 for an institution of a religious, charitable or philanthropic nature.

2. SITE PLAN: Utilization of the property shall generally be in conformance with the revised site plan approved by the City Plan Commission on December 6, 1979, which is attached to and made part of this ordinance. Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit for permanent period of time.

4. INGRESS-EGRESS: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.

5. LANDSCAPING: Landscaping must be in accordance with Article X.

6. PARKING: Off-street parking shall be provided in accordance with the provisions of Article XX of Chapter 51, Dallas City Code. The location of said off-street parking shall be as shown on the attached revised site plan approved by the City Plan Commission on December 6, 1979. Parking must be provided in accordance to 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 shall must comply with all applicable codes federal and state laws and regulations, and with all ordinances, rules, and regulations of all Departments of the City of Dallas.
PROPOSED SITE PLAN
CPC RESPONSES

38 PROPERTIES OWNERS NOTIFIED
8 REPLIES IN FAVOR
1 REPLIES IN OPPOSITION
300' AREA OF NOTIFICATION
4-10-08 DATE

NOTIFICATION

300' AREA OF NOTIFICATION
38 NUMBER OF PROPERTY OWNERS NOTIFIED

DATE: 02/29/2008

1:2,400

F-8

MAP NO.: 3078-162 OTH

G:\2008\Z\078\162\F-8

GIS TECHNICIAN: CS
February 29, 2008

**Notification List of Property Owners**

**Z078-162 (OTH)(CS)**

38 Property Owners Notified

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<tr>
<td></td>
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<td>SMITH KAREN H</td>
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<tr>
<td>35</td>
<td>9012</td>
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<tr>
<td></td>
<td></td>
<td>THEILEN GEORGE BERNARD &amp;</td>
</tr>
<tr>
<td>36</td>
<td>14</td>
<td>SARAHNASH</td>
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<td>TUROFF STEVEN S &amp; JUNE</td>
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<tr>
<td>37</td>
<td>2</td>
<td>NANWAY</td>
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<td>VARDEMAN JOE REX</td>
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<td>38</td>
<td>9003</td>
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<td></td>
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<td>VASQUEZ SALVADOR JR</td>
</tr>
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</table>

*Friday, February 29, 2008*
Early Notification List

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State, Zip</th>
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<tbody>
<tr>
<td>Al Romero</td>
<td>PO Box 870875, Mesquite, TX 75150</td>
<td></td>
</tr>
<tr>
<td>Anthony Jones</td>
<td>PO Box 0711, Galveston, TX 77553</td>
<td></td>
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<tr>
<td>Betty Wadkins</td>
<td>2843 Modesto Drive, Dallas, TX 75227</td>
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<tr>
<td>Bill Dahlstrom</td>
<td>901 Main St., Ste 6000, Dallas, TX 75202</td>
<td></td>
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<tr>
<td>Bridge Ballowe c/o Nextel</td>
<td>1680 N. Prospert Dr., Richardson, TX 75081</td>
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<tr>
<td>Cindy Harris</td>
<td>4310 Buena Vista #8, Dallas, TX 75205</td>
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<tr>
<td>Clarence F Cope</td>
<td>10404 Ferndale, Dallas, TX 75238</td>
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<tr>
<td>Jane Guerrini</td>
<td>7032 Lupton, Dallas, TX 75225</td>
<td></td>
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<tr>
<td>Jeff Bosse</td>
<td>PO Box 4738, Dallas, TX 75208</td>
<td></td>
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<tr>
<td>Leanne Witek</td>
<td>16660 N Dallas Pkwy #1200, Dallas, TX 75248</td>
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<tr>
<td>Marcus Wood</td>
<td>6060 N Central Expye Ste 333, Dallas, TX 75206</td>
<td></td>
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<tr>
<td>Pam Conley</td>
<td>901 N Madison Avenue, Dallas, TX 75208</td>
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<tr>
<td>Rob Baldwin</td>
<td>401 Exposition, Dallas, TX 75226</td>
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<tr>
<td>Robert P. Garza</td>
<td>412 E. Sixth St., Dallas, TX 75203</td>
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<tr>
<td>Sheryl Jean, Newsroom-Business</td>
<td>508 Young St., Dallas, TX 75265</td>
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<tr>
<td>Steve Craft</td>
<td>P O Box 542225, Dallas, TX 75354</td>
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<tr>
<td>Steve Kim</td>
<td>4318 Sexton Ln., Dallas, TX 75229</td>
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<tr>
<td>Alpha Testing, Inc</td>
<td>Virginia Brown, 2209 Wisconsin St, Ste 100, Dallas, TX 75229</td>
<td></td>
</tr>
<tr>
<td>Am. Metro/Study Corp</td>
<td>Marque Nelson, 14881 Quorum Dr #400, Dallas, TX 75240</td>
<td></td>
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<tr>
<td>Arboriological Services, Inc.</td>
<td>Bill Seaman, Dallas, TX 75098</td>
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<tr>
<td>Bluffview Homeowner</td>
<td>Pat White, 4714 Wildwood, Dallas, TX 75209</td>
<td></td>
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<tr>
<td>Dallas ISD</td>
<td>Stan Armstrong, 3700 Ross Ave, Box 61, Dallas, TX 75204</td>
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<tr>
<td>Dallas Planning Asoc</td>
<td>Stuart Pully, PO Box 781609, Dallas, TX 75378</td>
<td></td>
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<tr>
<td>FW Dodge Reports</td>
<td>Donna McGuire, 9155 Sterling Dr. Ste 160, Dallas, TX 75063</td>
<td></td>
</tr>
</tbody>
</table>
INCAP Fund
Lauren Odell
300 Crescent Court
Dallas, TX 75208

Jackson Walker
Suzan Kedron
901 Main St. #6000
Dallas, TX 75202

Jackson Walker
Jonathan Vinson
901 Main St. #6000
Dallas, TX 75202

Kiest-Polk NA
Erma Dodd
P.O. Box 764162
Dallas, TX 75376

Kiestwood Neighbors
Neoma Shafer
2538 W Kiest Blvd
Dallas, TX 75233

Koons Real Estate Law
James Schnurr
3400 Carlisle St, #400
Dallas, TX 75204

Lake Highlands AIA
Terri Woods
9603 Rocky Branch Drive
Dallas, TX 75243

Law Office of R Albright
Roger Albright
3301 Elm St
Dallas, TX 75226

Master Plan
J Kimborough
900 Jackson St
Dallas, TX 75202

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

Minyards Properties Inc
Dennis O’Malley
777 Freeport Pkwy
Coppell, TX 75019

N Pk Lovefied Comm Civic League
Joyce Lockley
4718 Wateka Dr.
Dallas, TX 75209

Oak Cliff Chamber
Joe Burkleo
545 Lacewood Drive
Dallas, TX 75224

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

PWS Architects Inc.
Phillip Shepherd
4616 Abbott Ave
Dallas, TX 75205

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

W.A.R.N.
Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Bruce Wilke
7227 N Janmar Dr
Dallas, TX 75230

Caruth Hills & Homeplace NA
David Wright, President
PO Box 601115
Dallas, TX 75360-1115

Hillcrest-Forest NA
Jane Pak
7107 Churchill Way
Dallas, TX 75230

Meadows NA
Eric Anderson
7329 Lakehurst Ave.
Dallas, TX 75230

Northaven Park NA
Edwin B Bright
3969 Alta Vista Ln
Dallas, TX 75229
<table>
<thead>
<tr>
<th>Organization</th>
<th>Name</th>
<th>Address</th>
<th>City, State ZIP</th>
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<tbody>
<tr>
<td>Orion Real Estate Group</td>
<td>Bill Lamm</td>
<td>PO Box 540021</td>
<td>Dallas, TX 75354</td>
</tr>
<tr>
<td>Richardson ISD</td>
<td>Michael Longanecker</td>
<td>400 S Greenville Ave</td>
<td>Richardson, TX 75081</td>
</tr>
<tr>
<td>Stults Road HOA</td>
<td>Linda Moore</td>
<td>8652 Ashcroft</td>
<td>Dallas, TX 75243</td>
</tr>
<tr>
<td>The Meadows NA</td>
<td>Judy B Evans</td>
<td>7142 Blairview Dr</td>
<td>Dallas, TX 75230</td>
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<tr>
<td>Valley View HOA</td>
<td>John Hoagland</td>
<td>7184 Kendallwood Dr</td>
<td>Dallas, TX 75240</td>
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<tr>
<td>Windsor Park HOA</td>
<td>James T. Groves</td>
<td>7223 Stefani Dr</td>
<td>Dallas, TX 75225</td>
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<tr>
<td>Windsor Park HOA</td>
<td>Bobby L. Temple, M.D</td>
<td>7127 Chipperton Dr</td>
<td>Dallas, TX 75225</td>
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<tr>
<td>Windsor Park</td>
<td>John M. Bradley</td>
<td>7273 Ashington Dr</td>
<td>Dallas, TX 75225</td>
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<td>Windsor Park</td>
<td>Alan &amp; Deborah Gnutti</td>
<td>7223 Ashington Dr</td>
<td>Dallas, TX 75225</td>
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<td>Windsor Park</td>
<td>Mr. &amp; Milton Thomas</td>
<td>7107 Chipperton Dr</td>
<td>Dallas, TX 75225</td>
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<tr>
<td>Windsor Park HOA</td>
<td>Mark MacDonald</td>
<td>7040 Lupton</td>
<td>Dallas, TX 75225</td>
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<tr>
<td>Windsor Park HOA</td>
<td>Mr. &amp; Mrs. C.B. Sutherland</td>
<td>9101 Villa Park Circle</td>
<td>Dallas, TX 75225</td>
</tr>
<tr>
<td>Winsor Park</td>
<td>David A. McGee</td>
<td>9121 Beodeker Circle</td>
<td>Dallas, TX 75225</td>
</tr>
</tbody>
</table>

ENZ078-162
AGENDA ITEM # 76

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 3

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 43 L M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract IV within Planned Development District No. 508 for CH Clustered Housing, MF-2(A) Multifamily, LO-1 Limited Office and MU-1 Mixed Use District uses on the southeast corner of Kingbridge Road and Bickers Street

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

Z078-163(WE)
FILE NUMBER: Z078-163 (WE)    DATE FILED: January 30, 2008

LOCATION: Kingbridge Road and Bickers Street, southeast corner

COUNCIL DISTRICT: 3    MAPSCO: 43-L, M

SIZE OF REQUEST: Approx. 22.815 acres    CENSUS TRACT: 104

APPLICANT/OWNER: Dallas Housing Corporation

REPRESENTATIVE: Robert Baldwin & Associates

REQUEST: An application for an amendment to Tract IV within of Planned Development District No. 508 for CH Clustered Housing, MF-2(A) Multifamily, LO-1 Limited Office, MU-1 Mixed Use District uses.

SUMMARY: The purpose of this request is to allow for the Retirement Housing use to be added as a permitted use in the Planned Development conditions for Tract IV. By adding this additional use, the applicant proposes to construct a retirement housing development.

CPC RECOMMENDATION: Approval, subject to a conceptual plan and conditions

STAFF RECOMMENDATION: Approval, subject to a conceptual plan and conditions
BACKGROUND INFORMATION:

- The applicant is requesting an amendment to the Tract IV conditions to include an additional permitted use to allow for the construction of a Retirement Housing development.

- The request site is undeveloped and will be developed within the Dallas Housing Authority’s property. The proposed development will have two 180-bed retirement housing structures constructed on site. The maximum height of the structures will not exceed 36 feet.

**Zoning History:** There has not been any zoning change request in the area.

**Thoroughfares/Streets:**

<table>
<thead>
<tr>
<th>Thoroughfare/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
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<tbody>
<tr>
<td>Kingbridge Road</td>
<td>Local</td>
<td>60 ft.</td>
<td>60 ft.</td>
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<tr>
<td>Bickers Street</td>
<td>Local</td>
<td>60 ft.</td>
<td>60 ft.</td>
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**Land Use:**

<table>
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<th>Zoning within PDD No. 508</th>
<th>Land Use</th>
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<tbody>
<tr>
<td>Site</td>
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<tr>
<td>North</td>
<td></td>
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<tr>
<td>North</td>
<td>Tract 6</td>
</tr>
<tr>
<td>South</td>
<td>Tract 4, SUP No. 758 and SUP No. 757 on a portion</td>
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<tr>
<td>South</td>
<td>Tract 14 w/SUP No. 760 on a portion, Tract 13</td>
</tr>
<tr>
<td>East</td>
<td>Tract 13</td>
</tr>
<tr>
<td>East</td>
<td></td>
</tr>
<tr>
<td>East</td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>Tract 13</td>
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</table>

**Comprehensive Plan:** The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies to support the applicant’s request for affordable housing.

The proposed development is located within the Dallas Housing Authority’s property that will provide affordable housing to the elderly. The proposed development encompasses adjacent tracts that serve a similar purpose in meeting the housing needs for the resident of City of Dallas. The following elements from the *forwardDallas! Comprehensive Plan* supports the efforts by Dallas Housing Authority to meet the additional housing needs of the residents throughout the City.
Land Use

Goal 1.3 Provide equitable opportunities for Dallas residents

Policy 1.3.1 Create housing opportunities throughout Dallas

Housing

Goal 3.3 Expand affordable housing alternatives

Policy 3.3.1 Gear homeownership programs to meet projected affordable housing needs.

Policy 3.3.2 Encourage distribution of affordable housing throughout the City and the region.

STAFF ANALYSIS:

Land Use Compatibility: Planned Development District No. 508 encompasses approximately 481.26 acres and is developed with various uses to support the Dallas Housing Authority’s mission to “provide quality, affordable housing to low-income families and individuals through the effective and efficient administration of housing assistance programs; and by creating and cultivating opportunities for program participants to achieve self-sufficiency and economic independence.” The request site is contiguous to various Tracts that permit a mix of residential and office uses. The applicant’s request for an amendment to the conditions to Tract IV will allow for the development of retirement housing. The applicant is requesting to include an additional use, “retirement housing,” as a permitted residential use that will be allowed by right in this tract.

The applicant has further agreed to meet all development standards and regulations that are in the PD conditions for Tract 4 and established a minimum setback around the site’s perimeter of 50 feet. The setback will act similar to the residential proximately slope to the adjacent residential uses. Since the “Retirement Housing” use will only be permitted in Tract 4, the amendment should not have any significant impact on the surrounding uses.

Development Standards:

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>PRIMARY Uses</th>
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<tbody>
<tr>
<td>Tract IV - Existing</td>
<td>15' 10'/15'</td>
<td>36''</td>
<td>60%</td>
<td>60%</td>
<td>Single family, Multifamily</td>
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<tr>
<td>Tract IV - Proposed</td>
<td>15' 10'/15'</td>
<td>36'</td>
<td>60%</td>
<td>60%</td>
<td>Single Family, Multifamily, Retirement Housing</td>
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</tr>
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</table>
**Landscaping:** Landscaping must be provided and maintained in accordance with Article X, as amended.

**Parking:** The applicant is proposing to park the retirement housing use to the Development Code standards, which requires 0.7 spaces per dwelling unit of suite, plus one space per 300 square feet of floor area not in a dwelling unit or suite. At this time, the total square feet of floor area has not been provided to staff to calculate the required number of off-street parking spaces for this development.

**CPC Action** (March 27, 2008)

**Motion:** It was moved to recommend **approval** of an amendment to the Tract IV conditions of Planned Development District No. 508 for CH Clustered Housing, MF-2(A) Multifamily, LO-1 Limited Office, MU-1 Mixed Use District uses, subject to a conceptual plan and revised conditions on the southeast corner of Kingbridge Road and Bickers Street.

- **Maker:** Weiss
- **Second:** Prothro
- **Result:** Carried: 15 to 0

  - **For:** 15 - Prothro, Strater, Gary, Davis*, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar
  - **Against:** 0
  - **Absent:** 0
  - **Vacancy:** 0

  *out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 2
**Replies:** For: 0 Against: 0

**Speakers:** None
LIST OF OFFICERS
DALLAS HOUSING CORPORATION

- William F. Farrell Jr.  President
- Ann Lott  Secretary
SEC. 51P-508.101. LEGISLATIVE HISTORY.

PD 508 was established by Ordinance No. 23536, passed by the Dallas City Council on June 10, 1998. Ordinance No. 23536 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Ordinance No. 23536 was amended by Ordinance No. 24076, passed by the Dallas City Council on October 27, 1999; Ordinance No. 24374, passed by the Dallas City Council on September 13, 2000; Ordinance No. 24655, passed by the Dallas City Council on June 27, 2001; Ordinance No. 24725, passed by the Dallas City Council on September 26, 2001; and Ordinance No. 25982, passed by the Dallas City Council on May 25, 2005. (Ord. Nos. 19455; 23536; 24076; 24374; 24655; 24725; 25982; 26042)

SEC. 51P-508.102. PROPERTY LOCATION AND SIZE.

PD 508 is established on property generally bounded by Hampton Road on the east, Dennison Street, Fish Trap Road and Singleton Boulevard on the south, Westmoreland Road and the centerline of Old Trinity River on the west, and Canada Drive on the north. The size of PD 508 is approximately 481.26 acres. (Ord. Nos. 23536; 26042)

SEC. 51P-508.103. 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. (Ord. Nos. 23536; 25982; 26042)

SEC. 51P-508.104. CONCEPTUAL PLAN.

Use of the Property must comply with the conceptual plan (Exhibit 508A). In the event of a conflict between the provisions of this article and the conceptual plan, the provisions of this article control. (Ord. Nos. 23536; 25982; 26042)

SEC. 51P-508.105. DEVELOPMENT PLAN.

(a) A development plan for each phase of development must be approved by the city plan commission prior to the issuance of a building permit for each phase.
(b) A development plan for Tract 12A is labelled Exhibit 508B. (Ords. Nos. 23536; 24655; 25982; 26042)

SEC. 51P-508.106. CREATION OF TRACTS.

This district is divided into 15 tracts: Tracts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12A, 13, and 14. The boundaries of all areas are described in Exhibit A of Ordinance No. 23536, as amended by Ordinance No. 25982. The boundaries of the areas are shown on the conceptual plan. In the event of a conflict, the descriptions in Exhibit A of Ordinance No. 23536, as amended, control over the graphic description on the conceptual plan. (Ord. Nos. 23536; 24725; 25982; 26042)

SEC. 51P-508.107. TRACT REGULATIONS.

(b) Tracts 4, 8, 10, 11, and 13 (MULTI-FAMILY [MF-2(A)] Tracts).

(1) Main uses permitted.

(A) Agricultural uses.

-- None permitted.

(B) Commercial and business service uses.

-- None permitted.

(C) Industrial uses.

-- None permitted.

(D) Institutional and community service uses.

-- Adult day care facility. [SUP]

-- Child-care facility. [SUP]

-- Church.

-- College, university, or seminary. [SUP]

-- Community service center. [SUP]

-- Convalescent and nursing homes, hospice care, and related institutions.

-- Convent or monastery. [SUP]
-- Foster home. [SUP]
-- Hospital. [SUP]
-- Library, art gallery, or museum. [SUP]
-- Public or private school. [SUP]
-- Cemetery or mausoleum.

(E) Lodging uses.
-- None permitted.

(F) Miscellaneous uses.
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(G) Office uses.
-- None permitted.

(H) Recreation uses.
-- Private recreation center, club, or area. [SUP]
-- Public park, playground, or golf course.

(I) Residential uses.
-- Multifamily.
-- Single family.
-- Handicapped group dwelling unit. [SUP required if spacing component of Section 51A-4.209(3.1) is not met.]

-- Retirement Housing in Tract IV only

(J) Retail and personal service uses.
-- None permitted.
(K) **Transportation uses.**

-- Transit passenger shelter.

-- Transit passenger station or transfer center. [*SUP*]

(L) **Utility and public service uses.**

-- Electrical substation. [*SUP*]

-- Local utilities.

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

-- Radio, television, or microwave tower. [*SUP*]

-- Tower/antenna for cellular communication. [*SUP*]

-- Utility or governmental installation other than listed. [*SUP*]

(M) **Wholesale, distribution, and storage uses.**

-- Recycling drop-off container.

-- Recycling drop-off for special occasion collection.

(2) **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.

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

-- Accessory outside display of merchandise.

-- Accessory outside sales.

-- Accessory pathological waste incinerator.

(B) The following accessory use is permitted by SUP only:

-- Accessory helistop.

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

(A) **Front yard.** Minimum front yard is 15 feet.

(B) **Side and rear yard.**

   (i) No minimum side and rear yard for single family structures.

   (ii) Minimum side yard for other permitted structures is 10 feet.

   (iii) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.

   (iv) The minimum front, side and rear yard setback is 50 feet in Tract IV.

(C) **Dwelling unit density.** No maximum dwelling unit density.

(D) **Floor area ratio.** No maximum floor area ratio.

(E) **Height.**

   (i) **Residential proximity slope.** If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

   (ii) **Maximum height.** Unless further restricted under Subparagraph (E)(i), maximum structure height is 36 feet.

   (iii) In Tract IV only, the maximum structure height for retirement housing is 50 feet. For all other uses, the maximum height is 36 feet.

(F) **Lot coverage.**

   (i) Maximum lot coverage is:

      (aa) 60 percent for residential structures; and

      (bb) 50 percent for nonresidential structures.
(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. Minimum lot area per dwelling unit is as follows:

<table>
<thead>
<tr>
<th>Type of Structure</th>
<th>Per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family</td>
<td>1,000 Sq. ft.</td>
</tr>
<tr>
<td>Multifamily:</td>
<td></td>
</tr>
<tr>
<td>No separate bedroom</td>
<td>800 sq. ft.</td>
</tr>
<tr>
<td>One bedroom</td>
<td>1,000 sq. ft.</td>
</tr>
<tr>
<td>Two bedroom</td>
<td>1,200 sq. ft.</td>
</tr>
<tr>
<td>More than two bedrooms</td>
<td>150 sq. ft.</td>
</tr>
<tr>
<td>(Add this amount for each bedroom over two)</td>
<td></td>
</tr>
</tbody>
</table>

(H) Stories. No maximum number of stories.

(4) Off-street parking and loading. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally. In this district, off-street parking must be provided at or below ground level.

(5) Environmental performance standards. See Article VI.

(6) Landscaping. Landscaping must be provided in compliance with the requirements of Article X.

(7) Additional provisions. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

SEC. 51P-508.108. SIGNS.

Signs must comply with the following regulations:

(1) For Tracts 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 14, signs must comply with the provisions for non-business zoning districts contained in Article VII.

(2) For Tracts 2, 12, and 12A, signs must comply with the provisions for business zoning districts contained in Article VII. (Ord. Nos. 23536; 25982; 26042)
SEC. 51P-508.109. ADDITIONAL PROVISIONS.

(a) The entire premises must be properly maintained in a state of good repair and neat appearance at all times.

(b) Use of the Property must comply with all applicable federal and state laws and regulations, and with all applicable ordinances, rules, and regulations of the city. (Ord. Nos. 23536; 25982; 26042)

SEC. 51P-508.110. PAVING.

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation. (Ord. Nos. 24655; 26042)

SEC. 51P-508.111. COMPLIANCE WITH CONDITIONS.

The building official shall not issue a building permit or certificate of occupancy for a use in this PD 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. Nos. 24655; 26042)

SEC. 51P-508.112. ZONING MAP.

PD 508 is located on Zoning Map Nos. J-5 and J-6. (Ord. Nos. 23536; 26042)
# Notification List of Property

**Z078-163 (WE)(CS)**

Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3313</td>
<td>LAKEPOINTE DALLAS HOUSING AUTHORITY</td>
</tr>
<tr>
<td>2</td>
<td>3</td>
<td>GRAY OAK HORIZONS DEV CORP</td>
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*Friday, February 29, 2008*
<table>
<thead>
<tr>
<th>Name</th>
<th>Address 1</th>
<th>Address 2</th>
<th>City, State, Zip</th>
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<tbody>
<tr>
<td>Al Romero</td>
<td>PO Box 870875</td>
<td>Mesquite, TX 75150</td>
<td></td>
</tr>
<tr>
<td>Anthony Jones</td>
<td>PO Box 0711</td>
<td>Galveston, TX 77553</td>
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</tr>
<tr>
<td>Betty Wadkins</td>
<td>2843 Modesto Drive</td>
<td>Dallas, TX 75227</td>
<td>ENZ078-163</td>
</tr>
<tr>
<td>Bridge Ballowe c/o Nextel</td>
<td>1680 N. Prospert Dr.</td>
<td>Richardon, TX 75081</td>
<td></td>
</tr>
<tr>
<td>Cindy Harris</td>
<td>4310 Buena Vista #8</td>
<td>Dallas, TX 75205</td>
<td></td>
</tr>
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<td>ENZ078-163</td>
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<tr>
<td>Bill Dahlstrom</td>
<td>901 Main St., Ste 6000</td>
<td>Dallas, TX 75202</td>
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<tr>
<td>Clarence F Cope</td>
<td>10404 Ferndale</td>
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<tr>
<td>Jane Guerrini</td>
<td>7032 Lupton</td>
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<tr>
<td>Jeff Bosse</td>
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<tr>
<td>Leanne Witek</td>
<td>16660 N Dallas Pkwy #1200</td>
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<tr>
<td>Name</td>
<td>Address</td>
<td>City, State</td>
<td>Zip</td>
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<tr>
<td>Kiestwood Neighbors</td>
<td>Neoma Shafer</td>
<td>2538 W Kiest Blvd</td>
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<tr>
<td>Law Office of R Albright</td>
<td>Roger Albright</td>
<td>3301 Elm St</td>
<td>Dallas, TX 75226</td>
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<tr>
<td>Micheal R Coker Co</td>
<td>Minyards Properties Inc</td>
<td>2700 Swiss Ave. #100</td>
<td>Dallas, TX 75209</td>
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<tr>
<td>Oak Cliff Chamber</td>
<td>PARC DU LAC</td>
<td>545 Lacewood Drive</td>
<td>Dallas, TX 75224</td>
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<tr>
<td>Quick Trip Co.</td>
<td>Robert Reeves &amp; Assoc. Inc.</td>
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<td>Fort Worth, TX 76155</td>
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<td>United HOA</td>
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<tr>
<td>Gabriel Camacho</td>
<td>Vicki Keene</td>
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<td>4606 Singleton Blvd</td>
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<tr>
<td>Vecinos Unidos, Inc</td>
<td>W Dal Chamber of Commerce</td>
<td>3603 N Winnetka Ave.</td>
<td>Dallas, TX 75212</td>
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</tbody>
</table>

ENZ078-163 (WE)
A public hearing to receive comments regarding an application for and an ordinance granting an LO-1 Limited Office District on property zoned a P(A) Parking District with a portion of Specific Use Permit No. 1498 for a government installation other than listed on the southeast corner of Northwest Highway and Solta Drive and a resolution accepting the deed restrictions volunteered by the applicant.

Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant with retention of SUP No. 1498 Z078-164(WE)
FILE NUMBER: Z078-164 (WE)  DATE FILED: January 30, 2008

LOCATION: Northwest Highway and Solta Drive, southeast corner

COUNCIL DISTRICT: 9  MAPSCO: 27-Z

SIZE OF REQUEST: Approx. 0.5 acres  CENSUS TRACT: 129

APPLICANT/OWNER: Ms. Jennifer Wilcox

REPRESENTATIVE: Jay Chinos, P.E.

REQUEST: An application for an LO-1 Limited Office District on property zoned a P(A) Parking District with a portion of Specific Use Permit No. 1498 for a government installation other than listed with consideration being given to deed restrictions volunteered by the applicant.

SUMMARY: The purpose of the request is to allow for the construction of an office building. The Specific Use Permit that is currently of the property will remain.

CPC RECOMMENDATION: Approval, subject to the deed restrictions volunteered by the applicant with retention of the Specific Use Permit No. 1498.

STAFF RECOMMENDATION: Approval, subject to the deed restrictions volunteered by the applicant with retention of the Specific Use Permit No. 1498.
BACKGROUND INFORMATION:

- The applicant’s request for an LO-1 Limited Office District will allow for the development of a low-rise office building that will not exceed 70 feet in height. The Specific Use Permit will remain on the site. However, the applicant has indicated that the proposed office building will not exceed 45 feet in height.

- The applicant volunteered deed restrictions to limit access to the site to and from Northwest Highway. A remote access agreement will have to be executed before a tenant can access the request site.

- In 1971, the City Council approved a P(A) District for this location. The parking designation provided additional off-street parking spaces for a proposed office building located east of the request site. The office building was never built.

- In December 2002, the City Council approved Specific Use Permit No. 1498 for a government installation other than listed for a permanent time period. Dallas County had purchased the property (the request site and adjoining property) to construct a one story sub-courthouse but did not build the structure.

Zoning History: There has been one recent zoning change requested in the area.

1. Z067-299 On Wednesday, December 12, 2007, the City Council approved a Planned Development District for MF-2(A) Multifamily District Uses on property zoned an MF-2(A) Multifamily District located in the northwest quadrant of Northwest Highway and Lullwater Drive.

Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfare/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
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<td>Northwest highway</td>
<td>Principal arterial</td>
<td>100 ft.</td>
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<td>Solta Drive</td>
<td>Local</td>
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Land Use:

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<tr>
<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
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<tbody>
<tr>
<td>North</td>
<td>LO-1(A)</td>
<td>Office</td>
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<tr>
<td>South</td>
<td>R-7.5(A)</td>
<td>Single Family</td>
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<tr>
<td>East</td>
<td>LO-1(A) w/ a portion of SUP no. 1498</td>
<td>Undeveloped</td>
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<tr>
<td>West</td>
<td>R-7.5(A)</td>
<td>Single Family</td>
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COMPREHENSIVE PLAN: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines a goal and policy to support the applicant’s request for an office building that is adjacent to residential uses. In addition, the residential proximately slope will limit the structure’s height if the applicant decides to increase the structure’s height beyond 45 feet because of the close proximately of the adjacent residential uses and lot size. The policy in the land use element supports office uses that are adjacent to single family uses when neighborhood-serving office, retail, or other non-residential uses are primarily on significant roadways or at key intersections.

Land Use

**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.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The request site is undeveloped and is approximately 0.5 acres. The site is contiguous to an undeveloped parcel of land that is zoned an LO-1 Limited Office District. In addition, there is a 15-foot alley that separates the request site from the existing single family dwellings. To the west, across Solta Drive, are single family dwellings.

The applicant’s request for an LO-1 Limited Office District will permit the construction of a low-rise office building that will not exceed 45 feet in height. Any structures that exceed 26 feet height will be subject to the residential proximately slope. In addition, if the proposed office building exceeds 45 feet in height, an additional side and rear yard setback will be enforced. The code states “an additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet.” Therefore, the proposed development will be limited to the amount of development that can be developed on site as a result of the development code regulations.

The request for an LO-1 Limited Office District should not have an adverse impact on the surrounding residential uses and is in compliance with the goals and policies of the *forwardDallas! Comprehensive Plan*.

**Development Standards:**

<table>
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<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>PRIMARY Uses</th>
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<tr>
<td>P(A) w/SUP No. 1498</td>
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<td>Surface parking, court house</td>
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<td>Parking - Existing</td>
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<tr>
<td>LO-1 - Proposed Limited office – 1</td>
<td>15'</td>
<td>1.0 FAR</td>
<td>70' 5 stories</td>
<td>80%</td>
<td>Proximity Slope</td>
<td>Office – limited retail &amp; personal service uses</td>
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<td>Visual Intrusion</td>
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</tbody>
</table>
Landscaping: The request site is currently undeveloped and any development will have to comply with the landscaping regulations that are in accordance with Article X requirements, as amended. All plant materials must be maintained in a healthy, growing condition.

Traffic: The applicant will need TXDOT approval to allow access to and from Northwest Highway. The Engineering Section of the Department of Development Services has also reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

Preliminary Plat: On February 28, 2008, the City Plan Commission approved a preliminary plat for this site.

Miscellaneous – conditions: The Specific Use Permit allows for a government installation other than listed which means that a government entity can lease or own the property to develop a typical use that may include a city hall, courthouse, or an elevated water storage reservoir. The applicant has indicated that the request site and adjacent the property will be developed as an office use and the existing SUP No. 1498 will remain on the site.

Deed Restrictions: The applicant has agreed to volunteered deed restrictions to limit access to the site from Northwest Highway. In addition, the applicant has also indicated that they have met with TXDOT regarding installing a driveway access on Northwest Highway. It was determine that TXDOT will approve a driveway access on Northwest Highway that is at least 180 feet from the intersection of Solta Drive and Northwest Highway.

CPC Action (March 27, 2008)

Motion: It was moved to recommend approval for a LO-1 Limited Office District, subject to the deed restrictions volunteered by the applicant with the retention of Specific Use Permit No. 1498 on property zoned a P(A) Parking District with Specific Use Permit No. 1498 for a government installation other than listed on the southeast corner of Northwest Highway and Solta Drive.

Maker: Weiss
Second: Prothro
Result: Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis*, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 0
Vacancy: 0
*out of the room, shown voting in favor

**Notices:**  
Area: 200
Mailed: 22

**Replies:**  
For: 2  Against: 1

**Speakers:** None
THE STATE OF TEXAS

COUNTY OF DALLAS

KNOW ALL PERSONS BY THESE PRESENTS:

I.
The undersigned, Jennifer Wilcox ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the William C. Jackson Survey, Abstract No. 704, City Block A/7080, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by the County of Dallas, by deed dated August 9, 2006, and recorded County Clerk File Number 200600292137, Official Public Records of Dallas County, Texas, and being more particularly described in the attached Exhibit A.

II.
The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit: Ingress and egress to and from the Property is permitted only on Northwest Highway. No other ingress or egress is permitted.

III.
These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

IV.
These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.
V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of CHAPTER 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

7
XII.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this the _____ day of ______________, 200__.

Owner

By:
Printed Name:
Title:

CONSENT AND CONCURRENCE OF LIENHOLDER OR MORTGAGEE

Property Lienholder or Mortgagee

By:
Printed Name:
Title:

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

By:
Assistant City Attorney
1. **USE**: The only use authorized by this specific use permit is a government installation other than listed.

2. **SITE PLAN**: Use and development of the Property must comply with the attached site and landscape plan.

3. **TIME LIMIT**: This specific use permit has no expiration date.

4. **LANDSCAPING**: Landscaping must be provided as shown on the attached site and landscape plan.

5. **SCREENING**: The parking lot must be screened as shown on the attached site and landscape plan.

6. **OFF-STREET PARKING AND LOADING**: A minimum of 70 off-street parking spaces must be provided as 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 only.

8. **MAINTENANCE**: The entire Property must be properly maintained in a state of good repair and neat appearance always.

9. **GENERAL REQUIREMENTS**: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISING SUP CONDITIONS No. 1498

No changes recommended
<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>10410 NORTHWEST</td>
<td>WILCOX JENNIFER</td>
</tr>
<tr>
<td>2</td>
<td>10106 BARONNE</td>
<td>BOREN ELAINE P</td>
</tr>
<tr>
<td>3</td>
<td>10126 BARONNE</td>
<td>BOUDREAU FERDINAND F</td>
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<tr>
<td>4</td>
<td>10421 CLARY</td>
<td>BURDEN SARAH JANE</td>
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<td>5</td>
<td>10404 CLARY</td>
<td>CHILDS DONALD ROBERT &amp;</td>
</tr>
<tr>
<td>6</td>
<td>8504 LOCKHAVEN</td>
<td>DAVIS MARK A</td>
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<tr>
<td>7</td>
<td>110415 CLARY</td>
<td>GLAZE JEFFREY S &amp; BETSY R</td>
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<td>10116 BARONNE</td>
<td>HILL AMY &amp; JASON HILL</td>
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<td>10425 CLARY</td>
<td>JORDAN ALLENE O LF EST</td>
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<td>10567 SOLTA</td>
<td>KINDLE TERESA M</td>
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<td>11</td>
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<td>MIRABAI DANIELLE ROSE</td>
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<td>10573 SOLTA</td>
<td>NABORS THELMA MARIE</td>
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<td>10409 CLARY</td>
<td>OTOOLE LINDA S &amp;</td>
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<td>SHERRY CLARENCE E JR</td>
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<td>17</td>
<td>10414 CLARY</td>
<td>VERDE MONTE 32 PTNRS</td>
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<td>18</td>
<td>10553 SOLTA</td>
<td>WATSON KELLY JO</td>
</tr>
<tr>
<td>19</td>
<td>10112 BARONNE</td>
<td>WINDHAM ANGELA D</td>
</tr>
</tbody>
</table>

Friday, February 29, 2008
Al Romero  
PO Box 870875  
Mesquite, TX 75150

Anthony Jones  
PO Box 0711  
Galveston, TX 77553

Betty Wadkins  
2843 Modesto Drive  
Dallas, TX 75227

Bill Dahlstrom  
901 Main St., Ste 6000  
Dallas, TX 75202

Bridge Ballowe c/o Nextel  
1680 N. Prosper Dr.  
Richardson, TX 75081

Cindy Harris  
4310 Buena Vista #8  
Dallas, TX 75205

Clarence F Cope  
10404 Ferndale  
Dallas, TX 75238

Jane Guerrini  
7032 Lupton  
Dallas, TX 75225

Jeff Bosse  
PO Box 4738  
Dallas, TX 75208

Leanne Witek  
16660 N Dallas Pkwy #1200  
Dallas, TX 75248

Marcus Wood  
6060 N Central Expwy Ste 333  
Dallas, TX 75206

Pam Conley  
901 N Madison Avenue  
Dallas, TX 75208

Rob Baldwin  
401 Exposition  
Dallas, TX 75226

Robert P. Garza  
412 E. Sixth St.  
Dallas, TX 75203

Sheryl Jean, Newsroom-Business  
508 Young St.  
Dallas, TX 75265

Steve Craft  
P O Box 542225  
Dallas, TX 75354

Steve Kim  
4318 Sexton Ln.  
Dallas, TX 75229

Alpha Testing, Inc  
Virginia Brown  
2209 Wisconsin St, Ste 100  
Dallas, TX 75229

Am. Metro/Study Corp  
Marque Nelson  
14881 Quorum Dr #400  
Dallas, TX 75240

Arborilological Services, Inc.  
Bill Seaman  
16 Steel Rd.  
Wylie, TX 75098

Bluffview Homeowner  
Pat White  
4714 Wildwood  
Dallas, TX 75209

Dallas ISD  
Stan Armstrong  
3700 Ross Ave, Box 61  
Dallas, TX 75204

Dallas Planning Asoc  
Stuart Pully  
P O Box 781609  
Dallas, TX 75378

FW Dodge Reports  
Donna McGuire  
9155 Sterling Dr. Ste 160  
Dallas, TX 75063

INCAP Fund  
Lauren Odell  
300 Crescent Court  
Dallas, TX 75208

Jackson Walker  
Suzan Kedron  
901 Main St. #6000  
Dallas, TX 75202

Jackson Walker  
Jonathan Vinson  
901 Main St. #6000  
Dallas, TX 75202
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<td>Erma Dodd</td>
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<td>James Schnurr</td>
<td>Dallas, TX 75204</td>
</tr>
<tr>
<td>-</td>
<td>P.O. Box 764162</td>
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<td>-</td>
<td>2538 W Kiest Blvd</td>
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<tr>
<td>Lake Highlands AIA</td>
<td>Terri Woods</td>
<td>9603 Rocky Branch Drive</td>
<td>Dallas, TX 75243</td>
<td>Law Office of R Albright</td>
<td>Roger Albright</td>
<td>3301 Elm St</td>
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<td>Master Plan</td>
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<td>MetroStudy Corp</td>
<td>Rebecca Webb</td>
<td>14881 Quorum Dr #400</td>
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<td>Micheal R Coker Co</td>
<td>Michael R Coker</td>
<td>2700 Swiss Ave. #100</td>
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<td>Minyards Properties Inc</td>
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<td>N Pk Lovefied Comm Civic League</td>
<td>Joyce Lockley</td>
<td>4718 Wateka Dr.</td>
<td>Dallas, TX 75209</td>
<td>Oak Cliff Chamber</td>
<td>Joe Burkleo</td>
<td>545 Lacewood Drive</td>
<td>Dallas, TX 75224</td>
<td>PARC DU LAC</td>
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<td>PWS Architects Inc.</td>
<td>Phillip Shepherd</td>
<td>4616 Abbott Ave</td>
<td>Dallas, TX 75205</td>
<td>Quick Trip Co.</td>
<td>Teri Dorazil</td>
<td>14450 Trinity Blvd. #300</td>
<td>Fort Worth, TX 76155</td>
<td>Robert Reeves &amp; Assoc. Inc.</td>
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<tr>
<td>Signs Manufacturing</td>
<td>William Watson</td>
<td>4610 Mint Way</td>
<td>Dallas, TX 75236</td>
<td>United HOA</td>
<td>Norma Parry</td>
<td>1515 Reynaldston Ln.</td>
<td>Dallas, TX 75232</td>
<td>United HOA</td>
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<tr>
<td>W.A.R.N.</td>
<td>Tashia Moseley</td>
<td>5353 Maple Ave. Ste. 200</td>
<td>Dallas, TX 75235</td>
<td>Dixon Branch HOA</td>
<td>Sue Harrington</td>
<td>11118 Yorkspring Dr</td>
<td>Dallas, TX 75218</td>
<td>Highlands West</td>
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<td>Highlands West HOA</td>
<td>Glee Huebrier</td>
<td>9041 Drumcliffe Ln.</td>
<td>Dallas, TX 75231</td>
<td>Old Lake Highlands NA</td>
<td>Tim Guedry</td>
<td>803 Brookhurst Dr</td>
<td>Dallas, TX 75218</td>
<td>OLHNA</td>
</tr>
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<tr>
<td>Orion Real Estate Group</td>
<td>Bill Lamm</td>
<td>PO Box 540021</td>
<td>Dallas, TX 75354</td>
<td>Pebble Creek HOA</td>
<td>Annie Seals</td>
<td>9715 Stone River Cir</td>
<td>Dallas, TX 75231</td>
<td>Richardson ISD</td>
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</tbody>
</table>
AGENDA ITEM # 78

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 46 F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an NO(A) Neighborhood Office District on property zoned an MF-2(A) Multifamily District, on the south corner of Columbia Avenue and Colson Street Recommendation of Staff and CPC: Approval
Z078-166(OTH)
HONORABLE MAYOR & CITY COUNCIL  
WEDNESDAY, MAY 14, 2008  
ACM: A.C. GONZALEZ

FILE NUMBER: Z078-166 (OTH)  
DATE FILED: February 6, 2008

LOCATION: On the south corner of Columbia Avenue and Colson Street.

COUNCIL DISTRICT: 2  
MAPSCO: 46-F

SIZE OF REQUEST: Approx. 16,000 sq. ft.  
CENSUS TRACT: 15.02

REPRESENTATIVE: Jim Byrd

APPLICANT/ OWNER: El Heraldo News Inc.

REQUEST: An application for a NO(A) Neighborhood Office District on property zoned an MF-2(A) Multifamily District.

SUMMARY: The applicant proposes to use the property for offices.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval
BACKGROUND INFORMATION:

- The request site is currently developed with a two story vacant building.
- The existing building was a multifamily building with nine dwelling units.
- Surrounding uses are multifamily to the east, west and south; and multifamily and commercial to the north.

Zoning History: There has been one zoning requests in the area.

1. Z067-166 On June 13, 2007, the City Council approved Historic District Overlay No. 132 on property located at the east corner of Reiger Avenue and Colson Street.

Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfares/Street</th>
<th>Type</th>
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<tbody>
<tr>
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<td>Minor Arterial</td>
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<tr>
<td>Colson</td>
<td>Local</td>
<td>40 ft.</td>
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Land Use:

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<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
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</thead>
<tbody>
<tr>
<td>Site</td>
<td>MF-2(A)</td>
<td>Vacant building</td>
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<tr>
<td>Northeast</td>
<td>CR (With deed restrictions), MF-2(A)</td>
<td>Retail and multifamily</td>
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<tr>
<td>Southeast</td>
<td>MF-2(A)</td>
<td>Multifamily</td>
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<tr>
<td>Southwest</td>
<td>MF-2(A)</td>
<td>Multifamily</td>
</tr>
<tr>
<td>Northwest</td>
<td>MF-2(A)</td>
<td>Multifamily</td>
</tr>
</tbody>
</table>
Comprehensive Plan:
The applicant is requesting a zoning change for an office use. The surrounding land uses are retail and multifamily. The applicant intends to renovate the building and bring it up to code for office use.

The following are the goals and objectives in the comprehensive plan to be considered while reviewing this request:

Land Use

The Vision Illustration of forwardDallas! recommends Urban Neighborhood type development that will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distances of residences.

Goal 1.2 Promote Desired Development

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

Economic Development Element:

Goal 2.1 Promote balanced growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

STAFF ANALYSIS:

Land Use Compatibility:

The request site is developed with a two story building that fronts Columbia Avenue, a minor arterial in the thoroughfare system, and on the west side of Colson Street. The area is mainly developed with multifamily buildings. The applicant is proposing to renovate a 4,875 square building existing in the property for office use. The site is surrounded by retail and multifamily uses.

The proposed use for the site is for an office. The site is located along a populated corridor with a combination of multifamily and commercial uses. Several businesses are along Columbia Avenue. Across the proposed site is a general retail site that provides basic services to the neighborhood. Further to the west of the property are restaurants, retail shops and other services.

Staff believes an NO(A) Neighborhood Office District is compatible with the existing zoning and uses in the area.
### Development Standards:

<table>
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<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density FAR</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>Primary Uses</th>
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<td><strong>Existing</strong></td>
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<td>36’</td>
<td>60%</td>
<td>30%</td>
<td>Multifamily, duplex, single family</td>
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<tr>
<td>MF-2(A) Multifamily</td>
<td>15’</td>
<td>15’</td>
<td>Min lot 1,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR</td>
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<tr>
<td><strong>Proposed</strong></td>
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<td>30’</td>
<td>50%</td>
<td>30%</td>
<td>Office</td>
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<tr>
<td>NO(A) Neighborhood Office</td>
<td>15’</td>
<td>20’ adjacent to residential OTHER: No Min.</td>
<td>0.5 FAR 30’ 2 stories</td>
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<td>50%</td>
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</table>

**Traffic:** The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the request and determined that it will not significantly impact the surrounding street system.

**Landscaping:** Landscaping must be provided in accordance to Article X of the Dallas Development Code, as amended.
CPC ACTION

April 10, 2008

Motion: It was moved to recommend approval of an NO(A) Neighborhood Office District on property zoned an MF-2(A) Multifamily District, on the south side of Columbia Avenue at Colson Street.

Maker: Strater
Second: Weiss
Result: Carried: 11 to 0

For: 11 - Prothro, Strater, Gary, Rodgers, Lozano, Weiss, Lueder, Buehler, Wolfish, Ekblad, Alcantar

Against: 0

Absent: 4 - Davis, Bagley, Jones-Dodd, Emmons

Replies: 
For: 2
Against: 0

Speakers: None
OFFICERS/PARTNERS

Francisco Rayo - President and CEO
James Loren Byrd - Vice President and Treasurer (CFO)
Elida Chacon Byrd - Secretary and Chief Marketing Officer (CMO)
CPC RESPONSES

PROPERTY OWNERS NOTIFIED: 17
REPLIES IN FAVOR: 2
REPLIES IN OPPOSITION: 0
AREA OF NOTIFICATION: 200'
DATE: 4-3-08

The number '0' indicates City of Dallas Ownership

NOTIFICATION

200' AREA OF NOTIFICATION
17 NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: J-8
Case no: Z078-166 OTH

DATE: 03/05/2008
GIS TECHNICIAN: CS
Notification List of Property Owners
Z078-166 (OTH)(CS)

17 Property Owners Notified

<table>
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<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<td>COLUMBIA</td>
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Wednesday, March 05, 2008
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KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 26 U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 531 for a Community service center and MF-2(SAH) Multifamily (Affordable) District Uses on the north line of Ridgecrest Road, northwest of Eastridge Drive

Recommendation of Staff and CPC: Approval, subject to a development/landscape plan and conditions

Z078-170(RB)
FILE NUMBER: Z078-170(RB) DATE FILED: February 13, 2008

LOCATION: North Line of Ridgecrest Road, Northwest of Eastridge Drive

COUNCIL DISTRICT: 13 MAPSCO: 26 U

SIZE OF REQUEST: Approx. 27,000 Sq. Ft. CENSUS TRACT: 78.16

APPLICANT: Vickery Meadow Learning Center, Owner

REPRESENTATIVE: Karl Crawley

REQUEST: An application for an amendment to the development/landscape plan and conditions for Planned Development District No. 531 for a Community service center and MF-2(SAH) Multifamily (Standard Affordable Housing) District Uses.

SUMMARY: The applicant is proposing to construct a new structure to accommodate an increase in floor area and structured parking.

CPC RECOMMENDATION: Approval, subject to a development/landscape plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a development/landscape plan and conditions.
BACKGROUND INFORMATION:

• The request site is developed with a community service center with required off-street parking located along the Ridgecrest Road frontage.

• PDD No. 531 was approved by the City Council on January 27, 1999.

• The applicant is requesting an amendment to provide for a new structure that will accommodate an increase in floor area above enclosed parking.

• The applicant is requesting that the enclosed parking be permitted within 20 of the property line subject to a requirement of an automatic opener.

Zoning History: There had been no recent zoning activity in the immediate area relevant to the request.

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STAFF ANALYSIS:

Comprehensive Plan

The applicant is requesting an amendment to provide for a new structure that will accommodate an increase in floor area above enclosed parking. In conjunction with the enclosed parking, the applicant has requested that the requirement for a minimum of 20 feet from the property line be amended to permit its location at ten feet, subject to a requirement of an electric door opener. The impact of the request is minimal due to its frontage abutting a public alley and across from surface parking areas for the adjacent multifamily uses.

As a result, the requested amendment complies with the Urban Design Element outlined in forwardDallas!

   GOAL 5.1 Promote a sense of place, safety, and walkability.

   Policy 5.1.3 Encourage complementary building height, scale, design and character.

Land Use Compatibility:
The existing PDD is developed with a community service center and surface parking along its Ridgecrest Road frontage. The applicant is proposing a structured parking area and second floor addition along the northern property line abutting a public alley.

The surrounding area is developed with multifamily uses. A platted public alley wraps the northern property line, where the requested improvements will take access. The alley serves the off-street parking areas for abutting multifamily uses and therefore does not possess vehicular speeds normally associated with public streets. Staff has determined a reduction of ten feet (from 20 feet) for the location of an enclosed parking structure will not impact surrounding uses nor does it possess a safety issue with respect to maneuvering in and out of the structure.

**Traffic:** The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the requested amendment and has determined it does not significantly impact the surrounding street system.

**Landscaping:** PDD No. 531 requires landscaping to comply with an approved development/landscape plan. The requested amendment will require removal of three trees (protected species) however each is less than eight caliper inches, the threshold required for mitigation. While staff would like to see additional tree plantings, the site does not possess any areas for such placements. As a result, staff supports the landscape component associated with the attached proposed development/landscape plan.

**CPC ACTION**

(March 27, 2008)

**Motion:** It was moved to recommend **approval** of an amendment to the revised development/landscape plan and conditions for Planned Development District No. 531 for a Community service center and MF-2(SAH) Multifamily (Standard Affordable Housing) District Uses on the north line of Ridgecrest Road, northwest of Eastridge Drive.

Maker: Weiss  
Second: Prothro  
Result: Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Davis*, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0  
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

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Speakers: None
Vickery Meadow Learning Center

James E. Brown, President
Curtis Swinson, Vice President
Trey Angel, Treasurer
Joni Cohen, Secretary

Dave Adams
Wilson Aurbach
Christy Baker
Meg Benner
Leon Carter
Ashley Coleman
Lynn Goldstein
Randy Hall
Catharina Haynes
Kaki Hopkins
Dave Jones
Walter Kilroy
Ginny LaSala
Rita Odom
Matt Perry-Miller
Cheryl Poliman
Kersten Rettig
Myrna Ries
Ann Simmons
Anne Smith
Marnie Wildenthal

Sarah C. Polley, Executive Director

2018-170
CPC RECOMMENDED
PROPOSED AMENDING CONDITIONS FOR PDD NO. 531

ARTICLE 531.

PD 531.

SEC. 51P-531.101. LEGISLATIVE HISTORY.

PD 531 was established by Ordinance No. 23774, passed by the Dallas City Council on January 27, 1999. Ordinance No. 23774 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Subsequently, Ordinance 23774 was amended by Ordinance No. 24529, passed by the Dallas City Council on February 28, 2001. (Ord. Nos. 19455; 23774; 24529; 25164)

SEC. 51P-531.102. PROPERTY LOCATION AND SIZE.

PD 531 is established on property fronting approximately 140 feet on the north line of Ridgecrest Road, beginning at a point 887 feet northwest of the southwest line of Eastridge Drive. The size of PD 531 is approximately 27,000 square feet. (Ord. Nos. 23774; 24529; 25164)

SEC. 51P-531.103. 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, sections, or divisions are to articles, sections, or divisions of Chapter 51A.

(c) This district is considered to be a residential zoning district. (Ord. Nos. 24529; 25164)

SEC. 51P-531.104. DEVELOPMENT PLAN.

For a community service center, development and use of the Property must comply with the development/landscape plan (Exhibit 531A); for all other permitted uses the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis, or landscape plan do not apply. (Ord. Nos. 24529; 25164)

SEC. 51P-531.105. MAIN USES PERMITTED.

(a) Community service center.

(b) Except as provided above, the uses permitted in this district are all uses permitted in the MF-2(SAH) Multifamily (Standard Affordable Housing) District, as amended, subject to the same conditions applicable in the MF-2(SAH) Multifamily (Standard Affordable Housing) District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the MF-2(SAH) Multifamily (Standard Affordable Housing) District by specific use permit (SUP) only is
permitted in this planned development district by SUP only. A use subject to development impact review (DIR) in the MF-2(SAH) Multifamily (Standard Affordable Housing) District is subject to DIR in this planned development district, etc. (Ord. Nos. 24529; 25164)

SEC. 51P-531.106. 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 in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. (Ord. Nos. 24529; 25164)

SEC. 51P-531.107. YARD, LOT, AND SPACE REGULATIONS.

(a) Except as otherwise stated, the yard, lot, and space regulations of the MF-2(SAH) Multifamily (Standard Affordable Housing) District contained in Section 51A-4.116(b)(4) apply to this planned development district.

(b) For a community service center, minimum front, side, and rear yards are as shown on the development/landscape plan.

(c) Maximum permitted floor area is 4,650 6,500 square feet for a community service center use, located as shown on the development/landscape plan. (Ord. Nos. 24529; 25164)

SEC. 51P-531.108. OFF-STREET PARKING AND LOADING.

**Applicant requested:**

| (a) | Off-street parking for a community service center must be provided and located as shown on the development/landscape plan. |
| (b) | For a community service use, garage doors or fences for enclosed parking spaces may be within 20 feet of the alley, must be equipped with a remote automatic control garage door or fence opener that is maintained in working condition, and no portion of the garage door or fence may encroach into the alley at any time. |

**CPC & Staff recommended:**

| (b) For a community service center: |
| (1) | A minimum of 32 off-street parking spaces must be provided in the locations shown on the development/landscape plan. |
| (2) | Garage doors must be located a minimum of ten feet from the property line, equipped with a remote automatic control garage door opener, and maintained in working condition at all times. |
| (3) | Garage doors may not extend into the public right-of-way at any time. |

(b) For all other uses, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Division 51A-4.300) for information regarding off-street parking and loading
SEC. 51P-531.109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 24529; 25164)

SEC. 51P-531.110. LANDSCAPING.

Landscaping must be provided as shown on the development/landscape plan. (Ord. Nos. 24529; 25164)

SEC. 51P-531.111. SIGNS.

Signs must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 24529; 25164)

SEC. 51P-531.112. ADDITIONAL PROVISIONS.

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.
(b) Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 24529; 25164; 26102)

SEC. 51P-531.113. 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 or a certificate of occupancy for a use in this planned development district 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. Nos. 24529; 25164; 26102)

SEC. 51P-531.114. ZONING MAP.

PD 531 is located on Zoning Map No. F-8. (Ord. Nos. 24529; 25164)
Proposed Development/Landscape Plan
# Notification List of Property Owners

**Z078-170 (RB)(CS)**

**10 Property Owners Notified**

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<tbody>
<tr>
<td>1</td>
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*Thursday, March 06, 2008*
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<td>PO Box 870875 Mesquite, TX 75150</td>
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<tr>
<td>Anthony Jones</td>
<td>PO Box 0711 Galveston, TX 77553</td>
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<td>Steve Craft</td>
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<td>Virginia Brown 2209 Wisconsin St, Ste 100</td>
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<td>Arborological Services, Inc.</td>
<td>Bill Seaman 16 Steel Rd. Wylie, TX 75098</td>
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<tr>
<td>Bluffview Homeowner</td>
<td>Pat White 4714 Wildwood Dallas, TX 75209</td>
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<td>Dallas ISD</td>
<td>Stan Armstrong 3700 Ross Ave, Box 61 Dallas, TX 75204</td>
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<td>Dallas Planning Asoc</td>
<td>Stuart Pully P O Box 781609 Dallas, TX 75378</td>
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<td>FW Dodge Reports</td>
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<td>Terri Woods</td>
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<td>MetroStudy Corp</td>
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<td>Joe Burkleoo</td>
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<td>W.A.R.N.</td>
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<td>Edwin B Bright, 3969 Alta Vista Ln</td>
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<td>Orion Real Estate Group, Bill Lamm</td>
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<td>Bobby L. Temple, M.D, 7127 Chipperton Dr.</td>
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<td>7273 Ashington Dr, Dallas, TX 75225</td>
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<td>Mr. &amp; Milton Thomas, 7107 Chipperton Dr.</td>
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<td>Windsor Park HOA, Mark MacDonald</td>
<td>7040 Lupton, Dallas, TX 75225</td>
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<td>Windsor Park HOA, Mr. &amp; Mrs. C.B. Sutherland</td>
<td>9101 Villa Park Circle, Dallas, TX 75225</td>
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<td>Winsor Park</td>
<td>David A. McGee, 9121 Beodeker Circle</td>
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</table>
AGENDA ITEM # 80

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 10

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 28 J K

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an IR Industrial Research District west of Sanden Drive, north of LBJ Expressway

Recommendation of Staff and CPC: Approval

Z078-174(OTH)
HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, MAY 14, 2008

ACM: A.C. GONZALEZ


LOCATION: West of Sanden Drive, north of LBJ Expressway.

COUNCIL DISTRICT: 10 MAPSCO: 28-J, K

SIZE OF REQUEST: Approx. 15.14 acres CENSUS TRACT: 185.04

REPRESENTATIVE: Masterplan, Dallas Cothrum

APPLICANT: North Dallas Lawn Care and Landscape, Inc.

OWNER: Calatan Rockwall Road Partners LP

REQUEST: An application for a CS Commercial Service District on property zoned an IR Industrial Research District.

SUMMARY: The applicant proposes to use the property for a plant nursery.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval
BACKGROUND INFORMATION:

- The request site is currently undeveloped.
- The request site is adjacent to warehouse to the north, industrial and office/showroom warehouse to the east, plant nursery to the south, and office/showroom warehouse to the west.
- The applicant already has a nursery south of the request site, and plans to expand the existing business. The existing nursery is approximately 6.6 acres.

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

Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfares/Street</th>
<th>Type</th>
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<tr>
<td>L.B.J. Freeway</td>
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The property will be accessed from Petal Street on the east side of the adjacent property.

Land Use:

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<td>North</td>
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<td>East</td>
<td>IR</td>
<td>Industrial &amp; office/warehouse</td>
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<td>South</td>
<td>CS</td>
<td>Plant Nursery</td>
</tr>
<tr>
<td>West</td>
<td>IR</td>
<td>Office/Showroom Warehouse</td>
</tr>
</tbody>
</table>

Comprehensive Plan:

The applicant is requesting a zoning change for a nursery, garden shop or plant sales. The surrounding land uses are warehouse, industrial, office and a nursery. The applicant proposes to expand the existing nursery south of the request site.
The following are the goals and objectives in the comprehensive plan to be considered while reviewing this request:

**Land Use**

The Vision Illustration for Vision Building Blocks envisions the area to be developed with Commercial Center or corridors which are primarily service and job destinations. The proposed use will be a site for growing and selling plants.

**Goal 1.2 Promote Desired Development**

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

**Economic Development Element:**

**Goal 2.1 Promote balanced growth**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**STAFF ANALYSIS:**

**Land Use Compatibility:**

The request site is presently undeveloped. The applicant is proposing to use the 15.14 acres of land to expand the nursery adjacent to the south of the request site. The existing nursery belongs to the applicant and it occupies 6.6 acres of land. The site is surrounded by warehouses, industrial, office/showroom warehouses, and a nursery.

Staff considers that the proposed use for the site is adequate to the surrounding area. The road infrastructure is limited but is in good condition to serve the area. The property does not have direct access from the LBJ Freeway. Access to the site will be from Petal Street.

**Development Standards:**

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<th>Density FAR</th>
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<th>Special Standards</th>
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<td>Front Side/Rear</td>
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<td>Existing</td>
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<tr>
<td>IR Industrial research</td>
<td>15'</td>
<td>30' adjacent to residential OTHER: No Min.</td>
<td>2.0 FAR overall 0.75 office/ retail 0.5 retail</td>
<td>200/15 stories</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
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<tr>
<td>CS Commercial Service</td>
<td>15' 0' on minor</td>
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<td>45' 3 stories</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
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</table>
**Traffic:** The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the request and determined that it will not significantly impact the surrounding street system.

**Landscaping:** Landscaping must be provided in accordance to Article X of the Dallas Development Code, as amended.
CPC ACTION

April 10, 2008

**Motion:** It was moved to recommend **approval** of a CS Community Service District on property zoned an IR Industrial Research District west of Sanden Drive, north of LBJ Expressway.

Maker: Lueder  
Second: Rodgers  
Result: Carried: 14 to 0

For: 14 - Prothro, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 1 - Strater
Vacancy: 0

**Notices:** Area: 400 Mailed: 12  
**Replies:** For: 1 Against: 0
**Speakers:** None
OFFICERS/PARTNERS

Owners:

Calatan Rockwall Road Partners, LP
NATALAC LLC, General partner
   Noerman E. Miller
   R. Thomas Miller
   Leonard C. Ruby
   Carlos M. Sepulveda, Jr

Prospective Owner:

North Dallas Lawn Care and Landscape, Inc.
   Wendell Norris, President
CPC RESPONSES

12 PROPERTY OWNERS NOTIFIED
1 REPLIES IN FAVOR
0 REPLIES IN OPPOSITION
400' AREA OF NOTIFICATION
4-03-08 DATE

NOTIFICATION

The number '0' indicates City of Dallas Ownership

1:3,600

400' AREA OF NOTIFICATION
12 NUMBER OF PROPERTY OWNERS NOTIFIED

DATE: 03/17/2008

MAP no: E-10

Case no: Z078-174 OTH

GIS TECHNICIAN: KRua
# Notification List of Property Owners

**Z078-174 (OTH)(KRua)**

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**Monday, March 17, 2008**
Early Notification List

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Mesquite, TX 75150

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<td>William Watson</td>
<td>4610 Mint Way</td>
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<td>Norma Parry</td>
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<td>Mike Oliver</td>
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<tr>
<td>Dixon Branch HOA</td>
<td>Sue Harrington</td>
<td>11118 Yorkspring Dr</td>
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<td>Gary Gene</td>
<td>718 N Buckner, Ste 316</td>
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<tr>
<td></td>
<td>Michael Longanecker</td>
<td>400 S Greenville Ave</td>
<td>Richardson, TX 75081</td>
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AGENDA ITEM # 81

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 5

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 58 K

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a library, art gallery, or museum on property zoned an R-7.5(A) Single Family District on the southeast corner of Lake June Road and Houghton Road

Recommendation of Staff and CPC: Approval, for a permanent time period subject to a site plan and conditions Z078-178(JH)
LOCATION: Southeast corner of Lake June Road and Houghton Road
COUNCIL DISTRICT: 5    MAPSCO: 58-K
SIZE OF REQUEST: Approx. 4.425 acres    CENSUS TRACT: 93.01

REPRESENTATIVE: William Hidell
OWNER/APPLICANT: City of Dallas

REQUEST: An application for a Specific Use Permit for a library, art gallery, or museum on property zoned an R-7.5(A) Single Family District.

SUMMARY: The proposed use is an approximately 21,000 square foot public library.

CPC RECOMMENDATION: Approval, for a permanent time period subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval, for a permanent time period subject to a site plan and conditions.
BACKGROUND INFORMATION:

- The request site is currently undeveloped. The request site was previously developed with a religious institutional use.
- The request site is adjacent to single family residential uses.
- The proposed use is an approximately 21,000 square foot public library.

Zoning History:

1. Z067-122 On March 26, 2007, Specific Use Permit No. 1252 received automatic renewal of for a Child-care facility for a five-year period with eligibility for automatic renewal for an additional five-year time period at the northwest corner of Jim Miller Road and Sarah Lee Drive.

Thoroughfares/Streets:

<table>
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<th>Thoroughfares/Street</th>
<th>Type</th>
<th>Existing ROW</th>
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<td>Lake June Road</td>
<td>Principle Arterial</td>
<td>80 ft.</td>
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<td>Houghton Street</td>
<td>Local</td>
<td>60 ft.</td>
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Land Use:

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<th>Land Use</th>
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<td>North</td>
<td>R-7.5(A)</td>
<td>Single Family Residential</td>
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<tr>
<td>East</td>
<td>R-7.5(A)</td>
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<tr>
<td>South</td>
<td>R-7.5(A)</td>
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<tr>
<td>West</td>
<td>R-7.5(A)</td>
<td>Single Family Residential</td>
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STAFF ANALYSIS:

Comprehensive Plan:

The request complies with the following land use goals and policies of the Comprehensive Plan because the library is in a location to provide public services for the community.

NEIGHBORHOOD ELEMENT

GOAL 7.1  PROMOTE VIBRANT AND VIABLE NEIGHBORHOODS

- Policy 7.1.2  Promote neighborhood-development compatibility.
- Policy 7.1.4  Promote clean and safe neighborhoods.
- Policy 7.1.5  Provide public infrastructure to support neighborhoods.

Land Use Compatibility:

The approximately 4.425-acre request site is zoned an R-7.5(A) Single Family District and is currently undeveloped. The applicant is proposing to construct a library on the property, which requires a Specific Use Permit in an R-7.5(A) Single Family District.

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 surrounding land uses are single family residential. The proposed library use is compatible with the residential neighborhood and the site is located on a corner, which is a preferred location to minimize traffic on the residential streets.

The attached site plan indicates the proposed library will have a maximum building height of 34 feet with a mid-point height of approximately 28 feet, as height is determined to the mid-point of a sloped roof in the Dallas Development Code. The site plan shows the building to be located approximately 48 feet from Lake June Road and approximately 75 feet from Houghton Road. The approximately 20,335 square foot library would provide 10.6% lot coverage.
The site is located adjacent to Elam Creek and has floodplain on a portion. In order to construct the library, the site requires fill. Public Works and Transportation maintained a stormwater management permit. The City has a concurrent floodway improvement project underway which re-develops the on-site creek, and city staff coordinated all of the particulars of this development with that Division of Public Works. As for tree mitigation, the project will include planting about 85 new trees and coordination for tree mitigation with the City arborist.

**Development Standards:**

<table>
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<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density FAR</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>Primary Uses</th>
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<tr>
<td>R-7.5(A)</td>
<td>25'</td>
<td>1 Dwelling Unit/7,500 sq. ft.</td>
<td>30'</td>
<td>45%</td>
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<tr>
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<td>5'</td>
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**Parking/Traffic:**

The expected number of trips generated by the proposed use is 1,091 trips per day according to the trip rate for a library for the proposed floor area. A Traffic Impact Study is only required for proposals that generate more than 1,000 trips per day unless a waiver is issued. A waiver was issued on February 19, 2008 with the comments that the street system will have sufficient capacity for the proposed use.

The site plan shows 94 off-street parking spaces will be provided. A library for the proposed floor area requires 41 off-street parking spaces. The site plan also shows ingress and egress is limited to Houghton Street.

**Landscaping:**

Landscaping of any development will be in accordance with Article X requirements, as amended.
CPC Minutes

April 3, 2008

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a library, art gallery, or museum for a permanent time period, subject to a site plan and conditions on property zoned an R-7.5(A) Single Family District on the southeast corner of Lake June Road and Houghton Road.

Maker: Lueder  
Second: Rodgers  
Result: Carried: 14 to 0

For: 14 - Prothro, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0

Absent: 1 - Strater  
Vacancy: 0

**Notices:**  
Area: 300  
Mailed: 50

** Replies:**  
For: 4  
Against: 1

**Speakers:** None
SPECIFIC USE PERMIT CONDITIONS

1. **USE:** The only use authorized by this specific use permit is a library, art gallery, or museum to be limited to a public library.

2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.

3. **TIME LIMIT:** This specific use permit has no expiration date.

4. **INGRESS-EGRESS:** Ingress and egress must be provided as shown on the attached site plan.

5. **PARKING:** Off-street parking must comply with the requirements of the Dallas Development Code, with not less than a minimum of 42 off-street parking spaces provided and located as shown on the attached site plan.

6. **MAINTENANCE:** The entire 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.
## Notification List of Property Owners

**Z078-178 (JH)(KRua)**

50 Property Owners Notified

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<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<tr>
<td>1</td>
<td>7408 LAKE JUNE</td>
<td>DEWEERD HAROLD</td>
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<tr>
<td>2</td>
<td>1227 WHITLEY</td>
<td>RODRIGUEZ JUAN CARLOS</td>
</tr>
<tr>
<td>3</td>
<td>1221 WHITLEY</td>
<td>VASQUEZ JOSEFINA</td>
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<tr>
<td>O 4</td>
<td>1215 WHITLEY</td>
<td>DIAZ DANIEL</td>
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<td>5</td>
<td>1207 WHITLEY</td>
<td>SCOTT JUDY ANN</td>
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<td>6</td>
<td>7515 HALSLEY</td>
<td>DIAZ DAVID &amp;</td>
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<td>O 7</td>
<td>1120 CREEKSIDE</td>
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Monday, March 17, 2008
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<td>Al Romero</td>
<td>PO Box 870875, Mesquite, TX 75150</td>
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<td>Anthony Jones</td>
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<tr>
<td>Betty Wadkins</td>
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<td>Bill Dahlstrom</td>
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<tr>
<td>Bridge Ballowe</td>
<td>c/o Nextel, 1680 N. Prospect Dr., Richardson, TX 75081</td>
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<td>Cindy Harris</td>
<td>4310 Buena Vista #8, Dallas, TX 75205</td>
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<td>Clarence F Cope</td>
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<td>Jane Guerrini</td>
<td>7032 Lupton, Dallas, TX 75225</td>
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<td>Jeff Bosse</td>
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<tr>
<td>Leanne Witek</td>
<td>16660 N Dallas Pkwy #1200, Dallas, TX 75248</td>
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<tr>
<td>Marcus Wood</td>
<td>6060 N Central Expwy 333, Dallas, TX 75206</td>
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<td>Pam Conley</td>
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<td>Robert P. Garza</td>
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<td>Sheryl Jean, Newsroom-Business</td>
<td>508 Young St., Dallas, TX 75265</td>
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<td>Steve Craft</td>
<td>P O Box 542225, Dallas, TX 75354</td>
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<td>Steve Kim</td>
<td>4318 Sexton Ln., Dallas, TX 75229</td>
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<td>Stuart Pully, P O Box 781609, Dallas, TX 75378</td>
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<td>Neoma Shafer</td>
<td>James Schnurr, 3400 Carlisle St, #400, Dallas, TX 75204</td>
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<tr>
<td>Lake Highlands AIA</td>
<td>Terri Woods, 9603 Rocky Branch Drive, Dallas, TX 75243</td>
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<tr>
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<tr>
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<tr>
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<td>14450 Trinity Blvd. #300</td>
<td>900 Jackson St, Suite 160</td>
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<td>Tashia Moseley</td>
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<td>2628 Blackstone Dr.</td>
<td>5353 Maple Ave. Ste. 200</td>
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<td>J. Eugene Thomas</td>
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<td>P O Box 50051</td>
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<tr>
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AGENDA ITEM # 82

KEY FOCUS AREA: Economic Vibrancy  
AGENDA DATE: May 14, 2008  
COUNCIL DISTRICT(S): 13  
DEPARTMENT: Department of Development Services  
CMO: A. C. Gonzalez, 671-8925  
MAPSCO: 15 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the site plan for a portion of Planned Development District No. 1 for medical clinic, lodge, bank or savings and loan office, professional or general business office or doctor’s office located on the south side of Forest Lane between Inwood Road and Eastern Avenue.  
Recommendation of Staff and CPC: Approval, subject to an overall site plan, detailed site plan, landscape plan and conditions Z078-181(WE)
FILE NUMBER:  Z078-181 (WE)  DATE FILED:  February 27, 2008

LOCATION:  South side of Forest Lane between Inwood Road and Eastern Avenue

COUNCIL DISTRICT:  13  MAPSCO:  15-W

SIZE OF REQUEST:  Approx. 1.0537 acres  CENSUS TRACT:  134

APPLICANT:  Capital One, N.A.

OWNER:  5310 – 5312 Forest Lane, Ltd.
Leland Burke – Sole owner

REPRESENTATIVE:  Carter & Burgess

REQUEST:  An application for an amendment to the site plan for a portion of Planned Development District No. 1 for medical clinic, lodge, bank or savings and loan office, professional or general business office or doctor's office.

SUMMARY:  The purpose of this request is to amend the site plan to allow for a bank or savings loan office with a drive through windows to be developed on site. The footprint of the proposed bank does not fit within the parameters of the existing building’s footprint, and as a result, an amendment to the site plan is required.

CPC RECOMMENDATION:  Approval, subject to an overall site plan, detailed site plan, landscape plan and conditions

STAFF RECOMMENDATION:  Approval, subject to an overall site plan, detailed site plan, landscape plan and conditions
BACKGROUND INFORMATION:

- In May 1962, Planned Development District No. 1 was established by the City Council as a special permit by Ordinance No. 9259. This special permit was converted to PDD No. 1 by the Comprehensive General Zoning Ordinance, which was passed by City Council in May 1965.

- PDD No. 1 is divided into five tracts, with one unified site plan as well as individual site plans for each tract. The PDD conditions are silent in respect to the setback requirements; however, the unified plan does identify the setbacks for each building. Therefore, the unified plan governs the setback requirements for each building site.

- The applicant’s request for an amendment to the site plan will allow for the development of a bank or savings loan office with drive through windows to be constructed on site.

- In December 2005, the City Plan Commission approved a minor amendment to the site plan to permit a bank or savings and loan office with drive-thru lanes to be located within the existing structure. The new construction provided for seven drive-thru lanes. Even though the applicant received a minor amendment, the bank or savings loan office was not constructed.

- The footprint of the proposed bank or savings loan office shows that the structure will be developed partially outside the approved footprint in addition to a reduced rear yard setback from 65 feet to 45.57 feet. The amended site plan will reflect the new footprint and will comply with the conditions in PDD No. 1.

Zoning History: There has not been any recent zoning change requested in the area.

Thoroughfares/Streets:

<table>
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<th>Thoroughfare/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
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<tr>
<td>Forest Lane</td>
<td>Principal Arterial</td>
<td>120 ft.</td>
<td>100 ft.</td>
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Land Use:

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<tr>
<td>North</td>
<td>CR</td>
<td>Furniture store, car wash</td>
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<tr>
<td>South</td>
<td>R-16(A)</td>
<td>Single Family</td>
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<tr>
<td>East</td>
<td>PD No. 1</td>
<td>Vacant medical building</td>
</tr>
<tr>
<td>West</td>
<td>PD No. 1</td>
<td>Fraternal Lodge</td>
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</table>
COMPREHENSIVE PLAN: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines a goal and policy to support the applicant’s request for an office building that is adjacent to residential uses.

The policy in the land use element supports office uses that are adjacent to single family uses when neighborhood-serving office, retail, or other non-residential uses are primarily on significant roadways or at key intersections. The proposed bank or saving and loan office building will be constructed at a maximum height of 22 feet or 2 stories. The scale of the proposed building is compatible with the adjacent residential and office uses.

Land Use

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.

STAFF ANALYSIS:

Land Use Compatibility: The request site is developed with a 2-story, medical office building that is used primarily for doctor’s offices. The site is contiguous to a vacant medical clinic to the east and a fraternal lodge to the west, which are within PDD No. 1 and single family uses to the south. There is an alley that separates the request site from the existing single family dwellings. The applicant is required to provide a six foot fence along the southern property line. To the north, across Forest Lane, are retail uses which consist of a furniture store and car wash.

The applicant’s request for an amendment will permit the development of a one story, 3,977 square foot bank or savings loan office with drive through windows to be constructed on site. The proposed development will not exceed 22 feet in height and will have approximately 7 drive thru windows.

The request for an amendment to Planned Development District No. 1 should not have a significant impact on the adjacent residential and office uses and is in compliance with the goals and policies of the forwardDallas! Comprehensive Plan.

Development Standards:

<table>
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<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>PRIMARY Uses</th>
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<tbody>
<tr>
<td>PDD No. 1 -existing</td>
<td>Per plan</td>
<td>Per plan</td>
<td>Per plan</td>
<td>45' or Per plan</td>
<td>Per plan</td>
<td>medical clinic, lodge, bank or savings and loan office, professional or general business office or doctor's office</td>
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</table>
**Landscaping:** Landscaping must be provided and maintained in accordance with the attached landscape plan. All plant materials must be maintained in a healthy, growing condition.

**Traffic:** The Engineering Section of the Department Development Services has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development. The applicant has revised the site plan to align the proposed driveway access with an existing median curb cut.

**CPC Action (April 10, 2008)**

**Motion:** It was moved to recommend **approval** of an amendment to the site plan for a portion of Planned Development District No. 1 for medical clinic, lodge, bank or savings and loan office, professional or general business office or doctor’s office, subject to a revised detailed site plan, revised landscape plan and conditions on the south side of Forest Lane between Inwood Road and Eastern Avenue.

Maker: Ekblad  
Second: Prothro  
Result: Carried: 12 to 0  
For: 12 - Prothro, Strater, Gary, Rodgers, Lozano, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar  
Against: 0  
Absent: 3 - Davis, Bagley, Jones-Dodd  
Vacancy: 0

**Notices:** Area: 500  
Mailed: 43  
**Replies:** For: 7  
Against: 2  
**Speakers:** None
LIST OF OFFICERS
CAPITAL ONE, N.A.

- Richard D. Fairbank, Chairman, Chief Executive Officer and President
- Edward R. “Bo” Campbell, Director
- W. Ronald Dietz, Director
- Patrick W. Gross, Director
- Ann Fritz Hackett, Director
- Lewis Hay, III, Director
- Pierre E. Leroy, Director
- Mayo A. Shattuck, III, Director
- Stanley Westreich, Director
SEC. 51P-1.101. LEGISLATIVE HISTORY.

PD 1 was established as a special permit by Ordinance No. 9259, passed by the Dallas City Council on May 21, 1962. Ordinance No. 9259 amended basic Zoning Ordinance No. 5238, passed by the Dallas City Council on August 28, 1951. The special permit created by Ordinance No. 9259 was converted to PD 1 by Comprehensive General Zoning Ordinance No. 10962, passed by the Dallas City Council on March 29, 1965. Ordinance No. 9259 repealed Ordinance No. 8101, passed by the Dallas City Council on June 15, 1959; Ordinance No. 8286, passed by the Dallas City Council on December 7, 1959; and Ordinance No. 9107, passed by the Dallas City Council on January 8, 1962. Ordinance No. 9259 was amended by Ordinance No. 9490, passed by the Dallas City Council on November 5, 1962; Resolution No. 63-4227, passed by the Dallas City Council on August 5, 1963; Ordinance No. 11107, passed by the Dallas City Council on July 12, 1965; and Ordinance No. 20153, passed by the Dallas City Council on December 14, 1988. (Ord. Nos. 5238; 8101; 8286; 9107; 9259; 9490; 10962; 11107; 20153; 24637; Res. 63-4227)

SEC. 51P-1.102. PROPERTY LOCATION AND SIZE.

PD 1 is established on property located on the south side of Forest Lane between Inwood Road and Eastern Avenue. The size of PD 1 is approximately 6.66 acres. (Ord. Nos. 9259; 24637)

SEC. 51P-1.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations contained in Chapter 51 apply to this article.

(b) Unless otherwise stated, all references to uses, articles, divisions, or sections in this article are to uses, articles, divisions, or sections in Chapter 51. (Ord. 24637)

SEC. 51P-1.104. USES.

The following uses are permitted on the Property:

(1) Medical clinic.

(2) Lodge.

(3) Bank or savings and loan office.

(4) Professional or general business office.
(5) Doctor’s office. (Ord. Nos. 5238; 9259; 11107; 24637)

SEC. 51P-1.105. SURFACE MATERIALS.

All driveways, entrances, and parking areas must have a minimum surfacing of six inches compacted gravel and two coats of penetration asphalt. The developer shall bear the total cost and maintenance of all improvements, including curb and drainage structures that may be necessary. (Ord. Nos. 9259; 24637)

SEC. 51P-1.106. PARKING.

(a) Off-street parking must be provided at a minimum ratio of one space for each 250 square feet of floor area.

(b) Off-site parking for the medical office use on the eastern end of this planned development district must be provided as shown on the attached site plan labelled as Exhibit 1A. Employees of the medical office use must park in the off-site parking lot. (Ord. Nos. 9259; 20153; 24637)

SEC. 51P-1.107. SIGNS.

(a) Name plates or signs for clinics and hospitals are permitted only if they are:

   (1) less than 12 square feet in area and attached to the structure;

   (2) erected behind the building and attached to the structure; or

   (3) erected behind the building line.

(b) Flashing, rotating, revolving, or intermittently lighted signs are prohibited. (Ord. Nos. 9259; 24637)

SEC. 51P-1.108. SCREENING.

The owner must provide a six-foot-high solid masonry fence on the south line of the alley, subject to obtaining permission from the property owner. (Ord. Nos. 9259; 24637)

SEC. 51P-1.109. DEDICATION.

Before issuance of a building permit, a dedication of 30 feet for the widening of Forest Lane must be provided, subject to the requirements of the Major Thoroughfare Plan, as deemed necessary. (Ord. Nos. 9259; 24637)

SEC. 51P-1.110. OVERNIGHT STAY.

Patients may not stay overnight in the clinic. (Ord. Nos. 9259; 24637)
SEC. 51P-1.111. STORIES.

No structure may exceed one story in height, except as noted on the site plan attached to Ordinance No. 9259 and labelled as Exhibit 1B, and the site plan labelled as Exhibit 1A. (Ord. Nos. 9490; 20153; 24637)

SEC. 51P-1.112. LANDSCAPING.

Landscaping must be provided in compliance with Exhibit 1A. All landscaping must be installed on the portion of the Property covered by the landscape plan within six months of the date final inspection is approved by the public works and transportation department. All plant materials must be maintained in a healthy, growing condition at all times. (Ord. Nos. 20153; 24637)

SEC. 51P-1.113. SECOND STORY WINDOW REGULATIONS.

Only four obscure windows are permitted in the rear, second story of the medical office building shown on Exhibit 1A. These windows must be located above eye level. For the purposes of this article, obscure windows mean windows with a finished glass that permits passage of light but that prevents distinct visibility. (Ord. Nos. 20153; 24637)

SEC. 51P-1.114. PAVING.

All paved areas, permanent drives, streets, and drainage structures, if any, must comply with standard city specifications to the satisfaction of the director of public works and transportation. (Ord. Nos. 9259; 24637; 26102)

SEC. 51P-1.115. COMPLIANCE WITH CONDITIONS.

Compliance with this article and applicable provisions of the zoning ordinance and the building codes is required before the issuance of a certificate of occupancy for any use on the Property. (Ord. Nos. 9259; 24637)

SEC. 51P-1.116. ZONING MAP.

PD 1 is located on Zoning Map No. D-7. (Ord. Nos. 20153; 24637)

SEC. 51P-1.117. PLANS.

Development on the Property must comply with Exhibits 1A, 1B, [and] 1C, 1D and 1E. [(Ord. Nos. 9259; 20153; 24637; Res. 63-4227)]
ORIGINAL OVERALL SITE PLAN
Approved 1963
EXISTING SITE PLAN
Minor Amendment
Approved 12/05
ZONING AND LAND USE

DATE: 03/20/2008
GIS TECHNICIAN: KRua

1:2,400
### Notification List of Property Owners

**Z078-181 (WE)(KRua)**

43  Property Owners Notified

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<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<td>5312</td>
<td>5310-5312 FOREST LN LTD</td>
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<td>2</td>
<td>5309</td>
<td>BASS MARVIN R</td>
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<td>3</td>
<td>5416</td>
<td>BRANDT CARL P &amp; NATALIE M</td>
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<td>11817</td>
<td>BRUDER MELVYN C</td>
</tr>
<tr>
<td>5</td>
<td>5217</td>
<td>BUCY J FRED III</td>
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<td>6</td>
<td>5508</td>
<td>CANTU EDELMIRA</td>
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<td>CHO KYUNG KU &amp;</td>
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<td>5426 NORTHMOOR</td>
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Z078-181 (WE)

Al Romero
PO Box 870875
Mesquite, TX 75150

Anthony Jones
PO Box 0711
Galveston, TX 77553

Betty Wadkins
2843 Modesto Drive
Dallas, TX 75227

ENZ078-181

Bill Dahlstrom
901 Main St., Ste 6000
Dallas, TX 75202

Bridge Ballowe c/o Nextel
1680 N. Prospert Dr.
Richardson, TX 75081

Cindy Harris
4310 Buena Vista #8
Dallas, TX 75205

Clarence F Cope
10404 Ferndale
Dallas, TX 75238

Jane Guerrini
7032 Lupton
Dallas, TX 75225

Jeff Bosse
PO Box 4738
Dallas, TX 75208

Leanne Witek
16660 N Dallas Pkwy #1200
Dallas, TX 75248

Marcus Wood
6060 N Central Expwy Ste 333
Dallas, TX 75206

Pam Conley
901 N Madison Avenue
Dallas, TX 75208

Rob Baldwin
401 Exposition
Dallas, TX 75226

Robert P. Garza
412 E. Sixth St.
Dallas, TX 75203

Sheryl Jean, Newsroom-Business
508 Young St.
Dallas, TX 75265

Steve Craft
P O Box 542225
Dallas, TX 75354

Steve Kim
4318 Sexton Ln.
Dallas, TX 75229

Alpha Testing, Inc
Virginia Brown
2209 Wisconsin St, Ste 100
Dallas, TX 75229

Am. Metro/Study Corp
Marque Nelson
14881 Quorum Dr #400
Dallas, TX 75240

Arboriological Services, Inc.
Bill Seaman
16 Steel Rd.
Wylie, TX 75098

Bluffview Homeowner
Pat White
4714 Wildwood
Dallas, TX 75209

Dallas ISD
Stan Armstrong
3700 Ross Ave, Box 61
Dallas, TX 75204

Dallas Planning Assoc
Stuart Pully
P O Box 781609
Dallas, TX 75378

FW Dodge Reports
Donna McGuire
9155 Sterling Dr. Ste 160
Dallas, TX 75063

INCAP Fund
Lauren Odell
300 Crescent Court
Dallas, TX 75208

Jackson Walker
Suzan Kedron
901 Main St. #6000
Dallas, TX 75202

Jackson Walker
Jonathan Vinson
901 Main St. #6000
Dallas, TX 75202
<table>
<thead>
<tr>
<th>Name of Organization</th>
<th>First Name of Contact</th>
<th>Last Name of Contact</th>
<th>Address</th>
<th>City, State</th>
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<tr>
<td>Kiest-Polk NA</td>
<td>Erma</td>
<td>Dodd</td>
<td>P.O. Box 764162</td>
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<td>Kiestwood Neighbors</td>
<td>Neoma</td>
<td>Shafer</td>
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<td>Koons Real Estate Law</td>
<td>James</td>
<td>Schnurr</td>
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<td>Lake Highlands AIA</td>
<td>Terri</td>
<td>Woods</td>
<td>9603 Rocky Branch Drive</td>
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<td>Law Office of R Albright</td>
<td>Roger</td>
<td>Albright</td>
<td>3301 Elm St</td>
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<td>Master Plan</td>
<td>J Kimborough</td>
<td></td>
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<td>MetroStudy Corp</td>
<td>Rebecca</td>
<td>Webb</td>
<td>14881 Quorum Dr #400</td>
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<td>Micheal R Coker Co</td>
<td>Michael</td>
<td>R Coker</td>
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<td>Minyards Properties Inc</td>
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<td>O'Malley</td>
<td>777 Freeport Pkwy</td>
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<td>N Pk Lovefied Comm Civic League</td>
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<td>Joe</td>
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<td>PARC DU LAC</td>
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<td>PWS Architects Inc.</td>
<td>Phillip</td>
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<td>Quick Trip Co.</td>
<td>Teri</td>
<td>Dorazil</td>
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<td>Robert Reeves &amp; Assoc. Inc.</td>
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<td>Reeves</td>
<td>900 Jackson St, Suite 160</td>
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<td>Signs Manufacturing</td>
<td>William</td>
<td>Watson</td>
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<td>Norma</td>
<td>Parry</td>
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<tr>
<td>United HOA</td>
<td>Thelma</td>
<td>J. Norman</td>
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<tr>
<td>W.A.R.N.</td>
<td>Tashia</td>
<td>Moseley</td>
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<td>Bruce Wilke</td>
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<td>Caladium Club</td>
<td>Pat</td>
<td>Pritchard</td>
<td>5225 Meadow Crest Dr</td>
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<td>El Hara Forest Assoc</td>
<td>Penina</td>
<td>Weiner</td>
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<td>Hillcrest Forest HOA</td>
<td>Mark</td>
<td>Tarletz</td>
<td>11450 St Michaels Dr</td>
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<tr>
<td>Hillcrest-Forest NA</td>
<td>Jane</td>
<td>Pak</td>
<td>7107 Churchill Way</td>
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<tr>
<td>McShann Estates NA</td>
<td>Dr. Robert</td>
<td>Prince, Jr.</td>
<td>5708 McShann Rd.</td>
<td>Dallas, TX 75230-1709</td>
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<tr>
<td>Melshire Estates HA</td>
<td>Randy</td>
<td>Kaniecki</td>
<td>5656 Brookstown Dr.</td>
<td>Dallas, TX 75230</td>
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<tr>
<td>United HOA</td>
<td>Thelma</td>
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<td>2628 Blackstone Dr.</td>
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<td>McShann Estates HA</td>
<td>Linda</td>
<td>Vallala</td>
<td>5605 Williams Town</td>
<td>Dallas, TX 75230</td>
</tr>
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</table>
Melshire Estates Assoc
Tom Landis
5805 Willow Ln.
Dallas, TX 75230

Jennifer Bates
5708 Willow Ln.
Dallas, TX 75230

N Dallas Neigb Alliance
Lucie Bellew
7328 Williamswood Dr.
Dallas, TX 75252

N Dallas Neigb Alliance
Marla Beikman
PO Box 793551
Dallas, TX 75379

Edwin B Bright
3969 Alta Vista Ln
Dallas, TX 75229

Orion Real Estate Group
Bill Lamm
PO Box 540021
Dallas, TX 75354

Preston Citadel Club
Betty Moore
6507 Churchill Way
Dallas, TX 75230

Preston Citadel Club
Carol Scott
6410 Turner Way
Dallas, TX 75230

Richardson ISD
Michael Longanecker
400 S Greenville Ave
Richardson, TX 75081

Shangri-La HA
John H. West, Pres
1 Rue Du Lac
Dallas, TX 75230

Valley View HOA
John Hoagland
7184 Kendallwood Dr
Dallas, TX 75240

ENZ078-181
A public hearing to receive comments regarding an application for and an ordinance granting an MU-2 Mixed Use District on property zoned an IM Industrial Manufacturing District on the west side of Maple Avenue, north of Stutz Drive

Recommendation of Staff and CPC: Approval

Z078-182(WE)
FILE NUMBER: Z078-182 (WE)  DATE FILED: February 27, 2008

LOCATION: West side of Maple Avenue, north of Stutz Drive

COUNCIL DISTRICT: 2  MAPSCO: 34-P & T

SIZE OF REQUEST: Approx. 7.8 acres  CENSUS TRACT: 4.03

APPLICANT: RCC Capital Limited

OWNER: Burbank Partners, L.P.

REPRESENTATIVE: Robert Baldwin

REQUEST: An application for an MU-2 Mixed Use District on property zoned an IM Industrial Manufacturing District.

SUMMARY: The purpose of this request is to allow for construction of a mixed use development. This development will be consistent with the adjacent mixed use developments in the area and is proposed to not exceed 4 stories in height. The applicant will have to comply with city’s ordinance that requires mitigation for exterior noise pollution with regards to residential development.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval
BACKGROUND INFORMATION:

- The applicant is requesting an MU-2 Mixed Use District to allow for the construction of a mixed use development. The development will consist of multifamily and retail uses. The applicant anticipates the development not to exceed four stories. In addition, the site is in close proximity to Love Field Airport and is within the Love Field Noise zone.

- Recent zoning changes that allowed residential uses volunteered avigation easements. The Building Code was amended to require sound mitigation in the construction of dwelling units in those areas that are in the 65 DNL (Daily Noise Level) or higher noise overlays. Since the Building Code addresses the sound mitigation, an avigation easement is not necessary for this request.

- The City Council approved similar requests in the surrounding area between July 2001 and August 2007.

**Zoning History:** There have been six zoning changes requested in the area.

1. Z045-257 On August 9, 2005, the City Council approved an MF-2(A) Multifamily District, subject to deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District.

2. Z023-300 On December 8, 2003, the City Council approved an MU-2 Mixed Use District, subject to deed restrictions and an avigation easement volunteered by the applicant on property zoned an IM Industrial Manufacturing District.

3. Z023-301 On December 8, 2003, the City Council approved an MU-2 Mixed Use District, subject to deed restrictions and an avigation easement volunteered by the applicant on property zoned an IM Industrial Manufacturing District.

4. Z045-235 On July 14, 2001, the City Council approved an MU-2 Mixed Use District, subject to deed restrictions and an avigation easement volunteered by the applicant on property zoned an IM Industrial Manufacturing District.
5. Z056-289  On January 10, 2007, the City Council approved an MU-2 Mixed Use District, subject to volunteered deed restrictions and avigation easement on property located on the southeast of Stutz Road, between Forest Park Road and Maple Avenue.

6. Z067-241  On August 22, 2007, the City Council approved an MU-2 Mixed Use District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District between Denton Drive and Maple Avenue, east of Bomar Avenue.

**Thoroughfares/Streets:**

<table>
<thead>
<tr>
<th>Thoroughfare/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
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<tr>
<td>Maple Avenue</td>
<td>Collector</td>
<td>60 ft.</td>
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<tr>
<td>Stutz Drive</td>
<td>Collector</td>
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**Land Use:**

<table>
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<tr>
<td>Site</td>
<td>IM</td>
<td>Warehouse, Office</td>
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<tr>
<td>Northeast</td>
<td>MU-2 with Deed restrictions, IR</td>
<td>Undeveloped, Office</td>
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<tr>
<td>Southeast</td>
<td>MU-2 with Deed restrictions, IR</td>
<td>Office, Multifamily</td>
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<tr>
<td>Northwest</td>
<td>IM</td>
<td>Warehouse, Office</td>
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<tr>
<td>Southwest</td>
<td>IR</td>
<td>Undeveloped, Medical office</td>
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</table>

**Comprehensive Plan:** The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies to support the applicant’s request for a mixed use development.

This portion of the city appears to be in transition from industrial uses to a variety of mixed use development. The type of mixed development the applicant is proposing on the site is consistent with the 4 to 5 story multifamily development. There are some mixed use developments that will be constructed with a retail component within the proposed development. In addition, the request site is approximately 1-1/4 mile from a proposed DART station at the intersection of Inwood Road and Denton Drive.
Due to the request site being in close proximity to the Love Field airport and is with the 65 DNL noise contour lines, the applicant will adhere to the development standards in the building code that relates to noise mitigation. The proposed mixed use development will be in compliance with the Economic Development Element that is outlined in forwardDallas!

**Economic Development**

**Goal 2.1** Promote balanced growth

  Policy 2.1.1 Ensure that zoning is flexibly enough to respond to changing economic conditions

**Goal 2.2** Engage in Strategic Economic Development

  Policy 2.2.2 Maximize development opportunities around DART stations.

**Area Plans:** The request site lies within the boundaries of the *Love Field Land Use Study*, adopted by the City Council in January, 1987. The Study recommends the compatibility with adjacent land uses, protect the stability and integrity of the existing residential neighborhoods, and strive to avoid residential population increases when making zoning and development-related decisions for land within the 65 DNL and above noise contours.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The request site consists of 2 tracts of land that are developed with an office and warehouse uses. The site is contiguous to a variety of multifamily, warehouse, medical, office and industrial uses. The request site is also adjacent to an undeveloped tract of land that will be developed as residential uses.

The applicant is requesting an MU-2 Mixed Use District to construct a mixed use development that will have approximately 350 multifamily units and retail and office uses. In addition, the proposed mixed use development will not exceed 4 stories and will incorporate the existing office use that fronts on Maple Avenue into their overall design.

The request site is also located within the Love Field Noise Contour Lines due to its close proximity to the Love Field airport. The contour lines identify the decibel levels of the aircrafts within the flight zones and as a result of the proposed development being within the 65 DNL, the applicant will have to comply with the with the Building Code regulations to mitigate for exterior noise pollution. Similar cases have been approved by the City Council between July 2001 and August 2007 that required the applicant to mitigate for exterior noise pollution through volunteered deed restrictions. The Building Code was amended to
require sound mitigation in the construction of dwelling units in those areas that are in the 65 DNL or higher noise overlays. Since the Building Code addresses the sound mitigation, an avigation easement is not necessary for this request.

The redevelopment of the area to provide for medium density residential uses is supported by the close proximity to the medical school campus, the development of a DART transfer station that is approximately 1-1/4 mile from the request site and the various approved MU-2 Mixed Use rezoning along Stutz Road and Maple Avenue.

The applicant’s request for an MU-2 Mixed use District is consistent with the goal and policies in the *forwardDallas* Plan and is compatible with the overall development in the area.

**Development Standards:**

<table>
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<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>PRIMARY Uses</th>
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<tr>
<td>IM-Existing Industrial manufacturing</td>
<td>15' 0' on minor</td>
<td>30' adjacent to residential OTHER: No Min.</td>
<td>2.0 FAR overall 0.75 office/retail 0.5 retail</td>
<td>110' 8 stories</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
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<tr>
<td>MU-2 - Proposal Mixed use-2</td>
<td>15'</td>
<td>20' adjacent to residential OTHER: No Min.</td>
<td>1.6 FAR base 2.0 FAR maximum + bonus for residential</td>
<td>135' 10 stories 180' 14 stories with retail</td>
<td>80%</td>
<td>Proximity Slope U-form setback Tower spacing Visual Intrusion</td>
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**Landscaping:** Landscaping must be provided and maintained in accordance with Article X, as amended.

**Traffic:** The Engineering Section of the Department Development Services has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

**DART:** The Dallas Area Rapid Transit is proposing a seven and one-half acre Park and Ride facility (Inwood Station) at the intersection of Inwood Road and Denton Drive, which is scheduled to open in 2008. This station will accommodate approximately 386 park and ride spaces, kiss and ride spaces and dedicated bus bays.

**Long Range Planning Section:** This site is located within the boundaries of the Southwestern Medical / Stemmons Area Plan currently being drafted by Long Range Planning Staff in the Development Services Department. The draft plan identifies this area as appropriate for mixed use and multifamily residential however it emphasizes the need for inclusion of elements to enhance walkability, given the area’s proximity to the new DART station currently under construction.
CPC Action (April 10, 2008)

Motion: It was moved to recommend approval of a for an MU-2 Mixed Use District on property zoned an IM Industrial Manufacturing District on the west side of Maple Avenue, north of Stutz Drive.

Maker: Strater
Second: Weiss
Result: Carried: 11 to 0

For: 11 - Prothro, Strater, Gary, Rodgers, Lozano, Weiss, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 3 - Davis, Bagley, Jones-Dodd
Vacancy: 0
Conflict: 1 - Lueder

Notices: Area: 400 Mailed: 45
Replies: For: 3 Against: 0
Speakers: None
Ownership Information

5919 Maple Avenue
Burbank Partners, LP
PO Box 1184
Norman, Oklahoma 73070

Burbank Partners, LP.
Michael T. Casey
Manager
P. O. Box 1184
Norman, OK 73070

W. Howard Lester
3250 Van Ness
San Francisco, CA 94109

LIST OF OFFICERS
Burbank Partners, LP.

RCC Capital Corporation, a Texas Corporation

General Partner
RCC Capital Corporation, a Texas Corporation
99 Main Street – Suite 200
Colleyville, TX 76034

Richard A. Meyers - Director
### Notification List of Property

**Z078-182 (WE)(KRua)**

#### 45 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<tr>
<td>1</td>
<td>5925 MAPLE</td>
<td>FELDER SHAW II</td>
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<tr>
<td>2</td>
<td>5919 MAPLE</td>
<td>BURBANK PARTNERS LP</td>
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<td>3</td>
<td>5760 MAPLE</td>
<td>ADLER PROPERTY CO LLP</td>
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<td>4</td>
<td>2518 KIMSEY</td>
<td>BANDA PEDRO</td>
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<td>5</td>
<td>6114 FOREST PARK</td>
<td>DALLAS AIRMOTIVE INC</td>
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<td>6</td>
<td>2310 STUTZ</td>
<td>FIRST NATIONWIDE POSTAL</td>
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<td>RUBY SLIPPER PPTIES LLC</td>
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<tr>
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<td>YUAN ROBERT L &amp; RUBY</td>
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<tr>
<td>Al Romero</td>
<td>PO Box 870875, Mesquite, TX 75150</td>
<td>Betty Wadkins, 2843 Modesto Drive, Dallas, TX 75227</td>
</tr>
<tr>
<td>Bill Dahlstrom</td>
<td>901 Main St., Ste 6000, Dallas, TX 75202</td>
<td>Bridge Ballowe c/o Nextel, 1680 N. Prospert Dr., Richardson, TX 75081</td>
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<tr>
<td>Clarence F Cope</td>
<td>10404 Ferndale, Dallas, TX 75238</td>
<td>Jane Guerrini, 7032 Lupton, Dallas, TX 75225</td>
</tr>
<tr>
<td>Leanne Witek</td>
<td>16660 N Dallas Pkwy #1200, Dallas, TX 75248</td>
<td>Marcus Wood, 6060 N Central Expwy Ste 333, Dallas, TX 75206</td>
</tr>
<tr>
<td>Rob Baldwin</td>
<td>401 Exposition, Dallas, TX 75226</td>
<td>Robert P. Garza, 412 E. Sixth St., Dallas, TX 75203</td>
</tr>
<tr>
<td>Steve Craft</td>
<td>P O Box 542225, Dallas, TX 75354</td>
<td>Steve Kim, 4318 Sexton Ln., Dallas, TX 75229</td>
</tr>
<tr>
<td>Am. Metro/Study Corp</td>
<td>Marque Nelson, 14881 Quorum Dr #400, Dallas, TX 75240</td>
<td>Arboriologcal Services, Inc. Bill Seaman, 16 Steel Rd., Wylie, TX 75098</td>
</tr>
<tr>
<td>Dallas ISD</td>
<td>Stan Armstrong, 3700 Ross Ave, Box 61, Dallas, TX 75204</td>
<td>Dallas Planning Assoc, Stuart Pully, P O Box 781609, Dallas, TX 75378</td>
</tr>
<tr>
<td>INCAP Fund</td>
<td>Lauren Odell, 300 Crescent Court, Dallas, TX 75208</td>
<td>Jackson Walker, Suzan Kedron, 901 Main St. #6000, Dallas, TX 75202</td>
</tr>
<tr>
<td>Kiestwood Neighbors</td>
<td>Neoma Shafer, 2538 W Kiest Blvd, Dallas, TX 75233</td>
<td>Koons Real Estate Law, James Schnurr, 3400 Carlisle St. #400, Dallas, TX 75204</td>
</tr>
<tr>
<td>Jackson Walker</td>
<td>901 Main St. #6000, Dallas, TX 75202</td>
<td>Jackson Walker, 901 Main St. #6000, Dallas, TX 75202</td>
</tr>
<tr>
<td>Lake Highlands AIA</td>
<td>Koons Real Estate Law, James Schnurr, 3400 Carlisle St. #400, Dallas, TX 75204</td>
<td></td>
</tr>
<tr>
<td>James Schnurr</td>
<td>9603 Rocky Branch Drive, Dallas, TX 75243</td>
<td>Lake Highlands AIA, 9603 Rocky Branch Drive, Dallas, TX 75243</td>
</tr>
</tbody>
</table>
Z078-182 (WE)

Law Office of R Albright  
Roger Albright  
3301 Elm St  
Dallas, TX 75226

Master Plan  
J Kimborough  
900 Jackson St  
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MetroStudy Corp  
Rebecca Webb  
14881 Quorum Dr #400  
Dallas, TX 75254

Micheal R Coker Co  
Michael R Coker  
2700 Swiss Ave. #100  
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Coppell, TX 75019

N Pk Lovefield Comm Civic League  
Joyce Lockley  
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Dallas, TX 75209

Oak Cliff Chamber  
Joe Burkleo  
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Dallas, TX 75236

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Dallas, TX 75232

United HOA  
Thelma J. Norman  
2628 Blackstone Dr.  
Dallas, TX 75237

W.A.R.N.  
Tashia Moseley  
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Dallas, TX 75235

Alan Pierce  
3912 Cedar Springs  
Dallas, TX 75219

Art Rogers  
4523 Holland Ave  
Dallas, TX 75219

Gabriel Camacho  
11002 Creekmere  
Dallas, TX 75218

ENZ078-182

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Dallas, TX 75235

Pattie Walker  
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Dallas, TX 75209

Robert Dyer  
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Dallas, TX 75201

Airway Heights  
Rick Gonzales  
4283 S Cresthaven  
Dallas, TX 75209

Bordeaux Village HOA  
Kristen Toney  
6373 Bordeaux  
Dallas, TX 75209

Cochran Heights  
Hector Garcia  
3601 Turtle Creek Blvd #901  
Dallas, TX 75219

Greenway Parks HOA  
Lanay Hartmann  
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Dallas, TX 75209

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Jerry Jackson  
2828 N Harwood, Suite 1600  
Dallas, TX 75201

Lovefield West NA  
Wilma Avalos  
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Dallas, TX 75235

Maple-Inwood Neighbors  
Nancy Feaster  
PO Box 181869  
Dallas, TX 75218
Z078-182 (WE)
N Park Lovefield Civic League
Rick Gonzales
4283 S Cresthaven St.
Dallas, TX 75209

Oak Lawn Comm. Prosecutor
Tanya Oliveira
9801 Harry Hines Blvd
Dallas, TX 75220

OLPH Church
Fv. Salvador Guzman
7617 Cortland Ave.
Dallas, TX 75235

Raleighs-Hall Group
Frank M Stick
4224 N Hall St
Dallas, TX 75219

Robin Road Neigh
Alneda Frierson
7410 Robin Rd
Dallas, TX 75209

Robin Road Neigh
Betty R Jekins
7402 Robin Rd
Dallas, TX 75209

Stemmons Corridor
Ronnie Ward
P O Box 7777
Dallas, TX 75209

Walnut Hill Business Owners
Jim Wiley/Glen Wiley
P O Box 541323
Dallas, TX 75354

ENZ078-182
A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new subdistrict within Planned Development District No. 722 for single family, handicapped dwelling and private street and alley west of Preston Road, north of Frankford Road
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z078-185(WE)
REQUEST: An application to create a new subdistrict within Planned Development District No. 722 for single family, handicapped dwelling and private street and alley.

SUMMARY: The purpose of this request is to create a new subdistrict within Planned Development No. 722 that will allow for the reduction of the rear yard setbacks for single family dwellings with an attached garage door. The Development Code requires a 20 foot setback for structures with an attached garage door that are adjacent to public alleys or streets. The applicant is requesting to reduce the required setback from 20-feet to 5 feet.

CPC RECOMMENDATION: Approval, subject to a development plan and conditions

STAFF RECOMMENDATION: Approval, subject to a development plan and conditions
BACKGROUND INFORMATION:

- The applicant’s request to create a new subdistrict within Planned Development District No. 722 will allow for the construction of approximately 12 single family dwellings with attached garages to be constructed within 4.5 feet from a public alley.

- On April 22, 2005, the City Council approved Planned Development District No. 722 for single family, handicapped dwelling and private street and alley.

- Residential developments with private streets and alleys have no setback requirements for single family dwellings with attached garages. The garage doors can be constructed up to the property line.

- PDD No. 722 was approved with private streets and alleys. However, the westernmost portion of the Planned Development abuts a public alley which requires a setback of 20 feet from garage doors.

- On February 8, 2007, the City Plan Commission approved a minor amendment to the development plan to permit the location of three required visitor spaces.

- There are deed restrictions on the request site that were in place prior to the approval of Planned Development District No. 722. The deed restrictions establish specific development standards and regulations that relate to the building line, building height and landscaping and have no bearing on this request.

Zoning History: There has been one recent zoning change requested in the area.

1. Z023-245 On Wednesday, April 27, 2005, the City Council approved a Planned Development District for Single Family uses and Private streets property zoned a GO(A) General Office District and Planned development District No. 222 located in the west line of Preston Road, north of Frankford Road.

Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfare/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
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</thead>
<tbody>
<tr>
<td>Preston Road</td>
<td>Principal Arterial</td>
<td>120 ft.</td>
<td>120 ft.</td>
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<tr>
<td>Frankford Road</td>
<td>Principal Arterial</td>
<td>100 ft.</td>
<td>100 ft.</td>
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**Land Use:**

<table>
<thead>
<tr>
<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>PDD No. 120</td>
<td>Single Family</td>
</tr>
<tr>
<td>South</td>
<td>PDD No. 222</td>
<td>Townhomes</td>
</tr>
<tr>
<td>East</td>
<td>PDD No. 722</td>
<td>Single family under construction</td>
</tr>
<tr>
<td>West</td>
<td>PDD No. 378</td>
<td>Single Family</td>
</tr>
</tbody>
</table>

**COMPREHENSIVE PLAN:** The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines goals and policies to support the applicant’s request to promote strengthening neighborhoods unique characteristics.

The request site will be developed with a total of 12 single family attached dwellings. The new subdistrict will allow the applicant to develop the single family development without altering the residential design. However, without the new subdistrict the applicant may have to alter the residential design to include carports instead of attached garages. The applicant realized during construction that the rear yard, where the attached garages are constructed, abuts a public alley. These garage doors require a 20 foot setback. However, the internal lots will be developed with different standards because the streets and alleys are privately owned. The goals and policies of the *fowardDallas! plan supports strengthening existing neighborhoods as well as having staff being flexible enough to respond to various economic conditions.

**Land Use**

**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.

**AREA PLANS:** The request site lies within the boundary of the Greater Far North Dallas Area Land Use and Transportation Plan (1995 Update). This area is recommended for low density commercial development with FAR’s not to exceed 0.7:1. The original PD request was a departure from this recommendation, however, it was consistent with the type (single family attached) of residential uses to the west and southwest. The site is surrounded by low intense office uses with significant setbacks from this site, thus compatibility exists between these established uses and the ultimate build-out of this site.
STAFF ANALYSIS:

**Land Use Compatibility:** In April 2005, the City Council approved Planned Development District No. 722 for single family, handicapped dwelling and private street and alley. The request site is located on the westernmost portion of Planned Development District No. 722 and is developed with 3 single family attached units with the remaining 9 lots yet to be undeveloped. The proposed single family development abuts a public alley that serves Planned Development District No. 378 for single family uses to the west. The garages for the proposed development are adjacent to the public alley which requires a minimum setback of 20 feet.

The applicant is requesting a Subdistrict within PDD No. 722 to allow for the construction of 12 single family units with garages that do not meet the 20 foot setback from the alley. The applicant is proposing to construct the attached garages approximately 4.5 feet from the public alley right-of-way. However, prior to the City Plan Commission public hearing, the applicant realized that a greater setback of 5 feet is needed for the garage doors from the alley in order to have the three existing residential structures with an attached garage to become a conforming use. Staff agreed to permit a greater setback of 5 feet from the public alley as well as establish a no build zone for garages in Subdistrict A between 8 feet and 16 feet. The PDD conditions will reflect that in Subdistrict A, the minimum rear yard is 1.5 feet except that the minimum rear yard in front of the face of a garage door is 5 feet. If a greater setback than 8 feet is provided from the face of the garage door, the minimum rear yard in front of the face of a garage door is 16 feet.

The internal lots within the development will not have to adhere to the 20-foot setback for attached garages because the streets and alleys are private. In addition, the applicant has agreed to require 2 off-street parking spaces for each dwelling, require each dwelling to have an automatic garage door, and prohibit garage conversions into habitable space.

Staff supports the applicant’s request to create a Subdistrict A that permits garages with less than 20 feet setback, which provides a no build zone for the garages that face the public alley, subject to a development plan and conditions.

**Development Standards:**

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>PRIMARY Uses</th>
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</thead>
<tbody>
<tr>
<td>PDD No. 722 - existing</td>
<td>5 ft.</td>
<td>1.5/1.5'</td>
<td>3,000 sq. ft.</td>
<td>3 stories</td>
<td>70%</td>
<td>Single Family, handicapped group dwelling, private streets or alley</td>
</tr>
</tbody>
</table>

**Landscaping:** Landscaping must be provided and maintained in accordance with Article X, as amended. All plant materials must be maintained in a healthy, growing condition.
Traffic: The Engineering Section of the Department Development Services has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

CPC Action (April 10, 2008)

Motion: It was moved to recommend approval of a new subdistrict within Planned Development District No. 722 for single family, handicapped dwelling and private street and alley, subject to a revised development plan and staff’s conditions west of Preston Road, north of Frankford Road.

Maker: Wolfish
Second: Weiss
Result: Carried: 12 to 0

For: 12 - Prothro, Strater, Gary, Rodgers, Lozano, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 3 - Davis, Bagley, Jones-Dodd
Vacancy: 0

Notices: Area: 500 Mailed: 301
Replies: For: 10 Against: 8

Speakers: For: William Gietema, 5728 Moss Creek Trail, Dallas, TX, 75248
Kent Roberts, 2828 Trinity Mills Rd., Carrollton, TX, 75006
Against: None
LIST OF OFFICERS
ARCADIA LAND PARTNERS 27, Ltd.

- John Hodge – President
- William Gietema – Chief Executive Officer
- Jim Tchoukaleff – Chief Operating Officer
SEC. 51P-722.101. LEGISLATIVE HISTORY.

PD 722 was established by Ordinance No. 25959, passed by the Dallas City Council on April 27, 2005. (Ord. 25959)

SEC. 51P-722.102. PROPERTY LOCATION AND SIZE.

PD 722 is established on property located on Preston Road, north of Frankford Road. The size of PD 722 is approximately 8.6 acres. (Ord. 25959)

SEC. 51P-722.103. 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. In this district, SUBDISTRICT A means the westernmost properties, including Lots 13 through 24 as shown on the development plan.

(c) This district is considered to be a residential zoning district. (Ord. 25959)

SEC. 51P-722.104. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit 722A). In the event of a conflict between the text of this article and the conceptual plan, the text of this article controls. (Ord. 25959)

SEC. 51P-722.105. DEVELOPMENT PLAN.

A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. (Ord. 25959)

SEC. 51P-722.106. MAIN USES PERMITTED.

The following uses are the only main uses permitted in this district:

1. Single family.

2. Handicapped group dwelling unit. [SUP required if the spacing component of Section 51A-4.209(3.1) is not met.]

3. Private street or alley. (Ord. 25959)
SEC. 51P-722.107. ACCESSORY USES.

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

(b) In this district, the following accessory uses are not permitted:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory pathological waste incinerator.

(c) In this district, the following accessory use is permitted by SUP only:

-- Accessory community center (private). (Ord. 25959)

SEC. 51P-722.108. 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. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front yard. Minimum front yard is five feet, except that minimum front yard in front of the face of a garage is ten feet.

(b) Side and rear yard.

(1) Except as provided in this subsection, minimum side and rear yard is 1.5 feet.

(2) In Subdistrict A, the minimum rear yard is 1.5 feet except that the minimum rear yard in front of the face of a garage door is 5 feet. If a greater setback than 8 feet is provided from the face of the garage door, the minimum rear yard in front of the face of a garage door is 16 feet.

(c) Northern property line. Notwithstanding the setback provisions in Subsections (a) and (b), a minimum 20-foot setback must be provided along the entire northern line of the Property.

(d) Density. Maximum number of dwelling units is 55. A maximum of twelve dwelling units may be constructed on lots on the western line of the Property, and these lots may be accessed from the abutting public alley.

(e) Height. Maximum structure height is 35 feet.
(f) **Coverage.**

   (1) Maximum coverage of the Property is 65 percent.

   (2) Maximum lot coverage is 70 percent.

   (3) Aboveground parking structures are included in coverage calculations; surface parking lots and underground parking structures are not.

(g) **Lot size.** Minimum lot size is 3,000 square feet.

(h) **Stories.** Maximum number of stories above grade is two.

(i) **Windows.** Structures on lots on the western line of the Property may not have windows on the western façade of a second story. (Ord. 25959)

**SEC. 51P-722.109. OFF-STREET PARKING AND LOADING.**

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(b) A minimum of three available and unassigned off-street parking spaces must be provided on the Property. (Ord. 25959)

(c) In Subdistrict A, a minimum of two off-street parking spaces are required for each dwelling unit. The required parking spaces must be enclosed and equipped with a remote automatic control garage door opener that is maintained in working condition at all times.

**SEC. 51P-722.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. 25959)

**SEC. 51P-722.111. LANDSCAPING.**

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) All required site trees must have a minimum caliper of four inches when planted.

(c) Site trees may be planted between the property line and the pavement of the private street if the right to do so was retained when the private street was dedicated.

(d) One large canopy tree with a minimum caliper of four inches must be planted in the rear yard of each lot along the western line of the Property prior to the final inspection of the structure on that lot.

(e) All plant materials must be maintained in a healthy, growing condition. (Ord. 25959)
SEC. 51P-722.112. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII. (Ord. 25959)

SEC. 51P-722.113. FENCES

(a) Perimeter fencing is permitted at a maximum height of eight feet in the location shown on the conceptual plan.

(b) Prior to the issuance of the first building permit, a fence that prevents cut-through traffic to the adjacent alley must be provided along the entire length of the western line of the Property, and the fence must remain on a specific lot until completion of the structure on that lot. (Ord. 25959)

SEC. 51P-722.114. STREET AND ALLEY STANDARDS.

(a) All private streets must have a minimum right-of-way width of 50 feet.

(b) All private streets must have a minimum pavement width of 27 feet, measured from back-of-curb to back-of-curb.

(c) All private alleys must have a minimum right-of-way width of 15 feet and a minimum pavement width of 12 feet. (Ord. 25959)

SEC. 51P-722.115. ACCESS.

(a) Ingress and egress to and from the Property is permitted only in the locations shown on the conceptual plan.

[(b) Except as provided in Section 51P-722.108(d), pedestrian and vehicular access to the alley from lots on the western line of the Property is prohibited. (Ord. 25959)]

SEC. 51P-722.116. PLATTING.

Platting of the Property must comply with the plat regulations of the Dallas Development Code, except that lots in the area identified as Area A on the conceptual plan must front on a minimum 30-foot-wide access easement. (Ord. 25959)

SEC. 51P-722.117. ADDITIONAL PROVISIONS.

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. 25959)
SEC. 51P-722.118. 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 to authorize the operation of a use, in this district 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. 25959)

SEC. 51P-722.119. ZONING MAP.

PD 722 is located on Zoning Map No. AA-7. (Ord. 25959)
EXISTING DEED RESTRICTIONS

STATE OF TEXAS

$ KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

That the undersigned, Preston/Frankford Partnership, a Texas General Partnership, is the owner of the following described property situated in Collin County, Texas, being in particular a tract of land out of the William Traughber Survey, Abstract No. 905, and being that same tract of land conveyed to Preston/Frankford Partnership by David Lee Frankfurth, et. al., by deed dated February 11, 1984, and recorded under County Clerk's File No. 9172, in the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod found on the west line of Preston Road (a variable width R.O.W.), as the northeast corner of this tract, same being the southeast corner of Bent Trails Townhomes, an addition to the City of Dallas, Collin County, Texas, as recorded in Cabinet D, Page 140, Plat Records of Collin County, Texas, from which the point of intersection of the west line of said Preston Road and the south line of Bentwood Trail (a 56 foot R.O.W.) bears North 13°05'25" East, a distance of 123.11 feet;

THENCE on said west line, South 13°42'44" West, 189.79 feet to an iron rod found for corner;

THENCE continuing on said west line, South 16°16'02" West, 227.69 feet to an iron rod found as the southeast corner of this tract, same being the northeast corner of North Preston Financial Center, an addition to the City of Dallas, Collin County, Texas, as recorded in Cabinet D, Page 125, Plat Records of Collin County, Texas;

THENCE on the north line of said North Preston Financial Center, and continuing on the north line of Preston West, an addition to the City of Dallas, Collin County, Texas, in Cabinet E, Page 114, Deed Records of Collin County, Texas, South 87°45'37" West, 1046.44 feet to an iron rod found as the southwest corner of this tract, same being the northwest corner of said Preston West;

THENCE on the east line of Preston North, an addition to the City of Dallas, Collin County, Texas, North 00°51'53" West, 418.67 feet to an iron rod set in the south line of Stellar Court, an addition to the City of Dallas, Collin County, Texas in Cabinet D, Page 139, Deed Records of Collin County, Texas;

THENCE on the south line of said Stellar Court, and continuing on the south line of said Bent Trails Townhomes, North 88°45'17" East, 1161.00 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 10.387 acres.

does hereby impress all of the said property with the following deed restrictions to-wit:

(1) All buildings must observe a minimum setback line of 20 feet from the northern property line.
(2) If a building is erected or altered to exceed 36 feet in height, a setback for that building must be provided from the northern property line that is equal to 20 feet plus one foot for each foot of building height in excess of 36 feet. The setback is only required for that portion of the building which exceeds 36 feet in height.

(3) Landscaping for the Phase I office development shall be installed within six months of the date of issuance of the certificate of occupancy, as shown in the Exhibit A landscape plan attached to and made a part of these deed restrictions. A landscape plan for each subsequent phase of development must be submitted to and approved by the building official, in accordance with Article X of the Dallas Development Code, as amended. Each landscape plan submitted must include screening along the northern property line as shown on Exhibit A.

(4) For purposes of these restrictions, all definitions of the Dallas Development Code, as amended, are incorporated into this document, as if recited herein.

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for an additional period of 10 years unless amended or terminated in the manner specified herein.

These restrictions shall not be altered, amended or terminated without a public hearing before the City Plan Commission and the City Council of the City of Dallas, State of Texas. Notice of such hearing shall be given as would be required by law for a zoning change on the property described herein.

The restrictions contained herein are not in any manner intended to restrict the right of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned.
PROPOSED DEVELOPMENT PLAN

Subdistrict A
### Notification List of Property Owners

**Z078-185 (WE)(KRua)**

**301 Property Owners Notified**

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6158</td>
<td>STAPLEFORD STRATFORD PARK LTD</td>
</tr>
<tr>
<td>2</td>
<td>6124</td>
<td>STAPLEFORD CAMBRIDGE HOMES INC</td>
</tr>
<tr>
<td>3</td>
<td>6012</td>
<td>MARLOW ADAMS KRISTINA</td>
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<td>4</td>
<td>6128</td>
<td>THURSBY ADLER RANDY</td>
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<td>PRESTON AGF PRESTON LTD</td>
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<td>LYTHAM ALJUREIDINI AYMAN B &amp;</td>
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<td>6043</td>
<td>WEYMOUTH ANDREW JONI</td>
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*Monday, March 24, 2008*
Bill Dahlstrom  
901 Main St., Ste 6000  
Dallas, TX 75202

Bridge Ballowe c/o Nextel  
1680 N. Prospert Dr.  
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Dallas, TX 75354

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Dallas, TX 75229

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Virginia Brown  
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Dallas, TX 75229

Am. Metro/Study Corp  
Marque Nelson  
14881 Quorum Dr #400  
Dallas, TX 75240

Arborilogical Services, Inc.  
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16 Steel Rd.  
Wylie, TX 75098

Bluffview Homeowner  
Pat White  
4714 Wildwood  
Dallas, TX 75209

Dallas ISD  
Stan Armstrong  
3700 Ross Ave, Box 61  
Dallas, TX 75204

Dallas Planning Asoc  
Stuart Pully  
P O Box 781609  
Dallas, TX 75378

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Donna McGuire  
9155 Sterling Dr. Ste 160  
Dallas, TX 75063

INCAP Fund  
Lauren Odell  
300 Crescent Court  
Dallas, TX 75208

Jackson Walker  
Suzan Kedron  
901 Main St. #6000  
Dallas, TX 75202

Jackson Walker  
Jonathan Vinson  
901 Main St. #6000  
Dallas, TX 75202
Z078-185 (WE)

Kiest-Polk NA
Erma Dodd
P.O. Box 764162
Dallas, TX 75376

Kiestwood Neighbors
Neoma Shafer
2538 W Kiest Blvd
Dallas, TX 75233

Koons Real Estate Law
James Schnurr
3400 Carlisle St, #400
Dallas, TX 75204

Lake Highlands AIA
Terri Woods
9603 Rocky Branch Drive
Dallas, TX 75243

Law Office of R Albright
Roger Albright
3301 Elm St
Dallas, TX 75226

Master Plan
J Kimborough
900 Jackson St
Dallas, TX 75202

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

Minyards Properties Inc
Dennis O'Malley
777 Freeport Pkwy
Coppell, TX 75019

N Pk Lovefied Comm Civic League
Joyce Lockley
4718 Wateka Dr.
Dallas, TX 75209

Oak Cliff Chamber
Joe Burkle
545 Lacewood Drive
Dallas, TX 75224

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

PWS Architects Inc.
Phillip Shepherd
4616 Abbott Ave
Dallas, TX 75205

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

W.A.R.N.
Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Country Brook HOA
Greg Brook
18410 Bay Pines Ln
Dallas, TX 75287

Harwood International, Inc.
Jerry Jackson
2828 N Harwood, Suite 1600
Dallas, TX 75201

Highlands of McKamy
Ben G. King
7024 Judi Street
Dallas, TX 75252

N Dallas Neighb Alliance
Lucie Beller
7328 Williamswood Dr.
Dallas, TX 75252

N Dallas Neighb Alliance
Marla Beikman
PO Box 793551
Dallas, TX 75379

Oakdale HOA
Blake Cowden
5111 Oak Tree Circle
Dallas, TX 75287

Orion Real Estate Group
Bill Lamm
PO Box 540021
Dallas, TX 75354

Plano ISD
Jim Damm
2700 W. 15th St
Plano, TX 75075
Z078-185 (WE)

Preston Creek HOA
Bob Franklin
17201 Hidden Glen Dr.
Dallas, TX 75248

Preston Highlands HOA
Karen L Phaneuf
18615 Crownover Ct
Dallas, TX 75252

Preston Trails
Dr Stacy Stephens
5936 Gladeside Court
Dallas, TX 75248

Prestonwood West HA
Richard Brown
5812 Richwater Dr.
Dallas, TX 75252

Prestonwood W Master
Olin Atkinson
5804 Still Forest Dr
Dallas, TX 75252

Richardson ISD
Michael Longanecker
400 S Greenville Ave
Richardson, TX 75081

Roehampton HOA
Allen Eubanks
6024 Thursby Avenue
Dallas, TX 75252

ENZ078-185F
AGENDA ITEM # 85

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 45 A

SUBJECT

A public hearing to receive comments regarding an application for a Planned Development Subdistrict for Multiple family, Hotel and motel, Restaurant without drive-through service, and Health studio uses on property zoned an O-2 Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and the termination of the D Dry Liquor Control Overlay, on the northeast line of Fairmount Street between Enid Street and Turtle Creek Boulevard with consideration being given to the granting of the D-1 Dry Liquor Control Overlay and the granting of a Specific Use Permit for a Restaurant with alcohol sales

Recommendation of Staff: Approval of a Planned Development Subdistrict, subject to a development plan, landscape plan, and staff’s recommended conditions, and retention of the D Liquor Control Overlay

Recommendation of CPC: Denial of a Planned Development Subdistrict, and denial of the removal of the D Liquor Control Overlay

Z078-142(RB)
FILE NUMBER: Z078-142(RB)  DATE FILED: December 19, 2007

LOCATION: Northeast Line of Fairmount Street between Enid Street and Turtle Creek Boulevard

COUNCIL DISTRICT: 14  MAPSCO: 45 A

SIZE OF REQUEST: Approx. 1.36 Acres  CENSUS TRACT: 5

APPLICANT: GGH Development, LLC

REPRESENTATIVE: Karl Crawley

OWNER: Optimum Reinsurance Company

REQUEST: An application for a Planned Development Subdistrict for Multiple family, Hotel and motel, Restaurant without drive-through service, and Health studio uses on property zoned an O-2 Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and removal of the D Liquor Control Overlay. Consideration will also be given to the granting of the D-1 Liquor Control Overlay and the granting of a Specific Use Permit for a Restaurant with alcohol sales.

SUMMARY: The applicant is proposing to redevelop the site with a mix of multiple family, hotel, restaurant, and health studio uses as well as requesting additional structure height and floor area and alternative off-street parking regulations for certain uses. Additionally, the applicant is requesting to terminate the D Dry Liquor Control Overlay.

CPC RECOMMENDATION: Denial of a Planned Development Subdistrict, and denial of the removal of the D Liquor Control Overlay.

STAFF RECOMMENDATION: Approval of a Planned Development Subdistrict, subject to a development plan, landscape plan, and staff’s recommended conditions, and retention of the D Liquor Control Overlay.
BACKGROUND INFORMATION:

- The request site consists of an office structure that was demolished May 20, 2008.
- The applicant is proposing to redevelop the site with a high-rise multiple family use as part of a mixed use project providing for hotel, restaurant, health studio, and bar uses.
- A PDS is being requested for consideration of the following: 1) increase in structure height; 2) permit certain uses as main uses (currently, restaurant permitted as a limited use and health studio permitted as a street level use with a maximum of 2,000 square feet of floor area); 3) increase in floor area; and 4) provide alternative off-street parking requirements for certain uses. Additionally, the applicant is requesting the termination of the Dry Liquor Control Overlay.

Zoning History: There has been no recent zoning activity in the immediate area relevant to the request

<table>
<thead>
<tr>
<th>PDD Summary</th>
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<tbody>
<tr>
<td><strong>PDD No.</strong></td>
</tr>
<tr>
<td>148 nonres.,</td>
</tr>
<tr>
<td>374</td>
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</table>

<table>
<thead>
<tr>
<th>Thoroughfare/Street</th>
<th>Existing &amp; Proposed ROW</th>
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</thead>
<tbody>
<tr>
<td>Turtle Creek Boulevard</td>
<td>Minor Arterial; ROW</td>
</tr>
<tr>
<td>Fairmount Street</td>
<td>Local; 60’ ROW</td>
</tr>
<tr>
<td>Enid Street</td>
<td>Local; 60’ ROW</td>
</tr>
</tbody>
</table>
STAFF ANALYSIS

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

1. To achieve buildings more urban in form.
2. To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.
3. To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.
4. To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.
5. To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.
6. To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.
7. To promote landscape/streetscape quality and appearance.

The applicant’s request complies with Nos. 1, 3, and 4. The applicant is proposing continuation of a multiple family use with parking located within a structure. Additional parking will be provided to address visitor needs. With respect to No. 7, the applicant’s request seeks to vary some required setbacks for the placement of sidewalks and street trees, however, all landscape requirements as well as the retention of the majority of existing tree canopies meets the intent of the landscape requirements.

With respect to Number 6, the applicant is requesting an increase in structure height, while not complying with this objective, is somewhat off-set by the proposed form of the building (see Land Use Compatibility, below). Numbers 2 and 5 are not applicable to this request.

Comprehensive Plan:

The applicant is proposing to remove the existing structures and redevelop the site with a mix of multiple family, hotel, restaurant, and health studio uses. The applicant has affected the presence of the proposed structure by limiting it footprint for a certain proposed height, then reducing it’s ‘footprint’ above this height. All required parking and
loading will be below the structure.

For these reasons, the request is in compliance with both the Housing Element and Urban Design Element outlined in forwardDallas!

GOAL 3.1 Ensure a sustainable and efficient long-range housing supply.

   Policy 3.1.2 Encourage alternatives to single-family housing developments for homeownership.

GOAL 5.1 Promote a sense of place, safety, and walkability

   Policy 5.1.3 Encourage complementary building height, scale, design and character.

**Land Use Compatibility:** The request site consists of an office structure that was demolished May 20, 2008. The applicant is proposing to redevelop the site with a mixed use project including multiple family, hotel, restaurant, and health studio uses. Additionally, the applicant is requesting the termination of the Dry Liquor Control Overlay. A PDS is being requested for consideration of the following: 1) increase in structure height; 2) permit certain uses as main uses (currently, restaurant permitted as a limited use and health studio permitted as a street level use with a maximum of 2,000 square feet of floor area); 3) increase in floor area; and 4) provide alternative off-street parking requirements for certain uses.

The site does enjoy some change in elevation, rising approximately 12 feet from south to north. The immediate area is predominately surrounded by medium to high density residential uses. Specifically, multifamily uses are present to the north, east across the Turtle Creek Park and Environmental Corridor, and west/northwest. The continuation of Turtle Creek Park is located south of the site, with office and structured parking west of the site, along the southwest line of Fairmount Street.

In conjunction with the requested increase in structure height (240 feet to 290 feet), the applicant has reduced its development rights over that permitted by the existing zoning. The attached table reflects the salient points of the request at the time of printing:
<table>
<thead>
<tr>
<th><strong>PROVISION</strong></th>
<th><strong>EXISTING</strong></th>
<th><strong>REQUESTED</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot coverage</td>
<td>75%</td>
<td>75% first 54’; 45% above 54’</td>
</tr>
<tr>
<td>Height</td>
<td>240’</td>
<td>290’ (includes 5’ for mechanicals)</td>
</tr>
<tr>
<td>Density*</td>
<td>435 du’s-50% 1 bedroom and 50% 2 bedroom units</td>
<td>70 multiple family and 70 hotel rooms</td>
</tr>
<tr>
<td>Floor area*</td>
<td>4:1 FAR with 0.5:1 ≤1:1 residential component; 266,590 sf with residential component</td>
<td>297,000 sf combined, of which nonresidential floor area ≤22,000 sf</td>
</tr>
</tbody>
</table>

*hotel and motel use is classified as a residential use in PDD No. 193

The applicant has worked with staff to ensure sensitivity to the built environment. Specifically, the applicant has agreed to minimize intrusion to the view corridors afforded the general area by utilizing a component of form based zoning, a new approach to land use requests that provides for a ‘predictability’ of proposed development. Specifically, a maximum lot coverage of 75 percent is permitted for the first 54 feet of development. Development above this threshold will be scaled back to a maximum ‘footprint’ (ie, above grade lot coverage) of 45 feet. It should be noted that staff is recommending that the 45% be phased in at a maximum structure height of 36 feet so as to ensure compatibility with the multiple family uses to the north.

Lastly, the northwestern portion of the façade ‘turns away’ from the northern property line, thus providing for an increased setback (ranging from 50 feet to 100 feet) from the multiple family uses to the north. Combined with the requirements of additional setbacks for certain structure heights as provided for within the Turtle Creek Environmental Corridor, the maximum footprint, the proposed development will be sensitive to retaining much of the view corridors for adjacent developments in the area.

With respect to the requested PDS, staff supports the request, subject to staff’s recommended conditions. Due to the immediate area being predominately developed with residential uses and its close proximity to Turtle Creek Park, staff cannot support the removal of the Dry Liquor Control Overlay. This overlay spans an area generally bounded by McKinnon Street/Dallas North Tollway, half of the blockface along Welborn Street, Hall Street, and Turtle Creek Boulevard. It is staff’s concern that the introduction of the sale and service of alcoholic beverages is counter to the environment generally afforded established residential areas.

It should also be noted that the applicant has amended the original application
requesting an ‘alternate approach’ by considering the granting of the D-1 Liquor Control Overlay and simultaneously request approval of an SUP for a restaurant with alcohol sales (see attached letter). For information purposes, the D Liquor Control Overlay prohibits the sale and service of alcoholic beverages while the D-1 Liquor Control Overlay requires a specific use permit for any use providing for the sale or service of alcoholic beverages.

With respect to the part of the request to consider alternatives to the Dry Liquor Control Overlay, the applicant has proposed to require a 1:1 FAR component of ‘residential’ to restaurant floor area. PDD No. 193 classifies a hotel use as a ‘residential’ use, therefore the proposed development could incorporate a mix of uses (multiple family, hotel, restaurant) or any combination as long as the floor area that exists for either hotel, multiple family, or both at least equals the floor area for the restaurant.

Should the CPC consider recommending approval of the D-1 Liquor Control Overlay, the applicant’s proposed conditions and site plan are attached for consideration.

**Traffic:** The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the request and determined it will not impact the surrounding street system.

**Landscaping:** The site possesses significant mature landscaping, much of will be incorporated into the proposed development. The applicant has submitted a landscape plan that complies with the requirements of PDD No. 193.

**CPC ACTION**

(March 27, 2008)

**Motion:** It was moved to recommend denial of a Planned Development Subdistrict for Multiple family, Hotel and motel, Restaurant without drive-through service, and Health studio uses on property zoned an O-2 Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and denial of the removal of the D Liquor Control Overlay on the northeast line of Fairmount Street between Enid Street and Turtle Creek Boulevard.

Maker: Weiss  
Second: Rodgers  
Result: Carried: 13 to 0

For: 13 - Prothro, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Alcantar
Against:   0
Absent:    1 - Strater
Vacancy:   0
Conflict:    1 - Emmons

Notices:   Area:  300            Mailed:  268
Replies:   For:        88                        Against: 108

Speakers:  For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
            David Pontarini, 27 Hampton Ave., Toronto, Ontario
            Frank Stich, 4224 N. Hall St., Dallas, TX, 75219
Against:  Harriet Rubin, 2714 Turtle Creek Cr., Dallas, TX, 75219
           Philip Scott, 2525 Turtle Creek Blvd., Dallas, TX, 75219
           Linda Marcus, 2814 Park Bridge Ct., Dallas, TX, 75219
           Virginia McAlester, 5703 Swiss Ave., Dallas, TX, 75214
           Katherine Seale, 2922 Swiss Ave., Dallas, TX, 75204
           James Pratt, 3520 Routh St., Dallas, TX, 75219
           Earl Schander, 2525 Turtle Creek Blvd., Dallas, TX, 75219
           Veletta Forsythe Lill, 622 Blair Blvd., Dallas, TX, 75223
Against (did not speak):  Cay Kolb, 4402 Rawlins, Dallas, TX, 75219
Optimum Re Insurance Company, a Texas corporation

Gilles Blondeau, Chairman
Jean-Claude Page, Director
Eldon Farek, VP, Operations
Richard Fillion, VP, Corporate

GGH Development, LLC, a Texas limited liability company

Harry Rosenbaum, Manager
Seymour Joffe, Manager
Bruce Freeman, Manager
February 15, 2008

Richard Brown
Senior Planner
City of Dallas
Department of Development Services
2500 Marilla, Room 5BN
Dallas, Texas 75201

RE: Z078-142, 2505 Turtle Creek Blvd.

Dear Richard:

Per our conversation of earlier this week please let this letter serve as our request to advertise the above referenced case for consideration of a Specific Use Permit for a Restaurant with alcoholic beverage service. I understand from our discussions that the staff is concerned with removing the D Dry Overlay from the site, as an alternative we discussed a conversion of the D Overlay to a D-1 Overlay which would allow the restaurant use with alcohol sales with an SUP. In order to save time further down the process we would like to advertise that possibility. In light of that I will supply you with a Site Plan for the SUP, which will be a modified Development Plan, and a set of proposed conditions. As mentioned this is being done as a time saving alternative, we still are requesting a removal of the D Overlay and feel that with the required conditions placed within the proposed Planned Development Subdistrict the staff concerns are eliminated. In light of the large capital investment associated with the hotel, restaurant and multifamily uses the submitted SUP conditions show a permanent time period.

Thanks for your patience and understanding,

[Signature]

Karl A. Crawley
President

MASTERPLAN
Founders Square
500 Jackson St., Suite 649
Dallas, Texas 75202

Phone: (214) 761-9197
Fax: (214) 748-7114
Web: masterplanconsultants.com

Development and Zoning Consultants
APPLICANT REQUESTED/STAFF RECOMMENDED CONDITIONS FOR A PLANNED DEVELOPMENT SUBDISTRICT FOR RESIDENTIAL AND NON-RESIDENTIAL USES WITHIN PLANNED DEVELOPMENT DISTRICT NO. 193, THE OAK LAWN SPECIAL PURPOSE DISTRICT - Z078-142

“Division S-__. PD Subdistrict __.

SEC. S-__.101. LEGISLATIVE HISTORY.

PD Subdistrict ___ was established by Ordinance No. __________, passed by the Dallas City Council on __________.

SEC. S-__.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict ___ is established on property generally located at the corner of Turtle Creek Boulevard, Fairmont Street and Enid Street. The size of PD Subdistrict ___ is approximately 1.36 acres.

SEC. S-__.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division, SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a residential zoning district.

SEC. S-_____.104. EXHIBITS.

The following exhibits are incorporated into this division:

(1) Exhibit ___A: development plan.
(2) Exhibit ___B: landscape plan.

SEC. S-_____105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit S-______). If there is a conflict between the text of this division and the development plan, the text of this division controls.

SEC. S-_____106. MAIN USES PERMITTED.

The following uses are the only main uses permitted in this subdistrict:

-- Health studio.
-- Hotel and motel.
-- Multiple-family.
-- Restaurant without drive-in or drive through service. [Only permitted in a structure that has at least one residential use with a floor area ratio of at least 1.0:1.]

Staff recommendation:

NOTE: The attached conditions reflect the applicant’s request for termination of the D Dry Liquor Control Overlay. Staff does not support the request to terminate the D Dry Liquor Control Overlay.

Should the City Council consider granting a D-1 Liquor Control Overlay, the following language is recommended:

(b) Note that as of ______, the date of creation of this planned development district, the Property within this planned development district is subject to a D-1 Liquor Control Overlay. As long as the D-1 Liquor Control Overlay remains in effect, a specific use permit is required to sell or serve alcoholic beverages. See Dallas Development Code Section 51A-4.503.

SEC. S-_____107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

(b) The following accessory uses are not permitted:

-- Amateur communication tower.
-- Open storage.
-- Private stable.
SEC. S-___.108.  YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the O-2 Office District 2 apply.

(b) Front yard. Minimum front yard is as shown on the development plan. Retaining walls and fences shown on the landscape plan are permitted in the front yard.

(c) Side and rear yard. Minimum side and rear yards are as shown on the development plan.

(d) Density. Maximum number of dwelling units is:

(1) For multiple-family use, 70.

(2) For hotel use, 70 rooms.

(e) Floor area.

(1) Restaurant use. Maximum floor area is 8,000 square feet

(2) Other nonresidential uses. Maximum floor area is 12,000 square feet.

(2) Total floor area for all uses. Maximum total floor area for all uses combined is 297,000 square feet.

(f) Height.

*Applicant requested:*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td>(1)</td>
<td>Except as provided in this subsection, for structures with residential and nonresidential uses, maximum structure height is 285 feet.</td>
</tr>
<tr>
<td>(2)</td>
<td>The following structures on top of building may project a maximum of five feet above the maximum structure height in Paragraph (1):</td>
</tr>
<tr>
<td></td>
<td>(A) Chimney and vent stacks.</td>
</tr>
<tr>
<td></td>
<td>(B) Clerestory.</td>
</tr>
<tr>
<td></td>
<td>(C) Communication towers.</td>
</tr>
</tbody>
</table>
(D) Cooling towers.

(E) Elevator penthouses or bulkheads.

(F) Mechanical equipment rooms.

(G) Plaza or terrace structures.

(H) Pool structures.

(I) Skylights.

(K) Mechanical equipment screening.

(g) Stories. Maximum number of stories is 21 for mixed uses.

**Staff recommended:**

| Maximum structure height is 240 feet. |

(h) Lot coverage.

(1) Except as provided in this subsection, maximum lot coverage is 75 percent.

**Applicant requested:**

| (2) Any portion of a structure that is above 54 feet in height may not have a floor plate greater than 45 percent of the lot area. |

**Staff recommended:**

| (2) Any portion of a structure that is above 36 feet in height may not have a floor plate greater than 45 percent of the lot area. |

(3) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

**SEC. S-__.109. OFF-STREET PARKING AND LOADING.**

(a) Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use.

**Applicant requested:**
(b) On space for every 400 square feet of kitchen area and one space for every 200 square feet of non-kitchen area.

**Staff recommended:**

(1) Restaurant use.

(2) A minimum of one off-street parking space for every 120 square feet of floor area is required.

(2) A minimum of 25 percent of the required off-street parking must be available and unassigned.

**Applicant requested:**

(c) Health studio. A minimum of 12 off-street parking spaces are required.

**Staff recommended:**

(1) Health studio.

(2) A minimum of 12 off-street parking spaces are required.

(2) A minimum of three of the 12 required off-street parking spaces must be available and unassigned.

**Staff recommended:**

(d) Multiple family guest parking. A minimum of 0.15 spaces per dwelling unit must provided as guest parking.

**SEC S-__.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. S-__.111. LANDSCAPING.**

(a) Landscaping must be provided as shown on the landscape plan (Exhibit B).

(b) Plant materials must be maintained in a healthy, growing condition.
SEC. S-__.112. SIGNS.

Signs must comply with the provisions for nonbusiness zoning districts in Article VII.

SEC. S-__.113. ADDITIONAL PROVISIONS.

(a) General maintenance. The Property must be properly maintained in a state of good repair and neat appearance.

(b) Compliance. 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) Compliance with Part I. Except as otherwise provided in this division, development and use of the Property must comply with Part I of this article.

(g) Restaurant uses.

(1) A restaurant may only operate between 6:30 am to 11:00 pm, Monday through Sunday.

(2) Before a certificate of occupancy may be issued for a restaurant use, a certificate of occupancy must be issued for a residential use with a minimum floor area ratio of 1.0:1.

SEC. S-__.114. PAVING.

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

SEC. S-__.115. COMPLIANCE WITH CONDITIONS.

The building official shall not issue a building permit or a certificate of occupancy for a use in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

SEC. S-__.116. ZONING MAP.
PD Subdistrict __ is located on Zoning Map ____.”
APPLICANT'S REQUESTED
SPECIFIC USE PERMIT FOR A RESTAURANT
WITH ALCOHOLIC BEVERAGE SALES

USE: The only use allowed by this specific use permit is a restaurant with alcoholic beverage sales.

FLOOR AREA: The restaurant use with alcoholic beverage sales is limited to a maximum floor area of 8000 square feet.

HOURS OF OPERATION: The hours of operation for alcoholic beverage sales are from 7:00 a.m. to 11:00 p.m. Monday through Saturday and 10:00 a.m. to 11:00 p.m. Sunday.

TIME PERIOD: This specific use permit has no expiration date.
Proposed Development Plan
Proposed Landscape Plan
Proposed Site Plan
### Notification List of Property Owners

**Z078-142 (RB)(CS)**

268 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>2505</td>
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<td>3506</td>
<td>ROUTH</td>
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<td>Jackson Walker</td>
<td>Suzan Kedron</td>
<td>901 Main St. #6000</td>
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<tr>
<td>Koons Real Estate Law</td>
<td>Jonathan Vinson</td>
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<td>J Kimborough</td>
<td>Neoma Shafer</td>
<td>2538 W Kiest Blvd</td>
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<td>Master Plan</td>
<td>MetroStudy Corp</td>
<td>14881 Quorum Dr #400</td>
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<td>Minyards Properties Inc</td>
<td>N Pk Lovefied Comm Civic League</td>
<td>4718 Wateka Dr.</td>
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<tr>
<td>PARC DU LAC</td>
<td>PWS Architects Inc.</td>
<td>4616 Abbott Ave</td>
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<tr>
<td>Robert Reeves &amp; Assoc. Inc.</td>
<td>Signs Manufacturing</td>
<td>4610 Mint Way</td>
</tr>
<tr>
<td>Robert Reeves</td>
<td>William Watson</td>
<td></td>
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<tr>
<td>Robert Reeves &amp; Assoc. Inc.</td>
<td>United HOA</td>
<td>Norma Parry</td>
</tr>
<tr>
<td>United HOA</td>
<td>W.A.R.N.</td>
<td>Tashia Moseley</td>
</tr>
<tr>
<td>Art Rogers</td>
<td>Bryan K. Haywood</td>
<td>City Hall, Rm. 2CN</td>
</tr>
<tr>
<td>Cullen Rogers</td>
<td>Jeannie Ball</td>
<td>3030 McKinney Ave. #906</td>
</tr>
<tr>
<td></td>
<td>Carl E. Smith</td>
<td>4800 Victor St.</td>
</tr>
</tbody>
</table>
Judith Hearst  
2512 Thomas Ave  
Dallas, TX 75201

Laura French  
3856 W Beverly  
Dallas, TX 75209

Leslie Brosi  
3030 McKinney Ave. #205  
Dallas, TX 75204

Margaret L Ray  
3211 Cherrywood  
Dallas, TX 75235

Pam Veshia  
City Hall, Rm. 2CN  
Dallas, TX 75201

Robert Dyer  
1601 Elm St, Ste 3000  
Dallas, TX 75201

Vicki Keene  
738 Cedar Hill Dr  
Dallas, TX 75208

1999 McKinney Ave HOA  
Dick Brink  
1999 McKinney Ave 1207  
Dallas, TX 75201

Bryan Place NA  
Sonali Patnaik  
928 Pavillion St  
Dallas, TX 75204

Cedars NA  
Eric Anderson  
7329 Lakehurst Ave.  
Dallas, TX 75230

Cochran Heights  
Hector Garcia  
3601 Turtle Creek Blvd #901  
Dallas, TX 75219

Downtown Dallas  
Jim Wood  
1412 Main #2500  
Dallas, TX 75202

Friends of the Katy Trail  
Eric Van Steenburg  
3523 McKinney Ave, PMB 441  
Dallas, TX 75204

Friends of State-Thomas  
Judy Hearst  
2512 Thomas Ave  
Dallas, TX 75201

Harwood International, Inc.  
Jerry Jackson  
2828 N Harwood, Suite 1600  
Dallas, TX 75201

Junius Heights HOA  
Kara Kunkel  
5527 Tremont Street  
Dallas, TX 75214

Kidd Springs NA  
John W. (Bill) Robson  
1010 Cedar Hill Ave.  
Dallas, TX 75208

La Tour HA  
Hanne Klein  
3030 McKinney Ave. #502  
Dallas, TX 75204

La Tour HA  
Marla McDonald  
3030 McKinney Ave #1003  
Dallas, TX 75204

Lower Greenville Assoc  
Chuck Cole  
5820 Penrose Ave  
Dallas, TX 75206

Meadows Foundation, Inc.  
Robert Weiss, V.P Admin.  
3003 Swiss Ave.  
Dallas, TX 75209

Oak Lawn Committee  
P O Box 190912  
Dallas, TX 75219

Oak Lawn Comm. Prosecutor  
Tanya Oliveira  
9801 Harry Hines Blvd  
Dallas, TX 75220

Orion Real Estate Group  
Bill Lamm  
PO Box 540021  
Dallas, TX 75354

Park Towers C Assoc  
Estelle Carter  
3310 Fairmount  
Dallas, TX 75201

Peak & Bryan Merch Assoc  
Bill Dickerson  
4223 Bryan  
Dallas, TX 75204
<table>
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<tr>
<td>M Thomas Lardner</td>
<td>Frank M Stick</td>
<td>Paul M. Lehner</td>
</tr>
<tr>
<td>5811 Redwood Court</td>
<td>4224 N Hall St</td>
<td>1717 Main St. Ste 3060</td>
</tr>
<tr>
<td>Dallas, TX 75209</td>
<td>Dallas, TX 75219</td>
<td>Dallas, TX 75201</td>
</tr>
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</table>

ENZ078-142
AGENDA ITEM # 86

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 42 S

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a metal salvage facility on property zoned Planned Development District No. 406, the Ledbetter/Eagle Ford Special Purpose District, on the west side of Progressive Drive, northwest of the corner of Fort Worth Turnpike and Walton Walker Access Road

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

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

Z078-176(OTH)
LOCATION: On the west side of Progressive Drive, northwest of the corner of Fort Worth Turnpike and Walton Walker Access Road.

COUNCIL DISTRICT: 6

MAPSCO: 42-S

SIZE OF REQUEST: Approx. 1.65 acres

CENSUS TRACT: 106.02

REPRESENTATIVE: Santos Martinez, Masterplan

APPLICANT/OWNER: Lone Star Foxhall

REQUEST: An application for a Specific Use Permit for a metal salvage facility on property zoned Planned Development District No. 406, the Ledbetter/Eagle Ford Special Purpose District.

SUMMARY: The applicant proposes use the property for a metal salvage facility.

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

STAFF RECOMMENDATION: Approval for a two-year period subject to conditions and a site plan.
BACKGROUND INFORMATION:

- The request site is developed with a vacant building.
- The proposed use is to allow for a metal salvage facility. The applicant has stated that the operations of the site are limited to receiving industrial metals and materials, packaging them, and shipping them out for recycling. Also, that there will be no chopping, grinding, cutting, shearing, cleaning of materials on site, and that they will not receive batteries or products that contain acids. The proposed SUP does not limit these activities.
- The property is adjacent to industrial use on the north, vacant to the west and east, and undeveloped and outside storage to the south.

Zoning History:
There are no zoning changes requested in the surrounding area.

Thoroughfares/Streets:

<table>
<thead>
<tr>
<th>Thoroughfares/Street</th>
<th>Type</th>
<th>Existing ROW</th>
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</thead>
<tbody>
<tr>
<td>Progressive Drive</td>
<td>Local</td>
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Land Use:

<table>
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<tr>
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<th>Zoning</th>
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<tr>
<td>Site</td>
<td>PD No. 406</td>
<td>Vacant</td>
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<tr>
<td>North</td>
<td>PD No. 406 &amp; IR</td>
<td>Industrial</td>
</tr>
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<td>West</td>
<td>PD No. 406 &amp; IR</td>
<td>Vacant</td>
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<tr>
<td>East</td>
<td>PD No. 406</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>PD No. 406</td>
<td>Undeveloped &amp; outside storage</td>
</tr>
</tbody>
</table>
Area Plans:

West Dallas Economic Development and Neighborhood Preservation Study. Development Area 2 (March, 1983)

The Economic Development and Neighborhood Preservation strategy for West Dallas was developed with the intent to assure that the funds generated by the Federal Urban Development Action (UDAG), have a meaningful impact on West Dallas. The plan makes recommendation and provides general guidelines to direct policy and future investment decisions concerning West Dallas.

The plan recognizes the fact that the infrastructure is poor and that there are some environmental and topographic problems. However, it strongly recommends that the area should be targeted for more intense industrial uses. The plan recommends industrial manufacturing, assembly, processing, warehousing, wholesaling, storage, distribution, extraction, utilities, etc.

West Dallas Comprehensive Land Use Study. (Revised, May 1999)

Subarea 1: Loop 12/Walton Walker. The plan recommends that the Code Compliance Department should make an assessment of the uses in the area for compliance with Planned Development District No. 406 zoning regulations. The poor conditions of streets and the inadequate screening of industrial uses adversely impact nonconforming single family uses that exist within the PD. The future land use and zoning recommendation is to leave the zoning as is, to ensure quality of life, including screening and drainage requirements of the PD.

Trinity River Corridor Comprehensive Land Use Plan. (March 9, 2005)

The plan recommends light industrial uses in the area. This category represents non-residential uses such as warehousing, distribution, assembly, fabrication, and light manufacturing. Light industrial uses typically have fewer impacts on their surroundings (in terms of noise, traffic, pollution, etc.) than do heavy industrial uses. Generally buildings have less than three (3) floors and can have large footprints. Good railroad and highway access is important to this land use type. Other recommended uses include: industrial-flex office, office-regional, retail-neighborhood, and civic. Optional uses are park and open space, and lodging.

There are no Trinity Project related construction plans for this area in the near future.

Comprehensive Plan:

The requested zoning change and proposed use is compatible with the intent of the Comprehensive Plan. The forwardDallas! Vision Illustration recommends industrial uses for the area.
Land Use Element

Goal 1.2 Promote Desired Development

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

Industrial Areas, which offer important employment opportunities, occupy large areas of land and usually are near major roads and heavy rail lines. Evolving technology and the need for freight movement through Dallas to the rest of the country and internationally means this sector can offer good opportunities for jobs. Logistics and warehousing, a growing industry with strong potential for upward mobility of skilled workers, would thrive in such areas. Examples include Southport and the Agile Port, parts of West Dallas along I-30, and the Stemmons industrial area. These areas include a mix of low- and medium-density industrial buildings and industrial yards and have large surface parking for cars and trucks. Industrial Areas rely on quality road access and may be linked to rail for freight purposes. Street lanes are wide and intersections are large. Transit, sidewalks and other pedestrian improvements are limited.

STAFF ANALYSIS:

Land Use Compatibility:

In December 1993, the City Plan Commission approved an authorized hearing to determine proper zoning for area west of Walton Walker Boulevard, North of I-30. A zoning change request triggered the City Plan Commission authorized hearing. An Industrial Manufacturing District Planned Development District uses was considered the most appropriate zoning for the area.

In September 28, 1994, the City Council approved Planned Development District No. 406, the Ledbetter/Eagle Ford Special Purpose District, for IM Industrial Manufacturing District uses on property zoned an IR Industrial Research District uses. The area is generally bounded by State Highway Loop 12 (Walton Walker Boulevard), the Trinity River, and the West Levee right-of-way. The area contains approximately 230 acres. The planned development district allows for some single family residential uses to remain as conforming uses.

The property is near the 100-year floodplain. Issues such as storm water runoff and percolation of the product and effects in the storm water system are a concern to staff. However, the applicant is planning to replat the property, and these issues should be addressed in that process.

The property is adjacent to undeveloped land. The surrounding land uses are an industrial solid waste plant, outside storage, and other industrial uses.

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

Staff considers that the requested SUP for a metal salvage facility use is appropriate for the site, and recommends approval for a two-year period. Staff considers the request with a short period of time appropriate to allow the requested use until there is a noticeable trend or initiative of the property owners or city officials to change the course of the development on the site. Staff did not find any type of residential uses near the site or area.

**Landscaping:**

Landscaping requirements must meet Article X of the Dallas Development Code.

**Traffic:**

The site will have access from Chippewa Drive. One of the major recommendations made in the West Dallas Strategic Economic Development & Neighborhood Preservations is the area needed to be heavily invested in to improve the existing infrastructure and provide a more appropriate environment for the type of development recommended for the area.
CPC ACTION:

April 10, 2008

Motion: It was moved to recommend approval of a Specific Use Permit for a metal salvage facility for a five-year period, subject to a site plan and conditions on property zoned Planned Development District No. 406, the Ledbetter/Eagle Ford Special Purpose District, on the west side of Progressive Drive, northwest corner of Fort Worth Turnpike and Walton Walker Access Road.

Maker: Lozano
Second: Ekblad
Result: Carried: 10 to 0

For: 10 - Prothro, Strater, Gary, Rodgers, Lozano, Weiss, Lueder, Buehler, Wolfish, Ekblad

Against: 0
Absent: 5 - Davis, Bagley, Jones-Dodd, Emmons, Alcantar
Vacancy: 0

Notices: Area: 300 Mailed: 8
Replies: For: 0 Against: 0

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None
PARTNERS/OFFICERS

Lone Star Foxhall, LLC

Shaizad Shroff        Manager
SPECIFIC USE PERMIT FOR A METAL SALVAGE YARD
Z078-176(OTH)

1 **USE:** The only use authorized by this specific use permit is a metal salvage facility.

2 **SITE PLAN:** Use and development of the Property must comply with the attached site plan.

CPC Recommendation:

3 **TIME LIMIT:** This specific use permit is approved for a five-year period.

Staff’s Recommendation:

3 **TIME LIMIT:** This specific use permit is approved for a two-year period.

Applicant’s Request:

3 **TIME LIMIT:** This specific use permit is approved for a two-year period that expires on (two years from City Council Approval Date), and is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.).

4 **INGRESS-EGRESS:** Ingress and egress must be provided as shown in the attached site plan. No other ingress or egress is permitted.

5 **LANDSCAPING:** Landscaping must be in accordance with Article X.

6 **PARKING:** Parking must be provided in accordance to the attached site plan.

7 **SCREENING:** A nine-foot-solid screening fence must be constructed along the property line along the storage area as shown on the attached site plan.

8 **HOURS OF OPERATION:** The hours of operation for a metal salvage yard are from 7:00 a.m. to 9:00 p.m. Monday through Friday. Hours of operation are from 8:00 a.m. to 9:00 p.m. on Saturday and Sunday.
9. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.

10. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.
**Notification List of Property Owners**

**Z078-176 (OTH)(CS)**

8 Property Owners Notified

<table>
<thead>
<tr>
<th>Label #</th>
<th>Address</th>
<th>Owner</th>
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<tbody>
<tr>
<td>1</td>
<td>2111</td>
<td>PROGRESSIVE DRIVER JAMES T</td>
</tr>
<tr>
<td>2</td>
<td>2031</td>
<td>RUDER DRIVER JAMES TRAVIS</td>
</tr>
<tr>
<td>3</td>
<td>2019</td>
<td>PROGRESSIVE MERRITT HERMAN Y</td>
</tr>
<tr>
<td>4</td>
<td>2005</td>
<td>PROGRESSIVE PEREZ NIEVES &amp;</td>
</tr>
<tr>
<td>5</td>
<td>6224</td>
<td>CHIPPEWA VASQUEZ JESSE</td>
</tr>
<tr>
<td>6</td>
<td>6218</td>
<td>CHIPPEWA WARD BOB B &amp; MARY A</td>
</tr>
<tr>
<td>7</td>
<td>2107</td>
<td>PROGRESSIVE 1221 INC</td>
</tr>
<tr>
<td>8</td>
<td>2131</td>
<td>PROGRESSIVE ALLWASTE RECOVERY SYSTEMS</td>
</tr>
</tbody>
</table>

*Wednesday, March 19, 2008*
EARLY NOTIFICATION LIST

Al Romero
PO Box 870875
Mesquite, TX 75150

Anthony Jones
PO Box 0711
Galveston, TX 77553

Betty Wadkins
2843 Modesto Drive
Dallas, TX 75227

Bill Dahlstrom
901 Main St., Ste 6000
Dallas, TX 75202

Bridge Ballowe c/o Nextel
1680 N. Prospert Dr.
Ricardson, TX 75081

Cindy Harris
4310 Buena Vista #8
Dallas, TX 75205

Clarence F Cope
10404 Ferndale
Dallas, TX 75238

Jane Guerrini
7032 Lupton
Dallas, TX 75225

Jeff Bosse
PO Box 4738
Dallas, TX 75208

Leanne Witek
16660 N Dallas Pkwy #1200
Dallas, TX 75248

Marcus Wood
6060 N Central Expy Ste 333
Dallas, TX 75206

Pam Conley
901 N Madison Avenue
Dallas, TX 75208

Rob Baldwin
401 Exposition
Dallas, TX 75226

Robert P. Garza
412 E. Sixth St.
Dallas, TX 75203

Sheryl Jean, Newsroom-Business
508 Young St.
Dallas, TX 75265

Steve Craft
P O Box 542225
Dallas, TX 75354

Steve Kim
4318 Sexton Ln.
Dallas, TX 75229

Alpha Testing, Inc
Virginia Brown
2209 Wisconsin St, Ste 100
Dallas, TX 75229

Am. Metro/Study Corp
Marque Nelson
14881 Quorum Dr #400
Dallas, TX 75240

Arborilagical Services, Inc.
Bill Seaman
16 Steel Rd.
Wylie, TX 75098

Bluffview Homeowner
Pat White
4714 Wildwood
Dallas, TX 75209

Dallas ISD
Stan Armstrong
3700 Ross Ave, Box 61
Dallas, TX 75204

Dallas Planning Asoc
Stuart Pully
P O Box 781609
Dallas, TX 75378

FW Dodge Reports
Donna McGuire
9155 Sterling Dr. Ste 160
Dallas, TX 75063
INCAP Fund
Lauren Odell
300 Crescent Court
Dallas, TX 75208

Jackson Walker
Suzan Kedron
901 Main St. #6000
Dallas, TX 75202

Kiestwood Neighbors
Neoma Shafer
2538 W Kiest Blvd
Dallas, TX 75233

Koons Real Estate Law
James Schnurr
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Dallas, TX 75204

Law Office of R Albright
Roger Albright
3301 Elm St
Dallas, TX 75226

Master Plan
J Kimborough
900 Jackson St
Dallas, TX 75202

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

Minyards Properties Inc
Dennis O'Malley
777 Freeport Pkwy
Coppell, TX 75019

Oak Cliff Chamber
Joe Burkleo
545 Lacewood Drive
Dallas, TX 75224

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

Gabriel Camacho
11002 Creekmere
Dallas, TX 75218

Vicki Keene
738 Cedar Hill Dr
Dallas, TX 75208

Sara L. Reaves
901 Main St. #6000
Dallas, TX 75202

Lake Highlands AIA
Terri Woods
9603 Rocky Branch Drive
Dallas, TX 75243

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

Oak Lawn Comm. Prosecutor
Tanya Oliveira
9801 Harry Hines Blvd
Dallas, TX 75220

Lake Highlands AIA
Terri Woods
9603 Rocky Branch Drive
Dallas, TX 75243

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

Oak Lawn Comm. Prosecutor
Tanya Oliveira
9801 Harry Hines Blvd
Dallas, TX 75220

Southwestern Bell
Ron Cannaday
4331 Communications Dr.
Dallas, TX 75211
W Dal Bus Assoc
Russell Driver
2019 Ruder Street
Dallas, TX 75212

ENZ078-176
AGENDA ITEM # 87

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

A public hearing to receive comments regarding consideration of amendments to Chapter 51A, of the Dallas Development Code, to amend the use definition of Public Park, Playground or Golf Course and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval

DCA078-010
FILE NUMBER: DCA 078-010          DATE INITIATED: March 3, 2008
TOPIC:  Definition of “Public Park, Playground, or Golf Course”
CITY COUNCIL DISTRICTS: All       CENSUS TRACTS: All

PROPOSAL:  To amend Chapters 51 and 51A, the Dallas Development Code, to amend the definition of “Public Park, Playground, or Golf Course.”

SUMMARY:  The proposed amendments would clarify the definition of a park to include land planned or under development for park purposes and park land that is passive in character such as nature preserves or bird sanctuaries.

CPC RECOMMENDATION: Approval
ZOAC RECOMMENDATION: Approval
STAFF RECOMMENDATION: Approval
BACKGROUND

- Currently the definition of Public Park, Playground, or Golf Course is:

  “A recreation facility or park owned or operated by a public agency and available to the general public.”

- In examining the current definition, staff determined it was appropriate and desirable to make it clear that parks under development, closed while pending improvements, or passive in character (such as nature preserves or bird sanctuaries) were also included under the definition.

PROPOSAL

Staff is proposing the definition be amended as follows:

“(A) Definition: Land planned, developed, or used for active or passive recreational use by the public that is [A recreation facility or park including stadiums, field houses, and accessory uses] owned or operated by a public agency for those purposes [and available to the general public]."

ZOAC ACTION

On April 3, 2008 the Zoning Ordinance Advisory Committee voted 6 to 0 to recommend approval of the proposal.

In Favor
- Chris Buehler
- Ann Bagley
- Robert Ekblad
- Jack Craycroft
- Jim Rogers
- Mark Wilson
CPC ACTION (April 24, 2008)

Motion: It was moved to recommend approval of amendments to Chapter 51 and 51A, the Dallas Development Code, to amend the use definition of Public Park, Playground or Golf Course.

Maker: Buehler
Second: Bagley

For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Speakers: None
An ordinance amending Chapters 51 “Dallas Development Code: Ordinance No. 10962, as amended,” and 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51-4.208 and 51A-4.208; amending the definition of public park; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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


“(A) Definition: Land planned, developed, or used for active or passive recreational use by the public that is [A recreation facility or park including stadiums, field houses, and accessory uses] owned or operated by a public agency for those purposes [and available to the general public]."

“(A) Definition: Land planned, developed, or used for active or passive recreational use by the public that is [A recreation facility or park] owned or operated by a public agency for those purposes [and available to the general public].”

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 4. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By__________________________________
Assistant City Attorney

Passed______________________________
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 14, 2008

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

A public hearing to receive comments regarding consideration of amendments to Chapter 51A, of the Dallas Development Code, to amend Section 51A-1.106, "Notification Signs Required to Be Obtained and Posted," to establish appropriate standards for postponement of a case when it is determined that an applicant failed to comply with notification sign posting requirements and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval

DCA078-003
FILE NUMBER: DC078-003 DATE INITIATED: October 18, 2007

TOPIC: Failure to Post Zoning Notification Signs

CITY COUNCIL DISTRICTS: All CENSUS TRACTS: All

PROPOSAL: Amendments to Chapter 51A, the Dallas Development Code, Section 51A-1.106, “Notification Signs Required to Be Obtained and Posted,” to establish appropriate standards for postponement of a zoning case when it is determined that an applicant failed to comply with notification sign posting requirements.

SUMMARY: The proposed amendment would require that should the Plan Commission determine that notification signs were not adequately posted, they may take no action other than to postpone the public hearing for a minimum of four weeks or deny the applicant's request, with or without prejudice.

CPC RECOMMENDATION: Approval
ZOAC RECOMMENDATION: Approval
STAFF RECOMMENDATION: Approval
BACKGROUND

- On February 14, 2007, City Council approved an amendment to the notification sign posting requirements to require that signs be posted within 14 days of an application being made.

- Currently the Development Code requires that if the city plan commission, landmark commission, or board of adjustment determines that the applicant has failed to comply with the provisions of this section, it shall take no action on the application other than to postpone the public hearing or deny the applicant's request, with or without prejudice.

- The primary purpose of the February 14th amendment was to provide an earlier notice to the surrounding area and also capture those who may not receive a property owner notice such as tenants. The current failure to post provisions were not revised when the February 14th amendment was approved.

PROPOSAL

The recommended amendments would provide a minimum of 4 weeks that a sign would be posted prior to an additional public hearing to consider a request when the Plan Commission, Landmark Commission or Board of Adjustment determined notification signs were not properly posted.

ZOAC ACTION

On November 15, 2007 the Zoning Ordinance Advisory Committee voted 7 to 0 to recommend approval of the proposal.

In Favor  Robert Ekblad
          Jim Rogers
          Ann Bagley
          Chris Buehler
          Jack Craycroft
          Bill Creasey
          Dana Swope
CPC ACTION

Motion: It was moved to recommended approval amendments to Chapter 51A, the Dallas Development Code, Section 51A-1.106, “Notification Signs Required to Be Obtained and Posted,” to establish appropriate standards for postponement of a zoning case when it is determined that an applicant failed to comply with notification sign posting requirements.

Maker: Buehler
Second: Prothro

For: 15 - Prothro, Strater, Gary, Davis, Rodgers, Lozano, Bagley, Jones-Dodd, Weiss, Lueder, Buehler, Wolfish, Ekblad, Emmons, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Speakers: None
An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Section 51A-1.106; providing a method to cure a failure to timely post notification signs; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Subsection (d), "Failure to Comply," of Section 51A-1.106, "Notification Signs Required to Be Obtained and Posted," of Article I, "General Provisions," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(d) Failure to comply. If the city plan commission, landmark commission, or board of adjustment determines that the applicant or director has failed to comply with the provisions of this section, it shall take no action on the application other than to postpone the public hearing for a minimum of four weeks or deny the applicant's request, with or without prejudice. If the hearing is postponed, the required notification signs must be posted within 24 hours after the case is postponed and comply with all other requirements in this section."

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 3. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code.

SECTION 5. 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.
SUBJECT

FY 2007-08 Consolidated Plan Reprogramming Budget #3

* A public hearing to receive comments on the final FY 2007-08 Consolidated Plan Reprogramming Budget #3 to reprogram $928,473 of HOME Investment Partnership Program Funds from the Mortgage Assistance Program to the Frazier Berean Senior Project and $925,000 of Community Development Grant Reprogramming Funds from the Southern Sector Housing and Economic Development Financing for Neighborhood Investment Program public infrastructure – Financing: No cost consideration to the City

* Authorize adoption of the final FY 2007-08 Consolidated Plan Reprogramming Budget #3 to reprogram $928,473 of HOME Investment Partnership Program Funds from the Mortgage Assistance Program to the Frazier Berean Senior Project and $925,000 of Community Development Grant Reprogramming Funds from the Southern Sector Housing and Economic Development Financing for Neighborhood Investment Program public infrastructure – Not to exceed $1,853,473 - Financing: 2006-07 Community Development Grant Reprogramming Funds ($925,000); and 2007-08 HOME Funds ($928,473)

BACKGROUND

On March 3, 2008, the Housing Committee was briefed on the support and final application of the Frazier Berean Senior apartment project for the 9% tax credit application for the 2008 funding year and with regard to this request for reprogramming for up to $928,473. The City Council considered this request as part of the Low Income House Tax Credit 9% application approval of the March 26, 2008 Council agenda.

Following City Council expressed intent in the Frazier Berean Project for $928,473 HOME funding commitment requires reprogramming of other HOME Funds, specifically Mortgage Assistance Program (MAP) funds, to this project.
BACKGROUND (continued)

This item calls for a public hearing to be held on May 14, 2008, to allow citizens an opportunity to comment on the proposed use of funds. Public notice was provided in the official newspaper which began a 30-day comment period ending May 14, 2008.

This item also authorizes the final adoption of FY 2007-08 Consolidated Plan Reprogramming Budget #3 as follows:

**Source of Funds:**
- FY 07-08 HOME Mortgage Assistance Program $928,473
- FY 06-07 CDBG Southern Sector Housing and Economic Development Financing $925,000

**Use of Funds:**
- FY 07-08 HOME Frazier Berean Senior Project $928,473
- FY 07-08 CDBG NIP Infrastructure $925,000

The MAP provides principal reduction, down payment and closing cost assistance to eligible first-time homebuyers to purchase a home in the City of Dallas. On October 10, 2007, the City Council authorized $4,497,803 in HOME Investment Partnership Program Funds for MAP. The Enterprise Community Partners, Inc. is the subrecipient running this program for the City of Dallas.

The Frazier Berean Senior Project will be located at 3326 Mingo Street, in City Council District 7. The project calls for the new construction of 127 one-bedroom and 23 two-bedroom units for seniors utilizing state tax credits. Rents will be set at tax credit rents based on income levels. The applicant for the state tax credits is Carpenter’s Point L.P. The City Council Housing Committee endorsed this project and was briefed on this reprogramming March 3, 2008.

The Southern Sector Housing and Economic Development Financing provide funds for eligible Southern Sector Housing projects. The Neighborhood Investment Program (NIP) allows for funding of public infrastructure improvements in NIP target areas. These funds will be used for infrastructure improvements in NIP target areas.

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

On September 28, 2005, the City Council redesignated NIP target areas to include census tracts 25.00/27.01/27.02, 39.03/115.00 pt. and 101.01/101.02 by Resolution No. 05-2795.

On June 27, 2007, the City Council adopted the final FY 2007-08 Consolidated Plan Budget by Resolution No. 07-1978.

On December 12, 2007, the City Council adopted the final FY 2007-08 Consolidated Plan Reprogramming Budget #1 by Resolution No.07-3768.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On January 22, 2008, the Housing Committee was briefed on NIP target area 25.00 / 27.02 / 27.01.

On February 4, 2008, the Housing Committee was briefed on NIP target area 39.02 / 115.00 pt.

On February 13, 2008, the City Council authorized the pre-application waiver for the Frazier Berean Senior Project by Resolution No. 08-0454.

On February 27, 2008, the City Council adopted the final FY 2007-08 Consolidated Plan Reprogramming Budget #2 by Resolution No. 08-0704.

On March 3, 2008, the City Council Housing Committee was briefed on the Frazier Berean Senior Project.

On March 26, 2008, the City Council expressed intent in support of the Frazier Berean Senior Project 9% tax credit by Resolution No. 08-0878.

On April 9, 2008, the City Council approved the preliminary FY 2007-08 Consolidated Plan Reprogramming Budget #3 by Resolution No. 08-1053

FISCAL INFORMATION

FY 2006-07 Community Development Grant Reprogramming Funds - $925,000
FY 2007-08 HOME Funds - $928,473

MAP

Attached
WHEREAS, on September 28, 2005, the City Council redesignated NIP target areas to include census tracts 25.00/27.01/27.02, 39.03/115.00 pt. and 101.01/101.02 by Resolution No. 05-2795; and

WHEREAS, on June 27, 2007, the City Council adopted the final FY 2007-08 Consolidated Plan Budget by Resolution No. 07-1978; and

WHEREAS, on December 12, 2007, the City Council adopted the final FY 2007-08 Consolidated Plan Reprogramming Budget #1 by Resolution No. 07-3768; and

WHEREAS, on January 22, 2008, the Housing Committee was briefed on NIP target area 25.00 / 27.01 / 27.02; and

WHEREAS, on February 4, 2008, the Housing Committee was briefed on NIP target area 39.02 / 115.00 pt.; and

WHEREAS, on February 13, 2008, the City Council authorized the pre-application waiver for the Frazier Berean Senior Project by Resolution No. 08-0454; and

WHEREAS, on February 27, 2008, the City Council adopted the final FY 2007-08 Consolidated Plan Reprogramming Budget #2 by Resolution No. 08-0704; and

WHEREAS, on March 3, 2008, the City Council Housing Committee was briefed on the Frazier Berean Senior Project; and

WHEREAS, on March 26, 2008, the City Council authorized support of the Frazier Berean Senior Project 9% tax credit, a 150 unit residential development for seniors located at 3326 Mingo Street and expressed the City's intent, subject to Council authorization, to loan up to $428,473 in Federal HOME Investment Partnerships Program (HOME) funds for construction by Resolution No. 08-0876; and

WHEREAS, to initiate the Frazier Berean Senior Project, the reprogramming of funds is needed; and

WHEREAS, to continue public improvements to the NIP areas as part of the Public Infrastructure Program, the reprogramming of funds is needed; and

WHEREAS, the City’s Citizen Participation Plan and HUD regulations require a public comment period of not less than 30 days and a public hearing to receive comments;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:
SECTION 1. That the final FY 2007-08 Consolidated Plan Reprogramming Budget #3 be approved as follows:

Source of Funds:

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<tr>
<th>FUND</th>
<th>DEPT</th>
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<td>HOU</td>
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<td>Southern Sector Housing and Economic Development Financing</td>
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Use of Funds:

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<td>Frazier Berean Senior Project</td>
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<tr>
<td>06R2</td>
<td>HOU</td>
<td>8676</td>
<td>NIP Infrastructure</td>
<td>$925,000</td>
</tr>
</tbody>
</table>

SECTION 2. That the City Manager be authorized to release $928,473 of HOME funds and $925,000 of CDBG funds previously allocated for Mortgage Assistance Program (MAP) and the Southern Sector Housing and Economic Development Financing respectively.

SECTION 3. That the City Controller is authorized to transfer funds up to $928,473 from the MAP Program and $925,000 from Southern Sector Housing and Economic Development financing to the Frazier Berean Project and the Neighborhood Investment Public Infrastructure Program respectively.

SECTION 4. That the City Manager be authorized to establish FY2007-08 appropriations and disburse funds up to $928,473 to the Frazier Berean Project and $925,000 to the Neighborhood Investment Public Infrastructure Program.

SECTION 5. That the City Manager be authorized to take actions necessary to amend the FY 2007-08 Action Plan as submitted to HUD and to provide additional information, make adjustments and take other actions necessary to satisfy HUD Requirements.

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.

DISTRIBUTION:

Housing Department
City Attorney’s Office
Office of Financial Services/Community Development, 4FS