MAY 27, 2009 CITY COUNCIL ADDENDUM
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated May 27, 2009. 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

Date

5-22-09

5/22/09
REVISED ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m.  INVOCATION AND PLEDGE OF ALLEGIANCE

OPEN MICROPHONE

CLOSED SESSION

MINUTES           Item 1

CONSENT AGENDA    Items 2 - 46

CONSENT ADDENDUM  Items 1 - 6

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier than 9:30 a.m.  Item 47

Addendum Items 7 - 9

PUBLIC HEARINGS AND RELATED ACTIONS

No earlier than 12:00 noon*  Items 48 - 62

*(This required a motion to suspend Section Rule 6.1 (c)(1) of City Council Rules and Procedures, which was passed on May 13, 2009 by No. 09-1223.)
ADDENDUM
CITY COUNCIL MEETING
MAY 27, 2009
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

ADDITIONS:

CONSENT ADDENDUM

Convention and Event Services

1. A resolution authorizing the City of Dallas’ (1) support for the 2010 National Basketball Association (“NBA”) All-Star Game, and (2) participation as an endorsing municipality, to initiate the establishment of the Other Events Trust Fund by the State Comptroller of Public Accounts - Financing: This action has no cost consideration to the City

Department of Development Services

2. An ordinance providing for the closing of Whitehaven Drive at its intersection with an adjacent alley, near the intersection of Lake Gardens Drive, pursuant to Resolution No. 93-4028, which authorized the Policy for Closure of Local Residential Streets to Through Vehicular Traffic - Revenue: $1,500 plus the $20 ordinance publication fee

3. Authorize an amendment to the deed restrictions on property zoned an RR Regional Retail District on the north side of Chenault Street between Buckner Boulevard and Dilido Road - Z089-140 - Financing: No cost consideration to the City

Public Works & Transportation

4. Authorize a contract for the construction of street paving, storm drainage, water and wastewater main improvements for Routh Street from Flora Street to Woodall Rodgers Freeway - Omega Contracting, Inc., lowest responsible bidder of four - Not to exceed $1,524,334 - Financing: 2006 Bond Funds ($1,344,247) and Water Utilities Capital Construction Funds ($180,087)

**Note:** Addendum Item Nos. 5 & 6 must be considered collectively.

Lochwood Branch Library

5. * Authorize a contract for the purchase and installation of furniture for the Lochwood Branch Library located at 11221 Lochwood Boulevard from the following nine bidders: Corporate Express Office Products, Inc. in the amount of $21,054; Furniture Consultants, Inc. in the amount of $8,132; Intelligent Interiors, Inc. in the amount of $65,323; Facilitech, Inc. dba Business Interiors in the amount of $13,377; Facility Interiors, Inc. in the amount of $11,788; Bauhaus Interiors Group in the amount of $75,731; Vance Hunt & Associates - LB Interiors in the amount of $51,605; Libra Tech Corporation in the amount of $19,675; and BKM Total Office of Texas, LLC in the amount of $13,758 - Not to exceed $280,443 - Financing: 2003 Bond Funds
ADDENDUM
CITY COUNCIL MEETING
MAY 27, 2009

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Public Works & Transportation (Continued)  Note: Addendum Item Nos. 5 & 6 must be considered collectively.

Lochwood Branch Library (Continued)

6.  * Authorize an increase in the contract with J.C. Commercial, Inc. for millwork fabrication and installation for Lochwood Branch Library - Not to exceed $71,013, from $3,983,164 to $4,054,177 - Financing: 2003 Bond Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

FY2008-09 and FY2009-10 Budget Items

Human Resources

7.  Authorize amendments to the FY2008-09 Position Classification Assignments (PCA) to authorize: (1) two unpaid furlough days, July 6, 2009 and September 4, 2009, for all City of Dallas civilian employees for an estimated cost savings of $2,600,000; (2) the City Manager to make operational and scheduling changes necessary to implement the furlough days; and (3) elimination of Dallas Police Department Graduation Incentive Pay and Incentive Pay for Completion of Probation and Police Trainee Assignment Pay with an estimated annual savings of $3,780,000 - Estimated Total Savings ($6,380,000) - Financing: Current Funds

Office of Financial Services

8.  Authorize an increase in the Over 65 and Disabled Persons Homestead Property Tax Exemption from $64,000 to $70,000 beginning with the 2009 tax year - Estimated Annual Revenue Loss: ($2,600,000)

Public Works & Transportation

9.  An ordinance amending Chapter 28 of the Dallas City Code to: (1) revise the parking ticket base fine amounts and second penalty amount; (2) revise parking rates for various streets; (3) revise the commercial loading zone permit fee for permanent, temporary and replacement permits; and (4) revise the parking meter hooding and temporary removal fees - Estimated Revenue: FY 2008-09 $585,847 and $2,987,676 annually
DELETION:

Economic Development

24. Authorize an economic development grant agreement pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Business Development Grant Program with Jess Baroukh, LLC., related to the remodeling of the Crest Plaza Shopping Center located at South Lancaster Road and East Saner Avenue - Not to exceed $200,000 - Financing: Public/Private Partnership Funds
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<th>ITEM</th>
<th>OK</th>
<th>IND</th>
<th>DISTRICT</th>
<th>TYPE</th>
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<td>A resolution authorizing the City of Dallas’ support for the 2010 National Basketball Association (&quot;NBA&quot;) All-Star Game; and participation as an endorsing municipality, to initiate the establishment of the Other Events Trust Fund by the State Comptroller of Public Accounts</td>
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<td>2</td>
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<td>C</td>
<td>DDS, PWT</td>
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<td>$1,500</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance providing for the closing of Whitehaven Drive at its intersection with an adjacent alley, near the intersection of Lake Gardens Drive, pursuant to Resolution No. 93-4028, which authorized the Policy for Closure of Local Residential Streets to Through Vehicular Traffic</td>
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<td>Authorize an amendment to deed restrictions on property zoned an RR Regional Retail District on the north side of Chenault Street between Buckner Boulevard and Dilido Road (Z089-140)</td>
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<td>14</td>
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<td>PWT, WTR</td>
<td>$1,524,333.53</td>
<td>83.61%</td>
<td>100.00%</td>
<td>Authorize a contract for the construction of street paving, storm drainage, water and wastewater main improvements for Routh Street from Flora Street to Woodall Rodgers Freeway</td>
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<td>PWT, LIB</td>
<td>$280,442.84</td>
<td>92.98%</td>
<td>44.19%</td>
<td>Lochwood Branch Library: Authorize a contract for the purchase and installation of furniture for the Lochwood Branch Library located at 11221 Lochwood Boulevard</td>
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<td>PWT, LIB</td>
<td>$71,013.00</td>
<td>90.91%</td>
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<td>Lochwood Branch Library: Authorize an increase in the contract with J.C. Commercial, Inc. for millwork fabrication and installation for Lochwood Branch Library</td>
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<td>N/A</td>
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<td>HRD</td>
<td>($6,380,000)</td>
<td>NA</td>
<td>NA</td>
<td>Authorize amendments to the FY2008-09 Position Classification Assignments (PCA) to authorize: two unpaid furlough days, July 6, 2009 and September 4, 2009, for all City of Dallas civilian employees; the City Manager to make operational and scheduling changes necessary to implement the furlough days; and elimination of Dallas Police Department Graduation Incentive Pay and Incentive Pay for Completion of Probation and Police Trainee Assignment Pay</td>
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<td>All</td>
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<td>OFS</td>
<td>REV $2,600,000</td>
<td>NA</td>
<td>NA</td>
<td>Authorize an increase in the Over 65 and Disabled Persons Homestead Property Tax Exemption from $64,000 to $70,000 beginning with the 2009 tax year</td>
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<td>9</td>
<td>All</td>
<td>I</td>
<td>PWT</td>
<td>REV $3,573,523</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance amending Chapter 28 of the Dallas City Code to revise: the parking ticket base fine amounts and second penalty amount; parking rates for various streets; the commercial loading zone permit fee for permanent, temporary and replacement permits; and the parking meter hooding and temporary removal fees</td>
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**TOTAL** ($4,504,210.63)**
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 27, 2009

COUNCIL DISTRICT(S): 2

DEPARTMENT: Convention and Event Services

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

SUBJECT

A resolution authorizing the City of Dallas’ (1) support for the 2010 National Basketball Association (“NBA”) All-Star Game, and (2) participation as an endorsing municipality, to initiate the establishment of the Other Events Trust Fund by the State Comptroller of Public Accounts – Financing: This action has no cost consideration to the City

BACKGROUND

The North Texas Region has been designated to host the NBA All-Star Game and related activities in 2010. The City of Dallas has been asked to provide the following services at no cost, expense or liability to the NBA, including all planning, training or deployment activities related to the provision of such services: (a) law enforcement and public safety services including, without limitation, proper vehicular and pedestrian traffic control, security, police escorts from time to time as requested by the NBA, other police services and supplies for the protection of people and property, reasonably necessary to the success of the 2010 NBA All-Star Game related activities within the City of Dallas; (b) fire and medical emergency services including, without limitation, proper fire safety enforcement, emergency dispatch and paramedic services and supplies for the protection of people and property, reasonably necessary to the success of the 2010 NBA All-Star Game related activities within the City of Dallas; and (c) other governmental services including, without limitation, traffic, decorative display and public works/street maintenance services and supplies, reasonably necessary to the success of 2010 NBA All-Star Game related activities within the City of Dallas.

Article 5190.14, VERNON'S TEXAS CIVIL STATUTES, Section 5A, as amended (the “Act”), authorizes the Texas Comptroller of Public Accounts (the “Comptroller”) to establish the Other Events Trust Fund (as defined in the Act) provided, among other things, a request is submitted by the municipality in which the NBA All-Star Game and/or related activities will be located.
BACKGROUND (Continued)

The City of Dallas wishes to participate as an endorsing municipality and desires that the Comptroller establish the Other Events Trust Fund in connection with the 2010 NBA All-Star Game and related activities.

This resolution provides that the City of Dallas shall determine in its sole discretion the portion, if any, of its incremental sales tax revenues that it will provide to the Comptroller. That determination will be based upon various factors, explicitly including whether the City hosts some of the special events.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee was briefed on April 20, 2009.

FISCAL INFORMATION

This action has no cost consideration to the City.
WHEREAS, the NBA has designated the North Texas Region to host the NBA All-Star Game and related activities in 2010; and

WHEREAS, Tex. Rev. Civ. Stat. Ann. Art. 5190.14, § 5A (as amended, the "Act") authorizes the Texas Comptroller of Public Accounts (the "Comptroller") to establish the Other Events Trust Fund (as defined in the Act) for the NBA 2010 All-Star Game and related activities, provided a request is submitted by an endorsing municipality and endorsing county in which the game and related activities will be located; and

WHEREAS, the City of Dallas wishes to participate as an endorsing municipality under the Act and desires that the Comptroller establish the Other Events Trust Fund in connection with the 2010 NBA All-Star Game and related activities.

Now, Therefore,

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

Section 1. That the City of Dallas welcomes the opportunity to host the 2010 NBA All-Star Game related activities, and to that end, declares its full support for the 2010 NBA All-Star Game and related activities.

Section 2. That the City of Dallas agrees to provide, in connection with the Game related events held in Dallas, the following services at no cost, expense or liability to the NBA, including all planning, training or deployment activities related to the provision of such services: (a) all law enforcement and public safety services reasonably necessary to the success of the NBA 2010 All-Star Game and related activities; (b) all fire and medical emergency services (including fire safety enforcement, emergency dispatch and paramedic services and supplies for the protection of people and property) reasonably necessary to the success of the 2010 NBA All-Star Game and related activities; (c) enforcement of the City's ordinance protecting against ticket scalping; (d) cooperation with those needing special services at Love Field in connection with the 2010 NBA All-Star Game and related activities, including arrival/departure of team flights, private planes, special fan charters, and other flights; and (e) all other governmental services that are normally furnished by the City of Dallas (including, without limitation, traffic and public works/street maintenance) reasonably necessary to the success of the 2010 NBA All-Star Game and related activities.

Section 3. That the City of Dallas will submit a request to the Comptroller to initiate and establish the Other Events Trust Fund for the 2010 NBA All-Star Game and related activities.
Section 4. That the City Council hereby authorizes and directs the City Manager following award of Game-related events in the City of Dallas (“Dallas Events”) to work closely with the local organizing committees for the 2010 NBA All-Star Game and related activities with respect to the City of Dallas's participation as an endorsing municipality.

Section 5. That the City Council hereby authorizes and directs the City Manager and City Attorney following award of Dallas Events to negotiate and prepare an Event Support Contract (as defined in the Act) between the City of Dallas and the local organizing committee related to the establishment of the Other Events Trust Fund for the NBA 2010 All-Star Game and related activities, which agreement will, among other things:

(a) provide that the City of Dallas has priority position for reimbursement of its event-related incremental expenses.

(b) set forth the portion, as determined by the City of Dallas, of its estimated incremental sales tax revenues to be provided to the Comptroller for inclusion in the Other Events Trust Fund; and,

(c) to the extent not reimbursed from the Other Events Trust Fund, identify the specific funding sources, including from funds of the local organizing committee, that will cover such remaining incremental out-of-pocket costs incurred by the City of Dallas.

Section 6. That this resolution is adopted by the City Council subject to the following express conditions at this time:

(a) the City of Dallas shall not be bound or obligated, financially or otherwise, by any agreement, undertaking, act, or representation by the local organizing committee, except to the extent the City Council, by subsequent resolution or ordinance, expressly authorizes the City to execute an agreement (or game support contract or event support contract) with the local organizing committee assuming such obligation and liability, and provides for and appropriates the necessary funds to fully pay such obligation and liability;

(b) the City of Dallas shall not be obligated or liable, financially or otherwise, with respect to the 2010 NBA All-Star Game or the bid process related thereto, except to the extent the City Council, by subsequent resolution or ordinance, expressly assumes or authorizes such obligation or liability, and provides for and appropriates the necessary funds to fully pay such obligation or liability; and

(c) the Act authorizing the Other Events Trust Fund will not be amended in a manner adverse to the interest of the City of Dallas, as determined by the Dallas City Council.
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.
SUBJECT

An ordinance providing for the closing of Whitehaven Drive at its intersection with an adjacent alley, near the intersection of Lake Gardens Drive, pursuant to Resolution No. 93-4028, which authorized the Policy for Closure of Local Residential Streets to Through Vehicular Traffic - Revenue: $1,500 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the closure of Whitehaven Drive at its intersection with an adjacent alley, near its intersection with Lake Gardens Drive, as requested by the Eastwood Homeowners Association, Inc. as a means to decrease vehicular, bicycle and pedestrian traffic through the neighborhood.

Costs for design, construction and maintenance of the closure will be borne by the Eastwood Homeowners Association.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized a Public Hearing on June 25, 2008, by Resolution No. 08-1827.

Public Hearing held on August 13, 2008.

City Council authorized the City Manager to prepare an ordinance for closure on August 13, 2008, by Resolution No. 08-2128.

FISCAL INFORMATION

Revenue: $1,500 plus the $20 ordinance publication fee
OWNER

Eastwood Homeowners Association, Inc.

Don Hanmer, President

MAPS

Attached
ORDINANCE NO. ____________

An ordinance providing for the closing of Whitehaven Drive to all vehicular, bicycle and pedestrian through traffic at its intersection with an adjacent alley, said point being adjacent to City Blocks 8/5377 and 9/5377 in the City of Dallas and County of Dallas, Texas, for the purpose of traffic diversion; providing for the terms, provisions and effective date of the closure made herein; providing for the indemnification of the City of Dallas against damages arising out of the closure herein; providing for consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date.

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WHEREAS, the City Council, City of Dallas, pursuant to Resolution No. 93-4028, has adopted a Policy for Closure of Local Residential Streets to Through Vehicle Traffic ("Policy"); and

WHEREAS, in accordance with the Policy: (i) a petition was submitted to the City; (ii) necessary transportation engineering studies were conducted by the Department of Public Works & Transportation; and (iii) a public hearing was held on August 13, 2008; and

WHEREAS, the minutes of the public hearing held August 13, 2008, reflect that the City Council approved a resolution endorsing closure of Whitehaven Drive at the alley to through vehicular traffic and in addition unanimously voted that the closure design would also eliminate bicycle and pedestrian access, subject to a re-balloting of the neighborhood required by the Street closure policy; and

WHEREAS, re-balloting pursuant to said action by the City council resulted in the return of sixty-five percent of the ballots mailed, reflecting support of closing to bicycle and pedestrian traffic by greater than one-half or the property owners representing over two-thirds of the land owners, with no ballot being returned in opposition to such closure; and
WHEREAS, in the opinion of the City’s Traffic Engineer, it is necessary and advisable to close Whitehaven Drive at an adjacent alley to vehicular, bicycle and pedestrian through traffic by installing and maintaining a traffic diverter in accordance with the Policy and the authority of the City’s Traffic Engineer pursuant to Section 28-24(b), Dallas City Code; 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 Whitehaven Drive at its intersection with an adjacent alley, said point being adjacent to City Blocks 8/5377 and 9/5377 to all vehicular, bicycle and pedestrian through traffic;

Now, Therefore,

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

SECTION 1. That those certain provisions of Section 51A-8.506(b) of the Dallas Development Code regarding dead-end streets, to the extent not required by state law or City Charter, are hereby waived with respect to this ordinance.

SECTION 2. That Whitehaven Drive at its intersection with an adjacent alley, said point being adjacent to City Blocks 8/5377 and 9/5377, be and the same is hereby closed insofar as the right, title and easement of the public to use said tract for vehicular, bicycle and pedestrian through traffic purposes are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 3. That the closure provided for herein is made subject to:

a) all present zoning and deed restrictions, if the latter exist;

b) all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise;

c) the existing and retained right of the City of Dallas to use the property depicted on Exhibit A for all lawful purposes, including without limitation, water, wastewater and drainage purposes; and
d) 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.

e) the express condition that current and future property owners and/or occupants of the following addresses on Lake Gardens Drive: 10434, 10428, 10422, 10416, 10412, 10408, 10404 and 10330, place their municipal waste at the front curb of their property during scheduled pick up times as determined by the Department of Sanitation Services. This condition shall run with the land and if breached the City reserves the right to reopen Whitehaven Drive to vehicular, bicycle and pedestrian through traffic upon passage of a resolution of the City Council.

SECTION 4. That for and in monetary consideration of the sum of ONE THOUSAND FIVE HUNDRED AND NO/100 ($1,500.00) DOLLARS paid by Eastwood Homeowners Association, Inc., a Texas non-profit corporation and the further consideration described in Section 5, the City of Dallas does hereby close Whitehaven Drive at its intersection with an adjacent alley, said point being adjacent to City Blocks 8/5377 and 9/5377 to vehicular, bicycle and pedestrian through traffic, subject to the conditions, reservations and exceptions set forth herein.

SECTION 5. That the City Controller is authorized to deposit the sum paid by Eastwood Homeowners Association, Inc., pursuant to Section 3 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 6. That as further consideration for and in exchange for the closure of Whitehaven Drive, at its intersection with an adjacent alley, said point being adjacent to City Blocks 8/5377 and 9/5377, to vehicular, bicycle and pedestrian through traffic, Eastwood Homeowners Association, Inc., agrees:

a) to indemnify, defend, release and hold harmless the City of Dallas from and against any and all claims for damages, costs or expenses to persons or property that may arise out of, or be occasioned by the closure of Whitehaven Drive herein provided. Eastwood Homeowners Association, Inc., their successors and assigns, agree to defend any and all lawsuits, claims or causes of action brought against the City on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith;

b) that any plans for construction, installation or realignment necessitated by this closure shall be submitted to and approved by the Director of Public Works & Transportation, or his designee prior to being undertaken by them and shall not prohibit vehicular, pedestrian, or service vehicle access to any property or restrict access to utilities; and

c) to be responsible for the performance of and all costs for the design, construction, installation, and maintenance of any barricades, bollards, fencing, curbs, landscaping or related items constructed, installed or planted to facilitate this closure, pursuant to a Private Development contract which shall be in strict accordance with the approved plans.

SECTION 7. That the closure herein does not constitute an abandonment of any portion of Whitehaven Drive, including without limitations that portion depicted on Exhibit A, or waiver of any portion of the City Code pertaining to the abandonment of public rights-of-way and the City reserves the right to reopen Whitehaven Drive to vehicular, bicycle and pedestrian through traffic upon passage of a resolution of the City Council determining that this street closure is no longer in the public interest, in which event Eastwood Homeowners Association, Inc., their successors and assigns, shall remove any items installed to facilitate the closure and return the street to its previous condition all to the satisfaction of the Director of Public Works & Transportation.
SECTION 8. That if the closure is not affected within 3 years from the date hereof, this ordinance and the closure herein contemplated shall be rendered null and void and a new application, hearings and City Council action will be necessary for closure.

SECTION 9. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Development Services, or her designee. Upon receipt of the monetary consideration set forth in Section 4, 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 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR.            THERESA O'DONNELL
City Attorney                      Director of Development Services

BY ___________________________    BY ___________________________
Assistant City Attorney            Assistant Director

Passed __________________________.
SUBJECT

Authorize an amendment to deed restrictions on property zoned an RR Regional Retail District on the north side of Chenault Street between Buckner Boulevard and Dilido Road - Z089-140 - Financing: No cost consideration to the City

BACKGROUND

The City Council, on May 13, 2009, approved an RR Regional Retail District on the north side of Chenault Street between Buckner Boulevard and Dilido Road and asked that the resolution and amended deed restrictions be brought back on a later date.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 26, 2009, the City Plan Commission recommended approval of an RR Regional Retail District on the north side of Chenault Street between Buckner Boulevard and Dilido Road.

On May 13, 2009, the City Council approved an RR Regional Retail District on the north side of Chenault Street between Buckner Boulevard and Dilido Road and asked that the resolution and amended deed restrictions be brought back on a later date.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.
An application to amend the deed restrictions on property zoned an RR Regional Retail District.

The applicant proposes to remove the Institutional/Community Service Uses heading and Library, Art Gallery or Museum from the list of uses prohibited on the property.
**Notification List of Property Owners**

**Z089-140**

16 Property Owners Notified   0 Property Owners Opposed   3 Property Owners in Favor

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<td>JOHN WEST</td>
<td>BRISTOL SQUARE ASSOCIATES</td>
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</tbody>
</table>

Monday, April 27, 2009
AMENDMENT TO DEED RESTRICTIONS

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

I.
The undersigned, Darryl Quigley and Andrea K. Quigley, individuals ("the Owners"), are the owners of the following described property ("the Property"), being in particular a tract of land out of the W.M. Chenault Survey, Abstract No. 276, City Block 7367, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owners by Salma Lalani, by deed dated January 4, 2000, and recorded in Instrument Number 200000860990, in the Deed Records of Dallas County, Texas, and being particularly described in Exhibit “A”, attached hereto and made part hereof for all purposes.

II.
That the property was impressed with certain deed restrictions ("Original Restrictions") as shown in an instrument dated April 10, 2002, signed by Darryl Quigley and Andrea K. Quigley, and recorded in Instrument Number 2002001811387, in the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit “B” and made a part of this instrument.

III.
That the Owners do hereby amend the restrictions in Section II of the Original Restrictions to read as follows:

The following land uses as defined by Chapter 51A of the Dallas Development Code shall not be allowed on the Property:

RETAIL/PERSOAL SERVICE USES
Animal Shelter or Clinic
Alcoholic Beverage Establishments
Business School
Commercial Amusement (Inside)
Commercial Amusement (Outside)
General Merchandise or Food Store greater than 3,500 square feet
Liquor Store
Mortuary, funeral home or commercial wedding chapel
Nursery, garden shop or plant sales
Outside Sales
Pawn Shop

PAGE 1
IV.

That the preceding amendment was made following notice and public hearing before the City Plan Commission and City Council of the City as required in the Original Restrictions, and notice of such public hearing was given as would have been required by law for a zoning change on the Property. The Owners must file this 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 becomes effective.

V.

That the Owners certify and represent that there are no liens or mortgages, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

VI.

That the invalidation of any provision in this instrument 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.

VII.

That it is expressly stipulated and understood that the preceding amendment shall in no manner operate to impair or reduce the enforceability of the Original Restrictions, as originally written, and that all restrictions and provisions contained in the deed restriction instrument dated April 10, 2002, and recorded in Clerk’s Instrument Number 2002001811387 of the Deed Records of Dallas County, Texas, shall remain in full force and effect except as amended by Paragraph III of this instrument. Furthermore, it is expressly stipulated and understood that all provisions contained in the aforementioned deed restriction instrument apply to this instrument as if recited herein.

EXECUTED at the City of Dallas, Dallas County, Texas, this the 11 day of

[signature]

Darryl and Andrea K. Quigley
Owners

By: [signature]

Printed Name: Darryl Quigley
Title: [signature]

PAGE 2
APPROVED AS TO FORM:
THOMAS P. PERKINS, JR., City Attorney

By: ____________________________
Assistant City Attorney

[ATTACH THE APPROPRIATE ACKNOWLEDGMENT FOR EACH SIGNER]
Form of acknowledgment if the owner is a person.

State of Texas

County of Dallas

This instrument was acknowledged before me on May 11, 2009 (date of acknowledgment) by Darryl D. Quigley (name of person who signed the deed restrictions).

Yolanda Hernandez (Notary's Signature)
Notary Public in and for the State of Texas
Exhibit "A"

Being a tract or parcel of land out of the W.M. Chenault Survey, Abstract No. 276 and being in City Block 7367, and being more particularly described as follows:

Commencing from a 3/8 inch iron rod set for a corner, said iron rod being located on the North line of Chenault Street at a point 474.3 feet East of the Dilido Road R.O.W., same point also being on the North line of said Chenault Street 60 feet to the East of the Southeasterly most corner of Lot 1, Block A/7374, of the Martec Addition;

Thence North 0 degrees 06 minutes 57 seconds West, for a distance of 189.63 feet to a ½ inch iron rod found for a corner;

Thence South 89 degrees 51 minutes 18 seconds East and passing the Southwesterly most corner of Lot 1, Block B/7373, 3501 Buckner Place Addition, for a distance of 442.11 feet to a 3/8 inch iron rod set for a corner in the South line of said 3501 Buckner Place Addition, said iron rod being the beginning of a circular curve to the right whose center bears South 55 degrees 15 minutes 24 seconds West, having a central angle of 35 degrees 38 minutes 52 seconds, a radius of 70.0 feet and a tangent of 22.51 feet;

Thence along said curve to the right in a Southeasterly direction for an arc length of 43.55 feet to a 3/8 inch iron rod set for a point of tangency;

Thence South 0 Degrees 54 minutes 16 seconds West a distance of 73.14 feet to a 3/8 inch iron rod set for a point of curvature of a circular curve to the left whose center bears South 89 degrees 05 minutes 44 seconds East, having a central angle of 21 degrees 54 minutes 47 seconds, a radius of 175.0 feet and a tangent of 33.88 feet;

Thence along said curve to the left in a Southeasterly direction for an arc length of 66.93 feet to an iron rod found in the North line of Chenault Street, said iron rod being at the Northeasterly most corner of Chenault Street and Chevrolet Drive, a street dedication and an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 86077, Page 3460 of the Deed Records of Dallas County, Texas,

Thence South 88 degrees 54 minutes 18 seconds West along the North Line of said Chenault Street for a distance of 464.74 feet to the Point of Beginning and containing 1.9260 acres or 83,896 square feet of land, more or less.
Exhibit "B"

THE STATE OF TEXAS

COUNTY OF Dallas

KNOW ALL PERSONS BY THESE PRESENTS:

The undersigned, Danny Dugas and Andrea K. Dugas, as individuals (the Owners), in their capacity as the owners of the following described property (the Property), being in particular a tract of land out of the W.M. Champbell Survey, Abstract No. 276, City Block 2307, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owners by Salina Lewis, by deed dated January 6, 2000, and recorded in Volume 24000004, Page 7564, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Being a tract of land located out of the W.M. Champbell Survey, Abstract No. 276 and being in City Block 2307, and being more particularly described as follows:

Commencing from a 12 foot iron red monument on the North Line of Champbell Street at a point 0.13 feet East of the 12 foot red R.U.W., same point also being on the North line of said Champbell Block 60 Line 00 East line of the Octobrantly met corner of Lot 1, Block 9177, of the Survey Addition;

Thence North 8 degrees 56 minutes 37 seconds West, for a distance of 115.68 feet as a 12 foot line not found for a corner;

Thence South 89 degrees 11 minutes 12 seconds East, and meeting then the Southwesterly corner of Lot 1, Block 9177, of the Survey Addition, to a 12 foot iron red line north of the West Line of said 9177 Survey Addition, said line and being the beginning, same point being in the right line of said corner point South 89 degrees 11 minutes 12 seconds West, being a central angle of 89 degrees 11 minutes 12 seconds 26 seconds, a radius of 70.85 feet, and a tangent of 22.85 feet;

Therefrom along said course to the right in a Southwesterly direction for an arc length of 18.53 feet as a 3/8 inch line and left line 98 feet of tangent;

Thence South 8 degrees 35 minutes 38 seconds West a distance of 37.14 feet, as a 3 1/8 inch line and east for a point of convexity in a true curve between the left of same center lines South 8 degrees 35 minutes 38 seconds West, having a central angle of 31 degrees 50 minutes 40 seconds, a radius of 42.36 feet and a tangent of 33.28 feet;

Thence along said course to the left in a Northwesterly direction for an arc length of 65.91 feet as a true line and found in the North Line of said Champbell Street, said line running in the Northwesterly most corner of the Champbell Block and Chestnut Street, a true direction and an extension to City of Dallas, Dallas County, Texas, as recorded in Volume 9397, Page 3060 of the Deed Records of Dallas County, Texas,

Thence South 88 degrees 54 minutes 18 seconds West along the North Line of said Champbell Street for a distance of 24.75 feet to the Pole of Depression and containing 1,970 square feet or less at test.

DEED RESTRICTIONS PAGE 1

County: DALLAS Doc: 001911387 Date: 04/30/2002 Vol: 2002085 Page: 00435
II. The Owner does hereby impose on all of the property with the following deed restrictions ("restrictions"), to wit:

The following land uses as defined by Chapter 51A of the Dallas Development Code shall not be allowed on the property:

INSTITUTIONAL/COMMUNITY SERVICE USES
- Library, Art Gallery, or Museum

RETAIL/PERSOINAL SERVICE USES
- Animal Shelter or Clinic
- Alcoholic Beverage Establishments
- Business School
- Commercial Amusement (Indoor)
- Commercial Amusement (Outside)
- General Merchandise or Food Store >3,500 sf
- Liquor Store
- Mortuary, funeral home or commercial wedding chapel
- Nursery, garden shop, or plant sales
- Outdoor Sales
- Pawn Shop
- Swap or buy shop

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 hearing 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 Owners 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.
These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers in so far as zoning of the Property is concerned.

VI.
The Owner agrees that these restrictions are for 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, 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, use, or interest in or to the Property, or any part thereof. Any person who acquires any right, use, or interest in or to the Property, or any part thereof, hereby 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 81, “PART II OF THE DALLAS DEVELOPMENT CODE,” of the Dallas City Code, as amended, apply and are incorporated into this document as if stated in this document.

X.
The Owner, understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.
The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.
XII.
The invalidation of any provision in this document by any court shall in no way affect any other provision which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this the 29th day of April 2002.

Daryl and Andrea K. Ovalidate
Distributor

By: Mary Kay
Printed Name: Mary Kay
Title: Distributor

By: Assistant City Attorney
Printed Name: Assistant City Attorney
Title: Assistant City Attorney

CONSENT AND CONCURRENCE OF \NBONDPAPER OR MORTGAGEE

Property: [Property Name]

Printed Name:
Title:

APPROVED AS TO FORM:
MADELINE B. JOHNSON, City Attorney

By: Christine Lemmer
Assistant City Attorney

Page 8 of 7
STATUTORY FORMS OF ACKNOWLEDGEMENT

Form for a natural person acting in his or her own right

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on MARCH 10, 2002, by

[Signature]

My commission expires

[Signature]

Statutory Short Form Of Acknowledgement
[Gov. 4-10-97]

Page 6 of 7
STATUTORY FORMS OF ACKNOWLEDGEMENT

Form for a natural person signing in his or her own right

STATE OF TEXAS
COUNTY OF Dallas

This instrument was acknowledged before me on _May 25, 2002_ by

[Signature]

My commission expires

[Signature]

Statutory Short Form Of Acknowledgement
(Rev. 4-10-97)
Form of acknowledgment if the owner is a person.

State of Texas

County of Dallas

This instrument was acknowledged before me on May 11, 2009 (date of acknowledgment) by Andrea K. Dougley (name of person who signed the deed restrictions).

YOLANDA HERNANDEZ
Notary Public

Yolanda Hernandez (Notary's signature)
Notary Public in and for the State of Texas
AMENDMENT TO DEED RESTRICTIONS

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

I.
The undersigned, Darryl Quigley and Andrea K. Quigley, individuals ("the Owners"), are the owners of the following described property ("the Property"), being in particular a tract of land out of the W.M. Chenault Survey, Abstract No. 276, City Block 7374, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owners by Salma Lalani, by deed dated January 4, 2000, and recorded in Instrument Number 200000860990, in the Deed Records of Dallas County, Texas, and being particularly described in Exhibit "A", attached hereto and made part hereof for all purposes.

II.
That the property was impressed with certain deed restrictions ("Original Restrictions") as shown in an instrument dated March 18, 2002, signed by Darryl Quigley and Andrea K. Quigley, and recorded in Instrument Number 2002001811386, in the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit "B" and made a part of this instrument.

III.
That the Owners do hereby amend the restrictions in Section II of the Original Restrictions to read as follows:

The following land uses as defined by Chapter 51A of the Dallas Development Code shall not be allowed on the Property:

RETAIL/PERSOINAL SERVICE USES
Animal Shelter or Clinic
Alcoholic Beverage Establishments
Business School
Commercial Amusement (Inside)
Commercial Amusement (Outside)
General Merchandise or Food Store greater than 3,500 square feet
Liquor Store
Mortuary, funeral home or commercial wedding chapel
Nursery, garden shop or plant sales
Outside Sales
Pawn Shop
Swap or buy shop

IV.

That the preceding amendment was made following notice and public hearing before the City Plan Commission and City Council of the City as required in the Original Restrictions, and notice of such public hearing was given as would have been required by law for a zoning change on the Property. The Owners must file this 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 becomes effective.

V.

That the Owners certify and represent that there are no liens or mortgages, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

VI.

That the invalidation of any provision in this instrument 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.

VII.

That it is expressly stipulated and understood that the preceding amendment shall in no manner operate to impair or reduce the enforceability of the Original Restrictions, as originally written, and that all restrictions and provisions contained in the deed restriction instrument dated March 18, 2002, and recorded in Clerk's Instrument Number 2002001811386 of the Deed Records of Dallas County, Texas, shall remain in full force and effect except as amended by Paragraph III of this instrument. Furthermore, it is expressly stipulated and understood that all provisions contained in the aforementioned deed restriction instrument apply to this instrument as if recited herein.

EXECUTED at the City of Dallas, Dallas County, Texas, this the ____ day of ________________, 20__.

Darryl and Andrea K. Quigley
Owners

By: ________________________________
Printed Name: ________________________
Title: ________________________________
APPROVED AS TO FORM:
THOMAS P. PERKINS, JR., City Attorney

By: __________________________
   Assistant City Attorney

[ATTACH THE APPROPRIATE ACKNOWLEDGMENT FOR EACH SIGNER]
Exhibit “A”

Being a tract or parcel of land out of the W.M. Chenault Survey, Abstract No. 276 and being in City Block 7374, and being more particularly described as follows:

Beginning at a 3/8 inch iron rod found for a corner at the Southeasterly corner of Lot 2, Block A/7374, John West Apartments, an addition to the City of Dallas, Dallas County, Texas as recorded in Volume 86087, Page 1834 of the Deed Records of Dallas County, Texas, said iron rod being on the West line of Lot 1, Block B/7373, 3501 Buckner Place Addition, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 84183, Page 2102 of the Deed Records of Dallas County, Texas said iron rod also being South 01 degrees 12 minutes 26 seconds West a distance of 851.0 feet from the South line of John West Road (a 100 foot R.O.W.);

THENCE South 89 degrees 17 minutes 49 seconds West, along the South Line of said John West Apartments for a distance of 257.10 feet;

THENCE South 00 degrees 06 minutes 57 seconds West to a ½ inch iron rod found for a corner at the Northwesterly most corner of Tract I, a distance of 444.77 feet;

THENCE South 89 degrees 51 minutes 18 seconds East, along the said North line of Tract I for a distance of 246.87 feet;

THENCE North 01 degree 25 minutes 8 seconds East a distance of 448.686 feet to the Point of Beginning and containing approximately 2.583 acres or 112,539.15 square feet of land, more or less.
THE STATE OF TEXAS  
COUNTY OF Dallas

KNOW ALL PERSONS BY THESE PRESENTS:

The undersigned, Darryl Shubert and Andrea K. Outten, individually, ("the Owners"), are the owners of the following described property ("the Property"), being in particular a tract of land out of the W.M. Cimarron Survey, Abstract No. 276, City Block 2324, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owners by [Redacted] by deed dated January 4, 2000, and recorded in Volume 2000005, Page 7086, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Being a tract or parcel of land out of the W.M. Cimarron Survey, Abstract No. 276 and being in City Block 2324, and being more particularly described as follows:

Beginning at a 3/8 inch iron rod found for a corner at the Southwest corner of Lot 2, Block A/574, John West Apartments, an addition to the City of Dallas, Dallas County, Texas as recorded in Volume 80067, Page 1834 of the Deed Records of Dallas County, Texas, said iron rod being on the West line of Lot 1, Block B/5772, Buckner Place Additions, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 84182, Page 212 of the Deed Records of Dallas County, Texas said iron rod also being North 01 degrees 12 minutes 26 seconds West a distance of 551.0 feet from the South line of John West Road (a 100 foot R.O.W.);

THENCE South 01 degrees 12 minutes 26 seconds West, departing from the said south line of John West Apartments and following along the West line of Lot 1, Block B/5772 for a distance of 440.38 feet to a 3/8 inch iron rod set for a corner in the North line of 1.0360 acres tract ("Tract 1"), said iron rod being at the Southwest corner of said Lot 1, Block B/5772;

THENCE South 89 degrees 44 minutes 44 seconds West, along the said North line of Tract 1 for a distance of 246.87 feet to a 3/8 inch iron rod set for a corner at the Northwesterly most corner of Tract 1;

THENCE North 00 degrees 00 minutes 37 seconds West, departing from said 3/8 inch iron rod set for a corner at the Northwesterly most corner of Tract 1, a distance of 444.73 feet to the South line of said John West Apartments;

THENCE South 88 degrees 47 minutes 34 seconds East, along the South line of said John West Apartments for a distance of 257.8 feet to the POINT OF BEGINNING and containing approximately 106,965 square feet, or 2.5 acres.

DEED RESTRICTIONS PAGE 1
II.

The Owners does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

The following land uses as defined by Chapter 61A of the Dallas Development Code shall not be allowed on the Property:

INSTITUTIONAL/COMMUNITY SERVICE USES
Library, Art Gallery or Museum

RETAIL/PERSOHAL SERVICE USES
Animal Shelter or Clinic
Alcoholic Beverage Establishments
Business School
Commercial Amusement (Indoor)
Commercial Amusement (Outdoor)
General Merchandise or Food Store >3,500 sf
Liquor Store
Nursery, funeral home or commercial wedding chapel
Nursery, garden shop or plant sales
Outside Sales
Pawn Shop
Swap or toy shop

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 Planning 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 amending or terminating 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 expenses 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 lapse 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 any 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, "PART 2 OF THE DALLAS DEVELOPMENT CODE," 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 items for ad valorem taxes, against the Property if there are no signatures of mortgagee or lienholders subscribed below.

XII.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this the 18th day of March, 1987.

[Signatures]

[Owner's Name]
[Title]

CONSENT AND CONCURRENCE OF Lienholder or Mortgagee

[Signatures]

[Property Lienholder or Mortgagee]
[Title]

APPROVED AS TO FORM:
M. L. JOHNSON, City Attorney

[Signatures]

[Assistant City Attorney]

[Document Reference]

County: DALLAS Doc: 001811386 Date: 04/30/2002 Vol: 2002085 Page: 08758
STATUTORY FORM OF ACKNOWLEDGMENT

Form for a natural person acting in his or her own right

STATE OF TEXAS
COUNTY OF: DALLAS

This instrument was acknowledged before me on 3/18/02 by

[Signature]

My commission expires: 11/04/05

Ralph Miles
Commissioned Notary Public

Statutory Short Form Of Acknowledgment
[Rev. 4/2007]
STATUTORY FORM OF ACKNOWLEDGMENT

For a natural person acting in his or her own right

STATE OF TEXAS
COUNTY OF:

This instrument was acknowledged before me on 3/15/62 by

ANDREA QUICKEY

My commission expires: 11/16/65

County: DALLAS Doc: 601811366 Date: 04/30/2002 Vol: 2002955 Page: 08756
Tract II

Being a tract or parcel of land out of the W.M. Chenault Survey, Abstract No. 276 and being in City Block 7374, and being more particularly described as follows:

Beginning at a 3/8 inch iron rod found for a corner at the Southeasterly corner of Lot 2, Block A/7374, John West Apartments, an addition to the City of Dallas, Dallas County, Texas as recorded in Volume 86087, Page 1834 of the Deed Records of Dallas County, Texas, said iron rod being on the West line of Lot 1, Block B/7373, 3501 Buckner Place Addition, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 84183, Page 2102 of the Deed Records of Dallas County, Texas said iron rod also being South 01 degrees 12 minutes 26 seconds West a distance of 851.0 feet from the South line of John West Road (a 100 foot R.O.W.);

THENCE South 89 degrees 17 minutes 49 seconds West, along the South Line of said John West Apartments for a distance of 257.10 feet;

THENCE South 00 degrees 06 minutes 57 seconds West to a ½ inch iron rod found for a corner at the Northwesterly most corner of Tract I, a distance of 444.77 feet;

THENCE South 89 degrees 51 minutes 18 seconds East, along the said North line of Tract I for a distance of 246.87 feet;

THENCE North 01 degree 25 minutes 8 seconds East a distance of 448.686 feet to the Point of Beginning and containing approximately 2.583 acres or 112,539.15 square feet of land, more or less.
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: May 27, 2009

COUNCIL DISTRICT(S): 14

DEPARTMENT: Public Works & Transportation
Water Utilities

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

MAPSCO: 45G

SUBJECT

Authorize a contract for the construction of street paving, storm drainage, water and wastewater main improvements for Routh Street from Flora Street to Woodall Rodgers Freeway - Omega Contracting, Inc., lowest responsible bidder of four - Not to exceed $1,524,334 - Financing: 2006 Bond Funds ($1,344,247) and Water Utilities Capital Construction Funds ($180,087)

BACKGROUND

The proposed improvements for this project consist of paving and drainage improvements, including concrete paving, sidewalks, barrier-free ramps, crosswalks, landscaping, traffic signals at Routh Street and Flora Street, water and wastewater improvements, and other miscellaneous items necessary to complete the construction. This action will authorize the construction contract with Omega Contracting, Inc., whose construction activities are estimated to be substantially complete prior to the October 12, 2009 grand opening of the Dallas Center for the Performing Arts.

This project is part of a specific item in the 2006 bond Program. The construction of this item is divided into two phases. Phase One is from Woodall Rodgers Freeway to Flora Street and Phase Two is from Flora Street to Ross Avenue. Construction on Phase Two is scheduled to be awarded next year.

The City Council approved a professional services contract for the engineering design for Routh Street from Flora Street to Woodall Rodgers Freeway on December 12, 2007. Supplemental Agreement No. 1 was approved on January 28, 2009, for additional design services for landscape design, street lights and traffic signals necessary to provide a complete urban design for the street.
BACKGROUND (Continued)

The following chart shows Omega Contracting, Inc. contractual activities for the past three years.

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ESTIMATED SCHEDULE OF PROJECT

- Began Design: January 2008
- Completed Design: March 2009
- Begin Construction: June 2009
- Complete Construction (Phase I): October 2009
- Complete Construction (Phase II): June 2011

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized professional services contracts with 11 consulting firms for the engineering design of 15 bridge repair and modification projects, 7 erosion control projects, 1 flood management project, 3 street reconstruction projects, 2 streetscape/urban design projects, 1 target neighborhood project and 11 thoroughfare projects on December 12, 2007, by Resolution No. 07-3794.

Authorized Supplemental Agreement No. 1 on January 28, 2009, by Resolution No. 09-0306.

FISCAL INFORMATION

- 2006 Bond Funds - $1,344,247
- Water Utilities Capital Construction Funds - $180,086.53

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Design</td>
<td>$ 488,600.00</td>
</tr>
<tr>
<td>Construction</td>
<td></td>
</tr>
<tr>
<td>Paving &amp; Drainage (PBW)</td>
<td>$ 1,344,246.77</td>
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<tr>
<td>Water and Wastewater (DWU)</td>
<td>$ 180,086.76</td>
</tr>
<tr>
<td>Total Project Cost</td>
<td>$ 2,012,933.53</td>
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</tbody>
</table>
MWBE INFORMATION

See attached.

ETHNIC COMPOSITION

Omega Contracting, Inc.

Hispanic Female 4  Hispanic Male 171
African-American Female 1  African-American Male 12
Other Female 1  Other Male 1
White Female 2  White Male 21

BID INFORMATION

The following bids were received and opened on April 30, 2009:

*Denotes successful bidder(s)

<table>
<thead>
<tr>
<th>BIDDER(S)</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Omega Contracting, Inc.</td>
<td>$1,524,333.53</td>
</tr>
<tr>
<td>2518 Chalk Hill Road</td>
<td></td>
</tr>
<tr>
<td>Dallas, TX  75212</td>
<td></td>
</tr>
<tr>
<td>Gibson and Associates, Inc.</td>
<td>$1,590,528.80</td>
</tr>
<tr>
<td>Texas Standard Construction</td>
<td>$1,667,717.00</td>
</tr>
<tr>
<td>Jeske Construction Company</td>
<td>$1,699,710.00</td>
</tr>
</tbody>
</table>

Engineer's estimate: $1,154,000

OWNER

Omega Contracting, Inc.

Louis Spinola, President

MAP

Attached.
BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of street paving, storm drainage, water and wastewater main improvements for Routh Street from Flora Street to Woodall Rodgers Freeway - Omega Contracting, Inc., lowest responsible bidder of four - Not to exceed $1,524,334 - Financing: 2006 Bond Funds ($1,344,247) and Water Utilities Capital Construction Funds ($180,087)

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local contracts</td>
<td>$1,274,566.75</td>
<td>83.61%</td>
</tr>
<tr>
<td>Non-local contracts</td>
<td>$249,766.78</td>
<td>16.39%</td>
</tr>
<tr>
<td><strong>TOTAL CONTRACT</strong></td>
<td><strong>$1,524,333.53</strong></td>
<td><strong>100.00%</strong></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>Azteca Omega Contracting</td>
<td>HMMB3232Y0809</td>
<td>$1,165,396.75</td>
<td>91.43%</td>
</tr>
<tr>
<td>Rama Enterprises</td>
<td>HMDB39433Y1209</td>
<td>$98,780.00</td>
<td>7.75%</td>
</tr>
<tr>
<td>Universal Fence</td>
<td>WFWB37703N0609</td>
<td>$10,390.00</td>
<td>0.82%</td>
</tr>
<tr>
<td><strong>Total Minority - Local</strong></td>
<td><strong>$1,274,566.75</strong></td>
<td><strong>100.00%</strong></td>
<td></td>
</tr>
</tbody>
</table>

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>Liara Electric Company</td>
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<td>$95,385.00</td>
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<tr>
<td>Road Master Striping</td>
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<td>Central North Construction</td>
<td>WFDB38712Y0909</td>
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<tr>
<td>WOE</td>
<td>WFWB39739Y0110</td>
<td>$6,743.00</td>
<td>2.70%</td>
</tr>
<tr>
<td><strong>Total Minority - Non-local</strong></td>
<td></td>
<td><strong>$249,766.78</strong></td>
<td><strong>100.00%</strong></td>
</tr>
<tr>
<td></td>
<td>Local</td>
<td>Percent</td>
<td>Local &amp; Non-Local</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------</td>
<td>----------</td>
<td>-------------------</td>
</tr>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$1,264,176.75</td>
<td>99.18%</td>
<td>$1,368,191.75</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>$10,390.00</td>
<td>0.82%</td>
<td>$156,141.78</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,274,566.75</td>
<td>100.00%</td>
<td>$1,524,333.53</td>
</tr>
</tbody>
</table>
WHEREAS, on December 12, 2007, Resolution No. 07-3794 authorized professional services contracts with 11 consulting firms for the engineering design of 15 bridge repair and modification projects, 7 erosion control projects, 1 flood management project, 3 street reconstruction projects, 2 streetscape/urban design projects, 1 target neighborhood project and 11 thoroughfare projects; and,

WHEREAS, on January 28, 2009, Resolution No. 09-0306 authorized Supplemental Agreement No. 1 to the contract with ARS Engineers, Inc. for additional design services and construction plans preparation for Routh Street from Woodall Rodgers Freeway to Ross Avenue and Routh Street from Ross Avenue to San Jacinto Avenue in an amount not to exceed $153,902; and,

WHEREAS, bids were received on April 30, 2009, for the construction of street paving, storm drainage, water and wastewater main improvements for Routh Street from Flora Street to Woodall Rodgers Freeway, as follows:

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>AMOUNT OF BID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Omega Contracting, Inc.</td>
<td>$1,524,333.53</td>
</tr>
<tr>
<td>Gibson and Associates, Inc.</td>
<td>$1,590,528.80</td>
</tr>
<tr>
<td>Texas Standard Construction</td>
<td>$1,667,717.00</td>
</tr>
<tr>
<td>Jeske Construction Company</td>
<td>$1,699,710.00</td>
</tr>
</tbody>
</table>

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Omega Contracting, Inc. for the construction of street paving, storm drainage, water and wastewater main improvements for Routh Street from Flora Street to Woodall Rodgers Freeway in an amount not to exceed $1,524,333.53, this being the lowest responsive bid as indicated by the tabulation of bids.

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

Street and Transportation Improvements Fund
Fund 7T22, Dept. PBW, Unit U800, Act. THRF
Obj. 4540, Program # PB06U800, CT PBW06U800H1
Vendor #345379, in an amount not to exceed $1,344,246.77
Water Construction Fund
Fund 0102, Dept. DWU, Unit CW42, Act. RELP
Obj. 3221, Program #709107X, REP WY81, CT PBW709107EN
Vendor #345379, in an amount not to exceed $1,574.52

Water Construction Fund
Fund 0102, Dept. DWU, Unit CW42, Act. RELP
Obj. 4550, Program #709107, REP WY81, CT PBW709107EA
Vendor #345379, in an amount not to exceed $43,858.65

Wastewater Construction Fund
Fund 0103, Dept. DWU, Unit CS42, Act. RELP
Obj. 3222, Program #709108X, REP TO95, CT PBW709108EN
Vendor #345379, in an amount not to exceed $5,631.20

Wastewater Construction Fund
Fund 0103, Dept. DWU, Unit CS42, Act. RELP
Obj. 4560, Program #709108, REP TO95, CT PBW709108EA
Vendor #345379, in an amount not to exceed $129,022.39

Total in an amount not to exceed $1,524,333.53

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, Modesta G. Pena, OCMC, Room 307
Esther Darden, Water Utilities, 3 AN
Controller's Office, Sherrian Parham, 4 BN
City Attorney
ADDENDUM ITEM # 5,6

KEY FOCUS AREA:  Education Enhancements

AGENDA DATE:  May 27, 2009

COUNCIL DISTRICT(S):  9

DEPARTMENT:  Public Works & Transportation Library

CMO:  Ramon F. Miguez, P.E., 670-3308
       Forest E. Turner, 670-3390

MAPSCO:  38G

_______________________________________________________________

SUBJECT

Lochwood Branch Library

* Authorize a contract for the purchase and installation of furniture for the Lochwood Branch Library located at 11221 Lochwood Boulevard from the following nine bidders: Corporate Express Office Products, Inc. in the amount of $21,054; Furniture Consultants, Inc. in the amount of $8,132; Intelligent Interiors, Inc. in the amount of $65,323; Facilitech, Inc. dba Business Interiors in the amount of $13,377; Facility Interiors, Inc. in the amount of $11,788; Bauhaus Interiors Group in the amount of $75,731; Vance Hunt & Associates - LB Interiors in the amount of $51,605; Libra Tech Corporation in the amount of $19,675; and BKM Total Office of Texas, LLC in the amount of $13,758 - Not to exceed $280,443 - Financing: 2003 Bond Funds

* Authorize an increase in the contract with J.C. Commercial, Inc. for millwork fabrication and installation for Lochwood Branch Library - Not to exceed $71,013, from $3,983,164 to $4,054,177 - Financing: 2003 Bond Funds

BACKGROUND

This action will authorize Corporate Express Office Products, Inc., Furniture Consultants, Inc., Intelligent Interiors, Inc., BKM Total Office of Texas, Facility Interiors, Inc., Facilitech, Inc. dba Business Interiors, Bauhaus Interiors Group, Vance Hunt & Associates - LB Interiors, and Libra Tech Corporation to provide and install the furnishings for a total of $280,442.84. J.C. Commercial, Inc. will be authorized to fabricate and install the associated millwork for the completion of the Lochwood Branch Library for a total combined amount of $351,455.84. This includes Change Order No. 5 to J.C. Commercial's construction contract in an amount of $71,013, increasing the contract from $3,983,164 to $4,054,177 for millwork to complete library shelving.
BACKGROUND (Continued)

The Lochwood Branch Library is currently under construction - 70% complete. The library is scheduled to open to the public on September 15, 2009. The library furnishings and millwork will need to be installed no later than August 30, 2009 to complement the opening date. Lead time for furnishings can be up to 12 weeks. Furnishings include administrative systems office furniture, library shelving system, including end panels, computer tables and chairs, reading chairs and end tables, children's area tables and chairs, Multi-Purpose Room portable chairs, and Community Room modular tables and chairs.

The Lochwood Branch Library is a replacement facility for the Casa View Branch Library. It will include a "black box" theater for community arts organizations. An existing gymnasium building of 5,400 square feet (formerly part of a YMCA building) will be remodeled for a black box theater, and 14,800 square feet will be added (new) for the main library space. The Lochwood Branch Library furniture and associated millwork will complete the interior furnishings to complement the September 2009 occupancy of the facility.

In the 2003 Bond Program, the citizens of Dallas approved funding for the design and construction of the Lochwood Branch Library. Bonds were sold in November 2004, in the amount of $513,000 and in November 2005, in the amount of $6,487,874, for a total of $7,000,874.

ESTIMATED SCHEDULE OF PROJECT

Began Construction July 2008
Complete Construction September 2009

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Approved Library Master Plan on April 11, 2001, by Resolution No. 01-1261.

Authorized a professional services agreement with Meyer Scherer & Rockcastle, Ltd. for design and construction documents for the Lochwood Branch Library on May 25, 2005, by Resolution No. 05-1555.

Authorized a construction contract with J.C. Commercial, Inc. for the construction of the Lochwood Branch Library on April 9, 2008, by Resolution No. 08-1055.

FISCAL INFORMATION

2003 Bond Funds - $351,455.84
FISCAL INFORMATION (Continued)

Furnishings $280,442.84
Change Order No. 5 71,013.00
Total Project Cost $351,455.84

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Corporate Express Office Products, Inc.

<table>
<thead>
<tr>
<th>Ethnic Category</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
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<td>6</td>
<td>39</td>
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<tr>
<td>White Female</td>
<td>37</td>
<td>52</td>
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<tr>
<td>Other Female</td>
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</table>

Furniture Consultants, Inc.

<table>
<thead>
<tr>
<th>Ethnic Category</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
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<tr>
<td>Hispanic Female</td>
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<tr>
<td>White Female</td>
<td>3</td>
<td>2</td>
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<tr>
<td>Other Female</td>
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<td>0</td>
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</table>

Intelligent Interiors, Inc.

<table>
<thead>
<tr>
<th>Ethnic Category</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
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<td>0</td>
</tr>
<tr>
<td>Hispanic Female</td>
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<td>0</td>
</tr>
<tr>
<td>White Female</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Other Female</td>
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<td>0</td>
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Facilitech, Inc. dba Business Interiors

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</tr>
</thead>
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<td>White Female</td>
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<tr>
<td>Other Female</td>
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<td>2</td>
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</table>
**ETHNIC COMPOSITION** (Continued)

**Facility Interiors, Inc.**

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<tr>
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<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>African-American Female</td>
<td>African-American male</td>
<td>1</td>
</tr>
<tr>
<td>Hispanic Female</td>
<td>Hispanic Male</td>
<td>2</td>
</tr>
<tr>
<td>White Female</td>
<td>White Male</td>
<td>3</td>
</tr>
<tr>
<td>Other Female</td>
<td>Other Male</td>
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</tr>
<tr>
<td>African-American Female</td>
<td>African-American male</td>
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<td>Hispanic Male</td>
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<td>Other Male</td>
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</table>

**Bauhaus Interiors Group**

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Gender</th>
<th>Count</th>
</tr>
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<tbody>
<tr>
<td>African-American Female</td>
<td>African-American male</td>
<td>1</td>
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<tr>
<td>Hispanic Female</td>
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<tr>
<td>White Female</td>
<td>White Male</td>
<td>7</td>
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<tr>
<td>Other Female</td>
<td>Other Male</td>
<td>0</td>
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**Vance Hunt & Associates - LB Interiors**

<table>
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<th>Ethnicity</th>
<th>Gender</th>
<th>Count</th>
</tr>
</thead>
<tbody>
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<td>0</td>
</tr>
<tr>
<td>Hispanic Female</td>
<td>Hispanic Male</td>
<td>0</td>
</tr>
<tr>
<td>White Female</td>
<td>White Male</td>
<td>2</td>
</tr>
<tr>
<td>Other Female</td>
<td>Other Male</td>
<td>0</td>
</tr>
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</table>

**Libra Tech Corporation**

<table>
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<th>Ethnicity</th>
<th>Gender</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
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<td>African-American male</td>
<td>0</td>
</tr>
<tr>
<td>Hispanic Female</td>
<td>Hispanic Male</td>
<td>1</td>
</tr>
<tr>
<td>White Female</td>
<td>White Male</td>
<td>3</td>
</tr>
<tr>
<td>Other Female</td>
<td>Other Male</td>
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</tr>
</tbody>
</table>

**BKM Total Office of Texas, LLC**

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Gender</th>
<th>Count</th>
</tr>
</thead>
<tbody>
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<tr>
<td>Hispanic Female</td>
<td>Hispanic Male</td>
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</tr>
<tr>
<td>White Female</td>
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<tr>
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<td>Other Male</td>
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</tr>
<tr>
<td>African-American Female</td>
<td>African-American male</td>
<td>4</td>
</tr>
<tr>
<td>Hispanic Female</td>
<td>Hispanic Male</td>
<td>12</td>
</tr>
<tr>
<td>White Female</td>
<td>White Male</td>
<td>30</td>
</tr>
<tr>
<td>Other Female</td>
<td>Other Male</td>
<td>3</td>
</tr>
</tbody>
</table>

**J.C. Commercial, Inc.**

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Gender</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>African-American Female</td>
<td>African-American male</td>
<td>0</td>
</tr>
<tr>
<td>Hispanic Female</td>
<td>Hispanic Male</td>
<td>1</td>
</tr>
<tr>
<td>White Female</td>
<td>White Male</td>
<td>5</td>
</tr>
<tr>
<td>Other Female</td>
<td>Other Male</td>
<td>0</td>
</tr>
<tr>
<td>African-American Female</td>
<td>African-American male</td>
<td>0</td>
</tr>
<tr>
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<td>Hispanic Male</td>
<td>0</td>
</tr>
<tr>
<td>White Female</td>
<td>White Male</td>
<td>13</td>
</tr>
<tr>
<td>Other Female</td>
<td>Other Male</td>
<td>0</td>
</tr>
</tbody>
</table>
BID INFORMATION

The following bid packages were received and opened on April 9, 2009:

*Denotes successful bidder(s) in each package

<table>
<thead>
<tr>
<th>Group</th>
<th>Description</th>
<th>Bidders</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Seating</td>
<td>*Corporate Express Office Products, Inc.</td>
<td>$1,365.21</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2777 Stemmons Fwy, Suite 199</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dallas, TX 75207</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Intelligent Interiors, Inc.</td>
<td>$1,406.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Furniture Consultants, Inc.</td>
<td>$1,481.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bauhaus Interiors Group</td>
<td>$1,558.66</td>
</tr>
<tr>
<td>B</td>
<td>Study Chairs</td>
<td>*Furniture Consultants, Inc.</td>
<td>$8,132.00</td>
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<tr>
<td></td>
<td></td>
<td>1304 Dragon Street</td>
<td></td>
</tr>
<tr>
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<td></td>
<td>Dallas, TX 75207</td>
<td></td>
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<td></td>
<td></td>
<td>Bauhaus Interiors Group</td>
<td>$16,553.36</td>
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<tr>
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<td>Corporate Express Office Products, Inc.</td>
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<td>Bauhaus Interiors Group</td>
<td>$10,613.62</td>
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### BID INFORMATION (Continued)

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<td>G</td>
<td>Folding Tables &amp; Dolly</td>
<td>*Intelligent Interiors, Inc. 16837 Addison Road, Suite 500 Addison, TX 75001</td>
<td>$11,251.16</td>
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<tr>
<td></td>
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<td>Corporate Express Office Products, Inc. 11707 Johnson Dr., Suite 300 Addison, TX 75001</td>
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<td>Bauhaus Interiors Group 16837 Addison Road, Suite 500 Addison, TX 75001</td>
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<td>Furniture Consultants, Inc. 16837 Addison Road, Suite 500 Addison, TX 75001</td>
<td>$28,174.00</td>
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<td>*Facility Interiors, Inc. 5051 Pulaski Street Dallas, TX 75237</td>
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<td>*Intelligent Interiors, Inc. 16837 Addison Road, Suite 500 Addison, TX 75001</td>
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<td>Furniture Consultants, Inc. 16837 Addison Road, Suite 500 Addison, TX 75001</td>
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<td>Lounge Seating</td>
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<td>Corporate Express Office Products, Inc. 11707 Johnson Dr., Suite 300 Addison, TX 75001</td>
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<td>K</td>
<td>Stack Chairs &amp; Dolly</td>
<td>*Bauhaus Interiors Group 1444 Oak Lawn Ave., Suite 705 Dallas, TX 75207</td>
<td>$9,632.30</td>
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<tr>
<td></td>
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<td>*Facilitech, Inc. dba Business Interiors 1111 Valley View Lane Irving, TX 75061</td>
<td>$4,960.52</td>
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<td>L</td>
<td>Seating, Tables, Systems Furniture &amp; Storage</td>
<td>*Bauhaus Interiors Group 1444 Oak Lawn Ave., Suite 705 Dallas, TX 75207</td>
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<td>M</td>
<td>Seating, Tables</td>
<td>*Vance Hunt &amp; Associates - LB Interiors 2629 Aero Drive Grand Prairie, TX 75052</td>
<td>$51,605.17</td>
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<td>N</td>
<td>Library Shelving</td>
<td>*Vance Hunt &amp; Associates - LB Interiors 2629 Aero Drive Grand Prairie, TX 75052</td>
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<td>Putsi Inc dba Cultural Surroundings 2629 Aero Drive Grand Prairie, TX 75052</td>
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<td>Libra Tech Corporation 2629 Aero Drive Grand Prairie, TX 75052</td>
<td>$67,602.33</td>
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## BID INFORMATION (Continued)

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<tr>
<th>Group</th>
<th>Description</th>
<th>Bidders</th>
<th>Amount</th>
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</table>
| O     | Lounge Seating      | *Libra Tech Corporation  
525 E. Hickory Hill Rd.  
Argyle, TX 76226          | $19,674.57  |
| P     | Stool / Table       | *Corporate Express Office Products, Inc.  
2777 Stemmons Fwy, Suite 199  
Dallas, TX 75207          | $140.44    |
|       |                     | *Bauhaus Interiors Group  
1444 Oak Lawn Ave., Suite 705  
Dallas, TX 75207          | $169.18    |
|       |                     | Furniture Consultants, Inc.                                            | $174.00    |
| Q     | Bench Seating       | *Bauhaus Interiors Group  
1444 Oak Lawn Ave., Suite 705  
Dallas, TX 75207          | $1,007.50  |
|       |                     | Furniture Consultants, Inc.                                            | $1,285.00  |
|       |                     | Corporate Express Office Products, Inc.                                | $1,287.80  |
| R     | Seating             | *BKM Total Office of Texas  
9755 Clifford Drive, Suite 100  
Dallas, TX 75200          | $13,757.71 |
|       |                     | Facilitecth, Inc. dba Business Interiors                               | $14,187.66 |
| S     | Display Shelving    | *Corporate Express Office Products, Inc.  
2777 Stemmons Fwy, Suite 199  
Dallas, TX 75207          | $19,548.47 |
|       |                     | Furniture Consultants, Inc.                                            | $20,205.00 |
|       |                     | Putsi Inc dba Cultural Surroundings                                    | $24,637.52 |
| T     | Tables & Shelving   | *Bauhaus Interiors Group  
1444 Oak Lawn Ave., Suite 705  
Dallas, TX 75207          | $22,692.37 |
|       |                     | Furniture Consultants, Inc.                                            | $24,455.00 |
|       |                     | Corporate Express Office Products, Inc.                                | $24,772.81 |

### OWNER(S)

**Corporate Express Office Products, Inc.**

Jay Baitler, President

**Furniture Consultants, Inc.**

Rick Barnhart, President
**OWNER(S)** (Continued)

**Intelligent Interiors, Inc.**
Mindy Casas, President

**Facilitech, Inc. dba Business Interiors**
Kathy White, President

**Facility Interiors, Inc.**
Charles Griggsby, President

**Bauhaus Interiors Group**
Ron Welch, President

**Vance Hunt & Associates - LB Interiors**
Elizabeth Hunt, President

**Libra Tech Corporation**
Penny Gromatzky, President

**BKM Total Office of Texas, LLC**
Carol Roehrig, President

**J.C. Commercial, Inc.**
Larry R. Wagnor, President
Michelle Wagnor, Vice President/Secretary

**MAP**
Attached.
BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for the purchase and installation of furniture for the Lochwood Branch Library located at 11221 Lochwood Boulevard from the following nine bidders: Corporate Express Office Products, Inc. in the amount of $21,054; Furniture Consultants, Inc. in the amount of $8,132; Intelligent Interiors, Inc. in the amount of $65,323; Facilitech, Inc. dba Business Interiors in the amount of $13,377; Facility Interiors, Inc. in the amount of $11,788; Bauhaus Interiors Group in the amount of $75,731; Vance Hunt & Associates - LB Interiors in the amount of $51,605; Libra Tech Corporation in the amount of $19,675; and BKM Total Office of Texas, LLC in the amount of $13,758 - Not to exceed $280,443 - Financing: 2003 Bond Funds

Corporate Express Office Products, Inc., Furniture Consultants, Inc., Intelligent Interiors, Inc., Facilitech, Inc. dba Business Interiors, Facility Interiors, Inc., Bauhaus Interiors Group, Vance Hunt & Associates - LB Interiors, Libra Tech Corporation, and BKM Total Office of Texas, LLC are local and non-local, non-minority firms, that have signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

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<th>Amount</th>
<th>Percent</th>
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<tbody>
<tr>
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<td>$260,768.27</td>
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<td>Total non-local contracts</td>
<td>$19,674.57</td>
<td>7.02%</td>
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<td>TOTAL CONTRACT</td>
<td>$280,442.84</td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

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<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Facility Interiors, Inc.</td>
<td>BMMB39402Y1209</td>
<td>$11,787.90</td>
<td>4.52%</td>
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<tr>
<td>Intelligent Interiors, Inc.</td>
<td>HFWB39767Y0110</td>
<td>$65,323.48</td>
<td>25.05%</td>
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<tr>
<td>BKM Total Office of Texas</td>
<td>WFWB38827Y1009</td>
<td>$13,757.71</td>
<td>5.28%</td>
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<tr>
<td>Business Interiors</td>
<td>WFWB38905Y1009</td>
<td>$13,377.19</td>
<td>5.13%</td>
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<tr>
<td>Total Minority - Local</td>
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<td>$104,246.28</td>
<td>39.98%</td>
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</table>

Non-Local Contractors / Sub-Contractors

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<tr>
<th>Non-local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
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<td>Libra Tech Corp.</td>
<td>WFWB40231Y0310</td>
<td>$19,674.57</td>
<td>100.00%</td>
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<tr>
<td>Total Minority - Non-local</td>
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<td>$19,674.57</td>
<td>100.00%</td>
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</table>

FINANCING: 2003 Bond Funds
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<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
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<td>African American</td>
<td>$11,787.90</td>
<td>4.52%</td>
<td>$11,787.90</td>
<td>4.20%</td>
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<td>Hispanic American</td>
<td>$65,323.48</td>
<td>25.05%</td>
<td>$65,323.48</td>
<td>23.29%</td>
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<td>Asian American</td>
<td>$0.00</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>
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<td>$0.00</td>
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<tr>
<td>WBE</td>
<td>$27,134.90</td>
<td>10.41%</td>
<td>$46,809.47</td>
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<td><strong>Total</strong></td>
<td><strong>$104,246.28</strong></td>
<td><strong>39.98%</strong></td>
<td><strong>$123,920.85</strong></td>
<td><strong>44.19%</strong></td>
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</table>
BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with J.C. Commercial, Inc. for millwork fabrication and installation for Lochwood Branch Library - Not to exceed $71,013, from $3,983,164 to $4,054,177 - Financing: 2003 Bond Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

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<th>Percent</th>
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<td>Non-local contracts</td>
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<td><strong>TOTAL THIS ACTION</strong></td>
<td><strong>$71,013.00</strong></td>
<td><strong>100.00%</strong></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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<th>Participation to Date</th>
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<tr>
<td>Hispanic American</td>
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<tr>
<td>Asian American</td>
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<td>WBE</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$0.00</strong></td>
<td><strong>0.00%</strong></td>
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</table>
WHEREAS, the Library Master Plan as developed by the Hillier Group and approved by City Council indicates a need for a replacement library for the existing Casa View facility; and,

WHEREAS, in the 2003 Bond Program, the citizens of Dallas approved funding for the design and construction of a replacement library facility to serve the Casa View service area; and,

WHEREAS, on August 29, 2006, the Municipal Library Advisory Board, voted unanimously that the branch library that had previously been known by the working title of the Casa View Branch Library Replacement will be officially known as the Lochwood Branch Library; and,

WHEREAS, it is now necessary to authorize a contract for the purchase and installation of furniture for the Lochwood Branch Library; and,

WHEREAS, bids were received on April 9, 2009 for a total of 20 bid packages, designated Groups A through T:

*Denotes successful bidder(s) in each package

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<th>BID AMOUNT</th>
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<td>Bauhaus Interiors Group</td>
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<td>Benches</td>
<td>*Facilitech, Inc. dba Business Interiors</td>
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<td>BID AMOUNT</td>
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<td>$1,496.00</td>
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<td>Library*Vance Hunt &amp; Associates - LB Interiors</td>
<td>$51,605.17</td>
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<td>Putsi Inc dba Cultural Surroundings</td>
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<td>Libra Tech Corporation</td>
<td>$67,602.33</td>
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<tr>
<td>O</td>
<td>Lounge Seating *Libra Tech Corporation</td>
<td>$19,674.57</td>
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<tr>
<td>P</td>
<td>Stool / Tables *Corporate Express Office Products, Inc.</td>
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<td>$169.18</td>
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<tr>
<td></td>
<td></td>
<td>Furniture Consultants, Inc.</td>
<td>$174.00</td>
</tr>
</tbody>
</table>
GROUP | DESCRIPTION | BIDDERS | BID AMOUNT
--- | --- | --- | ---
Q | Bench Seating | *Bauhaus Interiors Group, Furniture Consultants, Inc., Corporate Express Office Products, Inc. | $1,007.50, $1,285.00, $1,287.80
R | Seating | *BKM Total Office of Texas, Facilitech, Inc. dba Business Interiors | $13,757.71, $14,187.66
S | Display Shelving | *Corporate Express Office Products, Inc., Furniture Consultants, Inc., Putsi Inc dba Cultural Surroundings | $19,548.47, $20,205.00, $24,637.52
T | Tables & Shelving | *Bauhaus Interiors Group, Furniture Consultants, Inc., Corporate Express Office Products, Inc. | $22,692.37, $24,455.00, $24,772.81

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with the following bidders for the purchase of furniture and fixtures for the Lochwood Branch Library in the amounts designated:

GROUP | BIDDERS | BID AMOUNT
--- | --- | ---
A | Corporate Express Office Products, Inc. | $1,365.21
B | Furniture Consultants, Inc. | $8,132.00
C | Intelligent Interiors Inc. | $3,581.40
D | Facilitech, Inc. dba Business Interiors | $8,416.67
E | Intelligent Interiors, Inc. | $9,914.00
F | Intelligent Interiors, Inc. | $4,024.94
G | Intelligent Interiors, Inc. | $11,251.16
H | Facility Interiors, Inc. | $11,787.90
I | Intelligent Interiors, Inc. | $1,362.82
J | Intelligent Interiors, Inc. | $35,189.16
K | Bauhaus Interiors Group | $9,632.30
L | Bauhaus Interiors Group | $42,398.53
M | Facilitech, Inc. dba Business Interiors | $4,960.52
N | Vance Hunt & Associates - LB Interiors | $51,605.17
O | Libra Tech Corporation | $19,674.57
P | Corporate Express Office Products, Inc. | $140.44
GROUP | BIDDERS | BID AMOUNT
--- | --- | ---
Q | Bauhaus Interiors Group | $1,007.50
R | BKM Total Office of Texas | $13,757.71
S | Corporate Express Office Products, Inc. | $19,548.47
T | Bauhaus Interiors Group | $22,692.37

Section 2. That the City Manager is authorized to execute the contracts after they have been approved as to form by the City Attorney.

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

Library Facilities Fund
Fund 5R42, Department PBW, Unit R661, Act. LIBF Obj. 4710, Program #PB03R661, CT PBW03R661I1 Vendor #VC0000007521, in an amount not to exceed $75,730.70

Library Facilities Fund
Fund 5R42, Department PBW, Unit R661, Act. LIBF Obj. 4710, Program #PB03R661, CT PBW03R661I2 Vendor #350273, in an amount not to exceed $65,323.48

Library Facilities Fund
Fund 5R42, Department PBW, Unit R661, Act. LIBF Obj. 4710, Program #PB03R661, CT PBW03R661I3 Vendor #263164, in an amount not to exceed $51,605.17

Library Facilities Fund
Fund 5R42, Department PBW, Unit R661, Act. LIBF Obj. 4710, Program #PB03R661, CT PBW03R661I4 Vendor #190536, in an amount not to exceed $21,054.12

Library Facilities Fund
Fund 5R42, Department PBW, Unit R661, Act. LIBF Obj. 4710, Program #PB03R661, CT PBW03R661I5 Vendor #359915, in an amount not to exceed $19,674.57

Library Facilities Fund
Fund 5R42, Department PBW, Unit R661, Act. LIBF Obj. 4710, Program #PB03R661, CT PBW03R661I6 Vendor #115399, in an amount not to exceed $13,757.71
Library Facilities Fund
Fund 5R42, Department PBW, Unit R661, Act. LIBF
Obj. 4710, Program #PB03R661, CT PBW03R661I7
Vendor #074096, in an amount not to exceed $13,377.19

Library Facilities Fund
Fund 5R42, Department PBW, Unit R661, Act. LIBF
Obj. 4710, Program #PB03R661, CT PBW03R661I8
Vendor #341618, in an amount not to exceed $11,787.90

Library Facilities Fund
Fund 5R42, Department PBW, Unit R661, Act. LIBF
Obj. 4710, Program #PB03R661, CT PBW03R661I9
Vendor #VS0000005427, in an amount not to exceed $8,132.00

Total in an amount not to exceed $280,442.84

**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, Robert Durham, OCMC, Room 321
City Attorney
Library
Office of Financial Services
Controller's Office, Sherrian Parham, 4BN
WHEREAS, the Library Master Plan as developed by the Hillier Group and approved by City Council indicates a need for a replacement library for the existing Casa View facility; and,

WHEREAS, in the 2003 Bond Program, the citizens of Dallas approved funding for the design and construction of a replacement library facility to serve the Casa View service area; and,

WHEREAS, on August 29, 2006, the Municipal Library Advisory Board, voted unanimously that the branch library that had previously been known by the working title of the Casa View Branch Library Replacement will be officially known as the Lochwood Branch Library; and,

WHEREAS, on April 9, 2008, Resolution No. 08-1055 authorized a construction contract with J.C. Commercial, Inc. for the construction of the Lochwood Branch Library in the amount of $3,914,277; and,

WHEREAS, on October 2, 2008, Administrative Action No. 08-2697 authorized Change Order No. 1 to the contract with J.C. Commercial, Inc. in the amount of $12,650, increasing the contract from $3,914,277 to $3,926,927; and,

WHEREAS, on March 12, 2009, Administrative Action No. 09-0728 authorized Change Order No. 2 to the contract with J.C. Commercial, Inc. in the amount of $23,175, increasing the contract from $3,926,927 to $3,950,102; and,

WHEREAS, on March 26, 2009, Administrative Action No. 09-0882 authorized Change Order No. 3 to the contract with J.C. Commercial, Inc. in the amount of $13,680, increasing the contract from $3,950,102 to $3,963,782; and,

WHEREAS, on April 21, 2009, Administrative Action No. 09-1117 authorized Change Order No. 4 to the contract with J.C. Commercial, Inc. in the amount of $19,382, increasing the contract from $3,963,782 to $3,983,164; and,

WHEREAS, it is necessary to authorize Change Order No. 5 to the contract with J.C. Commercial, Inc. for the construction of the Lochwood Branch Library in the amount of $71,013, increasing the contract from $3,983,164 to $4,054,177.

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 J.C. Commercial, Inc. for the construction of the Lochwood Branch Library in the amount of $71,013, increasing the contract from $3,983,164 to $4,054,177.
Section 2. That the City Manager is hereby authorized to execute the increase to the contract with J.C. Commercial, Inc. after it has been approved as to form by the City Attorney.

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

Library Facilities Fund
Fund 5R42, Dept. PBW, Unit R661, Act. LIBF
Obj. 4310, Program #PB03R661, CT PBW03R661F1
Vendor #VS0000012563, in an amount not to exceed $71,013

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, Robert Durham, OCMC, Room 321
City Attorney
Library
Office of Financial Services
City Controller's Office, Sherrian Parham, 4BN
SUBJECT

Authorize amendments to the FY2008-09 Position Classification Assignments (PCA) to authorize: (1) two unpaid furlough days, July 6, 2009 and September 4, 2009, for all City of Dallas civilian employees for an estimated cost savings of $2,600,000; (2) the City Manager to make operational and scheduling changes necessary to implement the furlough days; and (3) elimination of Dallas Police Department Graduation Incentive Pay and Incentive Pay for Completion of Probation and Police Trainee Assignment Pay with an estimated annual savings of $3,780,000 - Estimated Total Savings ($6,380,000) - Financing: Current Funds

BACKGROUND

Our nation is currently experiencing a severe economic downturn in the national economy. As our national leaders work to find solutions to the economic problems, the City too must implement changes to the FY2008-09 budget to address the budget shortfall created by the global and local economic downturn. The extraordinary situation in the economy requires extraordinary action by City leaders in order to protect taxpayer dollars and deliver critical services to the City’s residents.

Cities across the nation and in Texas have recently turned to employee furloughs to offset budget shortfalls. Reports indicate furlough days have been implemented in Chicago, Atlanta, Denver, Oakland, Sacramento, and Columbus. In the Dallas-Fort Worth metroplex area, Duncanville has implemented a furlough program for a total of three days to coincide with the Memorial Day, July 4th, and Labor Day holidays. Numerous additional cities are reportedly considering a furlough plan, including Austin, Portland, Newark, St. Louis, Kansas City, Tulsa, Tucson, and Milwaukee.

As a result of the current economic downturn the City has revised its projected revenues for FY2008-09. In order align expenditures with this new lower revenue projection the City Manager has recommended several budget decisions to the City Council.

These recommendations include the implementation of two furlough days for all civilian employees in FY2008-09.
**BACKGROUND** (Continued)

One furlough day equates to the number of work hours in an employee’s regularly scheduled work day. These furlough days will reduce the City’s cost by reducing the amount of hours worked and pay received by civilian employees within a fiscal year. The City’s cost-savings plan for FY2008-09 involves reducing civilian employees’ hours by two furlough days.

In order to implement the furlough days and appropriately manage various scheduling and operational needs for the City to run effectively, the City Manager will be required to authorize certain operational and schedule changes necessary to implement the furlough days.

The City Manager also recommended the elimination of the Graduation Incentive Pay and Incentive Pay for Completion of Probation & Police Trainee III Assignment for uniformed police. The elimination of the Graduation Incentive Pay and Incentive Pay for Completion of Probation & Police Trainee III Assignment for uniformed police is implemented as part of the cost savings. During this economic downturn, the City has experienced an increase in applicants for Police Officers. This increase in recruitment is the highest in 20 years. As a result of the increase in the applicant pool and the necessity for cost savings, the elimination of the Graduation Incentive Pay and Incentive for Completion of Probation & Police Trainee III Assignment for uniformed police is effective with all recruits starting with Class 316 and any subsequent police recruit classes.

This item will authorize two unpaid furlough days for FY2008-09 for all City of Dallas civilian employees on the dates of July 6, 2009 and September 4, 2009, for an estimated cost savings of $2,600,000, authorize the City Manager to make operational and scheduling changes necessary to implement the furlough days, and authorize the elimination of the Graduation Incentive Pay and Incentive Pay for Completion of Probation & Police Trainee III Assignment for uniformed police effecting with recruits starting with Class 316 and any subsequent police recruit classes at a potential annualized savings of $3,780,000.

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

City Council adopted the FY2008-09 Position Classification Assignments on September 24, 2008, by Resolution No. 08-2621.

**FISCAL INFORMATION**

Civilian Furlough Savings  
FY2008-09 Savings - $2,600,000 – Current Funds

Dallas Police Department  
FY2009-10 Savings - $2,000,000 – Current Funds  
Annualized Savings - $3,780,000 – Current Funds
WHEREAS, the City Council of the City of Dallas has adopted Position Classification Assignments for the fiscal year beginning October 1, 2008; and

WHEREAS, it is necessary to authorize an amendment to the FY2008-09 Position Classification Assignments to include two unpaid furlough days for all City of Dallas civilian employees for July 6, 2009 and September 4, 2009 to become effective May 27, 2009; and

WHEREAS, it is necessary to authorize the City Manager to make operational and scheduling changes necessary to implement the furlough days; and

WHEREAS, it is necessary to authorize changes in the Police Uniform Special Pay to reflect the elimination of the Graduation Incentive Pay and Incentive Pay for Completion of Probation and Police Trainee III Assignment effective with all recruits starting with Class 316 and any subsequent police recruit classes; and

WHEREAS, it is hereby necessary to ratify these actions and to amend the FY2008-09 Position Classification Assignments;

NOW THEREFORE,
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager is authorized to amend the Position Classification Assignments (PCA) for the FY2008-09 to include two unpaid furlough days for all City of Dallas civilian employees for July 6, 2009 and September 4, 2009, to become effective May 27, 2009; upon City Council approval. (See Attachment A)

Section 2. That the City Manager is authorized the Uniformed Police Pay be revised to eliminate the Graduation Incentive Pay and Incentive Pay for Completion of Probation and Police Trainee III Assignment from the Uniform Police Special Pay, effective with all recruits starting in Class 316 and any subsequent police recruit classes. (See Attachment B)

Section 3. That the changes reflected in Attachment B which amends Attachment B to the FY2008-09 Position Classification Assignments are effective with all police recruits starting with Class 316 and subsequent police recruits classes and supersede any previous police special pay.

Section 4. That the City Manager or designee be authorized, upon recommendation of a department director or his designee to make any operational and scheduling changes necessary to implement the furlough days, including but not limited to, the ability to reschedule employees’ furlough days should the City’s operational requirements mandate that the employees work on either July 6, 2009 and/or September 4, 2009.
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:

Human Resources Department - 6AN
# CITY OF DALLAS
## MISCELLANEOUS SALARY SCHEDULE
### Effective May 27, 2009

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<th>CLASS CODE</th>
<th>TITLE</th>
<th>MINIMUM</th>
<th>MAXIMUM</th>
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<td>Director of Medical Emergency Services</td>
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<tr>
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<td>Associate Municipal Judge</td>
<td>Salary Determined By City Secretary</td>
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<td>22204</td>
<td>Administrative Judge</td>
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<td>Executive General Manager</td>
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<td>General Manager</td>
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<td>City Attorney</td>
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<td>Salary Determined By Council</td>
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<td>City Secretary*</td>
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<td>Secretary to Civil Service Board</td>
<td>Salary Determined By City Charter</td>
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<td>Police and Fire Pension Fund Administrator</td>
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<td>- Monthly 5,551.44 9,159.86</td>
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<td>- Biweekly 2,562.20 4,227.63</td>
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<td>76200</td>
<td>Sales Manager **</td>
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<td>- Monthly 2,104.57 2,630.71</td>
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<td>- Biweekly 971.34 1,214.18</td>
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<td>76203</td>
<td>Sales Representative</td>
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<td>80120</td>
<td>SYEP Participant (paid hourly)</td>
<td>Effective 7/24/09 6.55 7.86</td>
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<tr>
<td>78802</td>
<td>Temporary Help</td>
<td>Hourly Salary Varies By Assignment</td>
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<th>ASSIGNMENT PAY:</th>
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<tr>
<td>Language Skills</td>
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<tr>
<td>Shift Pay (see Police for First Watch Pay)</td>
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<tr>
<td>Lew Sterrett Clerical Personnel</td>
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<tr>
<td>Dallas Zoo Emergency Weapons Team</td>
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*Other positions in City Secretary's Office included on civilian Salary Schedule

** Eligible for commission

**Furlough Days**

July 6, 2009 & September 4, 2009

or as designated by the City Manager or designee upon recommendation of a department director or his designee, including but not limited to, the ability to reschedule employees' furlough dates should the City's operational requirements mandate that the employees work on either July 6 or September 4, 2009. Furlough days must be taken by September 30, 2009.
Certification Pay (applicable to all ranks)
Rate: TCLOSE Intermediate Certification: $200 per month
TCLOSE Master Certification: $500 per month
Note: Certification requirements and TCLOSE verification must be completed by 10/31/07 in order to receive payment

Detective Assignment Pay (applicable to Police Senior Corporal)
Rate: $100 per month for assignment to investigative duties as a Detective

Educational Incentive Pay (applicable to all ranks)
Rate: $4 per month for each 3 semester hours of college credit earned after the first 45 hours up to 45 hours (90 hours total)
Maximum: $60 for 45 hours (90 total), or $100 per month for Bachelor's Degree

Field Training Officer Pay (applicable to Police Senior Corporal)
Rate: $100 per month for assignment as Field Training Officer

First Watch Assignment Pay (applicable to all ranks)
Rate: 6.5% for First Watch from 12:00 midnight to 8:00am

Eliminate Graduation Incentive Pay and Incentive Pay for Completion of Probation & Police Trainee III assignment beginning with all recruits starting with Class 316 and any subsequent police recruit classes.

Graduation Incentive Pay
Rate: $6,000 total lump sum payable one time per employee
Must have graduated from the Police Academy after February 1, 2006. Applicable to Police Trainee I & Lateral Entry Officers. Paid upon graduation.

Incentive Pay for Completion of Probation & Police Trainee III assignment
Rate: $4,000 lump sum payable one time per employee
Must have successfully completed probation and the Police Trainee III assignment and been assigned to Police Officer, Grade P-2 after April 1, 2006.

Narcotics Hazardous Material Interdiction Team
Applicable to selected positions in Narcotics Division (Clandestine Lab Squad) as determined by the Police Chief and approved by the Director of Human Resources.
Rate: Ranks of Sergeant and below: $100/month

Patrol Duty Pay (applicable to ranks of Police Officer and Police Corporal)
schedule:

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<tr>
<th>Years Service</th>
<th>Rate</th>
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</thead>
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<tr>
<td>6</td>
<td>$100 per month</td>
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<tr>
<td>8</td>
<td>$125 per month</td>
</tr>
<tr>
<td>10</td>
<td>$150 per month</td>
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Retention Incentive (applicable to all ranks)
Rate: $5,000 lump sum.
Must have completed 5 continuous years of service as a uniformed employee after 9/30/06 based on adjusted date of appointment as uniformed employee, excluding any breaks in service due to disciplinary action, reappointment, or reinstatement.

Retention Incentive (applicable to all ranks)
Rate: $3,000 lump sum.
Must have completed 10 continuous years of service as a uniformed employee after 9/30/07 based on adjusted date of appointment as uniformed employee, excluding any breaks in service due to disciplinary action, reappointment, or reinstatement.

Service Pay (applicable to all ranks) - Article 1269q, V.T.C.S.
Rate $4 per month for each year of service completed
Maximum: $100 per month for 25 years of service

Shift Assignment Pay
Rate: 3.5% for uniformed Police
KEY FOCUS AREA: Make Government More Efficient, Effective and Economical
AGENDA DATE: May 27, 2009
COUNCIL DISTRICT(S): All
DEPARTMENT: Office of Financial Services
CMO: Dave Cook, 670-7804
MAPSCO: N/A

SUBJECT
Authorize an increase in the Over 65 and Disabled Persons Homestead Property Tax Exemption from $64,000 to $70,000 beginning with the 2009 tax year - Estimated Annual Revenue Loss: ($2,600,000)

BACKGROUND
The City of Dallas grants an exemption of 20% or a minimum of $5,000 of the market value of residence homesteads. An additional exemption of up to $64,000 of the market value is granted to those persons who are over 65 years old or disabled. The $64,000 exemption has been in effect since 1986.

The proposed increase recognizes the increase in home values that has occurred since FY1986-87. A six year plan to increase the exemption from $64,000 to $100,000 in $6,000 increments is proposed. Annual increases in the exemption would begin in tax year 2009 and end in tax year 2014 and would require a City Council vote for each annual increase in the exemption.

PRIOR ACTION
The Over 65 and Disabled Persons Homestead Property Tax Exemption was established at $50,000 for 1986 on April 23, 1986, by Resolution No. 86-1283.

Resolution No. 86-2926 was amended to increase the Over 65 and Disabled Persons Homestead Property Tax Exemption from $50,000 to $64,000 for 1986 on September 17, 1986, by Resolution No. 86-2926.

FISCAL INFORMATION
Estimated Annual Revenue Loss: $2,600,000
WHEREAS, Resolution No. 86-1283, approved on April 23, 1986, established the Over 65 and Disabled Persons Homestead Property Tax Exemption at $50,000 for 1986, and

WHEREAS, Resolution No. 86-2926 approved on September 17, 1986, amended Resolution No. 86-1283 and increased the amount of the Over 65 and Disabled Persons Homestead Property Tax Exemption from $50,000 to $64,000 for 1986, and

WHEREAS, the City Council desires to change the amount of the Over 65 and Disabled Persons Homestead Property Tax Exemption; Now Therefore,

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

Section 1. That the Over 65 and Disabled Persons Homestead Property Tax Exemption is set at $70,000 for the tax year beginning January 1, 2009 and for each subsequent tax year, unless changed by State law or resolution or ordinance of the City Council.

Section 2. That this resolution supersedes the Over 65 and Disabled Persons Homestead Property Tax Exemptions set forth in Resolution Nos. 86-1283 and 86-2926.

Section 3. 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 so resolved.
SUBJECT

An ordinance amending Chapter 28 of the Dallas City Code to: (1) revise the parking ticket base fine amounts and second penalty amount; (2) revise parking rates for various streets; (3) revise the commercial loading zone permit fee for permanent, temporary and replacement permits; and (4) revise the parking meter hooding and temporary removal fees - Estimated Revenue: FY 2008-09 $585,847 and $2,987,676 annually

BACKGROUND

The proposed ordinance will increase the base fine amount for parking tickets by $15 each and increase the second penalty amount by $10. Parking ticket fines have not been increased since 2000 and the second penalty was established in April 2006 with no additional increases. The current base fine on parking tickets ranges from $15 to $100 with the average ticket fine at $37. Compared to other cities, the average parking ticket fine is $69. Increasing the base fine would increase the average ticket fine to $49.

In addition to increasing the base parking ticket fine, this proposal is to increase the parking meter hourly rates for meters by $0.25. This proposal would affect meters with current hourly rate of $0.75 through $1.25. The majority of these meters are located in the Central Business District and entertainment areas. This proposed amount allows the City to continue to provide a competitive rate while remaining affordable and consistent with the fair market value in adjacent private parking lots.

The regulation of commercial loading zones by permit began in 1989. This proposal is to increase the commercial loading zone permit fee from $20 annually to $50 annually, to increase the temporary permit from $5 to $12.50, and to increase the replacement permit fee from $10 to $25. This permit has not been increased since 1993.
BACKGROUND (Continued)

This proposal will also increase the fee charged for parking meter hooding services. This service was established in 1987 and has never had a fee adjustment. This increase would appropriately adjust the current labor charge fee from $15 to $55. Also, the removal and installation fee for temporary and permanent meter removals would be adjusted from $25 to $75 and from $44 to $104. These fees cover the labor-intensive removal and installation of parking meters from concrete, granite and asphalt sidewalks and surfaces. This proposal also provides clarification of the hooding fees and its exemptions.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized an amendment to Chapter 28 of the Dallas City Code to increase the fees to establish parking ticket penalties on April 26, 2006, by Resolution No. 06-1221.

Authorized an amendment to Chapter 28 of the Dallas City Code for increasing meter rates on June 11, 2008, by Resolution 08-1700.

FISCAL INFORMATION

Estimated Revenue - FY 2008-09 $585,847 and $2,987,676 annually
An ordinance amending Sections 28-96.1, 28-114.1, 28-114.2, 28-114.12, and 28-130.9 of CHAPTER 28, “MOTOR VEHICLES AND TRAFFIC,” of the Dallas City Code, as amended; revising fees related to loading zone permits; revising parking rates for various streets inside and outside the central business district; revising fees related to the hooding and temporary removal of parking meters; increasing fines related to parking violations; providing for civil penalties; 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 Section 28-96.1, “Loading Zone Permit – Application; Fee; Expiration; Transferability,” of Division 3, “Stopping for Loading or Unloading Only,” of Article XI, "Stopping, Standing, and Parking Generally," of CHAPTER 28, "MOTOR VEHICLES AND TRAFFIC," of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 28-96.1. LOADING ZONE PERMIT - APPLICATION; FEE; EXPIRATION; TRANSFERABILITY.

(a) To obtain an annual loading zone permit for a vehicle other than a commercial vehicle, a person must submit a completed written application to the director on a form provided for that purpose. The application must include the following information:

(1) the name, address, and signature of the applicant;

(2) the name and address of the commercial enterprise for which the vehicle is operated;

(3) the state license plate number of each vehicle to be permitted; and
(4) any other information the director determines necessary to the administration and enforcement of this section.

(b) The holder of an annual loading zone permit for a vehicle may apply for a temporary loading zone permit for another vehicle by submitting a completed written application to the director on a form provided for that purpose.

(c) Before any loading zone permit may be issued for a vehicle pursuant to this section, all outstanding parking citations issued by the city on the vehicle must be paid or otherwise resolved.

(d) The fee for an annual loading zone permit is $50[20] for each vehicle. The fee for a temporary loading zone permit is $12.50[5] for each vehicle. The fee for issuing a duplicate annual loading zone permit for one lost, destroyed, or mutilated is $25[40]. A permit fee is payable to the director upon issuance of the permit. No refund of a permit fee will be made.

(e) An annual loading zone permit expires one year from the last day of the month in which the permit was issued.

(f) A temporary loading zone permit expires 15 days after the date of issuance.

(g) Any loading zone permit assigned to one vehicle is not transferable.

(h) A person commits an offense if he:

(1) forges, alters, or counterfeits an annual or temporary loading zone permit; or

(2) possesses a forged, altered, or counterfeited annual or temporary loading zone permit.”

SECTION 2. That Subsection (a) of Section 28-114.1, “Zones within the Central Business District,” of Division 4, “Parking Meters,” of Article XI, "Stopping, Standing, and Parking Generally," of CHAPTER 28, "MOTOR VEHICLES AND TRAFFIC," of the Dallas City Code, as amended, is amended to read as follows:

“(a) One dollar fifty [twenty-five] cents an hour zones. A person shall pay an hourly rate of $1.50[25] for the use of a metered parking space upon the following streets or portions of streets within the central business district during the following effective times:
(1) Monday through Sunday from 7:00 a.m. until 6:00 p.m. only.

<table>
<thead>
<tr>
<th>STREET</th>
<th>BLOCK(S)</th>
<th>SIDE(S)</th>
<th>EXTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Akard Street</td>
<td>100-200 N.</td>
<td>Both</td>
<td>Main Street to Pacific Avenue</td>
</tr>
<tr>
<td>Austin Street</td>
<td>200 N.</td>
<td>Both</td>
<td>Elm Street to Pacific Avenue</td>
</tr>
<tr>
<td>Austin Street</td>
<td>100-300 S.</td>
<td>Both</td>
<td>Main Street to Wood Street</td>
</tr>
<tr>
<td>Commerce Street</td>
<td>500-1900</td>
<td>Both</td>
<td>Houston Street to Harwood Street</td>
</tr>
<tr>
<td>Crockett Street</td>
<td>600</td>
<td>Both</td>
<td>San Jacinto Street to Bryan Street</td>
</tr>
<tr>
<td>Elm Street</td>
<td>500-1900</td>
<td>Both</td>
<td>Houston Street to Harwood Street</td>
</tr>
<tr>
<td>Ervay Street</td>
<td>100-700 N.</td>
<td>Both</td>
<td>Main Street to Ross Avenue</td>
</tr>
<tr>
<td>Ervay Street</td>
<td>100-400 S.</td>
<td>Both</td>
<td>Main Street to Young Street</td>
</tr>
<tr>
<td>Federal Street</td>
<td>1600-1900</td>
<td>Both</td>
<td>Akard Street to Harwood Street</td>
</tr>
<tr>
<td>Field Street</td>
<td>100-600 N.</td>
<td>Both</td>
<td>Main Street to Ross Avenue</td>
</tr>
<tr>
<td>Field Street</td>
<td>100-300 S.</td>
<td>Both</td>
<td>Main Street to Wood Street</td>
</tr>
<tr>
<td>Harwood Street</td>
<td>400-800 N.</td>
<td>Both</td>
<td>Live Oak Street to Ross Avenue</td>
</tr>
<tr>
<td>Houston Street</td>
<td>100 N.</td>
<td>Both</td>
<td>Main Street to Elm Street</td>
</tr>
<tr>
<td>Houston Street</td>
<td>100-300 S.</td>
<td>Both</td>
<td>Main Street to Wood Street</td>
</tr>
<tr>
<td>Jackson Street</td>
<td>500-1700</td>
<td>Both</td>
<td>Houston Street to Prather Street</td>
</tr>
<tr>
<td>Lamar Street</td>
<td>200 N.</td>
<td>Both</td>
<td>Elm Street to Pacific Avenue</td>
</tr>
<tr>
<td>Lamar Street</td>
<td>100-300 S.</td>
<td>Both</td>
<td>Main Street to Wood Street</td>
</tr>
<tr>
<td>Lane Street</td>
<td>200</td>
<td>Both</td>
<td>Commerce Street to Jackson Street</td>
</tr>
<tr>
<td>Live Oak Street</td>
<td>1900</td>
<td>Both</td>
<td>St. Paul Street to Harwood Street</td>
</tr>
<tr>
<td>Main Street</td>
<td>500-1900</td>
<td>Both</td>
<td>Houston Street to Harwood Street</td>
</tr>
<tr>
<td>Market Street</td>
<td>100 N.</td>
<td>Both</td>
<td>Main Street to Elm Street</td>
</tr>
</tbody>
</table>
Market Street  100-300 S.   Both   Main Street to Wood Street
Olive Street  500-800 N.   Both   Bryan Street to Ross Avenue
Pacific Avenue  1900   Both   St. Paul Street to Harwood Street
Pearl Street  500-800 N.   Both   Live Oak Street to Ross Avenue
Prather Street  200   Both   Commerce Street to Jackson Street
Record Street  300 S.   Both   Jackson Street to Wood Street
Ross Avenue  1800-2000   Both   Ervay Street to Live Oak Street
San Jacinto Street  1600-2300   Both   Ervay Street to Leonard Street
San Jacinto Place  1900   Both   San Jacinto Street to St. Paul Street
St. Paul Street  300-600 N.   Both   Live Oak Street to San Jacinto Street
Wood Street  500-1600   Both   Houston Street to Ervay Street

(2) Monday through Sunday from 7:00 a.m. until 12 midnight only.

STREET         BLOCK(S)   SIDE(S)   EXTENT
Commerce Street  2000-2100   Both   Harwood Street to Central Expressway
Elm Street  2000-2100   Both   Harwood Street to Central Expressway
Live Oak Street  2000-2100   Both   Harwood Street to Pearl Street
Main Street  2000-2100   Both   Harwood Street to Central Expressway"

SECTION 3. That Subsection (b) of Section 28-114.1, “Zones within the Central Business District,” of Division 4, “Parking Meters,” of Article XI, "Stopping, Standing, and Parking Generally," of CHAPTER 28, "MOTOR VEHICLES AND TRAFFIC," of the Dallas City Code, as amended, is amended to read as follows:
“(b) **One dollar twenty-five cents an hour zones.** A person shall pay an hourly rate of $1.25 [one dollar] on Monday through Sunday, from 7:00 a.m. until 12 midnight only, for the use of a metered parking space upon all streets or portions of streets within the central business district, except as otherwise provided in this section.”

SECTION 4. That Subsection (c) of Section 28-114.1, “Zones within the Central Business District,” of Division 4, “Parking Meters,” of Article XI, "Stopping, Standing, and Parking Generally," of CHAPTER 28, "MOTOR VEHICLES AND TRAFFIC," of the Dallas City Code, as amended, is amended to read as follows:

“(c) **One dollar [Seventy-five cents] an hour zones.** A person shall pay an hourly rate of one dollar [75 cents] on Monday through Sunday, from 7:00 a.m. until 12 midnight only, for the use of a metered parking space upon the following streets or portions of streets within the central business district:

<table>
<thead>
<tr>
<th>STREET</th>
<th>BLOCK(S)</th>
<th>SIDE(S)</th>
<th>EXTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corbin Street</td>
<td>600-900</td>
<td>Both</td>
<td>Record Street to Laws Street</td>
</tr>
<tr>
<td>Hord Street</td>
<td>900</td>
<td>Both</td>
<td>Lamar Street to Laws Street</td>
</tr>
<tr>
<td>Lamar Street</td>
<td>300-2000 N.</td>
<td>Both</td>
<td>Pacific Avenue to McKinney Avenue</td>
</tr>
<tr>
<td>Market Street</td>
<td>300-1800 N.</td>
<td>Both</td>
<td>Pacific Avenue to Munger Avenue</td>
</tr>
<tr>
<td>McKinney Avenue</td>
<td>600-900</td>
<td>Both</td>
<td>Record Street to Laws Street</td>
</tr>
<tr>
<td>Munger Avenue</td>
<td>600-900</td>
<td>Both</td>
<td>Record Street to Laws Street</td>
</tr>
<tr>
<td>Record Street</td>
<td>300-1900 N.</td>
<td>Both</td>
<td>Pacific Avenue to McKinney Avenue</td>
</tr>
<tr>
<td>Ross Avenue</td>
<td>500-800</td>
<td>Both</td>
<td>Pacific Avenue to Lamar Street</td>
</tr>
</tbody>
</table>

SECTION 5. That Subsection (a) of Section 28-114.2, “Zones outside the Central Business District,” of Division 4, “Parking Meters,” of Article XI, "Stopping, Standing, and
Parking Generally," of CHAPTER 28, "MOTOR VEHICLES AND TRAFFIC," of the Dallas City Code, as amended, is amended to read as follows:

“(a) One dollar twenty-five cents an hour zones. A person shall pay an hourly rate of $1.25 [one dollar] on Monday through Sunday, from 7:00 a.m. until 12 midnight only, for the use of a metered parking space upon the following streets or portions of streets outside the central business district:

<table>
<thead>
<tr>
<th>STREET</th>
<th>BLOCK(S)</th>
<th>SIDE(S)</th>
<th>EXTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Akard Street</td>
<td>2600</td>
<td>Both</td>
<td>Lyte Street to Payne Street</td>
</tr>
<tr>
<td>Alamo Street</td>
<td>2500</td>
<td>Both</td>
<td>Olin Welbourne Street to Field Street</td>
</tr>
<tr>
<td>All Star Way</td>
<td>1400</td>
<td>Both</td>
<td>Victory Avenue to Houston Street</td>
</tr>
<tr>
<td>Broom Street</td>
<td>900</td>
<td>Both</td>
<td>Lamar Street to Field Street</td>
</tr>
<tr>
<td>Caroline Street</td>
<td>2500</td>
<td>Both</td>
<td>Payne Street to Field Street</td>
</tr>
<tr>
<td>Continental Avenue</td>
<td>2200-2400</td>
<td>Both</td>
<td>Trinity Railway Express tracks to Ross Avenue</td>
</tr>
<tr>
<td>High Market Street</td>
<td>600</td>
<td>Both</td>
<td>Victory Avenue to Houston Street</td>
</tr>
<tr>
<td>Houston Street</td>
<td>2100-2400 N.</td>
<td>Both</td>
<td>Continental Avenue to Olive Street</td>
</tr>
<tr>
<td>Houston Street</td>
<td>2500 N.</td>
<td>East</td>
<td>Olive Street to Payne Street</td>
</tr>
<tr>
<td>Lamar Street</td>
<td>2200-2600 N.</td>
<td>Both</td>
<td>Broom Street to Trinity Railway Express tracks</td>
</tr>
<tr>
<td>Lyte Street</td>
<td>1500</td>
<td>Both</td>
<td>Houston Street to Akard Street</td>
</tr>
<tr>
<td>Museum Way</td>
<td>600</td>
<td>Both</td>
<td>Victory Avenue to Houston Street</td>
</tr>
<tr>
<td>Olin Welbourne Street</td>
<td>1600</td>
<td>Both</td>
<td>Alamo Street to Caroline Street</td>
</tr>
<tr>
<td>Olive Street</td>
<td>2900-3000</td>
<td>Both</td>
<td>Victory Avenue to Field Street</td>
</tr>
<tr>
<td>Payne Street</td>
<td>1600</td>
<td>Both</td>
<td>Houston Street to Akard Street</td>
</tr>
<tr>
<td>Valor Place</td>
<td>2500</td>
<td>Both</td>
<td>Olive Street to 182 feet north of Olive Street</td>
</tr>
</tbody>
</table>

“SEC. 28-114.12. PARKING METER HOODING AND TEMPORARY REMOVAL FEES; EXCEPTIONS.

(a) A person requiring the hooding or removal of a parking meter shall pay to the director of public works and transportation a daily charge, excluding official parking meter holidays, of 70 percent of the maximum hourly capacity of each meter hooded times the prevailing rate on the meter.

(b) In addition to the fee required in Subsection (a), a person requiring the hooding of a parking meter shall pay a labor charge of $55 \[45\], plus one dollar for each meter hooded.

(c) In addition to the fee required in Subsection (a), a person requiring the temporary removal of a parking meter shall pay a labor charge of $75 \[25\] for each meter removed. A person requiring temporary removal of a parking meter shall also pay the costs of labor and materials incurred in reinstalling the meter after temporary removal. The minimum reinstallation charge is $104 \[44\] per meter.

(d) This section does not apply to:

(1) a utility company engaged in construction or repair activities for any city, county, state, or federal agency;

(2) a contractor performing work under a city, county, state, or federal contract; or

(3) any city, county, state, or federal agency requiring the hooding or temporary removal of a parking meter in the performance of its governmental functions.

(e) The fees required by Subsection (a) of this section will not be assessed against a person requiring the hooding or temporary removal of parking meters to reconstruct, repair, or replace an existing street, sidewalk, curb, or other city infrastructure in the public right-of-way if:

(1) the reconstruction, repair, or replacement of the infrastructure is performed in compliance with all applicable city ordinances and state and federal laws; and

(2) the infrastructure is, in the opinion of the city, restored to better than its former condition.
(f) Fees will only be waived under Subsection (e) for the period of time reasonably necessary to complete the reconstruction, repair, or replacement of the infrastructure, not to exceed 30 days.”


“SEC. 28-130.9. FINE SCHEDULE; OTHER FEES.

(a) The following is the schedule of civil fines for parking violations under this chapter, Chapter 32, and Chapter 51A of this code that are made civil offenses under this division:

<table>
<thead>
<tr>
<th>VIOLATION</th>
<th>FINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Section 28-81.1(a)(2)(B) or (G)</td>
<td>$110</td>
</tr>
<tr>
<td>(2) Section 28-159.1</td>
<td>$50</td>
</tr>
<tr>
<td>(3) Section 28-76, 28-76.3, 28-81.1(a)(1), 28-81.1(a)(2)(C), (D), (E), or (F), 28-88, or 28-96</td>
<td>$40</td>
</tr>
<tr>
<td>(5) Section 51A-4.301(d)(5)</td>
<td>$50</td>
</tr>
<tr>
<td>(6) Any other parking violation</td>
<td>$30</td>
</tr>
</tbody>
</table>

(b) If a civil fine is assessed under this division, it must be in accordance with this section. A fine may not be waived or modified by a hearing officer, or by a municipal court on appeal, except that additional penalties and other costs may be added in accordance with this section.

(c) An additional penalty in an amount equal to the original fine will be assessed if a vehicle owner or operator, or the agent of the owner or operator, fails to:

(1) answer to a parking violation charge within 15 calendar days after the date of issuance of the parking citation or fails to appear at any hearing scheduled after 15 calendar days from the date of the parking citation; or
(2) after being found liable, pay all civil fines, fees, and costs assessed for a parking violation within the time designated by the hearing officer.

(d) An additional penalty of $30 [20] will be assessed if a vehicle owner or operator, or the agent of the owner or operator, fails to pay all civil fines, fees, penalties, and costs assessed for a parking violation within 31 calendar days after the assessment of the additional penalty described in Subsection (c).

(e) A penalty assessed under Subsection (c) or (d) of this section may be waived by a hearing officer, or by a municipal court on appeal, if the vehicle owner or operator, or agent of the vehicle owner or operator, can establish that:

1. through no fault of the vehicle owner or operator, or agent of the vehicle owner or operator:
   a. no notice of the parking violation was received as required by this article;
   b. no notice of the hearing officer's order was received as required by this article; or
   c. payment of the fine assessed for the parking violation was not posted in a timely manner;

2. the penalty was assessed in error; or

3. the vehicle was at the time of the violation stopped, stood, or parked in response to a medical emergency.

(f) In addition to all fines, penalties, and other costs assessed under this division, a person found liable for a parking violation shall pay a court cost of $5 as required by Article 102.014 of the Texas Code of Criminal Procedure.

(g) The minimum fine established in Subsection (a)(4) of this section must be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period.”

SECTION 8. That CHAPTER 28 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.
SECTION 9. 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 10. That this ordinance will 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 __________________________

LC/DCC/00460A