This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated June 27, 2007. 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
ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, JUNE 27, 2007
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.

REVISED ORDER OF BUSINESS

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

9:00 a.m.    MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
              OPEN MICROPHONE
              CLOSED SESSION

MINUTES        Item 1

CONSENT AGENDA Items 2 - 45
CONSENT ADDENDUM Items 1 - 28

ITEMS FOR INDIVIDUAL CONSIDERATION

Items 46 - 47
Addendum Item 29

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.    Items 48 - 64
              Addendum Items 30 - 33
ADDENDUM
CITY COUNCIL MEETING
JUNE 27, 2007
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

ADDITIONS:

Closed Session
Attorney Briefings (Sec. 551.071 T.O.M.A.)
- Roland R. Gamez v. The City of Dallas, Texas, Civil Action No. 2:06-CV-150-TJW

CONSENT ADDENDUM

Business Development & Procurement Services

1. Authorize the purchase of 5 fire pumpers, 5 brush trucks, 1 aerial ladder truck, 19 ambulances, and 2 battalion chief vehicles - Metro Fire Apparatus Specialists in the amount of $2,449,867, Tyler Motor Company, Inc. in the amount of $2,153,479, J & J Acquisitions dba S & S Fire Apparatus Co. in the amount of $561,875, and Philpott Motors, Inc. in the amount of $73,441, through the Houston-Galveston Area Council of Governments - Total not exceed $5,238,662 - Financing: Current Funds ($2,046,659), 2006 Equipment Acquisition Contractual Obligation Notes ($1,361,865), 2005 Equipment Acquisition Contractual Obligation Notes ($500,000), 2004 Equipment Acquisition Contractual Obligation Notes ($500,000), 2003 Equipment Acquisition Contractual Obligation Notes ($186,005), 2001 Equipment Acquisition Contractual Obligation Notes ($193,007), 2003 Bond Funds ($451,126)

2. Authorize the purchase of a trailer mounted vacuum excavation cleaning system for the Dallas Zoo - Vermeer Equipment of Texas, Inc., lowest responsible bidder of two - Not to exceed $86,397 - Financing: Current Funds

3. Authorize a sixty-month concession contract, with three twelve-month renewal options, for advertising display concession services at Dallas Love Field - JCDecaux Airport, Inc., most advantageous proposer of two - Estimated Revenue: $6,500,000

City Attorney's Office

4. Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Stutzman, Bromberg, Esserman & Plifka for additional legal services necessary in connection with the Union Terminal Lease Agreement with Hunt-Woodbine Realty Corporation and related matters - Not to exceed $30,000, from $20,000 to $50,000 - Financing: Convention and Event Services Current Funds
ADDENDUM
CITY COUNCIL MEETING
JUNE 27, 2007

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

City Attorney’s Office (Continued)

5. Authorize settlement of a lawsuit styled Roland R. Gamez v. City of Dallas, Civil Action No. 2:06-CV-150-TJW - Not to exceed $1,550,000 - Financing: Current Funds

City Auditor’s Office

6. Authorize a perpetual use license agreement with PWC Product Sales LLC to provide TeamMate Audit Management System software for the Office of the City Auditor to be used for the preparation and review of audit workpapers - Not to exceed $62,000 - Financing: Current Funds

Department of Development Services

7. An ordinance abandoning air and subsurface rights to Dunhill 1530 Main, L.P., the abutting owner, containing a total of approximately 458 square feet of space located over and under Main Street near its intersection with Stone Place, and authorizing the quitclaim - Revenue: $14,004 plus the $20 ordinance publication fee

8. An ordinance granting a private license to Dunhill 1530 Main, L.P., the abutting owner, for the use of approximately 1,052 square feet of land to construct, use and maintain a sidewalk café, entrance door and two canopies on and over portions of Main Street right-of-way located near its intersection with Stone Place - Revenue: $4,772 plus the $20 ordinance publication fee

9. Authorize the rejection of bids received for a tax foreclosure property located at 2621 Meyers Street that is needed for the HB 110 process of the Land Transfer Program - Financing: No cost consideration to the City

10. Authorize acquisition, including the exercise of eminent domain, if such becomes necessary, from Gail Ann Tyre, Marshall Binion Tyre III, Linda Louise Otten, Janis Tackett, and Wade Allen Tyre for a tract of land containing approximately 8,885 square feet located near the intersection of Pine Row and Western Avenue for the Dallas Eco Park Project - $3,250 - Financing: Public/Private Partnership Funds

11. A resolution authorizing the sale of a total of approximately 83,478 square feet of unwanted and unneeded City-owned land located near the intersection of Live Oak and Cantegral Streets to the only bidder, Margaux City Lights Partners, Ltd. - Revenue: $3,405,000
ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Economic Development

12. Authorize a professional services contract with Freese and Nichols, Inc. for the design of site improvements for the Dallas Eco Park located at Simpson Stuart Road and Locust Drive - Not to exceed $72,488 - Financing: Public/Private Partnership Funds

13. Authorize a second amendment to the development agreement with Presideo Investment, Inc., previously approved on September 14, 2005, by Resolution No. 05-2638, for Buzz Condominiums in Tax Increment Financing District Number Four (Cedars TIF District) to add a budget category for construction management in the amount of $28,946 and to reduce the budgeted amount for infrastructure replacement in the amount of ($28,946), from $178,129 to $149,183 - Financing: No cost consideration to the City

Equipment & Building Services

14. Authorize an increase in the contract with Reeves Construction Services, Inc. for the renovation of the Police Quartermaster building located at 1600 South Lamar Street for additional improvements and repairs including the upgrade of electrical elevator wiring, waterproofing the basement walls and existing utility access box, painting, structural repairs, and the installation of light fixtures in order to comply with the City Code - $72,141, from $1,311,248 to $1,383,389 - Financing: Current Funds

Housing

15. Authorize a loan to Sphinx Development Corporation, or if tax credits are granted, to SDC Fiji Senior, L.P., a single asset entity, for the acquisition, demolition, and eligible soft costs, associated with the construction of a 130-unit multi-family residential development for seniors located at 201 Fran Way - $1,200,000 - Financing: 2006-07 Community Development Grant Reprogramming Funds

Park & Recreation

16. Authorize an increase in the contract with Billy L. & Joan Nabors, Inc. for the demolition of additional buildings located at 1906 Main Street, 1920 Main Street, 1924 Main Street, and two buildings at 1928 Main Street, and sidewalks for the construction of the Main Street Garden Park located at 1917 Commerce Street - $60,000, from $251,000 to $311,000 - Financing: 2006 Bond Funds
ADDENDUM
CITY COUNCIL MEETING
JUNE 27, 2007

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Park & Recreation (Continued)

17. Authorize Supplemental Agreement No. 5 to the contract with Brown, Reynolds and Watford Architects, Inc. for (1) the production of video and audio components for the orientation and exhibit areas of the Trinity River Audubon Center; and, (2) modification of the original scope of work to provide basic service, and special services for a master plan for a multi-phase development for the Texas Horse Park - $130,055, from $3,488,250 to $3,618,305 - Financing: 1998 Bond Funds

Police

18. Authorize a second amendment to the lease agreement with 3317, Ltd. to extend the lease for an additional 3-year period for the continued use of approximately 2,679 square feet of office space and eight secured designated parking spaces located at 4515 Maple Avenue for the Police Neighborhood Assistance Center from July 1, 2007 through June 30, 2010 - $56,412 - Financing: Current Funds (subject to annual appropriations)

Public Works & Transportation

19. Authorize (1) a contract for the construction of Phase VI street and streetscape improvements at Zang Boulevard and Colorado Boulevard at the Lake Cliff Tower located at 329 E. Colorado Boulevard with Allied Builders, Inc., lowest responsible bidder of three, in an amount not to exceed $410,266; and (2) assignment of the contract to Top Dog - Oak Cliff, L.P. for construction management - Total not to exceed $410,266 - Financing: 1995 Bond Funds ($365,581) and Oak Cliff Gateway TIF District Funds ($44,685) (to be advanced by the developer)

20. Authorize final payment to the Texas Department of Transportation for the design and construction of paving improvements at the Chalk Hill Road and Cockrell Hill Road interchange with IH 30 - $246,796 - Financing: 2006 Bond Funds

21. Authorize payment to the North Central Texas Council of Government for the City's participation in the fifth year of the Integrated Storm Water Management process for development of a comprehensive drainage criteria and design manual for use in both municipal and private development - Not to exceed $40,955 - Financing Current Funds (to be reimbursed by Storm Water Drainage Management Funds)
ADDENDUM
CITY COUNCIL MEETING
JUNE 27, 2007

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Public Works & Transportation (Continued)

22. Authorize a contract for the construction of Fire Station No. 35 to be located at 3839 Walnut Hill Lane - CME Builders & Engineers, Inc., best value proposer of three - $3,091,971 - Financing: 2003 Bond Funds

Note: Item Nos. 23 and 24 must be considered collectively.

Fiji-Compton Project

23. * Authorize an amendment to Resolution No. 06-3473, previously approved on December 13, 2006, to authorize (1) payment to the North Central Texas Council of Governments for the City's share of design, right-of-way acquisition, and construction of infrastructure improvements in the amount of $702,997, (2) the receipt and deposit of advanced funds from the North Central Texas Council of Governments in an amount not to exceed $702,997, and (3) an increase in appropriations in the amount of $702,997 in the Capital Projects Reimbursement Fund - Total not to exceed $702,997 - Financing: 2003 Bond Funds

24. * Authorize an amendment to Resolution No. 06-3474, previously approved on December 13, 2006, to authorize payment to Sphinx Development Corporation for the design, right-of-way acquisition, and construction of paving and drainage related infrastructure improvements - $3,514,983 - Financing: Capital Projects Reimbursement Funds

Sanitation

25. Ratify an emergency services contract for the clean-up and removal of debris from damaged property caused by recent storms - Baldwin Tree and Disaster Relief Service - $259,200 - Financing: Current Funds

Water Utilities

26. Authorize an increase in the service contract with AXON Solutions, Inc. to exchange the software with Veritas clustering software and third party implementation services for the Pay1 Project - $102,329, from $11,692,494 to $11,794,823 - Financing: 2006 Water Revenue Bond Funds

27. Ratify an emergency purchase of a replacement pinion gear set for the water clarifier at the Elm Fork Water Treatment Plant - Siemens Water Technologies Corporation - $61,303 - Financing: Water Utilities Capital Construction Funds
ADDENDUM
CITY COUNCIL MEETING
JUNE 27, 2007

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Water Utilities (Continued)

28. Ratify an emergency purchase of 17 ammonia/chlorine analyzers to monitor raw and treated water at all three water treatment plants and throughout the distribution system - Hach Company - $422,792 - Financing: Water Utilities Capital Construction Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Attorney's Office

29. Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Bell, Nunnally & Martin L.L.P. for additional legal services necessary to represent the City in the lawsuit styled Roland R. Gamez v. The City of Dallas, Texas, Civil Action No. 2:06-CV-150-TJW - Not to exceed $250,000, from $150,000 to $400,000 - Financing: Current Funds

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Development Services

ZONING CASES - CONSENT

30. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the preservation criteria and additions to the uses for Historic Overlay No. 35 on property zoned an R-1ac(A) Single Family District on White Rock Road, east of Lawther Drive
Recommendation of Staff and CPC: Approval, subject to preservation criteria Z067-240(MW)

ZONING CASES - INDIVIDUAL

31. A public hearing to receive comments regarding an application for a Planned Development District for RR Regional Retail District, IM Industrial Manufacturing District and IR Industrial Research District uses on property zoned an IM Industrial Manufacturing District and IR Industrial Research District, in an area generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue
Recommendation of Staff and CPC: Approval of a Planned Development District for RR Regional Retail District uses, subject to a conceptual plan and conditions Z067-188(WE)
ADDENDUM  
CITY COUNCIL MEETING  
JUNE 27, 2007

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Department of Development Services (Continued)

ZONING CASES - INDIVIDUAL (Continued)

32. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for certain nonresidential uses on property zoned an MF-2(A) Multifamily District, an R-7.5(A) Single Family District, an IR Industrial Research District, an IM Industrial Manufacturing District, a CR Community Retail District, and an A(A) Agricultural District on property generally bounded by IH 20, J.J. Lemmon Road, Wintergreen Road, and Bonnie View Road and a resolution terminating existing deed restrictions on a portion of the site that prohibit certain uses as well as provide for certain development standards
Recommendation of Staff: Approval of the requested Planned Development District, to be known as the Dallas Logistics Hub Special Purpose District, subject to staff's recommended conditions, and approval of the termination of deed restrictions that encumber a portion of the site.
Recommendation of CPC: Approval of the requested Planned Development District, to be known as the Dallas Logistics Hub Special Purpose District, subject to recommended conditions, and approval of the termination of deed restrictions that encumber a portion of the site.
Z067-158(RB)

33. A public hearing to receive comments regarding an application for and an ordinance granting an LI Light Industrial District on property zoned Planned Development District No. 673 east of Lancaster Road between Cedardale Road and Telephone Road
Recommendation of Staff and CPC: Approval
Z067-213 (JH)
CORRECTION:

Housing

47. Authorize a loan to Carpenter’s Point, L.P., for the amendment to Resolution No. 07-0709, previously approved on February 28, 2007, replacing HOME financing with Community Development Block Grant Funds and authorizing a loan agreement with Carpenter’s Point, L.P., to be used for eligible acquisition, clearance, building removal and pre-development costs associated with the new construction of the proposed Frazier Berean residential development for seniors located at 3326 Mingo Street, a 150-unit senior apartment complex that will provide housing for low- and moderate-income households - $750,000 - Financing: 2006-07 Community Development Grant Reprogramming Funds ($100,000); 2006-07 Community Development Grant Funds ($650,000)

DELETION:

Department of Development Services

54. A public hearing to receive comments regarding an application for a Planned Development District for MF-2(A) Multifamily District Uses on property zoned a CR Community Retail District, on the northeast line of Emerald Isle, north of Garland Road Recommendation of Staff: Approval, subject to a conceptual plan and staff’s recommended conditions Recommendation of CPC: Denial Z056-252(RB)
<table>
<thead>
<tr>
<th>ITEM</th>
<th>OK</th>
<th>DEF</th>
<th>DISTRICT</th>
<th>TYPE</th>
<th>DEPT.</th>
<th>DOLLARS</th>
<th>LOCAL</th>
<th>MWBE</th>
<th>DESCRIPTION</th>
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<td>All</td>
<td>C</td>
<td>PBD, FIR</td>
<td>$5,238,662.00</td>
<td>0.00%</td>
<td>0.00%</td>
<td>Authorize the purchase of 5 fire pumpers, 5 brush trucks, 1 aerial ladder truck, 19 ambulances, and 2 battalion chief vehicles</td>
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<td>2</td>
<td>1, 4</td>
<td>C</td>
<td>PBD, PKR</td>
<td>$86,397.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>Authorize the purchase of a trailer mounted vacuum excavation cleaning system for the Dallas Zoo</td>
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<td>3</td>
<td>14</td>
<td>C</td>
<td>PBD, AVI</td>
<td>$6,500,000</td>
<td>NA</td>
<td>NA</td>
<td>Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Stutzman, Bronberg, Esserman &amp; Plifka for additional legal services necessary in connection with the Union Terminal Lease Agreement with Hunt-Woodbine Realty Corporation and related matters</td>
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<td>4</td>
<td>2</td>
<td>C</td>
<td>ATT</td>
<td>$30,000.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>Authorize a sixty-month concession contract, with three twelve-month renewal options, for advertising display concession services at Dallas Love Field</td>
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<td>5</td>
<td>N/A</td>
<td>C</td>
<td>ATT</td>
<td>$1,550,000.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize settlement of a lawsuit styled Roland R. Gamez v. City of Dallas, Civil Action No. 2:06-CV-150-TJW</td>
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<td>6</td>
<td>All</td>
<td>C</td>
<td>AUD</td>
<td>$62,000.00</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance abandoning air and subsurface rights to Dunhill 1530 Main, L.P., the abutting owner, containing a total of approximately 458 square feet of space located over and under Main Street near its intersection with Stone Place, and authorizing the quiet title</td>
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<td>7</td>
<td>14</td>
<td>C</td>
<td>DDS</td>
<td>$14,004</td>
<td>NA</td>
<td>NA</td>
<td>An ordinance granting a private license to Dunhill 1530 Main, L.P., the abutting owner, for the use of approximately 1,052 square feet of land to construct, use and maintain a sidewalk café, entrance do...</td>
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<td>8</td>
<td>14</td>
<td>C</td>
<td>DDS</td>
<td>$4,772</td>
<td>NA</td>
<td>NA</td>
<td>Authorize the rejection of bids received for a tax foreclosure property located at 2621 Meyers Street that is needed for the HB 110 process of the Land Transfer Program</td>
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<td>9</td>
<td>7</td>
<td>C</td>
<td>DDS</td>
<td>$3,250.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize acquisition, including the exercise of eminent domain, if such becomes necessary, from Gail Ann Tyre, Marshall Binion Tyre III, Linda Louise Otten, Janis Tackett, and Wade Allen Tyre for a tract of land containing approximately 8,885 square feet located near the intersection of Pine Row &amp; Western Avenue for the Dallas Eco Park Project</td>
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<td>10</td>
<td>5</td>
<td>C</td>
<td>DDS</td>
<td>$3,405,000</td>
<td>NA</td>
<td>NA</td>
<td>A resolution authorizing the sale of a total of approximately 83,478 square feet of unwanted and unneeded City-owned land located near the intersection of Live Oak and Cantegral Streets to the only bidder, Margaux City Lights Partners, Ltd.</td>
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<td>11</td>
<td>14</td>
<td>C</td>
<td>DDS</td>
<td>$72,488.00</td>
<td>100.00%</td>
<td>27.59%</td>
<td>Authorize a second amendment to the development agreement with Presideo Investment, Inc. for Buzz Condominiums in Tax Increment Financing District Number Four (Cedars TIF District) to add budget category for construction management &amp; reduce amount for infrastructure replacement</td>
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<td>12</td>
<td>5</td>
<td>C</td>
<td>ECO, PWT</td>
<td>$72,141.00</td>
<td>100.00%</td>
<td>4.46%</td>
<td>Authorize a loan to Sphinx Development Corporation, or if tax credits are granted to SDC Fiji Senior, L.P., a single asset entity, for the acquisition, demolition, and eligible soft costs, associated with the construction of a 130-unit multi-family residential development of seniors @ 201 Fran Way</td>
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<td>ITEM</td>
<td>IND</td>
<td>DISTRICT</td>
<td>TYPE</td>
<td>DEPT.</td>
<td>DOLLARS</td>
<td>LOCAL</td>
<td>MWBE</td>
<td>DESCRIPTION</td>
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<td>16</td>
<td>14</td>
<td>C</td>
<td>PKR</td>
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<td>$60,000.00</td>
<td>100.00%</td>
<td>8.02%</td>
<td>Authorize an increase in the contract with Billy L. &amp; Joan Nabors, Inc. for the demolition of additional buildings located at 1906 Main Street, 1920 Main Street, 1924 Main Street, and two buildings at 1928 Main Street, and sidewalks for the construction of the Main Street Garden Park @ 1917 Commerce Street.</td>
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<td>17</td>
<td>5</td>
<td>C</td>
<td>PKR, TRC</td>
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<td>$130,055.00</td>
<td>0.00%</td>
<td>22.81%</td>
<td>Authorize Supplemental Agreement No. 5 to the contract with Brown, Reynolds and Watford Architects, Inc. for production of video &amp; audio components for the orientation &amp; exhibit areas of the Trinity River Audubon Center &amp; modification of original scope of work for multi-phase development for the Texas Horse Park.</td>
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<td>18</td>
<td>2</td>
<td>C</td>
<td>POL</td>
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<td>$56,412.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize a second amendment to the lease agreement with 3317, Ltd. to extend the lease for an additional 3-year period for the continued use of approx 2,679 square feet of office space &amp; 8 secured designated parking spaces located @ 4515 Maple Avenue for Police Neighborhood Assistance Center from 7/1/07-6/30/10.</td>
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<td>19</td>
<td>1</td>
<td>C</td>
<td>PWT, ECO</td>
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<td>$410,266.00</td>
<td>71.24%</td>
<td>100.00%</td>
<td>Authorize a contract for the construction of Phase VI street &amp; streetscape improvements at Zang Boulevard and Colorado Boulevard at the Lake Cliff Tower located at 329 E. Colorado Boulevard with Allied Builders, Inc. &amp; assign contract to Top Dog - Oak Cliff, L.P. for construction management.</td>
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<td>20</td>
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<td>C</td>
<td>PWT</td>
<td></td>
<td>$246,795.15</td>
<td>NA</td>
<td>NA</td>
<td>Authorize final payment to the Texas Department of Transportation for the design and construction of paving improvements at the Chalk Hill Road and Cockrell Hill Road interchange with IH 35.</td>
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<td>21</td>
<td>All</td>
<td>C</td>
<td>PWT</td>
<td></td>
<td>$40,955.00</td>
<td>NA</td>
<td>NA</td>
<td>Authorize payment to the North Central Texas Council of Government for the City's participation in the fifth year of the Integrated Storm Water Management process for development of a comprehensive drainage criteria and design manual for use in both municipal &amp; private development.</td>
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<td>22</td>
<td>13</td>
<td>C</td>
<td>PWT</td>
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<td>$3,091,971.00</td>
<td>45.77%</td>
<td>25.02%</td>
<td>Authorize a contract for the construction of Fire Station No. 35 to be located at 3839 Walnut Hill Lane.</td>
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<td>23</td>
<td>4</td>
<td>C</td>
<td>PWT</td>
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<td>$702,997.00</td>
<td>NA</td>
<td>NA</td>
<td>Fiji-Compton Project: Authorize an amendment to Resolution No. 06-3473, previously approved on December 13, 2006, to authorize payment to the North Central Texas Council of Governments for the City's share of design, right-of-way acquisition &amp; construction of infrastructure improvements.</td>
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<td>24</td>
<td>4</td>
<td>C</td>
<td>PWT</td>
<td></td>
<td>$410,266.00</td>
<td>71.24%</td>
<td>100.00%</td>
<td>Fiji-Compton Project: Authorize an amendment to Resolution No. 06-3474, previously approved on December 13, 2006, to authorize payment to Sphinx Development Corporation for the design, right-of-way acquisition &amp; construction of paving &amp; drainage related infrastructure improvements.</td>
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<td>25</td>
<td>All</td>
<td>C</td>
<td>SAN</td>
<td>GT</td>
<td>$259,200.00</td>
<td>0.00%</td>
<td>0.00%</td>
<td>Ratify an emergency services contract for the clean-up and removal of debris from damaged property caused by recent storms.</td>
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<td>26</td>
<td>All</td>
<td>C</td>
<td>WTR, CIS</td>
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<td>$102,329.00</td>
<td>0.00%</td>
<td>22.19%</td>
<td>Authorize an increase in the service contract with AXON Solutions, Inc. to exchange the software with Veritas clustering software and third party implementation services for the Pay1 Project.</td>
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<td>27</td>
<td>All</td>
<td>C</td>
<td>WTR</td>
<td></td>
<td>$61,303.00</td>
<td>NA</td>
<td>NA</td>
<td>Ratify an emergency purchase of a replacement pinion gear set for the water clarifier at the Elm Fork Water Treatment Plant.</td>
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<td>28</td>
<td>All</td>
<td>C</td>
<td>WTR</td>
<td></td>
<td>$422,791.30</td>
<td>NA</td>
<td>NA</td>
<td>Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Bell, Nunnally &amp; Martin L.L.P. for additional legal services necessary to represent the City in the lawsuit styled Roland R. Gamez v. The City of Dallas, Texas, Civil Action No. 2:06-CV-150-TJW.</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>N/A</td>
<td>I</td>
<td>ATT</td>
<td></td>
<td>$250,000.00</td>
<td>100.00%</td>
<td>0.00%</td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the preservation criteria and additions to the uses for Historic Overlay No. 35 on property zoned an R-1ac(A) Single Family District on White Rock Road, east of Lawther Drive.</td>
<td></td>
</tr>
<tr>
<td>ITEM</td>
<td>ADDENDUM DATE</td>
<td>DISTRICT TYPE</td>
<td>DEPT.</td>
<td>DOLLARS</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>June 27, 2007</td>
<td>RR Regional Retail District, IM Industrial Manufacturing District and IR Industrial Research</td>
<td>PH DDS</td>
<td>NC NA NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td></td>
<td>IM Industrial Manufacturing &amp; IR Industrial Research in area bounded by West Mockingbird Lane, Forest Park Road, Empire Central &amp; Maple Avenue</td>
<td>PH DDS</td>
<td>NC NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td></td>
<td>A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for certain nonresidential uses on property zoned as MF-2(A), R-7.5(A), IR Industrial Manufacturing, CR Community Retail &amp; A Agricultural &amp; a resolution terminate existing deed restriction</td>
<td>PH DDS</td>
<td>NC NA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**GRAND TOTAL**: $12,950,012.45
KEY FOCUS AREA: Public Safety & Homeland Security

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire
Public Works & Transportation

CMO: Dave Cook, 670-7804
Ryan S. Evans, 670-3314
Ramon F. Miguez, P.E., 670-3308

MAPSCO: N/A

SUBJECT
Authorize the purchase of 5 fire pumpers, 5 brush trucks, 1 aerial ladder truck, 19 ambulances, and 2 battalion chief vehicles - Metro Fire Apparatus Specialists in the amount of $2,449,867, Tyler Motor Company, Inc. in the amount of $2,153,479, J & J Acquisitions dba S & S Fire Apparatus Co. in the amount of $561,875, and Philpott Motors, Inc. in the amount of $73,441, through the Houston-Galveston Area Council of Governments - Total not exceed $5,238,662 - Financing: Current Funds ($2,046,659), 2006 Equipment Acquisition Contractual Obligation Notes ($1,361,865), 2005 Equipment Acquisition Contractual Obligation Notes ($500,000), 2004 Equipment Acquisition Contractual Obligation Notes ($500,000), 2003 Equipment Acquisition Contractual Obligation Notes ($186,005), 2001 Equipment Acquisition Contractual Obligation Notes ($193,007), 2003 Bond Funds ($451,126)

BACKGROUND
Competitive bids were issued on April 19, 2007 and opened on May 9, 2007. A total of five bids were received. Bid pricing was then compared to Texas local cooperative purchasing agreements, and it was determined that the Houston-Galveston Area Council of Government provided the most advantageous pricing to the City. H-GAC pricing total is $5,238,662.00 compared to Competitive bids total of $5,328,346.00. Therefore by going with H-GAC pricing the City will save $89,684.00.

The Houston-Galveston Area Council of Government currently has fire pumpers, brush truck, aerial ladder trucks, ambulances, and battalion chief vehicles under contract that meet Dallas Fire Department specifications. Metro Fire Apparatus Specialists supplies the fire pumpers, aerial ladder trucks, J & J Acquisitions dba S & S Fire Apparatus Co. supplies the brush trucks. Tyler Motor Company, Inc. manufactures the rescue units. Philpott Motors, Inc. will supply the battalion chief vehicles. The vehicles meet the approved apparatus replacement criteria and will replace existing fire equipment.
BACKGROUND (Continued)

H-GAC conforms to the requirements of Texas Statutes that are applicable to competitive bids and proposals. In addition, H-GAC bids is a national environment and receives bids from manufacturers and dealers throughout the United States. The fire apparatus and rescue equipment contract is the second largest contract that H-GAC administers with equipment sales in sixteen states in addition to Texas.

Replacement Criteria:

- Fire Pumpers – 12 years
- Brush Trucks – 15 years
- Aerial Ladder Trucks – 15 years
- Ambulances – 3 years and/or 80,000 miles
- Battalion Chief Vehicles/Utility Vehicles – 7 years and/or 85,000 miles

The Dallas Fire-Rescue Department responded to 114,585 emergency calls in fiscal year 05-06.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 25, 2006, City Council authorized the purchase of fire pumpers, battalion chief vehicles, aerial ladder trucks, and rescue units by Resolution #06-0316.

On December 8, 2004, City Council authorized the purchase of fire pumpers, battalion chief vehicles, aerial ladder trucks, and rescue units by Resolution #04-3439.

On December 8, 2003, City Council authorized the purchase of fire pumpers, battalion chief vehicles, and aerial ladder trucks by Resolution #03-3325.

FISCAL INFORMATION

- $2,046,659.00 - Current Funds
- $1,361,865.00 - 2006 Equipment Acquisition Contractual Obligation Notes
- $500,000.00 - 2005 Equipment Acquisition Contractual Obligation Notes
- $500,000.00 - 2004 Equipment Acquisition Contractual Obligation Notes
- $186,005.00 - 2003 Equipment Acquisition Contractual Obligation Notes
- $193,007.00 - 2001 Equipment Acquisition Contractual Obligation Notes
- $451,126.00 - 2003 Bond Funds
M/WBE INFORMATION

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

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

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

ETHNIC COMPOSITION

Metro Fire Apparatus Specialists

Hispanic Female  0  Hispanic Male  1
Black Female  0  Black Male  1
Other Female  0  Other Male  0
White Female  3  White Male  22

Tyler Motor Company, Inc.

Hispanic Female  4  Hispanic Male  4
Black Female  1  Black Male  2
Other Female  0  Other Male  0
White Female  19  White Male  51

J & J Acquisitions dba S & S Fire Apparatus Co.

Hispanic Female  0  Hispanic Male  0
Black Female  0  Black Male  0
Other Female  0  Other Male  0
White Female  9  White Male  77

Philpott Motors, Inc.

Hispanic Female  1  Hispanic Male  11
Black Female  3  Black Male  16
Other Female  0  Other Male  2
White Female  30  White Male  151
BID INFORMATION

Competitive bids were issued on April 19, 2007 and opened on May 9, 2007. Bid pricing was then compared to Texas local cooperative purchasing agreements, and it was determined that the Houston-Galveston Area Council of Governments provided the most advantageous pricing to the City.

OWNERS

Metro Fire Apparatus Specialists
Craig N. Russell, President
Paulette Bazan, Secretary

Tyler Motor Company, Inc.
Pamela Hall, President

J & J Acquisitions dba S & S Fire Apparatus Co.
Steven A. Voss, President

Philpott Motors, Inc.
Robert Thewman, President
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize the purchase of 5 fire pumpers, 5 brush trucks, 1 aerial ladder truck, 19 ambulances, and 2 battalion chief vehicles - Metro Fire Apparatus Specialists in the amount of $2,449,867, Tyler Motor Company, Inc. in the amount of $2,153,479, J & J Acquisitions dba S & S Fire Apparatus Co. in the amount of $561,875, and Philpott Motors, Inc. in the amount of $73,441, through the Houston-Galveston Area Council of Governments - Total not exceed $5,238,662 - Financing: Current Funds ($2,046,659), 2006 Equipment Acquisition Contractual Obligation Notes ($1,361,865), 2005 Equipment Acquisition Contractual Obligation Notes ($500,000), 2004 Equipment Acquisition Contractual Obligation Notes ($500,000), 2003 Equipment Acquisition Contractual Obligation Notes ($186,005), 2001 Equipment Acquisition Contractual Obligation Notes ($193,007), 2003 Bond Funds ($451,126)

Metro Fire Apparatus Specialists, Tyler Motor Company, Inc., J & J Acquisitions dba S & S Fire Apparatus Co., and Philpott Motors, Inc. are non-local, non-minority firms, have signed the "Good Faith Effort" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$0.00</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$5,238,662.00</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$5,238,662.00</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors
None

Non-Local Contractors / Sub-Contractors
None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Hispanic American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
WHEREAS, on December 8, 2003, City Council authorized the purchase of fire pumpers, battalion chief vehicles, and aerial ladder trucks by Resolution #03-3325; and,

WHEREAS, on December 8, 2004, City Council authorized the purchase of fire pumpers, battalion chief vehicles, aerial ladder trucks, and rescue units by Resolution #04-3439; and,

WHEREAS, on January 25, 2006, City Council authorized the purchase of fire pumpers, battalion chief vehicles, aerial ladder trucks, and rescue units by Resolution #06-0316;

NOW, THEREFORE,

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

Section 1. That the purchase of 5 fire pumpers, 5 brush trucks, 1 aerial ladder truck, 19 ambulances, and 2 battalion chief vehicles is authorized with Metro Fire Apparatus Specialists in the amount of $2,449,867.00, Tyler Motor Company, Inc. in the amount of $2,153,479.00, J & J Acquisitions dba S & S Fire Apparatus Co. in the amount of $561,875.00, and Philpott Motors, Inc. in the amount of $73,441.00, through the Houston-Galveston Area Council of Governments in a total amount not to exceed $5,238,662.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for 5 fire pumpers, 5 brush trucks, 1 aerial ladder truck, 19 ambulances, and 2 battalion chief vehicles. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds from the following appropriation, in an amount not to exceed $5,238,662.00:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJECT</th>
<th>ENCUMBRANCE</th>
<th>AMOUNT</th>
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</thead>
<tbody>
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<td>2032</td>
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<tr>
<td>0534</td>
<td>DFD</td>
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<tr>
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<td>DFD</td>
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<td>4740</td>
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<td>DFD</td>
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<td>4740</td>
<td>RQSDFD00000025156</td>
<td>$ 57,691.00</td>
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<tr>
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<td>DFD</td>
<td>E243</td>
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<tr>
<td>0587</td>
<td>DFD</td>
<td>E243</td>
<td>4740</td>
<td>RQSDFD00000025150</td>
<td>$ 500,000.00</td>
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<tr>
<td>0588</td>
<td>DFD</td>
<td>E243</td>
<td>4740</td>
<td>RQSDFD00000025156</td>
<td>$ 500,000.00</td>
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<tr>
<td>0595</td>
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<td>E243</td>
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<td>RQSDFD00000025156</td>
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<td>RQSDFD00000025156</td>
<td>$ 337,785.00</td>
</tr>
</tbody>
</table>
Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the City Charter of the City of Dallas and it is accordingly so resolved.

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Office of Financial Services, 4FN
Fire
Public Works and Transportation
KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 1, 4

DEPARTMENT: Business Development & Procurement Services
            Park & Recreation

CMO: Dave Cook, 670-7804
     Paul D. Dyer, 670-4071

MAPSCO: 55E, 54H, 54M, 55J

SUBJECT
Authorize the purchase of a trailer mounted vacuum excavation cleaning system for the Dallas Zoo - Vermeer Equipment of Texas, Inc., lowest responsible bidder of two - Not to exceed $86,397 - Financing: Current Funds

BACKGROUND
This equipment will allow for general upkeep and cleaning of cages, moats, exhibit areas and drains at the Dallas Zoo. The Vermeer Vac-Tron Super Diesel excavation system is designed for the removal of a variety of wet and dry materials. The 850 gallon spoil tank comes equipped with a hydraulic rear door, which opens fully so the operator can completely empty the contents. The unit applies high pressure water for breaking up compacted waste. The forty-nine horse power, water cooled, diesel engine allows for operation of the vacuum pump. The Vermeer Vac-Tron's thirty-three foot suction hose is attached to a boom and allows the Dallas Zoo staff to clean hard to reach areas. This item will allow the Dallas Zoo to easily remove wood chips, sawdust, yard waste, sewer jetting, sludge pits and animal pen waste. Other functions include grease trap removal, clearing blockages in plumbing and installing ground posts.

Vermeer Equipment of Texas, Inc. is a 100% employee owned company. Because of this, each dealer location is a separate corporate entity with separate tax identification numbers.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)
The Park and Recreation Board approved the purchase on June 7, 2007.

FISCAL INFORMATION
$86,397.00 - Current Funds
M/WBE INFORMATION

11 - Vendors Contacted
11 - No response
  0 - Response (bid)
  0 - Response (no bid)
  0 - Successful

165 - M/WBE and Non-M/WBE vendors were contacted.

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

ETHNIC COMPOSITION

Vermeer Equipment of Texas, Inc. (Irving)

<table>
<thead>
<tr>
<th></th>
<th>Hispanic Female</th>
<th>Hispanic Male</th>
<th>Black Female</th>
<th>Black Male</th>
<th>Other Female</th>
<th>Other Male</th>
<th>White Female</th>
<th>White Male</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3</td>
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<td>2</td>
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<td>22</td>
<td>89</td>
</tr>
</tbody>
</table>

BID INFORMATION

The following bids were received and opened on March 1, 2007. This purchase is being awarded to the lowest responsive and responsible bidder.

*Denotes successful bidder

<table>
<thead>
<tr>
<th>Bidders</th>
<th>Address</th>
<th>Amount of Bid</th>
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</thead>
<tbody>
<tr>
<td>*Vermeer Equipment</td>
<td>3025 N. State Highway 161</td>
<td>$86,397.00</td>
</tr>
<tr>
<td>of Texas, Inc. (Irving)</td>
<td>Irving, Texas 75062</td>
<td></td>
</tr>
<tr>
<td>(Irving Dealership)</td>
<td></td>
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</tr>
<tr>
<td>Vermeer Equipment</td>
<td>6536 Old Dallas Rd.</td>
<td>$89,797.00</td>
</tr>
<tr>
<td>of Texas, Inc. (Elm Mott</td>
<td>Elm Mott, Texas 76640</td>
<td></td>
</tr>
<tr>
<td>Dealership)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

OWNER

Vermeer Equipment of Texas, Inc. (Irving)

Whit Perryman, President
Mark Krueger, Chief Operations Officer
Elizabeth Womack, Secretary
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize the purchase of a trailer mounted vacuum excavation cleaning system for the Dallas Zoo - Vermeer Equipment of Texas, Inc., lowest responsible bidder of two - Not to exceed $86,397 - Financing: Current Funds

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

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$86,397.00</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$0.00</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
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</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors
None

Non-Local Contractors / Sub-Contractors
None

TOTAL M/WBE CONTRACT PARTICIPATION

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

Section 1. That the purchase of a trailer mounted vacuum excavation cleaning system for the Dallas Zoo is authorized with Vermeer Equipment of Texas, Inc. (048268) in an amount not to exceed $86,397.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for a trailer mounted vacuum excavation cleaning system for the Dallas Zoo. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds from the following appropriation, in an amount not to exceed $86,397.00:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJECT</th>
<th>ENCUMBRANCE #</th>
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<tr>
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<td>5244</td>
<td>4890</td>
<td>RQS-PKR-00000022950</td>
</tr>
</tbody>
</table>

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

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Office of Financial Services, 4FN
Park and Recreation Department
KEY FOCUS AREA: Staff Accountability

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 14

DEPARTMENT: Business Development & Procurement Services
Aviation

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

MAPSCO: 34E

SUBJECT

Authorize a sixty-month concession contract, with three twelve-month renewal options, for advertising display concession services at Dallas Love Field - JCDecaux Airport, Inc., most advantageous proposer of two - Estimated Revenue: $6,500,000

BACKGROUND

In September 2000, JCDecaux was awarded the advertising concession contract at Love Field through the competitive Request For Proposal (RFP) process, for a period of sixty-months. Following the events of 911 and decreased passenger traffic, a Supplemental Agreement, dated April 9, 2003, was approved by Council which effectively reduced the Minimum Annual Guarantee (“MAG”) in years two and three but did not reduce the contract MAG for years three through five. The Supplemental Agreement did not affect the contract term.

The contract expired May 31, 2006 and was extended by Administrative Action under the existing terms and conditions, with the City receiving 67.6% of Gross Revenues. Staff initiated the extension, under an Interim Concession Agreement, to allow for an evaluation of alternative approaches to ensure that the department chose the most advantageous method to providing advertising services, maximizing revenues and examining operating costs. Staff was allowed time to review trends at other airports which included in-house operations, management contracts as well as concession agreements. This process led to the conclusion that a concession agreement was the best approach for the Dallas Love Field Advertising Program. The examination of these various methodologies as well as the development of the new specifications required the additional time provided by the extension.
BACKGROUND (Continued)

Through the RFP process, competitive proposals were solicited from qualified firms to develop, construct, install, operate, maintain and sell advertising for dioramas, spectaculars, illuminated floor-mounted and suspended showcases, wall wraps, exhibit displays and such other advertising media in the approved locations within the Airport Terminal Building and Exterior Advertising Locations at the Airport. A layout of the approved locations was included in the specifications and depicted the quantity, the current type of unit and description of the location.

The proposers were informed in the RFP specifications and during the pre-proposal conference that the Love Field Modernization Program (“LFMP”) will commence during the contract period and that all airport users, including concessionaires, are likely to be inconvenienced by changing passenger traffic flow, relocation of various functions, activities and tenants and otherwise disrupting the conditions under which we all operate. With the expected construction and renovations, Aviation intends to work with all concessionaires to minimize disruptions to operations. There are no provisions in the RFP or contract that provides reduction or revisions to any of the terms due to the LFMP.

The primary objective of this solicitation was to select an experienced and qualified firm to provide the specified advertising display services and to provide the City with maximum revenues. The proposal specified that submittals would be evaluated based on twenty percent for “Experience and Capability”; fifteen percent for “Financial Strength”; fifteen percent for “Quality of the Advertising Plan”; and ten percent for “ACDBE Plan”. The Advertising Plan delineated the type and quantity of displays with the associated capital investment, projected revenue per display location for each sixty-month primary term, design and quality of the improvements and advertising rate information. The Financial Projections, including the MAG and percentage rent proposal, accounted for 40% of the total.

The primary term of the Agreement shall be for a sixty-month period from the effective date of the agreement. At the City’s sole discretion, the Agreement may be extended for three-twelve-month periods. The successful Proposer(s) shall pay the greater of the Minimum Annual Guarantee (MAG) or the percentage of the Gross Advertising Revenues arising from its operations in each year.

Two proposals were received May 18, 2007 from JCDecaux Airport, Inc., and Clear Channel Airports. Of these proposals, it is recommended that the proposal submitted by JCDecaux Airport, Inc. best meets the requirements and specifications of the City. JCDecaux Airport Inc., is a wholly owned subsidiary of JCDecaux North America Inc. The MAG will be adjusted annually to be 90% of the commissions paid to the City in the prior year, but in no event will the MAG be less than $1,300,000. This provision will increase the MAG as Love Field activity increases.

JCDecaux Airport Inc., is a wholly owned subsidiary of JCDecaux North America Inc.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Estimated Revenue: $6,500,000.00

M/WBE INFORMATION

2 - Vendors contacted
2 - No response
0 - Response
0 - Response (No bid)
0 - Successful

120 - M/WBE and Non-M/WBE vendors were contacted.

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

ETHNIC COMPOSITION

JCDecaux Airport, Inc.

Black Female 7 Black Male 11
Hispanic Female 8 Hispanic Male 39
Other Female 1 Other Male 12
White Female 48 White Male 77

PROPOSAL INFORMATION

The following proposals were received and opened on May 18, 2007. This concession contract is being awarded to the most advantageous proposer.

*Denotes successful proposer

<table>
<thead>
<tr>
<th>Proposers</th>
<th>Address</th>
<th>Points</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>*JCDecaux Airport, Inc.</td>
<td>3 Park Avenue, 33rd Floor</td>
<td>93.83</td>
<td>$6,500,000.00</td>
</tr>
<tr>
<td></td>
<td>New York, New York 10016</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clear Channel Airports</td>
<td>875 North Michigan Avenue</td>
<td>79.50</td>
<td>$5,000,000.00</td>
</tr>
<tr>
<td></td>
<td>Suite #1450</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chicago, Illinois 60611</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
OWNER

JCDecaux Airport, Inc.

Jean-Luc Decaux, President
Bernard Parisot, Co-Chief Financial Executive Officer
Gabrielle Brussel, Secretary
Laurence Raoult, Treasurer
WHEREAS, the advertising concession contract at the Dallas Love Field Airport Terminal Building expired on May 31, 2006 and has been extended on a month to month Interim Advertising Concession Agreement; and

WHEREAS, the Department of Business Development and Procurement Services sought proposals from interested advertising firms to effectively target promotional advertisements, displays, etc. to patrons within the Love Field Terminal Building for a term of sixty-months; and,

WHEREAS, Staff recommends that the proposal submitted by JCDecaux Airport, Inc. for providing advertising concession services at Dallas Love Field be accepted;

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 sixty-month concession contract, with three twelve-month renewal options, for advertising display concession services at Dallas Love Field with JCDecaux Airport, Inc., based on the proposal submitted and the recommendation of the Staff.

Section 2. That the revenue to be paid to the City for the sixty-month contract term, as outlined below, is hereby accepted and approved:

<table>
<thead>
<tr>
<th>Minimum Annual Guarantee</th>
<th>Year 1</th>
<th>$1,300,000.00</th>
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</thead>
<tbody>
<tr>
<td>Minimum Annual Guarantee</td>
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<td>Minimum Annual Guarantee</td>
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</tr>
<tr>
<td>Total Minimum Guarantee</td>
<td></td>
<td>$6,500,000.00</td>
</tr>
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</table>

Financial proposal is for the greater of a Minimum Annual Guarantee or a percentage of gross revenues. As such, the dollar amount of this contract may vary from year to year.

Section 3. That the City Controller is hereby authorized to deposit monthly revenue receipts to Fund 0130, Aviation Operating Fund, Dept AVI, Unit 7725, Revenue Source 7811.
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:

Aviation
Business Development and Procurement Services, 3FS
Office of Financial Services, 4FN
City Attorney’s Office, 7AN
City Auditor’s Office, 2FN
SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Stutzman, Bromberg, Esserman & Plifka for additional legal services necessary in connection with the Union Terminal Lease Agreement with Hunt-Woodbine Realty Corporation and related matters – Not to exceed $30,000, from $20,000 to $50,000 – Financing: Convention and Event Services Current Funds

BACKGROUND

The law firm of Stutzman, Bromberg, Esserman & Plifka was retained, pursuant to Administrative Action No. 07-1109, approved April 18, 2007, to provide legal services under the direction of the City Attorney in connection with the Union Terminal Lease Agreement between the City, as Lessor, and Hunt-Woodbine Realty Corporation, as Lessee (the “Lease Agreement”), and the following related matters: (i) the Development and Reimbursement Agreement with Hunt-Woodbine Realty Corporation for Union Terminal Capital Improvements, (ii) the proposed Second Amendment to Lease Agreement (the Amended and Restated Union Terminal Lease), (iii) the contract compliance audit of the Union Terminal Lease Agreement, and (iv) such other miscellaneous services related to the foregoing and to the Reunion Master Agreement, for a contract amount not to exceed $20,000. The additional legal services of Stutzman, Bromberg, Esserman & Plifka are necessary in connection with the foregoing matters, and any other matters involving Union Station and the Reunion Master Agreement as may be assigned to Stutzman, Bromberg, Esserman & Plifka by the City Attorney, from time to time.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Economic Development and Housing Committee was briefed on June 4 and June 18, 2007.
FISCAL INFORMATION

$30,000 – Convention and Event Services Current Funds

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Stutzman, Bromberg, Esserman & Plifka

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
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<tr>
<td>White Male</td>
<td>24</td>
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</tr>
<tr>
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<td>2</td>
</tr>
<tr>
<td>Hispanic Male</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Other Male</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>White Female</td>
<td></td>
<td></td>
</tr>
<tr>
<td>African-American Female</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic Female</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Female</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

OWNER

Stutzman, Bromberg, Esserman & Plifka

John E. Bromberg, Shareholder
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Stutzman, Bromberg, Esserman & Plifka for additional legal services necessary in connection with the Union Terminal Lease Agreement with Hunt-Woodbine Realty Corporation and related matters – Not to exceed $30,000, from $20,000 to $50,000 – Financing: Convention and Event Services Current Funds

Stutzman, Bromberg, Esserman & Plifka is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
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<th>Amount</th>
<th>Percent</th>
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<td>Non-local contracts</td>
<td>$0.00</td>
</tr>
<tr>
<td>TOTAL THIS ACTION</td>
<td>$30,000.00</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

<table>
<thead>
<tr>
<th>This Action</th>
<th>Participation to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount</td>
<td>Percent</td>
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<tr>
<td>African American</td>
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</tr>
<tr>
<td>Hispanic American</td>
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</tr>
<tr>
<td>Asian American</td>
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</tr>
<tr>
<td>Native American</td>
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<td>WBE</td>
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<tr>
<td>Total</td>
<td>$0.00</td>
</tr>
</tbody>
</table>
WHEREAS, pursuant to Administrative Action No. 07-1109, approved on April 18, 2007, the City entered into a professional services contract with the law firm of Stutzman, Bromberg, Esserman & Plifka to provide legal services under the direction of the City Attorney in connection with the Union Terminal Lease Agreement between the City, as Lessor, and Hunt-Woodbine Realty Corporation, as Lessee (the “Lease Agreement”), and the following related matters: (i) the Development and Reimbursement Agreement with Hunt-Woodbine Realty Corporation for Union Terminal Capital Improvements, (ii) the proposed Second Amendment to Lease Agreement (the Amended and Restated Union Terminal Lease), (iii) the contract compliance audit of the Union Terminal Lease Agreement, and (iv) such other miscellaneous services related to the foregoing and to the Reunion Master Agreement, for a contract amount not to exceed $20,000; and

WHEREAS, the legal services of Stutzman, Bromberg, Esserman & Plifka continue to be necessary for these matters; Now, Therefore,

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

SECTION 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the professional services contract with the law firm of Stutzman, Bromberg, Esserman & Plifka for additional legal services and related expenses necessary in the above-referenced matters, and any other matters involving Union Station and the Reunion Master Agreement as it may be assigned to Stutzman, Bromberg, Esserman & Plifka by the City Attorney, from time to time, in an amount not to exceed $30,000, increasing the original contract amount from $20,000 to $50,000.

SECTION 2. That the City Controller is authorized to disburse additional periodic payments in an amount not to exceed $30,000 to Stutzman, Bromberg, Esserman & Plifka in accordance with the terms of the contract and Supplemental Agreement No. 1, from Fund 0080, Department CCT, Unit 7840, Obj. 3070, Encumbrance No. CCT7870I0001, Vendor No. 508597.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
Authorize settlement of a lawsuit styled Roland R. Gamez v. City of Dallas, Civil Action No. 2:06-CV-150-TJW - Not to exceed $1,550,000 - Financing: Current Funds

BACKGROUND

Plaintiff is represented by attorneys R. Jack Ayres, Jr., Chris S. Ayres and J. Mark Mann.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)


FISCAL INFORMATION

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

$1,550,000 - Current Funds
WHEREAS, a lawsuit, styled Roland R. Gamez v. City of Dallas, Civil Action No. 2:06-CV-150-TJW, was filed by Plaintiff seeking compensation in the amount of $3,000,000 from the City of Dallas for damages allegedly caused by employees of the Dallas Fire Rescue Department; and

WHEREAS, Plaintiff, through his attorneys, R. Jack Ayres, Jr., Chris S. Ayres and J. Mark Mann, have agreed to settle this lawsuit for the amount not to exceed $1,550,000 and other consideration; Now, Therefore,

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

SECTION 1. That the settlement of the lawsuit styled Roland R. Gamez v. City of Dallas, Civil Action No. 2:06-CV-150-TJW, in the amount not to exceed $1,550,000 and other consideration is hereby approved.

SECTION 2. That the City Controller is authorized to pay to Roland R. Gamez, and his attorneys, R. Jack Ayres, Jr., Chris S. Ayres, and J. Mark Mann, the amount of $1,550,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

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

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: City Auditor

CMO: Craig Kinton, 939-2520

MAPSCO: N/A

SUBJECT

Authorize a perpetual use license agreement with PWC Product Sales LLC to provide TeamMate Audit Management System software for the Office of the City Auditor to be used for the preparation and review of audit workpapers - Not to exceed $62,000 - Financing: Current Funds

BACKGROUND

TeamMate Audit Management System Software was developed by Price WaterhouseCoopers as a software system to aid and automate the management of the audit process.

TeamMate was designed to be used for all types of audits across a wide range of business applications. TeamMate automates the entire workpaper process including preparation, review, report generation, and global issue tracking.

TeamMate’s widespread popularity has been attributed to its powerful feature set which includes a database engine, complete replication module, automatic encryption, automatic file compression, and a bundled scanning software.

TeamMate has over 42,000 users around the world from more than 1,200 organizations representing many different industries. TeamMate can be easily customized to support all types of audits (e.g., compliance, contract, controls, government, information technology, insurance, investigations, regulatory, and security.)

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed to the City Council Finance, Audit and Accountability Committee on June 11, 2007. Moved and approved with reservations by the Committee with recommendation for consideration by the full Council. Additional information was requested by the Committee in regard to the requirement to have an annual software maintenance fee.
FISCAL INFORMATION

$62,000.00 - Current Funds

OWNER

PWC Product Sales LLC

Marilynn Kesslar
WHEREAS, the City of Dallas established and maintains the Office of the City Auditor to provide internal audit services to the City Council and to the Office of the City Manager; and,

WHEREAS, the City of Dallas supports effective management of City documents and records; and,

WHEREAS, the City of Dallas wishes to provide adequate technology and software to the Office of the City Auditor to create and manage workpapers and documents generated or acquired by the Office of the City Auditor; and,

WHEREAS, PWC PRODUCT SALES LLC has submitted a perpetual use licensing agreement to provide TeamMate Audit Management System software for up to and including 30 application users to manage audit-related workpapers and documents; and

Now Therefore,

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

Section 1. That the City Manager is hereby authorized a perpetual use license agreement with PWC Product Sales LLC to provide TeamMate Audit Management System software for the Office of the City Auditor to be used for the preparation and review of audit workpapers. The perpetual use license agreement is to provide application usage for up to and including 30 users and will include support and product upgrades for one year from date of agreement for an Initial License Fee of $58,000 and $4,000 for an additional training class. The City Auditor is also authorized to renew technical support and product upgrades for each succeeding year at a cost of no more than 20% of the then current Initial License Fee for up to and including 30 users.

Section 2. That the City Controller is hereby authorized to disburse funds to PWC PRODUCT SALES LLC from the following:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Dept</th>
<th>Unit</th>
<th>Obj</th>
<th>Encumbrance</th>
<th>Vendor</th>
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<th>Amount</th>
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</thead>
<tbody>
<tr>
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<td>1210</td>
<td>4735</td>
<td>AUDGF07PWC</td>
<td>VC0000003176</td>
<td>AU01</td>
<td>$62,000.00</td>
</tr>
</tbody>
</table>

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

Distribution: Office of the City Auditor, Randall Hanks, City Hall, 2FN
KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 45P

SUBJECT
An ordinance abandoning air and subsurface rights to Dunhill 1530 Main, L.P., the abutting owner, containing a total of approximately 458 square feet of space located over and under Main Street near its intersection with Stone Place, and authorizing the quitclaim - Revenue: $14,004 plus the $20 ordinance publication fee

BACKGROUND
This item authorizes the abandonment of approximately 458 square feet of air and subsurface rights over and under Main Street. These areas will be included with the property of the abutting owner for the construction of an above grade swimming pool, balcony and installation of two subsurface electrical vaults in portions of Main Street near Stone Place associated with the Joule Hotel.

Notices were sent to 30 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)
This item has no prior action.

FISCAL INFORMATION
Revenue: $14,004 plus the $20 ordinance publication fee
OWNER

Dunhill 1530 Main, L.P.

Headington Hotel Main Street GP, LLC, General Partner

Timothy Headington, Manager
Michael Tregoning, Manager

MAPS

Attached
ORDINANCE NO. ______________

An ordinance providing for the abandonment of certain air and subsurface rights over and under Main Street right-of-way located adjacent to City Block 77 in the City of Dallas and County of Dallas, Texas, subject to a reverter; providing for the quitclaim thereof to Dunhill 1530 Main, L.P.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date.

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Dunhill 1530 Main, L.P., a Texas limited partnership, hereinafter referred to as GRANTEE, deems it advisable to abandon and quitclaim, subject to a reverter interest, the hereinafter described air and subsurface rights, and is of the opinion that, subject to the terms, conditions and reverter interest herein provided, said air and subsurface rights described in the attached exhibits are not currently needed for public use, and same should be abandoned and quitclaimed to GRANTEE, as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to GRANTEE for the consideration and subject to the terms, conditions and reverter interest, hereinafter more fully set forth; Now, Therefore,

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

SECTION 1. That (i) air rights over the portion of Main Street more fully described as Tract I, in Exhibit A and beginning at an elevation of 519.9 feet above mean sea level and extending to an elevation of 531.4 feet above mean sea level; (ii) air rights over the portion of Main Street more fully described as Tract II in Exhibit A and beginning at an elevation of 466.7 feet above mean sea level and extending to an elevation of 475.2 above mean sea level; (iii) subsurface rights under the portion of Main Street more fully described as Tract III in Exhibit A and beginning at an elevation of 425.8 feet above
mean sea level extending to an elevation of 434.5 feet above mean sea level; and (iv) the subsurface rights under the portion of Main Street more fully described as Tract IV in Exhibit A and beginning at 425.8 feet above mean sea level extending to an elevation of 434.5 feet above mean sea level, which Exhibit A is attached hereto and made a part hereof, be and the same are abandoned, vacated and closed insofar as the right, title and easement of the public are concerned; subject, however, to the reverter interest and the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of FOURTEEN THOUSAND FOUR AND NO/100 ($14,004.00) DOLLARS paid by GRANTEE, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents QUITCLAIM unto the said GRANTEE, subject to the conditions, reservations and exceptions hereinafter made and with the reverter interest herein stated, all its right, title and interest in and to the hereinabove described subsurface and air rights described in Exhibit A. Provided however, that if the building encroachments and improvements situated within the area to be abandoned are ever: (i) partially or totally demolished, removed or damaged and not promptly thereafter repaired or rebuilt within 3 years or (ii) abandoned in whole or in part by GRANTEE, its successors and assigns, then this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. TO HAVE AND TO HOLD all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said GRANTEE.

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

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

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

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

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to GRANTEE herein, GRANTEE, its successors and assigns, agree to indemnify, defend, release and hold the City of Dallas whole and harmless against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by GRANTEE, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which GRANTEE, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. GRANTEE, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any
"hazardous substances" under the Comprehensive, Environmental Response, Compensation Liability Act, 42 U.S.C. Section 9601 et seq., as amended, (b) any "hazardous substances": under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim to GRANTEE herein, GRANTEE, its successor and assigns, shall make no use or improvement of the subsurface areas hereby abandoned that would compromise, impair or limit the continued use by City and the public of the surface and shall provide and do nothing to undermine support to such use of the surface as City shall employ from time to time.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Development Services, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which GRANTEE shall likewise pay, the Director of Development Services, or designee: (i) shall deliver to GRANTEE a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a QUITCLAIM DEED with regard to the areas abandoned herein, subject to a reverter interest, to GRANTEE hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Development Services, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.
SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY
Assistant City Attorney

THERESA O’DONNELL
Director of Development Services

BY
Assistant Director

Passed___________________.
Exhibit A - Tract I

SWIMMING POOL STRUCTURE
City of Dallas Block 77
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

BEING a 168 square foot (0.0038 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas, being adjacent to Lot 9, Block 77 (Official City Block Numbers) of the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas, also being between a mean sea level elevation of 519.9 feet and of 531.40 feet, based upon the North American Vertical Datum of 1988 (NAVD 88) and being more particularly described as follows:

COMMENCING at a building corner for the northwest corner of said Lot 9, said point also being in the southerly right-of-way line of Main Street (a 79.50 foot wide right-of-way);

THENCE North 76 degrees 00 minutes 00 seconds East, along said southerly right-of-way line of Main Street, a distance of 17.80 feet to the POINT OF BEGINNING;

THENCE North 09 degrees 00 minutes 00 seconds West, departing said southerly right-of-way line of Main Street, a distance of 10.30 feet to a point for corner;

THENCE North 81 degrees 00 minutes 00 seconds East, a distance of 17.60 feet to a point for corner;

THENCE South 09 degrees 00 minutes 00 seconds East, a distance of 8.75 feet to a point for corner, said point being in said southerly right-of-way line of Main Street;

THENCE South 76 degrees 00 minutes 00 seconds West, along said southerly right-of-way line of Main Street, a distance of 17.70 feet to the POINT OF BEGINNING and CONTAINING 168 square feet or 0.0038 acres of land, more or less.

Basis of Bearing is based on the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

By: GREGORY S. KAYS
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 5040

Reviewed By:       DATE: JUNE 16, 2006

(For SPRG use only)
Reviewed By: ____________ Date: ____________ SPRG NO.: ____________
The Elevations were based on the North American Vertical Datum of 1988 (NAVD 88).

The Basis of Bearing is based on the Smith, Murphy and Martins Addition, and addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

Mean Sea Level Elevation of Finish Floor 434.50'

Min. Mean Sea Level Elevation 519.3'

Max. Mean Sea Level Elevation 531.4'

The Elevations were based on the North American Vertical Datum of 1988 (NAVD 88).

The Basis of Bearing is based on the Smith, Murphy and Martins Addition, and addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

Mean Sea Level Elevation of Finish Floor 434.50'

Min. Mean Sea Level Elevation 519.3'

Max. Mean Sea Level Elevation 531.4'

The Elevations were based on the North American Vertical Datum of 1988 (NAVD 88).

The Basis of Bearing is based on the Smith, Murphy and Martins Addition, and addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

Mean Sea Level Elevation of Finish Floor 434.50'

Min. Mean Sea Level Elevation 519.3'

Max. Mean Sea Level Elevation 531.4'

The Elevations were based on the North American Vertical Datum of 1988 (NAVD 88).

The Basis of Bearing is based on the Smith, Murphy and Martins Addition, and addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

Mean Sea Level Elevation of Finish Floor 434.50'

Min. Mean Sea Level Elevation 519.3'

Max. Mean Sea Level Elevation 531.4'

The Elevations were based on the North American Vertical Datum of 1988 (NAVD 88).
SWIMMING POOL STRUCTURE

Adjacent to City of Dallas Block 77
John Grigsby Survey, Abstract Number 495
City of Dallas, Dallas County, Texas

LOCATION MAP

N.T.S.

Reviewed By: 
Date: 
SPRG NO.: 

SHEET 3 of 3
Exhibit A - Tract II

BALCONY STRUCTURE
City of Dallas Block 77
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

BEING a 50 square foot (0.0011 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas, being adjacent to Lot 8, Block 77 (Official City Block Numbers) of the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas, also being between a mean sea level elevation of 466.7 feet and of 475.2 feet, based upon the North American Vertical Datum of 1988 (NAVD 88) and being more particularly described as follows:

COMMENCING at a building corner for the northeast corner of said Lot 8, said point also being in the southerly right-of-way line of said Main Street (a 79.50 foot wide right-of-way);

THENCE South 76 degrees 00 minutes 00 seconds West, along said southerly right-of-way line of Main Street, a distance of 4.50 feet to the POINT OF BEGINNING;

THENCE South 76 degrees 00 minutes 00 seconds West, along said southerly right-of-way line of Main Street, a distance of 37.00 feet to a point for corner;

THENCE North 14 degrees 00 minutes 00 seconds West, departing said southerly right-of-way line of Main Street, a distance of 1.35 feet to a point for corner;

THENCE North 76 degrees 00 minutes 00 seconds East, a distance of 37.00 feet to a point for corner;

THENCE South 14 degrees 00 minutes 00 seconds East, a distance of 1.35 feet to the POINT OF BEGINNING and CONTAINING 50 square feet or 0.0011 acres of land, more or less.

Basis of Bearing is based on the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

By:  
GREGORY S. KAYS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS NO. 5040

Reviewed By:  
SPRG NO.:  
Date:  
Sheet 1 of 3
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BALCONY STRUCTURE
1530 MAIN STREET
ADJACENT TO
CITY OF DALLAS BLOCK 77
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 2 of 3

REVIEWS BY
06.07.2007

LEGEND:
1/2" S.I.R. 1/2 SET IRON ROD WITH PLASTIC
W/CAP CAP STAMPED "HALFF ASSOC. INC."
(C.M.) CONTROL MONUMENT
BC BUILDING CORNER

The Basis of Bearing is based on the Smith, Murphy and Martins Additions, and addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

The Elevations were based on the North American Vertical Datum of 1988 (NAVD 88).
BALCONY STRUCTURE
Adjacent to City of Dallas Block 77
John Grigsby Survey, Abstract Number 495
City of Dallas, Dallas County, Texas

LOCATION MAP
N.T.S.

Reviewed By: ________
Date: _________
SPRG NO.: ________

SHEET 3 of 3
BEING a 95 square foot (0.0022 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas, being adjacent to Lot 9, Block 77 (Official City Block Numbers) of the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas, also being between a mean sea level elevation of 434.5 feet and of 425.8 feet, based upon the North American Vertical Datum of 1988 (NAVD 88) and being more particularly described as follows:

COMMENCING at a building corner for the northwest corner of said Lot 9, said point also being in the southerly right-of-way line of Main Street (a 79.50 foot wide right-of-way);

THENCE North 76 degrees 00 minutes 00 seconds East, along said southerly right-of-way line of Main Street, a distance of 3.80 feet to the POINT OF BEGINNING;

THENCE North 14 degrees 00 minutes 00 seconds West, departing said southerly right-of-way line of Main Street, a distance of 9.00 feet to a point for corner;

THENCE North 76 degrees 00 minutes 00 seconds East, a distance of 10.50 feet to a point for corner;

THENCE South 14 degrees 00 minutes 00 seconds East, a distance of 9.00 feet to a point for corner, said point being in said southerly right-of-way line of Main Street;

THENCE South 76 degrees 00 minutes 00 seconds West, along said southerly right-of-way line of Main Street, a distance of 10.50 feet to the POINT OF BEGINNING and CONTAINING 95 square feet or 0.0022 acres of land, more or less.

Basis of Bearing is based on the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.
The Basis of Bearing is based on the Smith, Murphy and Martins Addition, and addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

The Elevations were based on the North American Vertical Datum of 1988 (NAVD 88).

**SUBSURFACE VAULT STRUCTURE**

**1526 MAIN STREET**

ADJACENT TO

CITY OF DALLAS BLOCK 77

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495

CITY OF DALLAS, DALLAS COUNTY, TEXAS

SHEET 2 of 3
SUBSURFACE VAULT STRUCTURE

Adjacent to City of Dallas Block 77
John Grigsby Survey, Abstract Number 495
City of Dallas, Dallas County, Texas

LOCATION MAP

Reviewed By: 
Date: 
SPRG NO.: 

SHEET 3 of 3
Exhibit A - Tract IV

SUBSURFACE VAULT STRUCTURE
City of Dallas Block 77
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

BEING a 145 square foot (0.0033 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas, being adjacent to Lot 9, Block 77 (Official City Block Numbers) of the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas, also being between a mean sea level elevation of 434.5 feet and of 425.8 feet, based upon the North American Vertical Datum of 1988 (NAVD 88) and being more particularly described as follows:

COMMENCING at a building corner for the northwest corner of said Lot 9, said point also being in the southerly right-of-way line of Main Street (a 79.50 foot wide right-of-way);

THENCE North 76 degrees 00 minutes 00 seconds East, along said southerly right-of-way line of Main Street, a distance of 40.80 feet to the POINT OF BEGINNING;

THENCE North 14 degrees 00 minutes 00 seconds West, departing said southerly right-of-way line of Main Street, a distance of 17.00 feet to a point for corner;

THENCE North 76 degrees 00 minutes 00 seconds East, a distance of 8.50 feet to a point for corner;

THENCE South 14 degrees 00 minutes 00 seconds East, a distance of 17.00 feet to a point for corner, said point being in said southerly right-of-way line of Main Street;

THENCE South 76 degrees 00 minutes 00 seconds West, along said southerly right-of-way line of Main Street, a distance of 8.50 feet to the POINT OF BEGINNING and CONTAINING 145 square feet or 0.0033 acres of land, more or less.

Basis of Bearing is based on the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

By: GREGORY S. KAYS
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 5040

Reviewed By: ______________________________________
Date: ____________
SPRG NO.: ____________

Sheet 1 of 3
LD_0_0033(AREA_B).doc
The Basis of Bearing is based on the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

The Elevations were based on the North American Vertical Datum of 1988 (NAVD 88).

LEGEND:
1" S.I.R. 1⁄2" S. I. R. SET IRON ROD WITH PLASTIC CAP STAMPED "HALFF ASSOC. INC."
W/CAP CONTROL MONUMENT
(C.M.) BUILDING CORNER

SUBSURFACE VAULT STRUCTURE
1526 MAIN STREET
ADJACENT TO
CITY OF DALLAS BLOCK 77
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 2 of 3
SUBSURFACE VAULT STRUCTURE
Adjacent to City of Dallas Block 77
John Grigsby Survey, Abstract Number 495
City of Dallas, Dallas County, Texas

LOCATION MAP
N.T.S.

Reviewed By: ____________
Date: ____________
SPRG NO.: ____________

SHEET 3 of 3
EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit “A”, owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE’S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE’S successors and assigns. Should GRANTEE’S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE’S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

ABAN.EXB (revised 11/9/00)
KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 45P

SUBJECT

An ordinance granting a private license to Dunhill 1530 Main, L.P., the abutting owner, for the use of approximately 1,052 square feet of land to construct, use and maintain a sidewalk café, entrance door and two canopies on and over portions of Main Street right-of-way located near its intersection with Stone Place - Revenue: $4,772 plus the $20 ordinance publication fee

BACKGROUND

This item grants a license to construct, use and maintain a sidewalk café, entrance door and two canopies on and over portions of Main Street near Stone Place associated with the Joule Hotel. The use of this area will not impede pedestrian or vehicular traffic. The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: $4,772 plus the $20 ordinance publication fee

OWNER

Dunhill 1530 Main, L.P.

Headington Hotel Main Street GP, LLC, General Partner

Timothy Headington, Manager
Michael Tregoning, Manager
MAPS

Attached
ORDINANCE NO.  

An ordinance granting a private license to Dunhill 1530 Main, L.P. to occupy, maintain, and utilize portions of Main Street right-of-way located near the intersection of Main Street and Stone Place adjacent to City Block 77 within the limits hereinafter more fully described, for the purpose of installing a sidewalk café, door and two canopies; providing for the terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

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

SECTION 1. That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to Dunhill 1530 Main, L.P., a Texas limited partnership, its successors and assigns, hereinafter referred to as "GRANTEE", to occupy, maintain, and utilize for the purpose set out hereinbelow the tracts of land described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That GRANTEE shall pay to the City of Dallas the sum of FOUR THOUSAND SEVEN HUNDRED SEVENTY-TWO AND NO/100 ($4,772.00) DOLLARS annually for the license herein granted, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of FOUR THOUSAND SEVEN HUNDRED SEVENTY-TWO AND NO/100 ($4,772.00) DOLLARS shall become due and payable upon the final passage of this ordinance, and of that amount $2,000.00 (payment for the canopies) shall cover the fee for the canopies for years 2007 through 2009, such that the annual fee for years 2008 and 2009 shall be TWO THOUSAND SEVEN HUNDRED SEVENTY-TWO AND NO/100 ($2,772.00) DOLLARS. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by GRANTEE. Should GRANTEE fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of
Development Services may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the City Controller of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1180, Revenue Source 8200. In the event GRANTEE’s check for the license fee is dishonored, GRANTEE shall pay to the City a processing fee of $25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed areas shall be used by GRANTEE for the following purposes under the direction of the Director of Development Services of the City of Dallas: installing, utilizing and maintaining a sidewalk cafe (Tract I), door (Tract II) and two canopies (Tracts III & IV) within the license areas shown in EXHIBIT A.

SECTION 5. That this license is subject to the provisions set forth in EXHIBIT B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing body, to terminate and cancel this license upon giving GRANTEE SIXTY (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. GRANTEE shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or GRANTEE, as the case may be, this license shall become null and void and GRANTEE or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Development Services, any improvements and encroachments from the licensed area at GRANTEE’s expense. Failure to do so shall subject GRANTEE to the provisions contained in EXHIBIT B, Subsection (a). All work shall be done at the sole cost of GRANTEE and to the satisfaction of the Director of Development Services.
SECTION 7. That the license is subject to the following conditions, terms and reservations:

(a) GRANTEE shall obtain a street cut permit prior to any construction. Contact Vince Thill, PW&T Utility Coordinator, 320 East Jefferson Boulevard, Room 312, Dallas, Texas (214.948.4042) at least 48 hours prior to commencement of work.

(b) GRANTEE shall contact the local ONE-CALL SYSTEM at 1.800.DIG-TESS (1.800.344.8377) to have all utility facilities located at least 2 working days prior to construction or maintenance and any installation must clear existing facilities. All rights of all utilities are protected and all utilities have the right to access their facilities at any time. GRANTEE shall be responsible for all relocation expenses and/or damages incurred due to GRANTEE's work. The license is subject to Exhibit B.

(c) GRANTEE shall comply with Sections 43-26 through 43-30 of the Dallas City Code. GRANTEE shall comply with ADA requirements and maintain adequate sidewalk width for pedestrian traffic.

(d) GRANTEE understands that sidewalk width may need to be examined in the future depending on pedestrian traffic. Canopies must accommodate pedestrian traffic. This license may need to be revised as pedestrian traffic increases on Main Street. City reserves the right to decrease the license area or otherwise require more pedestrian traffic clearance from time to time as it deems appropriate in its sole discretion, and GRANTEE shall comply at its expense.

SECTION 8. That the license granted hereby shall not become effective until and unless GRANTEE files a final acceptance, in writing, to the terms and conditions of this ordinance with the Director of Development Services and said written acceptance shall be forwarded to the City Secretary of the City of Dallas. In the event said written final acceptance is not filed within six (6) months after the passage of this ordinance as provided for herein, then the Director of Development Services, or designee, may terminate this license.
SECTION 9. That upon receipt of GRANTEE's final written acceptance, the Director of Development Services, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Development Services, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or GRANTEE and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 10. That the terms and conditions contained in this ordinance shall be binding upon GRANTEE, its successors and assigns.

SECTION 11. That this license may not be assigned without prior written approval from the Director of Development Services, or designee. Such assignment shall recite that it is subject to the terms, restrictions, and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Development Services within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should GRANTEE fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Development Services, or designee, may terminate this license.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Development Services, or designee. Upon receipt of the fee for the year 2007, an acceptable certificate of insurance, and the fee for publishing this ordinance which GRANTEE shall likewise pay, the Director of Development Services, or designee, shall deliver to GRANTEE the certified copy of this ordinance. The Director of Development Services, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.
SECTION 13. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY
Assistant City Attorney

THERESA O'DONNELL
Director of Development Services

BY
Assistant Director

Passed____________________.
Exhibit A - Tract I

CAFÉ AREA
City of Dallas Block 77
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

BEING a 377 square foot (0.0086 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas, being adjacent to Lot 9, Block 77 (Official City Block Numbers) of the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas, also being part of Main Street (a 79.50 foot wide right-of-way) and being more particularly described as follows:

COMMENCING at a building corner for the northwest corner of said Lot 9, said point also being in the southerly right-of-way line of said Main Street;

THENCE North 76 degrees 00 minutes 00 seconds East, along said southerly right-of-way line of Main Street, a distance of 13.25 feet to the POINT OF BEGINNING;

THENCE North 14 degrees 00 minutes 00 seconds West, departing said southerly right-of-way line of Main Street, a distance of 10.25 feet to a point for corner;

THENCE North 76 degrees 00 minutes 00 seconds East, a distance of 36.75 feet to a point for corner;

THENCE South 14 degrees 00 minutes 00 seconds East, a distance of 10.25 feet to a point for corner, said point being in said southerly right-of-way line of Main Street;

THENCE South 76 degrees 00 minutes 00 seconds West, a distance of 36.75 feet to the POINT OF BEGINNING and CONTAINING 377 square feet or 0.0086 acres of land, more or less.

Basis of Bearing is based on the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

By:  
GREGORY S. KAYS
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 5040

June 16, 2006

REVIEWED BY
06.07.2007
The Basis of Bearing is based on the Smith, Murphy and Martins Addition, and addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.
CAFE AREA

Adjacent to City of Dallas Block 77
John Grigsby Survey, Abstract Number 495
City of Dallas, Dallas County, Texas

LOCATION MAP

Reviewed By: ____________
Date: ____________
SPRG NO.: ____________
Exhibit A - Tract II

DOOR STRUCTURE
City of Dallas Block 77
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

BEING a 76 square foot (0.0017 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas, being part of Main Street (a 79.50 foot wide right-of-way), adjacent to Lot 8, Block 77 (Official City Block Numbers) of the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at a building corner for the northeast corner of said Lot 8, said point also being in the southerly right-of-way line of said Main Street;

THENCE South 76 degrees 00 minutes 00 seconds West, along said southerly right-of-way line of Main Street, a distance of 4.50 feet to the POINT OF BEGINNING;

THENCE South 76 degrees 00 minutes 00 seconds West, continuing along said southerly right-of-way line of Main Street, a distance of 12.50 feet to a point for corner;

THENCE North 14 degrees 00 minutes 00 seconds West, departing said southerly right-of-way line of Main Street, a distance of 6.05 feet to a point for corner;

THENCE North 76 degrees 00 minutes 00 seconds East, a distance of 12.50 feet to a point for corner;

THENCE South 14 degrees 00 minutes 00 seconds East, a distance of 6.05 feet to the POINT OF BEGINNING and CONTAINING 76 square feet or 0.0017 acres of land, more or less.

Basis of Bearing is based on the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

By: GREGORY S. KAYS
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 5040

REVIEWED BY

(For SPRG use only)
Reviewed By: 
Date: 06.07.2007
SPRG NO.: 

Sheet 1 of 3
LD_0_0017(AREA_D).doc
The Basis of Bearing is based on the Smith, Murphy and Martins Addition, and addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.
Exhibit A - Tract III

CANOPY
City of Dallas Block 77
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

BEING a 154 square foot (0.0035 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas, being adjacent to Lot 8, Block 77 (Official City Block Numbers) of the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas, also being part of Main Street (a 79.50 foot wide right-of-way) and being more particularly described as follows:

COMMENCING at a building corner for the northeast corner of said Lot 8, said point also being in the southerly right-of-way line of Main Street;

THENCE South 76 degrees 00 minutes 00 seconds West, along said southerly right-of-way line, a distance of 21.50 feet to the POINT OF BEGINNING;

THENCE South 76 degrees 00 minutes 00 seconds West, continuing along said southerly right-of-way line of Main Street, a distance of 13.60 feet to a point for corner;

THENCE North 14 degrees 00 minutes 00 seconds West, departing said southerly right-of-way line of Main Street, a distance of 11.35 feet to a point for corner;

THENCE North 76 degrees 00 minutes 00 seconds East, a distance of 13.60 feet to a point for corner;

THENCE South 14 degrees 00 minutes 00 seconds East, a distance of 11.35 feet to the POINT OF BEGINNING and CONTAINING 154 square feet or 0.0035 acres of land, more or less.

Basis of Bearing is based on the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

By: GREGORY S. KAYS
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 5040

June 16, 2004

Reviewed By: 06.07.2007

(For SPRG use only)
Reviewed By: 
Date: 
SPRG NO.: 

Sheet 1 of 4
LD_0_0035(AREA_E).doc
The Basis of Bearing is based on the Smith, Murphy and Martins Addition, and addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

LEGEND:

1/4 S.J.R. 1/4 SET IRON ROD WITH PLASTIC W/CAP CAP STAMPED "HALFF ASSOC. INC." (C.M.) CONTROL MONUMENT BC BUILDING CORNER

CANOPY
1530 MAIN STREET
ADJACENT TO
CITY OF DALLAS BLOCK 77
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 of 4

 Reviewed By: GREGORY S. KAYS
 Reviewed: 06.07.2007

SPRG NO.: 010EXHB002.DGN
CANOPY
Adjacent to City of Dallas Block 77
John Grigsby Survey, Abstract Number 495
City of Dallas, Dallas County, Texas

LOCATION MAP
N.T.S.

Reviewed By: 
Date: 
SPRG NO.: 

SHEET 4 of 4
Exhibit A - Tract IV

CANOPY
City of Dallas Block 77
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

BEING a 445 square foot (0.0102 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas, being adjacent to Lot 9, Block 77 (Official City Block Numbers) of the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas, also being part of Main Street (a 79.50 foot wide right-of-way) and being more particularly described as follows:

COMMENCING at a building corner for the northwest corner of said Lot 9, said point also being in the southerly right-of-way line of said Main Street;

THENCE North 76 degrees 00 minutes 00 seconds East, along said southerly right-of-way line of Main Street, a distance of 3.80 feet to the POINT OF BEGINNING;

THENCE North 14 degrees 00 minutes 00 seconds West, departing said southerly right-of-way line of Main Street, a distance of 10.50 feet to a point for corner;

THENCE North 76 degrees 00 minutes 00 seconds East, a distance of 42.40 feet to a point for corner;

THENCE South 14 degrees 00 minutes 00 seconds East, a distance of 10.50 feet to a point for corner, said point being in said southerly right-of-way line of Main Street;

THENCE South 76 degrees 00 minutes 00 seconds West, a distance of 42.40 feet to the POINT OF BEGINNING and CONTAINING 445 square feet or 0.0102 acres of land, more or less.

Basis of Bearing is based on the Smith, Murphy and Martins Addition, an addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.

By: GREGORY S. KAYS
REGISTRATION PROFESSIONAL LAND SURVEYOR
TEXAS NO. 5040

Reviewed By:       
Date:             
SPRG NO.:        

(For SPRG use only)
The Basis of Bearing Is based on the Smith, Murphy and Martins Addition, and addition to the City of Dallas, as recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas.
CANOPY
Adjacent to City of Dallas Block 77
John Grigsby Survey, Abstract Number 495
City of Dallas, Dallas County, Texas

LOCATION MAP
N.T.S.

Reviewed By: __________
Date: __________
SPRG NO.: __________

DALLAS COUNTY
MAPSCO 45L

(For SPRG use only)

SHEET 3 of 3
That this license is granted subject to the following additional conditions, terms and reservations:

(a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Development Services, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Development Services at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Development Services, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.

(b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Development Services.

(c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and $500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than twelve (12) months following termination of this license and removal of the installations,
improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas’ Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Development Services.

2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Development Services, or designee, may terminate the license granted herein.

(d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE**'s use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE**'s breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE**'s use of the licensed area.

(e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in
accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

(f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the GRANTEE's use of this license constitutes a nuisance or is inconsistent with the public use of the property.

(g) As a condition hereof, GRANTEE agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or GRANTEE's installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of GRANTEE, or by GRANTEE's breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of GRANTEE, its officers, agents, employees or contractors in the use, occupancy and maintenance of GRANTEE's installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the GRANTEE and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of GRANTEE's use of the licensed area or GRANTEE's improvements and equipment located thereon. In addition to the foregoing, GRANTEE covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to
floodling, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City’s negligence, or from any other cause whatsoever.

(h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.
KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 46P

SUBJECT
Authorize the rejection of bids received for a tax foreclosure property located at 2621 Meyers Street that is needed for the HB 110 process of the Land Transfer Program – Financing: No cost consideration to the City

BACKGROUND
This item authorizes the rejection of all bids received on April 26, 2007 for tax foreclosure property located at 2621 Meyers Street. There were a total of 5 bids received with the highest bid being in the amount of $577 plus a $50 deed recording fee from Danny M. and Linda S. Hyde. It was subsequently determined by the Housing Department that this property is needed in connection with the HB110 process of the Land Transfer Program.

The funds received for this property from Danny M. and Linda S. Hyde shall be refunded upon approval of this resolution.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)
This item has no prior action.

FISCAL INFORMATION
No cost consideration to the City.

MAP
Attached
WHEREAS, the City of Dallas, the State of Texas, ("State"), the County of Dallas, ("County"), and/or the Dallas Independent School District, ("DISD"), acquired a Sheriff's Deed to the property, ("Property") located at 2621 Meyers Street, at a sheriff's tax sale, ("the First Sale"), authorized by a District Court of Dallas County, Texas, by a Judicial Foreclosure ("the Judgment") in a tax foreclosure sale or a Seizure Warrant, ("Warrant") and the subsequent Sheriff's Deed was filed in the Real Property Records of Dallas County, Texas, as described on "Exhibit A", attached hereto and made a part hereof; and

WHEREAS, the Property was advertised for resale and offered for sale via sealed bid in the Dallas Morning News on the dates as indicated on Exhibit A;

WHEREAS, five sealed bids were received and opened on April 26, 2007, with the highest bid received from Danny M. and Linda S. Hyde in the amount of $577; and

WHEREAS, the Housing Department has identified the Property as a property that is needed in connection with the HB110 process of the Land Transfer Program; Now, Therefore,

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

SECTION 1. That all sealed bids received and opened on April 26, 2007 for the property located at 2621 Meyers Street, as more fully described in Exhibit A, are hereby rejected.

SECTION 2. That the funds received for this Property from Danny M. and Linda S. Hyde that have been deposited into the General Fund 0001, Agency DEV, Balance Sheet Account 0519, shall be refunded to Danny M. and Linda S. Hyde upon approval of this resolution.

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

Approved As To Form:
THOMAS P. PERKINS, JR.,
City Attorney

By: [Signature]
Assistant City Attorney
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<th>PARCEL NUMBER</th>
<th>STREET ADDRESS LEGAL DESCRIPTION</th>
<th>TF/SW</th>
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<th>DMN DATES ADVERTISED</th>
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<th>BIDDER</th>
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**TOTAL:** $577.00
KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 5

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 67F

SUBJECT
authorize acquisition, including the exercise of eminent domain, if such becomes necessary, from Gail Ann Tyre, Marshall Binion Tyre III, Linda Louise Otten, Janis Tackett, and Wade Allen Tyre for a tract of land containing approximately 8,885 square feet located near the intersection of Pine Row and Western Avenue for the Dallas Eco Park Project - $3,250 - Financing: Public/Private Partnership Funds

BACKGROUND
This item authorizes the acquisition of a tract of unimproved land containing approximately 8,885 square feet located near the intersection of Pine Row and Western Avenue. This property will be used for the Dallas Eco Park Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)
This item has no prior action.

FISCAL INFORMATION
Public/Private Partnership Funds - $3,250

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

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

"CITY": The City of Dallas

"PROJECT": Dallas Eco Park

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

"PROPERTY INTEREST": Fee

"OWNER": Gail Ann Tyre, Marshall Binion Tyre III, Linda Louise Otten, Janis Tackett, and Wade Allen Tyre, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein

"OFFER AMOUNT": $3,250.00

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

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

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

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

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, in the OFFER AMOUNT payable out of Public/Private Partnership Fund No. 0352, Department ECO, Unit 8808, Object 4210, Encumbrance No. CT-ECO8808F021
SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

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

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

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

SECTION 9. That this resolution shall take effect immediately from and after its passage, as provided in the Charter of the City of Dallas.

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

BY  Chris Bowers
Assistant City Attorney
FIELD NOTES DESCRIBING AN 8,885 SQUARE FOOT TRACT OF LAND IN THE FLORAL FARMS (UNRECORDED) ADDITION TO BE ACQUIRED BY THE CITY OF DALLAS FROM THE TYRE CHILDREN'S TRUST

All that certain lot, tract or parcel of land lying in Block 3/8002, official City Block Numbers, and being all of Lot 13 of Block 3 of the Floral Farms Addition, an unrecorded addition to the City of Dallas, Texas and being a part of the property conveyed to the Tyre Children's Trust by Special Warranty Deed dated October 19, 1989 and recorded in Volume 89206, Page 0528 of the Dallas County Deed Records, and being more particularly described as follows:

COMMENCING at a 5/8 inch dia. steel rod with 3½" dia. aluminum cap marked 'DALLAS ECO PARK' found at the Northeast corner of Lot 1, Block D/8002 of the Dallas ECO-Business Park Addition, Phase 1-A, and addition to the City of Dallas dated June 12, 2003 and recorded in Volume 2003116, Page 00004 of the Deed Records of Dallas County, Texas and said corner being the Northwest corner of the Locust Drive Right-of-Way dedicated by said plat:

THENCE N 59°34'18" E with the North line of said Dallas ECO-Business Park Addition, Phase 1-A, a distance of 5.06 feet to the intersection with the West line of Locust Drive (a fifty-foot Right-of-Way) as established by the Floral Farm Addition unrecorded subdivision plat:

THENCE N 31°30'37" W with the said unrecorded West line of Locust Drive a distance of 923.91 feet to the Southeast corner of said Block 3/8002, at the intersection of the West line of Locust Drive with the (unrecorded) North line of Pine Row (a 50-foot Right-of-Way):

THENCE S 59°29'23" W with the said North line of Pine Row a distance of 351.81 feet to a 5/8 inch dia. steel rod with cap marked "DALLAS" set at the Southeast corner of the above said Lot 13, the POINT OF BEGINNING of the herein described tract:

THENCE S 58°29'23" W, continuing with the said North line of Pine Row a distance of 50.00 feet to a 5/8 inch dia. steel rod with cap marked "DALLAS" set at the Southwest corner of this lot:

THENCE N 31°26'54" W, departing the last said North line of Pine Row, with the common line between lots 12 and 13, a distance of 177.73 feet to a 5/8 inch dia. steel rod with cap marked "DALLAS" set at the Northwest corner of this lot:
FIELD NOTES DESCRIBING AN 8,885 SQUARE FOOT TRACT OF LAND IN THE FLORAL FARMS (UNRECORDED) ADDITION TO BE ACQUIRED BY THE CITY OF DALLAS FROM THE TYRE CHILDRENS' TRUST

THENCE N 58°32'45" E with the common line between lot 3, Block 3/8002 and said lot 13, a distance of 50.00 feet to a 5/8 inch dia. steel rod set at the Northeast corner of this lot:

THENCE S 31°26'54" E with the common line between lot 14, Block 3/8002 and said lot 3, a distance of 177.68 feet to the POINT OF BEGINNING, containing 8,885 Square Feet, of 0.2040 Acres of land.

BASIS OF BEARINGS: The Basis of Bearings is the North line of the Dallas ECO-Business Park Addition, Phase 1-A, at North 59°34'18" East, as shown on the Plat there of, recorded in Volume 2003116, Page 00004 of the Deed Records of Dallas County.

Scott Holt
10.12.05
SUBJECT

A resolution authorizing the sale of a total of approximately 83,478 square feet of unwanted and unneeded City-owned land located near the intersection of Live Oak and Cantegral Streets to the only bidder, Margaux City Lights Partners, Ltd. - Revenue: $3,405,000

BACKGROUND

This item authorizes the acceptance of the only bid received from Margaux City Lights Partners, Ltd. for a total of approximately 83,478 square feet of unwanted and unneeded City-owned land located near the intersection of Live Oak and Cantegral Streets. This property was advertised for sale or exchange on October 1 and October 2, 2006 in the Dallas Morning News at a minimum bid of $3,339,120. Bids were opened on December 5, 2006 and 1 bid was received from Margaux City Lights Partners, Ltd. which included: (1) a cash bid of $100,000; (2) conveyance of land rights needed for street right-of-way; (3) 120 parking spaces; and (4) open space and its maintenance.

On February 28, 2007 by Resolution No. 07-0746, the City Council rejected the bid received by Margaux City Lights Partners, Ltd. and authorized the re-advertisement for a minimum cash bid of $3,339,120, with additional consideration being given for offers to grant or reserve free parking and related vehicular and pedestrian access on the Property or other acceptable property benefiting the Latino Cultural Center.

The property was re-advertised for sale on April 11 and April 15, 2007 in the Dallas Morning News. Bids were opened on June 5, 2007 and 1 bid was received by Margaux City Lights Partners, Ltd. in the amount of $3,405,000 plus the use of 50 free non-exclusive parking spaces for the Latino Cultural Center events.

The property was advertised in local newspapers and on the Real Estate website. A "for sale" sign was placed on the property with notices of the sale being sent to: (1) property owners within 300 feet; (2) brokers and agents in the Dallas area; and (3) investors and citizens kept on an internal surplus property mailing list.
BACKGROUND (continued)

This property will be conveyed with a restriction prohibiting the placement of industrialized housing and a reservation of all oil, gas and other minerals in and under the property. The current zoning for this property is PD-298 and the tax value is $2,504,340. This Property will return to the tax rolls upon conveyance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized the rejection of the only bid received on February 28, 2007, by Resolution No. 07-0746.

Council declared this property unwanted and unneeded on August 23, 2006, by Resolution No. 06-2260.

FISCAL INFORMATION

Revenue: $3,405,000

OWNER

Margaux City Lights Partners, Ltd.

MDC City Lights, Inc., General Partner

Donald L. Silverman, President

MAPS

Attached
WHEREAS, the City of Dallas is the owner of two tracts of land containing a total of approximately 83,478 square feet, located at the intersection of Live Oak and Cantegral Streets, Block 289, Dallas County, Texas, (the Property); and

WHEREAS, the Property was declared surplus to the City’s needs by Resolution No. 06-2260 on August 25, 2006, with a minimum bid of cash and/or exchanged property interests having a cash fair market value of not less than $3,339,120.00 specified; and

WHEREAS, on December 5, 2006, the City received 1 bid from Margaux City Lights Partners, Ltd. for cash, together with the granting of certain land rights, 120 parking spaces and open space and its maintenance; and

WHEREAS, the City Council of the City of Dallas rejected the bid received from Margaux City Lights Partners, Ltd. on February 28, 2007, by Resolution No. 07-0746 and authorized the Property to be re-advertised for sale with a minimum cash bid of $3,339,120.00 and additional consideration to be given to the granting or reservation to the City of Dallas, of free parking upon the Property or other acceptable property benefiting the Latino Cultural Center; and

WHEREAS, the City has complied legally and fully with the provisions of §272.001 of the Texas Local Government Code and the procedures required by Section 2-24 of the Dallas City Code, respecting the public advertisement for bids in connection with the sale of the Property; and

WHEREAS, on June 5, 2007, the City received 1 bid from Margaux City Lights Partners, Ltd. in the amount of $3,405,000.00 plus the use of 50 free non-exclusive parking spaces upon the Property for Latino Cultural Center events and has found that this bid complies with all legal requirements and is acceptable; Now Therefore,

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

SECTION 1. That for and in monetary consideration of the sum of THREE MILLION FOUR HUNDRED FIVE THOUSAND AND NO/100 ($3,405,000.00) DOLLARS paid by Margaux City Lights Partners, Ltd., and the further consideration described in Sections 3 and 4, the City Manager or designee is authorized to execute a Deed Without Warranty, to be attested by the City Secretary upon approval as to form by the City Attorney for a total of approximately 83,478 square feet of land, located at the intersection of Live Oak and Cantegral Streets, Block 289, Dallas County, Texas (the Property). The Deed Without Warranty is subject to the conditions contained in Section 2.
SECTION 2. That the Deed Without Warranty shall provide that the conveyance to Margaux City Lights Partners, Ltd. (GRANTEE) is subject to the following:

(a) a restriction prohibiting the placement of industrialized housing on the Property; and

(b) reservation by the City of Dallas of all oil, gas and other minerals in and under the Property with a waiver of surface access rights relating to same; and

(c) any visible and apparent easements and any encroachments whether of record or not; and

(d) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases or other instruments of record and applicable to the Property or any part thereof; and

(e) to the maximum extent allowed by law, (i) GRANTEE is taking the Property “AS IS, WHERE IS, WITH ALL FAULTS”; (ii) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property; (iii) GRANTEE assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders; and (iv) GRANTOR expressly disclaims and GRANTEE expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property; and

(f) GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which GRANTEE may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any
law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, “environmental substances” means the following: (a) any “hazardous substance” under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et seq., as amended, (b) any “hazardous substance” under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et seq., as amended, (e) any "hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder; and

(g) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

SECTION 3. That as additional consideration for the conveyance of the Property to GRANTEE and as a condition to the execution and delivery of the Deed Without Warranty for the Property, GRANTEE shall grant to the City of Dallas the use of 50 free non-exclusive parking spaces on the Property for Latino Cultural Center events as provided in Section 4 below.

SECTION 4. That the City Manager is hereby authorized to negotiate and execute an agreement upon reasonable and appropriate terms providing for the use of the 50 free non-exclusive parking spaces for Latino Cultural Center events, subject to review and approval as to form by the City Attorney. Failure to negotiate, execute and deliver a satisfactory agreement acceptable to the City Manager and approved as to form by the City Attorney within 60 days after passage of this resolution shall render this bid acceptance null and void and, if so directed by the City Council, may subject the Property to re-advertisement for sale.
SECTION 5. That the sale proceeds shall be deposited into the General Fund 0001, Dept DEV, Bal Sheet 0519 and Department of Development Services, Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Dept DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Dept BMS, Unit 8888, Revenue Source 8118.

SECTION 6. That if a title policy is desired by GRANTEE, same shall be at the expense of GRANTEE.

SECTION 7. That the sale shall be subject to standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by GRANTEE.

SECTION 8. That this resolution shall take effect immediately from and after its passage, as provided by the Charter of the City of Dallas and it is accordingly so resolved.

Approved as to form:
Thomas P. Perkins, Jr., City Attorney

By Assistant City Attorney
SUBJECT

Authorize a professional services contract with Freese and Nichols, Inc. for the design of site improvements for the Dallas Eco Park located at Simpson Stuart Road and Locust Drive - Not to exceed $72,488 - Financing: Public/Private Partnership Funds

BACKGROUND

This action will authorize engineering design services with Freese and Nichols, Inc. for excavation and grading improvements for the Dallas Eco Park. This work will ready the site for future development and cost $72,488.

In 1994, the City initiated a redevelopment plan designed to leverage the former Floral Farms real estate, McCommas Bluff Landfill and the Central Wastewater Treatment Plant. The City purchased parcels within Floral Farms and subsequently secured a $1,500,000 grant from the Economic Development Administration to build an environmental training facility. The City also rebuilt Simpson Stuart Road from Highway 310 to Locust Drive to accommodate further development at this site.

ESTIMATED SCHEDULE OF PROJECT

Begin Design    July 2007
Complete Design August 2007

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Public/Private Partnership Funds - $72,488.00
**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Freese and Nichols, Inc.

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**DEVELOPER**

Freese and Nichols, Inc.

Alan D. Greer, P.E., Regional Vice President

**MAP**

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Freese and Nichols, Inc. for the design of site improvements for the Dallas Eco Park located at Simpson Stuart Road and Locust Drive - Not to exceed $72,488 - Financing: Public/Private Partnership Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

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<tr>
<td>Total non-local contracts</td>
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<td>TOTAL CONTRACT</td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

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Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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<tr>
<td>Total</td>
<td>27.59%</td>
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<td>27.59%</td>
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</tbody>
</table>
WHEREAS, Freese and Nichols, Inc. was selected to provide engineering services for the design of site improvements for the Dallas Eco Park located at Simpson Stuart Road and Locust Drive.

NOW, THEREFORE,

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

Section 1. That upon approval as to the form by the City Attorney's Office, the City Manager is hereby authorized to enter into a professional services contract with Freese and Nichols, Inc. to provide engineering services for the design of site improvements for the Dallas Eco Park located at Simpson Stuart Road and Locust Drive, in an amount not to exceed $72,488.

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

Public/Private Partnership Fund
Fund 0352, Department ECO, Unit 8808, Activity. PPPF,
Object 4111, Program No. ECOPPPF001, CTECO8808I053
Vendor 347200, in an amount not to exceed $72,488.00

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

Distribution: Office of Economic Development, Tenna Kirk - 5CS
Public Works and Transportation, Cheryl Nichols - OCMC, Room 101
City Attorney, Jesus Toscano
KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 2
DEPARTMENT: Office of Economic Development
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 45 U

SUBJECT

Authorize a second amendment to the development agreement with Presideo Investment, Inc., previously approved on September 14, 2005, by Resolution No. 05-2638, for Buzz Condominiums in Tax Increment Financing District Number Four (Cedars TIF District) to add a budget category for construction management in the amount of $28,946 and to reduce the budgeted amount for infrastructure replacement in the amount of ($28,946), from $178,129 to $149,183 – Financing: No cost consideration to the City

BACKGROUND

This action will amend the term of the original agreement to provide for construction management in an amount not to exceed $28,946 to be an approved project cost per the original intent of the agreement. This is a minor adjustment needed to close out the contract. This amount does not increase the total funding for the project.

Buzz Condominiums, 1111 South Akard Street (formerly 1011-1119 South Akard Street) in the Cedars TIF District, is a four story building with 46 residential units. A development agreement for the project was authorized by City Council on September 14, 2005 by Resolution No. 05-2638, and funding was appropriated by Resolution No. 05-2637. Under this agreement, the required minimum private investment of $6,000,000 and the allocated amount of TIF funding for the project was authorized at an amount not to exceed $564,462. A first supplemental agreement to expand the scope of the project, to authorize an extension of the deadlines, and to reduce the funding was authorized on February 14, 2007 by Resolution 07-0494.

The developer has met the $6,000,000 minimum required investment; a total of $6,700,000 will be spent on the project. 77 percent of units have been sold as of June 2007, slightly ahead of expectations.

The private portion of this project has been completed; the additional scope of public improvements authorized by the first supplemental agreement is currently underway and scheduled to be complete by the October 31, 2007 deadline.
ESTIMATED SCHEDULE OF PROJECT

Began Residential Phase January 2006
Completed Residential Phase April 2007
Began Commercial Phase January 2006
Complete Commercial Phase October 2007

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 9, 1992, the City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) and established a Board of Directors for the District in accordance with the Tax Increment Financing Act, as amended, to promote development or redevelopment in the Cedars area through use of tax increment financing, by Ordinance No. 21492.

On April 9, 1997, the City Council authorized the Project Plan and Reinvestment Zone Financing Plan for the Cedars TIF District, by Ordinance No. 23902, as amended.

On August 2, 2005, the Cedars TIF District Board of Directors reviewed and approved TIF funding for Buzz Condominiums.

On September 14, 2005, the City Council authorized a development agreement for infrastructure improvements, enhancements and design costs for the redevelopment of 1111 S. Akard Street within the Cedars TIF, by Resolution No. 05-2638.

On November 29, 2006, the Cedars TIF District Board of Directors reviewed and approved amendments to the development agreement for Buzz Condominiums.

On February 14, 2007, the City Council authorized a first supplemental agreement to the development agreement for Buzz Condominiums to expand the scope of the project, to extend the deadlines, and to reduce the funding, by Resolution No. 07-0494.

FISCAL INFORMATION

No cost consideration to the City

OWNER

Presideo Investment, Inc.
Zad Roumaya, Sole Member

DEVELOPER

Presideo Investment, Inc.
Zad Roumaya, Sole Member

MAP

Attached.
WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on December 9, 1992, the City Council authorized the establishment of the Tax Increment Financing (TIF) Reinvestment Zone Number Four, (Cedars TIF District) by Ordinance No. 21492; and

WHEREAS, on April 9, 1997, the City Council adopted approving the Project Plan and Reinvestment Zone Financing Plan for the Cedars TIF District by Ordinance No. 23902, as amended; and

WHEREAS, on August 2, 2005, the Cedars TIF District Board of Directors recommended that the City Council authorize the use of Cedars TIF funds in an amount not to exceed $564,462 for infrastructure replacement, enhancements and design costs supporting the development of 1101-1119 S. Akard Street in the Cedars TIF District; and

WHEREAS, pursuant to Resolution No. 05-2638, approved on September 14, 2005, the City Council authorized a development agreement, wherein the City shall provide funding in an amount not to exceed $564,462, for infrastructure improvements, enhancements and design costs and such other improvements necessary to the implementation of the Cedars TIF District Project Plan, in particular, the redevelopment of 1101-1119 S. Akard Street within the Cedars TIF District; and

WHEREAS, on November 29, 2006, the Cedars TIF District Board of Directors accepted the proposed modification of the terms of the development agreement and provided a recommendation to the City Council for an amendment to the development agreement authorized by Resolution No. 05-2638; and

WHEREAS, in furtherance of the Cedars TIF District Project Plan and Reinvestment Zone Financing Plan and to promote within the TIF District: (1) development and diversification of the economy, (2) elimination of unemployment and underemployment, and (3) development and expansion of commerce, the City desires to continue to provide economic incentives to Presideo Investment, Inc., for the development of 1101-1119 S. Akard Street within the Cedars TIF District; and

WHEREAS, on February 14, 2007, the City Council authorized the first supplemental agreement to expand the scope of the project, extend the deadlines, and reduce the funding by $100,000 by Resolution No. 07-0494.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:
Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to amend the development agreement between Presideo Investment, Inc. and the City of Dallas, on behalf of the Cedars TIF District as follows:

Section 3 A of the development agreement will be amended to read as follows:

A. Specific Reimbursements. Subject to all limitations and conditions contained in this Agreement, City agrees to reimburse Presideo (1) an amount up to $165,382.00 for Project Costs that are for water and sewer infrastructure improvements and enhancement, relocation and/or burial of utilities in the alley as detailed in Exhibit C, with such reimbursement to occur within thirty (30) days after receipt of a certification of completion letter from the construction engineer for such work and verification by the Public Works and Transportation Department; and (2) an amount up to $249,080.00 of the remaining Project Costs upon issuance of a certificate of occupancy for the Residential Phase and (3) an amount up to $50,000.00 of the remaining Project Costs upon issuance of a certificate of occupancy for the Commercial Phase, such costs above to include an amount not to exceed $28,946.00 for construction management. Such reimbursements.

Section 2. That Exhibit C in Resolution No. 07-0494 shall be replaced with the revised Exhibit C, attached.

Section 3. That the City Manager is authorized to execute this agreement as amended and the Cedars TIF District Board of Directors may therefore pledge or dedicate future TIF revenues in satisfaction of this agreement.

Section 4. That all other terms and conditions as set forth in Resolution Nos. 05-2637 and 05-2638, as amended, shall remain in full force and effect, except as specifically outlined in Section 1 above.

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

Distribution: Office of Economic Development – Tenna Kirk, 5CS
Office of Economic Development – Sajid Safdar, 2CN
Office of Economic Development – Pam Thompson, 2CN
City Attorney's Office - Barbara Martinez
City Attorney's Office – Sarah Hasib
### Exhibit C

**Buzz**

Budget, Description & Preliminary Streetscape Plan and Public Infrastructure Plan

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<th>Cost</th>
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<td>Infrastructure Replacement/Enhancement</td>
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<td>Pedestrian Linkages/ Lighting</td>
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<tr>
<td>Construction management</td>
<td>$28,946.00</td>
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**TOTAL* | $464,462.00**

*Water/Sewer and alley utility burial costs, estimated in an amount of $165,382 will be funded once work is complete. Other funds will not be funded until project completion.

Note: These costs are initial estimates and are not based on construction bids. These costs include construction administration in an amount not to exceed $28,946 as noted above. Funds may be shifted among categories as long as the total TIF funding does not exceed $464,462.
KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 2
DEPARTMENT: Equipment & Building Services
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 45U

SUBJECT
Authorize an increase in the contract with Reeves Construction Services, Inc. for the renovation of the Police Quartermaster building located at 1600 South Lamar Street for additional improvements and repairs including the upgrade of electrical elevator wiring, waterproofing the basement walls and existing utility access box, painting, structural repairs, and the installation of light fixtures in order to comply with the City Code - $72,141, from $1,311,248 to $1,383,389 - Financing: Current Funds

BACKGROUND
Change Order No. 3 will provide additional waterproofing on the east and west basement walls, credit to the City to leave the existing electrical service in place, credit to the City to install less expensive exterior soffit light fixtures, upgrade electrical floor receptacles in the Training Room, paint the exterior soffit, waterproof the existing utility access box, fill holes under the slab of the elevator pit, replace two pair of exterior entry doors, provide additional light fixtures at the Customer Service counter, replace existing wire to increase electrical supply, install additional emergency light fixtures and exit signs per the Dallas Fire Marshall inspection, and provide a rolling steel door and two gates for additional security.

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)
Authorized construction contract on August 23, 2006, by Resolution No. 06-2262.

ESTIMATED SCHEDULE OF PROJECT
Began Construction October 2006
Complete Construction September 2007

FISCAL INFORMATION
Current Funds - $72,141
M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Reeves Construction Services, Inc.

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<th>Ethnicity</th>
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OWNER(S)

Reeves Construction Services, Inc.

Dave Reeves

MAP

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Reeves Construction Services, Inc. for the renovation of the Police Quartermaster building located at 1600 South Lamar Street for additional improvements and repairs including the upgrade of electrical elevator wiring, waterproofing the basement walls and existing utility access box, painting, structural repairs, and the installation of light fixtures in order to comply with the City Code - $72,141, from $1,311,248 to $1,383,389 - Financing: Current Funds

Reeves Construction Services, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

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<td><strong>TOTAL THIS ACTION</strong></td>
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<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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<td><strong>$0.00</strong></td>
<td><strong>0.00%</strong></td>
<td><strong>$61,643.00</strong></td>
<td><strong>4.46%</strong></td>
</tr>
</tbody>
</table>
Renovation of 1600 South Lamar - Police Quartermaster
1600 South Lamar Street
WHEREAS, on August 23, 2006, Council Resolution No. 062262 for $1,283,994 authorized the Renovation of 1600 South Lamar Street for the Police Quartermaster with Reeves Construction Services, Inc.; and,

WHEREAS, on January 31, 2007, Administrative Action No. 070408 for $4,737 authorized Change Order No. 1 to the contract with Reeves Construction Services, Inc. for the removal of unused mechanical equipment curbs and expansion joint at the Police Quartermaster; and,

WHEREAS, on March 7, 2007, Administrative Action No. 070918 for $22,517 authorized Change Order No. 2 to the contract with Reeves Construction Services, Inc. for the modifications required by the City Building Plan Reviewer at the Police Quartermaster; and,

WHEREAS, it is now desirable to authorize an increase in the contract with Reeves Construction Services, Inc. for the renovation of the Police Quartermaster building located at 1600 South Lamar Street for additional improvements and repairs including the upgrade of electrical elevator wiring, waterproofing the basement walls and existing utility access box, painting, structural repairs, and the installation of light fixtures in order to comply with the City Code in the amount of $72,141, from $1,311,248 to $1,383,389;

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute an increase in the contract with Reeves Construction Services, Inc. for the renovation of the Police Quartermaster building located at 1600 South Lamar Street for additional improvements and repairs including the upgrade of electrical elevator wiring, waterproofing the basement walls and existing utility access box, painting, structural repairs, and the installation of light fixtures in order to comply with the City Code, after it has been approved by the City Attorney.

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

Fund 0001, Agency DPD, Unit 2114, Obj. 4310, Activity DP28
Job# 04DC012, PD# EBSP129CT42
Vendor # VS0000000569 $72,141.00
Section 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Distribution: Equipment and Building Services, (Sheila Singleton 6BN)
Office of Financial Services
City Attorney
KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 4
DEPARTMENT: Housing
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 55F

SUBJECT

Authorize a loan to Sphinx Development Corporation, or if tax credits are granted to SDC Fiji Senior, L.P., a single asset entity, for the acquisition, demolition, and eligible soft costs, associated with the construction of a 130-unit multi-family residential development for seniors located at 201 Fran Way - $1,200,000 - Financing: 2006-07 Community Development Grant Reprogramming Funds

BACKGROUND

On October 12, 2006, Sphinx Development Corporation requested a $1,200,000 loan for acquisition and demolition of improved properties located at 201 Fran Way, Dallas, Texas. The property is currently valued on the tax rolls for $1,209,600. The SDC Senior Villas Project is part of the SDC Fiji-Compton mixed-use transit-oriented development located within a quarter mile of two DART Stations at 8th and Corinth and the Morrell Street Stations which will provide viable work force commuter options. The Fiji-Compton development has previously been awarded $2,811,986 from the Regional Transportation Council of North Texas Council of Governments and a City of Dallas 20% match for $702,000 (provided by Council Resolution 06-1536 on June 7, 2006) for infrastructure support.

On November 8, 2006, Sphinx Development Corporation, as developer, submitted an application for a pre-application waiver for 9% tax credits on behalf of SDC Fiji Senior, L.P. (the “Applicant”).

On February 1, 2007, the Applicant submitted an application to the City of Dallas for consideration of the approval of Texas Department of Housing and Community Affairs' 9% tax credits for the funding year 2007.

On February 28, 2007, the City Council approved by Resolution 07-0710 which authorized the Texas Department of Housing and Community Affairs (TDHCA) 9% tax credits for the SDC Senior Villas Project and support of the future approval of a subsequent City Council Resolution approving a loan or grant in an amount not to exceed $1,200,000.
The loan or grant would gain 18 qualifying points for the final 9% tax credit application.

Sphinx Development Corporation requested a $1,200,000 loan for acquisition and demolition of improved properties located at 201 Fran Way, Dallas, Texas. The property is currently valued on the tax rolls for $1,209,600.

Because the proposed funding source is federal Community Development Block Grant (CDBG) Funds for the acquisition and demolition costs associated with the proposed Fiji residential development for seniors, the Applicant must rent at least 51% of the units to low-to moderate-income households with incomes at or below 80% of Area Median Family Income (AMFI) at affordable rents and comply with all applicable federal regulations. As a condition for the approval of the 9% tax credits, the Applicant has committed to renting 104 of the units to tenants with household incomes at 50% or below the AMFI, 20 units to tenants with household incomes at 60% or below the area median family income and 6 market rate units. Rents will be set at tax credit rental rates based on income and established by the State each year.

On May 21, 2007, the $1,200,000 acquisition and demolition loan with the Sphinx Development Corporation was included on the Economic Development and Housing Committee (EDHC) briefing agenda.

The $1,200,000 loan will be at a one percent (1%) interest rate with interest only payable from available cash flow which will accrue and will be due and payable along with the full principal amount of the debt as a balloon payment upon the later of thirty years from the closing of the City's loan or upon the refunding, redemption or payment of all outstanding tax-exempt bonds, if any, or upon the sale or refinancing of the project. The City's loan will be in second or third lien position behind the interim construction loan and the subsequent permanent loan, and behind the tax-exempt bonds used to finance the project, if any. The collateral will be the 130-unit project site, which will be deed restricted during the term of the City's loan to require that 51% of the units be rented low- to moderate-income households with incomes of 80% or less of the Dallas County median income at affordable rents. Additionally, Jay O. Oji and Joseph Agumadu, the Applicants, will execute unconditional personal guarantees in favor of the City for $1,200,000 for the commencement of construction by 24 months from the date of the contract, but in no event any later than August 31, 2009 and also the completion of the construction of the property within 48 months of the date of the contract, but in no event any later than August 31, 2011.

The project has already been approved for $702,997 in 2003 General Obligation Bonds from the City of Dallas.
PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On December 13, 2006, City Council approved the FY 2006-07 Consolidated Plan Reprogramming Budget #1 which included $3,300,000 of Section 108 Intown Housing Program Income to be used for eligible Housing Programs by Resolution No. 06-3435.

On December 13, 2006, the City Council authorized the pre-application waiver of the City’s multi-family policy for the Sphinx Development Corporation’s SDC Senior Villas Project for submission of the Texas Department of Housing and Community Affairs Project 9% application by Resolution No. 06-3463.

On February 28, 2007, the City Council approved support of the Sphinx Development Corporation’s SDC Senior Villas Project 9% application by Resolution No. 07-0710.

On May 21, 2007, the $1,200,000 acquisition and demolition loan with the Sphinx Development Corporation was included on the Economic Development and Housing Committee briefing agenda.

FISCAL INFORMATION

$1,200,000 - 2006-07 Community Development Grant  Reprogramming Funds

OWNER

Sphinx Development Corporation
Jay O. Oji, President
Joseph Agumadu, Vice President

DEVELOPER

Sphinx Development Corporation
Jay O. Oji, President
Joseph Agumadu, Vice President

MAP

Attached
WHEREAS, on November 8, 2006, Sphinx Development Corporation, as developer, acting on behalf of SDC Fiji Senior, L.P. (the “Applicant”) submitted a pre-application waiver seeking approval to apply for 9% tax credits from the Texas Department of Housing and Community Affairs (TDHCA) for the SDC Senior Villas (“Project”), a new multi-family seniors project composed of 130 units; and

WHEREAS, on December 13, 2006, City Council approved the FY 2006-07 Consolidated Plan Reprogramming Budget #1 which included $3,300,000 of Section 108 Intown Housing Program Income to be used for eligible Housing Programs by Resolution No. 06-3435; and

WHEREAS, on February 28, 2007, the City Council approved support of the SDC Fiji Senior, L.P. SDC Senior Villas Project 9% application by Resolution No. 07-0710; and

WHEREAS, because the proposed funding source is federal Community Development Block Grant (CDBG) Funds for the acquisition cost associated with the proposed Fiji residential development for seniors, the Applicant must rent at least 51% of the units to households with incomes at or below 80% of Area Median Family Income (AMFI) and comply with all applicable federal regulations. In addition, as a condition for the approval of the 9% tax credits, the Applicant has committed to renting 104 of the units to tenants with household incomes at 50% or below the AMFI, 20 units to tenants with household incomes at 60% or below the AMFI and 6 market rate units; and

WHEREAS, the Sphinx Development Corporation submitted a request to the City of Dallas for CDBG Funds in an amount not to exceed $1,200,000 for the acquisition and demolition of the improved properties and to obtain 18 qualifying points for the final 9% tax credit application; and

WHEREAS, on May 21, 2007, the $1,200,000 eligible soft costs, acquisition and demolition loan with the Sphinx Development Corporation was included on the Economic Development and Housing Committee briefing agenda; and

WHEREAS, the City Council desires to provide a $1,200,000 CDBG loan to the Sphinx Development Corporation for the acquisition and demolition of the improved properties at 201 Fran Way, for the new construction of a 130-unit multi-family rental project for seniors; and
WHEREAS, the execution of a CDBG loan agreement by the City is subject: (1) to all applicable CDBG requirements and financing satisfactory to the City for the completion of the acquisition and rehabilitation of the property, (2) Jay O. Oji and Joseph Agumadu, the Applicants, will execute unconditional personal guarantees in favor of the City for $1,200,000 for the commencement of construction by 24 months from the date of the contract, but in no event any later than August 31, 2009 and also the completion of the construction of the property within 48 months of the date of the contract, but in no event any later than August 31, 2011, and (3) filing of deed restrictions. The outstanding principal balance of the City's loan shall bear an interest rate of one percent (1%) per year with interest payable from available cash flow which will accrue and be due and payable with a balloon payment due after the maturity of the principal debt upon the later of thirty years from the closing of the loan or upon the refunding, redemption or payment of all outstanding tax-exempt bonds, if any, or upon the sale or refinancing of the project. The closing of the City's CDBG fund loan must occur no later than December 31, 2008; and

WHEREAS, the City Council of the City of Dallas desires to authorize a $1,200,000 CDBG loan to Sphinx Development Corporation for eligible soft costs, acquisition, and demolition of existing structures associated with construction of the Fiji senior project located at 210 Fran Way and based upon the developer having agreed to the execution of a loan agreement with the City; NOW, THEREFORE,

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

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute loan documents to Sphinx Development Corporation (SDC), or if tax credits are granted to SDC Fiji Senior, L.P., a single asset entity, for the acquisition, demolition, and eligible soft costs associated with the construction of a 130-unit multi-family residential development for seniors located at 201 Fran Way.

SECTION 2. That the execution of a CDBG loan agreement by the City is subject to all applicable CDBG requirements and is further subject to SDC Fiji Senior, L.P. (1) obtaining 9% tax credit financing or tax-exempt bond financing and 4% tax credit financing, or conventional financing satisfactory to the City for the completion of the acquisition and rehabilitation of the Property, (2) Jay O. Oji and Joseph Agumadu, the Applicants, will execute unconditional personal guarantees in favor of the City for $1,200,000 for the commencement of construction by 24 months from the date of the contract, but in no event any later than August 31, 2009 and also the completion of the construction of the property within 48 months of the date of the contract, but in no event any later than August 31, 2011, and (3) filing of deed restrictions to rent to low to moderate income tenants at affordable rents.
SECTION 2. The outstanding principal balance of the City's loan shall bear an interest rate of one percent (1%) per year, which will accrue and be due and payable with the full principal balance upon the later of twenty years from the closing of the loan or upon the refunding, redemption or payment of all outstanding tax-exempt bonds, if any, or upon the sale or refinancing of the Project. The closing of the City’s CDBG fund loan must occur no later than December 31, 2008.

SECTION 3. That the City Controller be authorized to disburse funds in accordance with this Resolution as follows:

SPHINX DEVELOPMENT CORPORATION Vendor – VS0000015671

<table>
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<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>OBJ</th>
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<td>06R1</td>
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<td>4464</td>
<td>3099</td>
<td>HOU4464H044</td>
<td>$1,200,000</td>
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SECTION 4. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the CDBG loan, until such time as the loan documents are duly approved by all parties and executed.

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

DISTRIBUTION:

Housing Department
City Attorney's Office
Office of Financial Services/Community Development, 4FS
KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 14
DEPARTMENT: Park & Recreation
CMO: Paul D. Dyer, 670-4071
MAPSCO: 45-L

SUBJECT

Authorize an increase in the contract with Billy L. & Joan Nabors, Inc. for the demolition of additional buildings located at 1906 Main Street, 1920 Main Street, 1924 Main Street, and two buildings at 1928 Main Street, and sidewalks for the construction of the Main Street Garden Park located at 1917 Commerce Street - $60,000, from $251,000 to $311,000 - Financing: 2006 Bond Funds

BACKGROUND

On April 4, 2007, (Resolution No. 07-1118), approved a contract for the demolition of the parking garage at 1921 Commerce Street for the construction of the Main Street Garden Park located at 1917 Commerce Street in the amount of $251,000.

Change Order provides for the demolition of additional five buildings, and sidewalks for the construction of the Main Street Garden Park at 1917 Commerce Street in the amount of $60,000, making a revised contract amount of $311,000. This action will complete the demolition of the entire block.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction July 2007
Complete Construction September 2007

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized advertisement for bids on August 18, 2005.

The Park and Recreation Board authorized the contract on December 1, 2005.

City Council authorized the contract on April 4, 2007 by Resolution No. 07-1118.

The Park and Recreation Board authorized Change Order No. 1 on June 7, 2007.
**FISCAL INFORMATION**

2006 Bond Funds - $60,000

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Billy L. & Joan Nabors, Inc.

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>White Male</td>
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<tr>
<td>White Female</td>
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<tr>
<td>Black Male</td>
<td>1</td>
</tr>
<tr>
<td>Hispanic Male</td>
<td>12</td>
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**OWNERS**

Billy L. & Joan Nabors, Inc.

Joan Nabors, President  
Felicia Gomez, Vice President  
Billy L. Nabors, Secretary  
George Gomez, Treasurer

**MAP**

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Billy L. & Joan Nabors, Inc. for the demolition of additional buildings located at 1906 Main Street, 1920 Main Street, 1924 Main Street, and two buildings at 1928 Main Street, and sidewalks for the construction of the Main Street Garden Park located at 1917 Commerce Street - $60,000, from $251,000 to $311,000 - Financing: 2006 Bond Funds

Billy L. & Joan Nabors, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
<thead>
<tr>
<th>Local contracts</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-local contracts</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

TOTAL THIS ACTION | $60,000.00 | 100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<table>
<thead>
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<th>Local Contractors / Sub-Contractors</th>
<th>Certification</th>
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Total Minority - Local | $10,000.00 | 16.67%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

<table>
<thead>
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<th>African American</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic American</td>
<td>$10,000.00</td>
<td>16.67%</td>
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<tr>
<td>Asian American</td>
<td>$0.00</td>
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<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
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Total | $10,000.00 | 16.67%

<table>
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<td>Asian American</td>
<td>$0.00</td>
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<td>Native American</td>
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<tr>
<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
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</tbody>
</table>

Total | $24,940.00 | 8.02%
WHEREAS, on April 4, 2007 (Resolution No. 07-1118), Billy L. & Joan Nabors, Inc. was awarded a contract for the demolition of the parking garage at 1921 Commerce Street for the construction of the Main Street Garden Park located at 1917 Commerce Street at a contract amount of $251,000; and

WHEREAS, this Change Order provides for the demolition of additional buildings located at 1906 Main Street, 1920 Main Street, 1924 Main Street, and two buildings at 1928 Main Street, and sidewalks for the construction of the Main Street Garden Park, for an increase Change Order No. 1, in an amount not to exceed $60,000, increasing the original contract amount from $251,000 to $311,000.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager hereby approves Change Order No. 1 for the demolition of additional buildings located at 1906 Main Street, 1920 Main Street, 1924 Main Street, and two buildings at 1928 Main Street, and sidewalks for the construction of the Main Street Park, in an amount not to exceed $60,000, increasing the original contract amount from $251,000 to $311,000.

SECTION 2. That the City Controller be and is hereby authorized to pay the amount of $60,000 to Billy L. & Joan Nabors, Inc., as follows:

(2006) Major Recreational Facilities Improvement Fund 6T00, Unit T222, Department PKR, Object 4230, Activity DWTN, Program PK03K004, CT-PKR06018746, Commodity 91200, Vendor VS00000000953 $60,000

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
KEY FOCUS AREA: Neighborhood Quality of Life
Trinity River

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 5

DEPARTMENT: Park & Recreation
Trinity River Corridor Project

CMO: Paul D. Dyer, 670-4071
Jill A. Jordan, P.E., 670-5299

MAPSCO: 57-Q and 68-A

SUBJECT

Authorize Supplemental Agreement No. 5 to the contract with Brown, Reynolds and Watford Architects, Inc. for (1) the production of video and audio components for the orientation and exhibit areas of the Trinity River Audubon Center; and, (2) modification of the original scope of work to provide basic service, and special services for a master plan for a multi-phase development for the Texas Horse Park - $130,055, from $3,488,250 to $3,618,305 - Financing: 1998 Bond Funds

BACKGROUND

The original professional services contract with Brown, Reynolds and Watford Architects, Inc., approved by Council on August 14, 2002 (Resolution No. 02-2184), provided for the feasibility study and master plan in the amount of $500,000, which included the following scope of work:

- Owner Workshops
- Stakeholders Focus Group Meetings
- Public Forums
- Site Feasibility Studies and Site Selection for the Trinity Interpretive Center, Equestrian Center(s) (now Texas Horse Park) and a Trinity River Corridor Maintenance Facility, included hydrological, environmental, biological, transportation, trail connections, archaeological and historical assessments.
- Market and Economic Analysis
- Interpretive Programming and Design
- Site and Facility Space Programming
- Operating and Management Partner Identification
- Concept Design Master Plan
- Cost Estimates and Project Schedule Development
Supplemental Agreement No. 1, approved by Administrative Action (03-0577) on February 24, 2003, included the addition of Texas Audubon to the consultant team for their participation to enhance the site selection process and operation focus of the Trinity Interpretive Center, in the amount of $15,000, making a revised contract amount of $515,000.

Supplemental Agreement No. 2, approved by Council on December 8, 2003 (Resolution No. 03-3309), added Rocky Mountain Institute, a nationally known sustainable design consulting firm, to the team. Also, included is the inclusion of business plan for both the Trinity Interpretive Center and Trinity Equestrian (now Texas Horse Park) facilities, in the amount of $148,250, making a revised contract amount of $663,250.

Supplemental Agreement No. 3, approved by Administrative Action (04-1112) on April 2, 2004, included additional Trinity Equestrian Center (now Texas Horse Park) economic models as requested by City Council, in the amount of $13,000, making a revised contract amount of $676,250.

Supplemental Agreement No. 4, approved by Council on June 23, 2004 (Resolution No. 04-2148), included schematic design through construction administration for the Trinity Interpretive Center, Trinity Equestrian Center (now Texas Horse Park) and Other Associated Components, in the amount of $2,812,000, making a revised contract amount of $3,488,250.

Supplemental Agreement No. 5 includes modifications to both the Trinity River Audubon Center and Texas Horse Park components of the contract, as follows: 1) add the production of video and audio components for the orientation and exhibits areas of the Trinity River Audubon Center in the amount of $130,055; and 2) modify the scope of the Texas Horse Park from schematic design through construction document services for a smaller equestrian center development to master plan and conceptual design services for a larger, multi-phased equestrian development for a $0 change. When the original master plan was prepared, it was for a smaller equestrian facility. Since that time, a Development and Management Agreement between the City of Dallas and Texas Horse Park, Inc. was approved. Texas Horse Park, Inc. will provide match funding for a larger equestrian development. Also, funding for this larger equestrian facility was provided in the 2006 Bond Program. This action will add a net amount of $130,055, making a revised contract amount of $3,618,305. Once the conceptual design is completed, a Supplemental Agreement for schematic design through construction administration phases for the Phase I development will be needed.

This project will be funded with 1998 Bond Funds (Trinity River Corridor Project). This project was assigned to the Park and Recreation Department to manage.
ESTIMATED SCHEDULE OF PROJECT

Begin Production Video        July 2007
Complete Production Video    July 2008
Begin Master Plan            July 2007
Complete Master Plan         November 2007

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council authorized the professional services contract on August 14, 2002, by Resolution No. 02-2184.

City Council authorized Supplemental Agreement No. 2 on December 8, 2003, by Resolution No. 03-3309.

The Park and Recreation Board authorized Supplemental Agreement No. 4 on June 17, 2004.

City Council authorized Supplemental Agreement No. 4 on June 23, 2004, by Resolution No. 04-2148.

The Park and Recreation Board authorized Supplemental Agreement No. 5 on June 7, 2007.

FISCAL INFORMATION

1998 Bond Funds - $130,055

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<td>$130,055</td>
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<tr>
<td></td>
<td>$3,618,305</td>
</tr>
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M/WBE INFORMATION

See attached.
**ETHNIC COMPOSITION**

Brown, Reynolds and Watford Architects, Inc.

<table>
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<th>Gender</th>
<th>Count</th>
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<td>Other Male</td>
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<tr>
<td>Other Female</td>
<td>3</td>
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</table>

**OWNERS**

Brown, Reynolds and Watford Architects, Inc.

Jeffrey J. Brown, Partner  
Craig S. Reynolds, Partner  
Mark E. Watford, Partner

**MAP**

Attached
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT:  Authorize Supplemental Agreement No. 5 to the contract with Brown, Reynolds and Watford Architects, Inc. for (1) the production of video and audio components for the orientation and exhibit areas of the Trinity River Audubon Center; and, (2) modification of the original scope of work to provide basic service, and special services for a master plan for a multi-phase development for the Texas Horse Park - $130,055, from $3,488,250 to $3,618,305 - Financing: 1998 Bond Funds

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

PROJECT CATEGORY: Architecture & Engineering

<table>
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<tr>
<th>Local/Non-Local Contract Summary - This Action Only</th>
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<tr>
<td>Amount</td>
</tr>
<tr>
<td>Local contracts</td>
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<tr>
<td>Non-local contracts</td>
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<tr>
<td>TOTAL THIS ACTION</td>
</tr>
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</table>

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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<td>WBE</td>
<td>$0.00</td>
</tr>
<tr>
<td>Total</td>
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</table>
WHEREAS, on August 14, 2002 (Resolution No. 02-2184), Brown, Reynolds and Watford Architects, Inc. was awarded a contract to provide a feasibility study and master plan for the Trinity Interpretive Center, Trinity Equestrian Center (now Texas Horse Park) and Trail in the amount of $500,000; and

WHEREAS, on February 24, 2003 (Administrative Action 03-0577), Supplemental Agreement No. 1 included to add Texas Audubon to the consultant team for their participation to enhance the site selection process and operation focus of the Trinity Interpretive Center in the amount of $15,000, making a revised contract amount of $515,000; and

WHEREAS, on December 8, 2003 (Resolution No. 03-3309), Supplemental Agreement No. 2 included to add Rocky Mountain Institute, a nationally known sustainable design LEED certified consulting firm to the team and completion of the business plan for both the Trinity Interpretive Center and Trinity Equestrian Center (now Texas Horse Park) facilities, in the amount of $148,250, making a revised contract amount of $663,250; and

WHEREAS, on April 2, 2004 (Administrative Action 04-1112), Supplemental Agreement No. 3 included additional Trinity Equestrian Center (now Texas Horse Park) economic models as requested by City Council, in the amount of $13,000, making a revised contract amount of $676,250; and

WHEREAS, on June 23, 2004 (Resolution No. 04-2148), Supplemental Agreement No. 4 included schematic design through construction administration for both the Trinity Interpretive Center, Trinity Equestrian Center (now Texas Horse Park) and Trails, in the amount of $2,812,000, making a revised contract amount of $3,488,250; and

WHEREAS, it is now desired to enter into Supplemental Agreement No. 5 with Brown, Reynolds and Watford Architects, Inc. for (1) a production of a video and audio components for the orientation and exhibit areas of the Trinity River Audubon Center; and (2) modification of the original scope of work to provide basic service, and special services for a master plan for a multi-phase development to the Trinity River Equestrian Center (now Texas Horse Park), in an amount not to exceed $130,055, increasing the original contract amount from $500,000 to $3,618,305.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:
SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 5 to the professional services contract with Brown, Reynolds and Watford, Inc. to provide for (1) the production of a video and audio components for the orientation and exhibit areas of the Trinity River Audubon Center; and (2) modification of the original scope of work to provide basic service, and special services for a master plan for a multi-phase development to the Trinity River Equestrian Center (now Texas Horse Park), in an amount not to exceed $130,055, increasing the original contract amount from $500,000 to $3,618,305.

SECTION 2. That the President of the Park and Recreation Board and the City Manager be authorized to execute a contract with Brown, Reynolds and Watford Architects, Inc., after approval as to form by the City Attorney’s Office.

SECTION 3. That the City Controller be and is hereby authorized to pay the amount of $130,055 to Brown, Reynolds and Watford Architects, Inc., as follows:

(1998) Trinity River Corridor Fund 8P14, Unit N966, Department PBW, Object 4111, Activity TRPP, Program PB98N966, CT-PDPBW98N966K1, Commodity 92500, Vendor 205173 $130,055

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Dallas, and it is accordingly so resolved.
KEY FOCUS AREA: Public Safety & Homeland Security

AGENDA DATE:       June 27, 2007
COUNCIL DISTRICT(S): 2
DEPARTMENT:        Police
CMO:              Ryan S. Evans, 670-3314
MAPSCO:          34Z

SUBJECT

Authorize a second amendment to the lease agreement with 3317, Ltd. to extend the lease for an additional 3-year period for the continued use of approximately 2,679 square feet of office space and eight secured designated parking spaces located at 4515 Maple Avenue for the Police Neighborhood Assistance Center from July 1, 2007 through June 30, 2010 - $56,412 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This item will extend the current Lease Agreement for an additional 3-year period for the continued use of approximately 2,679 square feet of office space and eight secured designated parking spaces located at 4515 Maple Avenue for the Dallas Police Department's Neighborhood Assistance Center serving the Central Dallas area. The current lease rate of $1,567 per month will remain the same. The City will be responsible for janitorial services and monthly telephone charges. The Lease term will begin July 1, 2007 and end June 30, 2010.

This storefront is centrally located and in close proximity to the Dallas Housing Authority Low Income Housing Development. The storefront enhances the safety of the neighborhood.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Lease Agreement with Maple Avenue Economic Development Corporation on April 13, 1994, by Resolution No. 94-1468.


Authorized an amendment to the Lease with Boys and Girls Clubs of Greater Dallas, Inc., on February 25, 2004, by Resolution No. 04-0749.
FISCAL INFORMATION

Current Funds - $56,412 (subject to annual appropriations)

OWNER

3317, Ltd.

SLJ Company, General Partner
Louis H. Lebowitz, President

MAPS

Attached.
Lease Premises
4515 Maple Avenue, Suite 100
WHEREAS, on March 24, 1999, the City Council of the City of Dallas approved Resolution No. 99-1048, authorizing the City Manager to execute a lease agreement (the “Lease”) with Boys and Girls Clubs of Greater Dallas, Inc., a Texas nonprofit corporation (“Landlord”), as landlord, and the City of Dallas (“City”), as tenant, for approximately 2,679 square feet of office space and eight (8) secured parking spaces located at 4515 Maple Avenue, Suite 100, Dallas, Dallas County, Texas, as therein described (the "Premises"); and

WHEREAS, the Lease was amended by an instrument entitled First Amendment to the Lease Agreement dated March 18, 2004, extending the term of the lease to April 30, 2007; and

WHEREAS, on or about June 27, 2006 the Premises was sold to 3317, Ltd., a Colorado limited partnership which became Landlord under the Lease; and

WHEREAS, the City’s occupancy was extended to June 30, 2007, as necessary or convenient, pursuant to the holdover provisions in Section 13 of the Lease; and

WHEREAS, it is the desire of both parties to extend the lease term for an additional three (3) years, at the same rental rate;

Now, Therefore,

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

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, be and is hereby authorized to execute a second amendment to the Lease Agreement with 3317, Ltd. to extend the Lease for an additional 3-year period for the continued use of approximately 2,679 square feet of office space and eight secured designated parking spaces located at 4515 Maple Avenue for the Police Neighborhood Assistance Center from July 1, 2007 through June 30, 2010.

SECTION 2. That the special terms and conditions of the second amendment to the Lease Agreement are as follows:

(a) The term of the Lease is hereby extended for an additional three (3) years, beginning July 1, 2007 and ending June 30, 2010, provided however, that City retains the right to terminate the Lease as provided elsewhere therein and either party has the right to terminate the Lease with sixty (60) days written notice.
SECTION 2. (Continued)

(b) Monthly rental payments during the extended term shall be as follows:

July 1, 2007 through June 30, 2010 at $1,567.00 per month

(c) All other terms of the Lease, as previously amended, not expressly amended hereby shall remain in full force and effect.

SECTION 3. That the City Controller be and is hereby authorized to draw warrants payable to 3317, Ltd. or its successors and assigns on the first day of each month in advance during the lease term beginning July 1, 2007 in the amount specified below:

July 1, 2007 – June 30, 2010 $1,567.00 per month (subject to annual appropriations)

SECTION 4. That the payments will be charged as follows:

July 1, 2007 – September 30, 2007: Fund 0001, Department DPD, Unit 2124, Object 3330, Encumbrance No. DPDLEAS0703, Commodity Code 97145, Vendor No. VS0000011140

October 1, 2007 – June 30, 2010: Fund 0001, Department DPD, Unit 2124, Object 3330, Encumbrance No. TBD, Commodity Code 97145, Vendor No. VS0000011140

SECTION 5. That the City Controller is hereby authorized to draw warrants payable to the respective janitorial and communication companies upon receipt of a bill for charges throughout the lease term.

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

APPROVED AS TO FORM:

Thomas P. Perkins, Jr., City Attorney

By: [Signature]
Assistant City Attorney
SUBJECT

Authorize (1) a contract for the construction of Phase VI street and streetscape improvements at Zang Boulevard and Colorado Boulevard at the Lake Cliff Tower located at 329 E. Colorado Boulevard with Allied Builders, Inc., lowest responsible bidder of three, in an amount not to exceed $410,266; and (2) assignment of the contract to Top Dog - Oak Cliff, L.P. for construction management - Total not to exceed $410,266 - Financing: 1995 Bond Funds ($365,581) and Oak Cliff Gateway TIF District Funds ($44,685) (to be advanced by the developer)

BACKGROUND

A development agreement was authorized on January 12, 2005, for the redevelopment of the Lake Cliff Tower. It established responsibilities for both the developer and the City. The developer, Top Dog-Oak Cliff, LP, has invested approximately $15,000,000 in the conversion of the property to 60 condominiums. The City is providing up to $4,100,000 in TIF Funds toward the abatement, demolition, facade restoration, window replacement and other public improvements at the site. Additionally the City agreed to provide funding for streetscape improvements at Colorado and Zang Boulevards as improvements in the neighborhood.

The building improvements were completed in December 2006, and owners have been occupying the building. This award of contract will be part of the City's commitment to this anchor development.

The streetscape improvements include reconstruction of the Zang median to provide vehicular connection between the tower property and the adjacent property, landscaping with 28 trees and plant materials and enhanced paving. Additionally, 14 "acorn" style street lights are to be installed along with a masonry pilaster and ornamental iron fence, all in compliance with the zoning plan.
BACKGROUND  (Continued)

This action will authorize award of the contract for streetscape improvements on Zang Boulevard and Colorado Boulevard and assign the construction management. This does not change the TIF cap of $4,100,000 established for this project.

ESTIMATED SCHEDULE OF PROJECT

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
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<tbody>
<tr>
<td>Begin Construction</td>
<td>August 2007</td>
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<tr>
<td>Complete Construction</td>
<td>October 2007</td>
</tr>
</tbody>
</table>

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized approval of Tax Increment Financing Reinvestment Zone No. 3, Oak Cliff Gateway TIF District on November 11, 1992, by Ordinance No. 21466, as amended.

Authorized approval of Project Plan and Reinvestment Zone Financing Plan for the Oak Cliff Gateway TIF District on February 12, 1997, by Ordinance No. 23033, as amended.

Authorized a development agreement with Top Dog - Oak Cliff, L.P. for renovation of Lake Cliff Tower on January 12, 2005, by Resolution No. 05-0160.

Authorized intent of TIF District Reinvestment Zone No. 3 (Oak Cliff Gateway TIF District) to reimburse Top Dog - Oak Cliff, L.P. for the funds advanced pursuant to the development agreement on January 12, 2005, by Resolution No. 05-0161.

Authorized a contract for Phase I environmental abatement and selective demolition at Lake Cliff Tower and assignment of the construction management to the developer on June 22, 2005, by Resolution No. 05-1981.

Authorized the rejection of bids for Phase II preservation at Lake Cliff Tower and authorized advertisement for new bids on June 22, 2005, by Resolution No. 05-1982.

Authorized contracts for Phase II preservation at Lake Cliff Tower, Phase III roofing and flashing removal at Lake Cliff Tower and Phase IV concrete coring, cutting and structural modifications at Lake Cliff Tower; assignment of construction management to the developer, and provided payment for design, reimbursables and construction management to the developer, on September 28, 2005, by Resolution No. 05-2852.
PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)  (Continued)

Authorized a contract for Phase V site demolition at Lake Cliff Tower; assignment of the construction management to the developer and provided payment for design, reimbursables and construction management to the developer, on January 25, 2006, by Resolution No. 06-0305.

Authorized Change Order No. 1 for Phase II preservation of the Lake Cliff Tower; Change Order No. 1 for Phase IV concrete coring, cutting and structural modifications of the Lake Cliff Tower; and assignment of construction management to the developer, on February 22, 2006, by Resolution No. 06-0612.

Authorized an amendment to the development agreement with Top Dog - Oak Cliff, L.P. to (1) allow the development of a larger mixed-use option at 1335 N. Zang Boulevard, (2) outline revised standards and extend the completion deadline to December 31, 2009, (3) reduce the requirements for infrastructure improvements, and (4) allow for a revised apportionment of the $4.1 million in TIF funding between the Lake Cliff Tower and 1335 N. Zang Boulevard on November 8, 2006, by Resolution No. 06-3093.

Authorized an increase in the design, construction management and reimbursables for the Lake Cliff Tower facility on December 13, 2006, by Resolution No. 07-0744.

FISCAL INFORMATION

Oak Cliff Gateway TIF District Funds - $44,685.00 (to be advanced by the developer)
1995 Bond Funds - $365,581.00

ETHNIC COMPOSITION

Allied Builders, Inc.

<table>
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<tr>
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<th>Female</th>
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<td>White</td>
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</table>
BID INFORMATION

The following bids for Phase VI streetscape improvements at Zang and Colorado at the Lake Cliff Tower were received and opened on February 1, 2007:

* Denotes successful bidder

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
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<tbody>
<tr>
<td>*Allied Builders, Inc.</td>
<td>$410,266.00</td>
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<tr>
<td>100 N. Central Suite 770</td>
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<td>Dallas, Texas 75201</td>
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<tr>
<td>Gibson and Associates, Inc.</td>
<td>$451,883.77</td>
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<td>Texas Standard Construction, Inc.</td>
<td>$619,038.00</td>
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Original Estimate: $365,000.

OWNER(S)                      DEVELOPER

Allied Builders, Inc.          Top Dog - Oak Cliff, L.P.
Philip Ogbolu, President       Lake Cliff Tower Management, LLC, general partner
Steve Everbach, President      

MAP

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize (1) a contract for the construction of Phase VI street and streetscape improvements at Zang Boulevard and Colorado Boulevard at the Lake Cliff Tower located at 329 E. Colorado Boulevard with Allied Builders, Inc., lowest responsible bidder of three, in an amount not to exceed $410,266; and (2) assignment of the contract to Top Dog - Oak Cliff, L.P. for construction management - Total not to exceed $410,266 - Financing: 1995 Bond Funds ($365,581) and Oak Cliff Gateway TIF District Funds ($44,685) (to be advanced by the developer)

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

PROJECT CATEGORY: Construction

----------------------------------------

LOCAL/NON-LOCAL CONTRACT SUMMARY

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<th>Amount</th>
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<tr>
<td>TOTAL CONTRACT</td>
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LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

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Non-Local Contractors / Sub-Contractors

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TOTAL M/WBE CONTRACT PARTICIPATION

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<td>71.24%</td>
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<td>Native American</td>
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<tr>
<td>WBE</td>
<td>$0.00</td>
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<tr>
<td>Total</td>
<td>$292,266.00</td>
<td>100.00%</td>
<td>$410,266.00</td>
<td>100.00%</td>
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</table>
WHEREAS, on November 11, 1992, City Council adopted Ordinance No. 21466, as amended, which created Tax Increment Financing (TIF) Reinvestment Zone No. 3, the Oak Cliff Gateway TIF District; and,

WHEREAS, on February 12, 1997, Ordinance No. 23033, as amended, the Project Plan and Reinvestment Zone Financing Plan for the Oak Cliff Gateway TIF District; and,

WHEREAS, on January 12, 2005, Resolution No. 05-0160, approving a development agreement with Top Dog - Oak Cliff, L.P. for the renovation of Lake Cliff Tower and established appropriations in an amount not to exceed $4,100,000 in the Oak Cliff Gateway TIF District Fund; and,

WHEREAS, on January 12, 2005, Resolution No. 05-0161 declaring the intent of Tax Increment Financing District Reinvestment Zone No. 3 (Oak Cliff Gateway TIF District) to reimburse Top Dog - Oak Cliff, L.P. for the funds advanced pursuant to a development agreement between the City of Dallas and Top Dog - Oak Cliff, L.P.; and,

WHEREAS, on June 22, 2005, Resolution No. 05-1981, authorizing a contract for Phase I, environmental abatement and selective demolition at Lake Cliff Tower to CST Environmental, Inc. for an amount not to exceed $648,800 and assignment of the contract for construction administration to Top Dog - Oak Cliff, L.P.; and,

WHEREAS, on June 22, 2005, Resolution No. 05-1982 for the rejection of bids for Phase II, of the demolition, abatement and preservation of Lake Cliff Tower and the readvertisement for new bids; and,

WHEREAS, on September 28, 2005, Council approved three contracts to Mid-Continental Restoration Company, Inc. for Lake Cliff Tower by Resolution No. 05-2852, for Phase II Preservation in an amount not to exceed $1,137,500 for Phase III Roofing and Flashing Renovation in an amount not to exceed $248,825, and for Phase IV Concrete Coring and Cutting and Structural Modifications in an amount not to exceed $798,500, and assignment of the contract for construction administration to Top Dog - Oak Cliff, L.P. and payment to Top Dog - Oak Cliff, L.P. for design, reimbursables and construction management; and,

WHEREAS, on January 25, 2006, Resolution No. 06-0305, authorizing a contract for Phase V Site Demolition at Lake Cliff Tower to HZH, Inc. in an amount not to exceed $73,260 and assignment of the contract for construction administration to Top Dog - Oak Cliff, L.P., and payment to Top Dog - Oak Cliff, L.P. for design, reimbursables and construction management; and,
WHEREAS, on February 22, 2006, Resolution No. 06-0612, authorizing Change Order No. 1 for Phase II preservation of Lake Cliff Tower in an amount not to exceed $105,000, and Change Order No. 1 for Phase IV Concrete Coring and Cutting and Structural Modifications of the Lake Cliff Tower in an amount not to exceed $170,000, and assignment of the contracts to Top Dog - Oak Cliff, L.P.; and,

WHEREAS, on April 28, 2006, Administrative Change Order No. 06-1147 authorized (1) an increase in the contract for abatement and selective demolition to the Lake Cliff Tower with CST Environmental, Inc. in an amount not to exceed $22,313.25; (2) a decrease in the payment to Top Dog - Oak Cliff, L.P. in the amount not to exceed $20,000, decreasing the payment from $395,175 to $375,175 for design, reimbursables and construction management; (3) the City Controller to receive and deposit $2,313.25; and (4) assignment of the contract to Top Dog - Oak Cliff, L.P.; and,

WHEREAS, on November 8, 2006, Resolution No. 06-3093 authorizing an amendment to the development agreement with Top Dog - Oak Cliff, L.P. to (1) allow the development of a larger mixed-use option at 1335 N. Zang Boulevard, (2) outline revised standards and extend the completion deadline to December 31, 2009, (3) reduce the requirements for infrastructure improvements and (4) allow for a revised apportionment of TIF funding to $3.6 million for the Lake Cliff Tower and $500,000 for 1335 N. Zang Boulevard; and,

WHEREAS, on December 13, 2006, Resolution No. 06-3443 authorizing an increase to the design, reimbursables and construction management by $392,381, from $375,175 to $767,556; and,

WHEREAS, the following bids for the construction of Phase VI, streetscape improvements at Zang Boulevard and Colorado Boulevard at Lake Cliff Tower were received and opened on February 1, 2007:

*Denotes successful bidder.

<table>
<thead>
<tr>
<th>BIDDERS</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Allied Builders, Inc.</td>
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<tr>
<td>Gibson &amp; Associates, Inc.</td>
<td>451,883.77</td>
</tr>
<tr>
<td>Texas Standard Construction, Ltd.</td>
<td>619,038.00</td>
</tr>
</tbody>
</table>

WHEREAS, it is now necessary to award the contract for the construction of Phase VI street and streetscape improvements at Zang Boulevard and Colorado Boulevard at Lake Cliff Tower to Allied Builders, Inc., lowest responsible bidder of three, in an amount not to exceed $410,266, and the assignment of the contract to Top Dog - Oak Cliff, L.P. for construction management.
Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a contract for the construction of Phase VI street and streetscape improvements at Zang Boulevard and Colorado Boulevard at Lake Cliff Tower with Allied Builders, Inc., lowest responsible bidder of three, in an amount not to exceed $410,266, and the assignment of the contract to Top Dog - Oak Cliff, L.P. for construction management, after it has been approved as to form by the City Attorney.

Section 2. That the City Controller is hereby authorized to receive and deposit funds in Fund 0034, Agency ECO, Balance Sheet Account 084P, in an amount not to exceed $44,685.

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

- Oak Cliff Gateway TIF District Fund
  Fund 0034, Department ECO, Unit P182, Act. TOAK
  Obj. 4420, Program #PBTIF015, CT ECOP182G045-01
  Vendor #519708, in an amount not to exceed $ 44,685.00

- Street System Facilities Improvement Fund
  Fund 0N22, Department PBW, Unit P377, Act. SSUD
  Obj. 4510, Program PBTIF015, CT PBWTIF015H1
  Vendor #519708, in an amount not to exceed $365,581.00

  $410,266.00

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

Distribution: Public Works and Transportation, Cheryl Nichols, OCMC, Room 101
Public Works and Transportation, Jay Macaulay, OCMC, Room 321
Economic Development, Tenna Kirk, 5CS
City Attorney Office, Barbara Martinez, 7DN
KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 3

DEPARTMENT: Public Works & Transportation

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

MAPSCO: 42 UV

SUBJECT

Authorize final payment to the Texas Department of Transportation for the design and construction of paving improvements at the Chalk Hill Road and Cockrell Hill Road interchange with IH 30 - $246,796 - Financing: 2006 Bond Funds

BACKGROUND

This project was nominated and accepted as a candidate project for the Surface Transportation Program-Metropolitan Mobility (STP-MM), provided for by the Intermodal Surface Transportation Efficiency Act (ISTEA). The STP-MM program provides for construction of new thoroughfares, widening of existing thoroughfares, and provides federal funding for up to 80% of eligible project costs. Eligible costs include engineering, right-of-way acquisition, and construction. The remaining 20%, the local share normally funded by the City, was mostly funded through Dallas County's 1991 Bond Program and by the State. Per the original Interlocal Agreement, any shortfall in funding was the responsibility of the City.

This project included the construction of entrance and exit ramps, service roads between Chalk Hill Road and Cockrell Hill Road, and a bridge over Interstate 30, all of which required right-of-way from three adjacent property owners, Morning Park, Inc., Texas Industries, Inc., and Petula Associates, LTD. All necessary right-of-way was dedicated by the adjacent owners. All construction on this project was completed in late 2000.

The original estimated cost for this project was $7,000,000. The original funding breakdown was to be $5,500,000 in federal funds and $1,500,000 for Dallas County. Because construction bids came in substantially higher than TxDOT's estimate and because there were change orders during the construction, the final cost of this project was $10,666,715. The federal share was increased to $6,556,000 the state contributed $2,287,552, and Dallas County's share reained constant at $1,500,000. This left a shortfall of $313,163, of which $66,367 was credited to the City from the Cockrell Hill Extension from IH30 to Davis. The City of Dallas is responsible for the remaining balance of $246,796.
BACKGROUND (Continued)

This action will provide the City's shortfall funding to close out and finalize this project. There will be no future council action required for this item.

ESTIMATED SCHEDULE OF PROJECT

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<th>Event</th>
<th>Date</th>
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</tr>
<tr>
<td>Completed Construction</td>
<td>December 2000</td>
</tr>
</tbody>
</table>

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed the Council Transportation and Telecommunications Committee on May 13, 1996.

Endorsed the Interchange at Cockrell Hill on June 12, 1996, by Resolution No. 96-2051.

Authorized an amendment to the City of Dallas Thoroughfare Plan on June 12, 1996, by Resolution No. 96-2052.

Authorized an Interlocal Agreement on November 13, 1996, by Resolution No. 96-3597.

Authorized a Participation Agreement on December 11, 1996, by Resolution No. 96-3811.

Authorized Supplemental Agreement No. 1 on April 8, 1998, by Resolution No. 98-1095.

FISCAL INFORMATION

2006 Bond Funds - $246,795.15

MAP

Attached.
WHEREAS, the Chalk Hill Road and Cockrell Hill Road interchange with IH 30 including Cockrell Hill Road from IH 30 to Davis Street was nominated as a candidate project in the Surface Transportation Program-Metropolitan Mobility (STP-MM), provided for by the Intermodal Surface Transportation Efficiency Act (ISTEA); and,

WHEREAS, on June 12, 1996, Resolution No. 96-2051 endorsed the IH 30 diamond interchange concept for Cockrell Hill Road; and,

WHEREAS, on June 12, 1996, Resolution No. 96-2052 instructed the City Manager to initiate the thoroughfare plan amendment process to potentially add Cockrell Hill Road from Davis Street to La Reunion Parkway to the plan in support of the IH 30 diamond interchange concept for Cockrell Hill Road; and,

WHEREAS, on November 13, 1996, Resolution No. 96-3597 authorized the City of Dallas to enter into an Interlocal Agreement with Dallas County and the Texas Department of Transportation (TxDOT) in order for Dallas County to pay the local cost share for the project and TxDOT to review the design and administer the construction; and,

WHEREAS, on December 11, 1996, Resolution No. 96-3811 authorized the City of Dallas to enter into a Participation Agreement with Morning Park, Inc. for right-of-way acquisition and the design and construction of paving improvements to the Chalk Hill Road and Cockrell Hill Road interchange with IH 30; and,

WHEREAS, on April 8, 1998, Resolution No. 98-1095 authorized the City of Dallas to enter into Supplemental Agreement No. 1 with TxDOT and Dallas County; and,

WHEREAS, construction was completed in late 2000; and

WHEREAS, the City of Dallas is responsible for paying the remaining local share balance of $246,795.15.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to approve the final payment to the Texas Department of Transportation for the design and construction of paving improvements at the Chalk Hill Road and Cockrell Hill Road interchange with IH 30, in the amount of $246,795.15.
Section 2. That the City Controller is hereby authorized to disburse funds to the Texas Department of Transportation from:

Street and Transportation Improvements Fund  
Fund 6T22, Departement PBW, Unit U204, Act. INGV  
Obj. 4510, Program PB06U204, PBW06U204I1  
Vendor # 239588, in an amount not to exceed $246,795.15

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, Cheryl Nichols, OCMC, Room 101  
Public Works and Transportation, Dawna Brown, City Hall, L1BS
SUBJECT

Authorize payment to the North Central Texas Council of Government for the City's participation in the fifth year of the Integrated Storm Water Management process for development of a comprehensive drainage criteria and design manual for use in both municipal and private development - Not to exceed $40,955 - Financing: Current Funds (to be reimbursed by Storm Water Drainage Management Funds)

BACKGROUND

The North Central Texas Council of Government (NCTCOG) has initiated a regional effort to develop a comprehensive drainage criteria and design manual for use in both municipal engineering and private development. The Integrated Storm Water Management (iSWM) process will incorporate methodologies not available during development of Dallas' current Drainage Design Manual. Additionally, the process will provide guidance for design and implementation of quality controls, which is important with regard to the Dallas' Texas Pollutant Discharge Elimination System (TPDES) Municipal Separate Storm Sewer (MS4) Permit.

This is the fifth-year of a multi-year program. This action will support the completion of the design manual, development of a training DVD and training sessions, development of guidelines for local criteria and workshops with the development and design communities. Staff plans to begin the local adoption process in Fiscal Year 2007-08.

The regional effort should also pay dividends as adjacent municipalities adopt the more rigorous standards, by reducing flooding and erosion impacts and pollutants generated in watersheds that drain to Dallas as a result of further development or redevelopment.

ESTIMATED SCHEDULE OF PROJECT

Began Implementation          October 2006
Complete Implementation        September 2007
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized first-year funding on February 12, 2003, by Resolution No. 03-0636.

Briefed the Health, Environmental and Human Services Committee on February 23, 2004.

Authorized second-year funding on May 12, 2004, by Resolution No. 04-1560.

Authorized third-year funding on September 14, 2005, by Resolution No. 05-2654.

Authorized fourth-year funding on September 27, 2006, by Resolution No. 06-2610.

FISCAL INFORMATION

Current Funds - $40,955 (to be reimbursed by Storm Water Drainage Management Funds)
WHEREAS, on February 12, 2003, Resolution No. 03-0636 authorized payment to the North Central Texas Council of Governments (NCTCOG) for Dallas' participation in the first-year of the Integrated Storm Water Management (iSWM) process; and,

WHEREAS, on May 12, 2004, Resolution No. 04-1560 authorized payment to the North Central Texas Council of Governments (NCTCOG) for Dallas' participation in the second-year of the Integrated Storm Water Management (iSWM) process; and,

WHEREAS, on September 14, 2005, Resolution No. 05-2654 authorized payment to the North Central Texas Council of Governments (NCTCOG) for Dallas' participation in the third-year of the Integrated Storm Water Management (iSWM) process; and,

WHEREAS, on September 28, 2006, Resolution No. 06-2610 authorized payment to the North Central Texas Council of Governments (NCTCOG) for Dallas' participation in the fourth-year of the Integrated Storm Water Management (iSWM) process; and,

WHEREAS, the drainage criteria and design manual will facilitate safe, economic, and environmentally sensitive development as well as provide enhanced water quality controls once implemented; and,

WHEREAS, it is necessary to appropriate funding for Dallas' share in the fifth-year of a multi-year program.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to make payment to the North Central Texas Council of Governments for the City's participation in the fifth year of the Integrated Storm water Management process for development of a comprehensive drainage criteria and design manual for use in both municipal and private development.

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

- Current Funds (to be reimbursed by Storm Water Drainage Management Funds)
- Fund 0001, Department PBW, Unit. 3016, Act. PB40
- Obj. 3099, Program #PB3016, CT PDPBW3016I001
- Vendor #066264, in an amount not to exceed $40,955
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, Cheryl Nichols, OCMC, Room 101
Public Works and Transportation, Paulette Williams, OCMC, Room 307
Public Works and Transportation, Modesta Pena, OCMC, Room 307
KEY FOCUS AREA: Public Safety & Homeland Security

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 13
DEPARTMENT: Public Works & Transportation
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: 24N

SUBJECT

Authorize a contract for the construction of Fire Station No. 35 to be located at 3839 Walnut Hill Lane - CME Builders & Engineers, Inc., best value proposer of three - $3,091,971 - Financing: 2003 Bond Funds

BACKGROUND

In the 2003 Bond Program, the citizens of Dallas approved funding for the design and construction of a new replacement facility for Fire Station No. 35 located on Walnut Hill Lane near Marsh Lane.

On September 8, 2004, Resolution No. 04-2550 authorized the acquisition of a site on Walnut Hill Lane and Coppedge Lane.

Following a selection process undertaken by city staff, Johnson/McKibben Architects, Inc. was selected as the most qualified firm to provide professional services for this project. On April 27, 2005, Resolution No. 05-1306 authorized a professional services contract with Johnson/McKibben Architects, Inc. to provide schematic design, design development, preparation of construction bid documents, bid evaluation and construction administration for the new Fire Station No. 35.

Neighborhood meetings were conducted to review site selection. Finally a site was acquired and the condemnation process was conducted. On May 10, 2006, Resolution No. 06-1375 authorized acquisition of a site on Walnut Hill, west of Coppedge Lane.

On April 19, 2007, competitive sealed proposals were received. Following the evaluation process, CME Builders & Engineers was selected as the best value proposer with a cost of $3,091,971.

This action will authorize a contract for the construction of Fire Station No. 35, to be located at 3839 Walnut Hill Lane, with CME Builders & Engineers, Inc. for the construction of a new station of approximately 12,000 square feet with a two full bay/two half bay apparatus room.
BACKGROUND (Continued)

This will be a multiple company station, designed for fifteen firefighters per shift.

ESTIMATED SCHEDULE OF PROJECT

Began Design  April 2005
Completed Design  March 2007
Begin Construction  July 2007
Complete Construction  July 2008

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the site acquisition on September 8, 2004, by Resolution No. 04-2550.

Authorized a professional services contract on April 27, 2005, by Resolution No. 05-1306.

Authorized the site acquisition on May 10, 2006, by Resolution No. 06-1375.

FISCAL INFORMATION

2003 Bond Funds - $3,091,971

Site Acquisition  $ 707,000.00
Design  $ 314,857.00
Construction  $3,091,971.00
Project Expenses  $ 72,443.00
Miscellaneous Expenses  $ 301,195.00

Total Project Cost  $4,487,466.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

CME Builders & Engineers, Inc.

African-American Female  0  African-American Male  0
Hispanic Female  0  Hispanic Male  2
White Female  2  White Male  5
Other Female  0  Other Male  0
PROPOSAL INFORMATION

The following proposals were received and opened on April 19, 2007.

*Denotes successful proposer.

<table>
<thead>
<tr>
<th>Proposer</th>
<th>Base Proposal</th>
<th>Alternate No. 1**</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>*CME Builders &amp; Engineers, Inc.</td>
<td>$3,298,000</td>
<td>$10,000</td>
<td>$3,308,000</td>
</tr>
<tr>
<td>1505 E. Henderson St.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cleburne, Texas, 76031</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alshall Construction Company</td>
<td>$3,280,786</td>
<td>$30,159</td>
<td>$3,310,945</td>
</tr>
<tr>
<td>Phillips/May Corporation</td>
<td>$3,585,000</td>
<td>$54,000</td>
<td>$3,639,000</td>
</tr>
</tbody>
</table>

**Alternate No. 1 is for the construction of a left turn lane off Walnut Hill Lane onto the site.

Consultant's estimate: $2,865,480

OWNER(S)

CME Builders & Engineers, Inc.

Robert K. Carroll, President

MAP

Attached.
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of Fire Station No. 35 to be located at 3839 Walnut Hill Lane - CME Builders & Engineers, Inc., best value proposer of three - $3,091,971 - Financing: 2003 Bond Funds

CME Builders & Engineers, Inc., a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total local contracts</td>
<td>$1,415,098.87</td>
<td>45.77%</td>
</tr>
<tr>
<td>Total non-local contracts</td>
<td>$1,676,872.13</td>
<td>54.23%</td>
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<tr>
<td>TOTAL CONTRACT</td>
<td>$3,091,971.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<table>
<thead>
<tr>
<th>Local</th>
<th>Certification</th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Pest Management</td>
<td>BMMB31846N0807</td>
<td>$988.00</td>
<td>0.07%</td>
</tr>
<tr>
<td>Masonry &amp; Stucco Services, Ind.</td>
<td>HMDB31236Y0607</td>
<td>$292,539.00</td>
<td>20.67%</td>
</tr>
<tr>
<td>SPF Enterprises, Inc.</td>
<td>HMDB28244Y0806</td>
<td>$292,000.00</td>
<td>20.63%</td>
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<tr>
<td>Rocky Duron &amp; Associates</td>
<td>HMDB33034Y1207</td>
<td>$4,712.00</td>
<td>0.33%</td>
</tr>
<tr>
<td>GNS Electric</td>
<td>WFWB17191Y0508</td>
<td>$181,814.00</td>
<td>12.85%</td>
</tr>
<tr>
<td>R &amp; D Ind dba A &amp; M Fence of Texas</td>
<td>WFDB32487Y1007</td>
<td>$1,406.67</td>
<td>0.10%</td>
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<tr>
<td>Total Minority - Local</td>
<td></td>
<td>$773,459.67</td>
<td>54.66%</td>
</tr>
</tbody>
</table>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>Local</th>
<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>$988.00</td>
<td>0.07%</td>
<td>$988.00</td>
<td>0.03%</td>
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<td>Asian American</td>
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<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
<td>$183,220.67</td>
<td>12.95%</td>
<td>$183,220.67</td>
<td>5.93%</td>
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<tr>
<td>Total</td>
<td>$773,459.67</td>
<td>54.66%</td>
<td>$773,459.67</td>
<td>25.02%</td>
</tr>
</tbody>
</table>
WHEREAS, in the 2003 Bond Program, the citizens of Dallas approved funding for the design and construction of a new replacement facility for Fire Station No. 35 and,

WHEREAS, on March 25, 2004, Resolution No. 04-2550 authorized acquisition of a site near the intersection of Walnut Hill and Coppedge Lanes for a new facility for Fire Station No. 35; and,

WHEREAS, the new station will include two full bays and two half bays, and will be 12,000 square feet; and,

WHEREAS, at the conclusion of a selection process conducted by city staff, the firm of Johnson/McKibben Architects, Inc. was chosen as the most qualified firm to provide professional services for this project; and,

WHEREAS, on April 27, 2005, Council Resolution 05-1306 authorized a professional services contract with Johnson/McKibben Architects, Inc. to provide schematic design, design development, preparation of construction bid documents, bid evaluation and construction administration for Fire Station No. 35, in an amount not to exceed $284,857; and,

WHEREAS, following several neighborhood meetings, a site was selected; and,

WHEREAS, following a condemnation process, on May 10, 2006, Resolution No. 06-1375 authorized the acquisition of a site on Walnut Hill Lane, west of Coppedge Lane; and,

WHEREAS, the following proposals were received and opened on April 19, 2007:

*Denotes successful proposer.

<table>
<thead>
<tr>
<th>Proposer</th>
<th>Base Proposal</th>
<th>Alternate No. 1**</th>
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<td>$30,159</td>
<td>$3,310,945</td>
</tr>
<tr>
<td>Phillips/May Corporation</td>
<td>$3,585,000</td>
<td>$54,000</td>
<td>$3,639,000</td>
</tr>
</tbody>
</table>

**Alternate No. 1 is for the construction of a left turn lane off Walnut Hill Lane onto the site.
WHEREAS, it is now desirable to authorize a contract for the construction of Fire Station No. 35 to be located at 3839 Walnut Hill Lane, with CME Builders & Engineers, Inc., in the amount of $3,091,971; this being the best and final offer.

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 CME Builders & Engineers, Inc. for the construction of Fire Station No. 35 to be located at 3839 Walnut Hill Lane, in an amount not to exceed $3,091,971, this being the best and final offer.

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

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

- Fire Station Facilities Fund
  Fund 4R41, Agency PBW, Org. R941, Act. FIRF
  Obj. 4310, Job #PB03R941, CT PBW03R9411-01
  Vendor #506949, in an amount not to exceed $120,090

- Fire Station Facilities Fund
  Fund 5R41, Agency PBW, Org. R941, Act. FIRF
  Obj. 4310, Job #PB03R941, CT PBW03R9411-02
  Vendor #506949, in an amount not to exceed $2,971,881

Total in an amount not to exceed $3,091,971

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, Cheryl Nichols, OCMC, Room 101
Public Works and Transportation, Terry Williams, OCMC, Room 321
Fire Rescue Department
City Attorney
Office of Financial Services
KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 4

DEPARTMENT: Public Works & Transportation

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

MAPSCO: 55F

SUBJECT

Fiji-Compton Project

* Authorize an amendment to Resolution No. 06-3473, previously approved on December 13, 2006, to authorize (1) payment to the North Central Texas Council of Governments for the City's share of design, right-of-way acquisition, and construction of infrastructure improvements in the amount of $702,997, (2) the receipt and deposit of advanced funds from the North Central Texas Council of Governments in an amount not to exceed $702,997, and (3) an increase in appropriations in the amount of $702,997 in the Capital Projects Reimbursement Fund - Total not to exceed $702,997 - Financing: 2003 Bond Funds

* Authorize an amendment to Resolution No. 06-3474, previously approved on December 13, 2006, to authorize payment to Sphinx Development Corporation for the design, right-of-way acquisition, and construction of paving and drainage related infrastructure improvements - $3,514,983 - Financing: Capital Projects Reimbursement Funds

BACKGROUND

On April 14, 2005, the Regional Transportation Council (RTC) allocated $40.61 million for their second Sustainable Development Program Call for Projects. The Sustainable Development Program is intended to promote development types that reduce the overall demand for transportation infrastructure and improve air quality. The call for projects was formally announced on October 14, 2005 and allowed for three types of project submissions: transportation infrastructure improvements, land banking and planning programs. This project was one of nine selected and approved by the RTC on April 13, 2006.
BACKGROUND (Continued)

Council Resolution No. 06-1536 supported Sphinx Development Corporation's proposed Fiji-Compton Project that was approved for $2,811,986 in RTC Sustainable Development Program Funds.

The Fiji-Compton Project covers an area bounded by Corinth Street, Compton Street and the DART South Oak Cliff light rail transit (LRT) line and is within one-quarter mile of both DART's Eighth/Corinth and Morrell LRT stations. The project will provide single family and senior housing, as well as mixed-use development along Corinth Street with ground-level retail.

The Sustainable Development Program requires a local match of 20 percent of the total project cost of $3,514,983. The local match is $702,997 for infrastructure improvements only. The match for the Fiji-Compton Project will be provided by the City of Dallas from 2003 Bond Program Public/Private Partnership Funds in Council District 4. RTC funding was available for reimbursement on this project in October 2006. An interlocal agreement with the North Central Texas Council of Governments (NCTCOG) and a participation agreement with Sphinx Development Corporation were authorized on December 13, 2006, by Resolution No. 06-3473 and 06-3474.

Because Sphinx changed their minds on the way they want to develop and pay for this project through the NCTCOG process, this action will clarify and modify the funding arrangements with North Central Texas Council of Governments and Sphinx Development Corporation. This action will authorize the City to pay NCTCOG the local match of 20% of the total project cost, in the amount of $702,997. The NCTCOG will reimburse the contractor, Sphinx Development Corporation. Future Council action is required to award the construction contract and assign it to Sphinx Development Corporation.

ESTIMATED SCHEDULE OF PROJECT

<table>
<thead>
<tr>
<th>Task</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Begin Design</td>
<td>July 2007</td>
</tr>
<tr>
<td>Complete Design</td>
<td>December 2007</td>
</tr>
<tr>
<td>Begin Construction</td>
<td>April 2008</td>
</tr>
<tr>
<td>Complete Construction</td>
<td>April 2009</td>
</tr>
</tbody>
</table>

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed the Transportation and Telecommunications Committee on September 26, 2005.

Briefed the Transportation and Telecommunications Committee on January 9, 2006 and recommended the Project submission list.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)  (Continued)

Authorized the land use development concepts on June 7, 2006, by Resolution No. 06-1536.

Authorized an interlocal agreement with NCTCOG on December 13, 2006, by Resolution No. 06-3473.

Authorized participation agreement on December 13, 2006, by Resolution No. 06-3474.

FISCAL INFORMATION

2003 Bond Funds - $702,997
Capital Projects Reimbursement Funds - $3,514,983

MAP

Attached.
WHEREAS, the Regional Transportation Council approved $40.61 million for a Sustainable Development Program Call for Projects on April 14, 2005 and the North Central Texas Council of Governments established Sustainable Development Program Call for Projects Rules; and,

WHEREAS, the City of Dallas submitted a Sustainable Development Program application for the Fiji-Compton Project to the North Central Texas Council of Governments prior to the January 20, 2006 deadline; and,

WHEREAS, the Regional Transportation Council approved $2,811,986 in Regional Transportation Council Local Funds under the Sustainable Development Program for the Fiji-Compton Project on April 13, 2006; and,

WHEREAS, the Sustainable Development Program requires a minimum local match of 20 percent of the total project cost of $3,514,983, or $702,997, to be provided by City of Dallas; and,

WHEREAS, Council Resolution No. 06-1536 supported the land use development concepts of the Fiji-Compton Project; and,

WHEREAS, payment of the City's share of funding to the North Central Texas Council of Governments is now required.

Now, Therefore,

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

Section 1. That the City Controller is hereby authorized to disburse funds from:

Capital Projects Reimbursement Fund  
Fund 0556, Dept. PBW, Unit P355, Act. PPPF  
Obj. 4510, Program #PB03P355, CT PBW03P355I1  
Vendor # 265554, in an amount not to exceed $702,997

Section 2. That the City Controller is hereby authorized to deposit reimbursed advanced funds from the North Central Texas Council of Governments into Fund 0556, Department PBW, Unit P355, Balance Sheet Acct. 0740 in an amount not to exceed $702,997.

Section 3. That the City Manager is hereby authorized to increase appropriations in the Capital Projects Reimbursement Fund 0556, Department PBW, Unit P355, Obj. 4510 in the amount of $702,997.
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, Cheryl Nichols, OCMC, Room 101
Public Works and Transportation, Dawna Brown, City Hall, L1BS
City Attorney
WHEREAS, the Regional Transportation Council approved $40.61 million for a Sustainable Development Program Call for Projects on April 14, 2005 and the North Central Texas Council of Governments established Sustainable Development Program Call for Projects Rules; and,

WHEREAS, the City of Dallas submitted a Sustainable Development Program application for the Fiji-Compton Project to the North Central Texas Council of Governments prior to the January 20, 2006 deadline; and,

WHEREAS, the Regional Transportation Council approved $2,811,986 in Regional Transportation Council Local Funds under the Sustainable Development Program for the Fiji-Compton Project on April 13, 2006; and,

WHEREAS, the Sustainable Development Program requires a minimum local match of 20 percent of the total project cost of $3,514,983, or $702,997, to be provided by City of Dallas; and,

WHEREAS, Council Resolution No. 06-1536 supported the land use development concepts of the Fiji-Compton Project; and,

WHEREAS, Council Resolution No. 06-3474 authorized a development participation agreement between the City of Dallas and Sphinx Development Corporation.

Now, Therefore,

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

Section 1. That the City Controller is hereby authorized to release encumbered funds from:

Street and Transportation Improvements Fund
Fund 3R22, Dept. PBW, Unit P355, Act. PPPF
Obj. 4510, Program #PB03P355, CT PBW03P355B1
Vendor #VS0000015671, in an amount not to exceed ($60,000)

Capital Projects Reimbursement Fund
Fund 0556, Dept. PBW, Unit P355, Act. PPPF
Obj. 4510, Program #PB03P355, CT PBW03P355B1
Vendor #VS0000015671, in an amount not to exceed ($240,000)

Total in an amount not to exceed ($300,000)
Section 2. That the City Controller is hereby authorized to disburse funds to Sphinx Development Corporation in accordance with the terms and conditions of the agreement in an amount not to exceed $2,811,986 from Fund 0556, Department PBW, Unit P355, Obj. 4510, $702,997 from Fund 0556, Department PBW, Unit P355, Balance Sheet Account 0740.

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, Cheryl Nichols, OCMC, Room 101
Public Works and Transportation, Dawna Brown, City Hall, L1BS
City Attorney
KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): All
DEPARTMENT: Sanitation Services
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: N/A

SUBJECT

Ratify an emergency services contract for the clean-up and removal of debris from damaged property caused by recent storms - Baldwin Tree and Disaster Relief Service - $259,200 - Financing: Current Funds

BACKGROUND

The thunderstorms and high winds that hit the DFW area on Wednesday, May 2, 2007, caused massive damage to property and trees. The cleanup effort required for the amount of storm debris has been enormous, as the extent and concentration of debris exceeds any storms in recent years. Thousands of trees have been “naturally pruned” and toppled – many of them uprooted and thrown against fences, houses and utility poles. Cleanup crews are encountering trees with trunks in excess of six feet in diameter, far larger than any typical monthly collection item.

Sanitation crews are equipped to manage the bulk of this effort, but are encountering delays because of inadequate equipment availability. Crews are working the equipment for longer hours than normal every day and for more days each week than normal. This leads to increased need for equipment maintenance, but less time for the mechanics to conduct the repairs – resulting in more equipment down time. Without adequate equipment, the storm clean-up work is delayed, which accelerates the opportunity of a public health hazard, as insects, rodents, and snakes will tend to nest and proliferate within the debris.

In order to keep up with the debris collection schedule, Sanitation Services seeks to further supplement its forces with contractor roto-booms – the vehicle with the grapple claw that is capable of picking up large piles of debris to load on hauling trucks. While very few contractors have this specialized equipment available for occasional rental, there are contract service firms known as “Storm Chasers” who provide crews and equipment to perform debris clean-up work, such as that needed after Hurricane Katrina.
BACKGROUND (Continued)

This item seeks approval for a short-term (4-week period) use of a Storm Chaser firm called Baldwin Tree and Disaster Debris Service to supplement city forces with six crews of: boom truck and trailer, operator (including labor, overtime, living expenses, and incidentals), fuel, maintenance, insurance, communication devices, and other miscellaneous incidentals. With this supplementary service acting under the direction of the Sanitation Services staff, the debris clean-up may be completed on schedule by the close of June.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This action has no prior action.

FISCAL INFORMATION

$259,200 - Current Funds

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Baldwin Tree and Disaster Debris Service

<table>
<thead>
<tr>
<th>Ethnicity</th>
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<th>Female</th>
</tr>
</thead>
<tbody>
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<tr>
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<tr>
<td>White</td>
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</table>

OWNER(S)

Baldwin Tree and Disaster Debris Service

Micheal Todd Baldwin, Owner Operator
PROJECT: Ratify an emergency services contract for the clean-up and removal of debris from damaged property caused by recent storms - Baldwin Tree and Disaster Relief Service - $259,200 - Financing: Current Funds

Baldwin Tree and Disaster Relief Service is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
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</tr>
<tr>
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<td>100.00%</td>
</tr>
<tr>
<td>TOTAL CONTRACT</td>
<td>$259,200.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

<table>
<thead>
<tr>
<th></th>
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<th>Percent</th>
<th>Local &amp; Non-Local</th>
<th>Percent</th>
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</thead>
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<td>0.00%</td>
</tr>
</tbody>
</table>
WHEREAS, the City suffered extensive storm damage following the May 2, 2007, thunderstorm, and;

WHEREAS, the City’s effort to complete the storm clean-up requires supplementary equipment and manpower to remove storm debris prior to the onset of adverse health conditions;

WHEREAS, Baldwin Tree and Disaster Debris Service has sufficient forces to meet the City’s needs for a four-week period;

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to ratify an emergency services contract for the clean-up and removal of debris from damaged property caused by recent storms with Baldwin Tree and Disaster Relief Service as an emergency expenditure.

Section 2. That the City Controller be and is hereby authorized to disburse funds to Baldwin Tree and Disaster Debris Service for payment specifically for the storm relief efforts in the amount of $259,200 from Current Funds as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Dept.</th>
<th>UNIT</th>
<th>Object</th>
<th>Requisition</th>
<th>Vendor</th>
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<tbody>
<tr>
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<td>3581</td>
<td>3072</td>
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<td>VS0000021836</td>
</tr>
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</table>

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

Authorize an increase in the service contract with AXON Solutions, Inc. to exchange the software with Veritas clustering software and third party implementation services for the Pay1 Project - $102,329, from $11,692,494 to $11,794,823 - Financing: 2006 Water Revenue Bond Funds

BACKGROUND

This change order allows AXON Solutions, Inc., to change the clustering software from Sun, a proprietary software, to Veritas, an open system solution, for Pay1 project implementation. A cluster tightly integrates the resources of two or more computing devices to work together as though they are a single computer that could otherwise function separately. Sun clustering software was originally bid by Axon Solutions, Inc.

Communication and Information Services (CIS) Department adopted Veritas high availability software as the open systems standard for clustering for the City. CIS evaluated AXON’s original clustering software and determined that it would be in the best long term interests of the City to install the City’s standard clustering.

Veritas provides open system high availability software, whereas Sun provides a proprietary solution. An open system offers features and benefits that a proprietary system cannot, including a reduction in the number of supported vendors, an increase in efficiency through enhanced visualization, automation and control, reduced training and labor costs to support the clustering tools, and the ability to test disaster recovery plans without impacting the production environment.

This increase includes $62,929 for the difference between Sun and Veritas software, and $39,400 for the difference between Sun and Corporate Technologies, third party implementation service vendors. AXON Solutions, Inc. will continue its role as the turnkey implementer. Added together, the differences in software and implementation services equal $102,329.
PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized a service contract for long term maintenance support for a replacement water Customer Information Accounting and Billing System with AXON Solutions, Inc., on October 25, 2006, by Resolution No. 06-3006.

FISCAL INFORMATION

$102,329.00 – 2006 Water Revenue Bond Funds

MWBE INFORMATION

Attached

ETHNIC COMPOSITION

AXON Solutions, Inc.

Hispanic female 2 Hispanic male 4
Black female 1 Black male 2
Other female 2 Other male 6
White female 48 White male 156

OWNER

AXON Solutions, Inc.

Steve Cardell, President
Simon Hopkins, Secretary
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the service contract with AXON Solutions, Inc. to exchange the software with Veritas clustering software and third party implementation services for the Pay1 Project - $102,329, from $11,692,494 to $11,794,823 - Financing: 2006 Water Revenue Bond Funds

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Local contracts</td>
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<tr>
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<td>100.00%</td>
</tr>
<tr>
<td>TOTAL THIS ACTION</td>
<td>$102,329.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>This Action</th>
<th>Participation to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount</td>
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<td>African American</td>
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<td>Native American</td>
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<td>0.00%</td>
</tr>
<tr>
<td>WBE</td>
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<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
WHEREAS, on October 25, 2006, the City Council awarded a contract in the amount of $11,692,494.00 by Resolution No. 06-3006, to AXON Solutions, Inc., 1 Exchange Place, Ste. 1000, Jersey City, NJ 07302, for professional services, third party software licenses, maintenance, and user training for the implementation of the City of Dallas’ replacement utility system; and,

WHEREAS, the additional increase includes the purchase of Veritas clustering software and associated third party implementation services instead of Sun clustering software and associated third party implementation services; and,

WHEREAS, AXON Solutions, Inc. has submitted an acceptable proposal for this exchange of software and implementation services; and,

WHEREAS, the Water Utilities Department recommends that the AXON Solutions, Inc. contract be increased by $102,329.00, from $11,692,494.00 to $11,794,823; 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 service contract with AXON Solutions, Inc. to exchange the software with Veritas clustering software and for third party implementation services for the Pay1 Project in the amount of $102,329, from $11,692,494 to $11,794,823.

Section 2. That the City Controller be and is hereby authorized to pay the amount of $102,329.00 from the 2006 Water Revenue Bond Funds as follows:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>ACT</th>
<th>OBJ</th>
<th>ENCUMBRANCE</th>
<th>VENDOR</th>
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</thead>
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<td>TECH</td>
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Section 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

DISTRIBUTION:  Water, Administration, 4AN, Cheryl Glenn  
Water, 4AN, Business, James Carrigan  
Water-Accounting, 5AN, Esther Darden  
Office of Financial Services, 4FN
Ratify an emergency purchase of a replacement pinion gear set for the water clarifier at the Elm Fork Water Treatment Plant - Siemens Water Technologies Corporation - $61,303 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item is for emergency purchase of a replacement gear set necessary for the repair of a clarifier at the Elm Fork Water Treatment Plant. The gear set that was replaced became inoperable when it developed an unrepairable crack. It had been in use for over 15 years. Routine monthly maintenance had been performed on the clarifier since its installation in 1992.

The immediate repair of the clarifier, made by staff, was necessary in order to make it operable in time to meet the summer peak water demands. The clarifier is used to settle sediment from the water and the gear set in the center of the clarifier moves the baffle used to remove the accumulated sediment. Without the use of the gear set the accumulated sediment would soon overfill the clarifier rendering it and the water treatment plant unusable.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$61,303.00 - Water Utilities Capital Construction Funds
ETHNIC COMPOSITION

Siemens Water Technologies Corporation

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<tr>
<th>Ethnicity</th>
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</table>

OWNER

Siemens Water Technologies Corporation

Roger Radke, President
Christopher M. Dunkerley, Executive Vice President

MAP

Attached
Dallas Water Utilities

Emergency Clarifier Repair

Dallas Mapsco: 2T & 2S
Council District: Outside of City
WHEREAS, the gear set cracked resulting in a failure of the clarifier at the Elm Fork Water Treatment Plant; and,

WHEREAS, emergency purchase of a new gear set to make repairs to the clarifier were required to be completed prior to the peak summer load to prevent sediment accumulation build up in the basins prompting additional failure of other equipment and plant production curtailment; Now, Therefore,

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

Section 1. That the City Manager hereby authorizes an emergency purchase of a replacement pinion gear set for the water clarifier at the Elm Fork Water Treatment Plant from Siemens Water Technologies Corporation.

Section 2. That the City Controller be and is hereby authorized to disburse funds to Siemens Water Technologies Corporation in the amount of $61,303.00 from the Water Utilities Capital Construction Funds as follows:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>ACT</th>
<th>OBJ</th>
<th>ENCUMBRANCE</th>
<th>VENDOR</th>
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<td>WTPF</td>
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</table>

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

DISTRIBUTION:  Water-Administration, 4AN, Cheryl Glenn  
Water-Business, 4AN, James Carrigann  
Water-Accounting, 5AN, Esther Darden  
Office of Financial Services, 4FN
Ratify an emergency purchase of 17 ammonia/chlorine analyzers to monitor raw and treated water at all three water treatment plants and throughout the distribution system - Hach Company - $422,792 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

Malcolm Pirnie, Inc. our engineering consultant, has been engaged to assist the Water Department for the past year to determine the cause of low chlorine residuals, water discoloration and pipeline corrosion in the City's water distribution system. During the first phase of this Water Quality Study, Malcolm Pirnie, Inc. made several recommendations to enhance water quality. These recommendations include raising the pH of the treated water leaving the purification plants to 8.5, continuously monitoring the pH, free ammonia and combined chlorine residuals at all three treatment plants and at strategic locations within the distribution system.

Installing the analyzers by summer was important in order to obtain valuable data on nitrification responses at the water treatment plants and in our distribution system this would allow our consultants to evaluate the changes in treatment that are being made during the peak summer months when it is believed that micro biological activity is the greatest. Normal purchasing procedures would not have allowed these analyzers to be acquired prior to the end of the summer. Thus an emergency purchase was necessary. Ten of these analyzers will be used to monitor and record chlorine and ammonia on the raw and treated water at each of the purification plants. The remaining seven units will be used at strategic locations in the distribution system to monitor and record chlorine and ammonia changes stemming from the three purification plants.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.
FISCAL INFORMATION

$422,791.30 - Water Utilities Capital Construction Funds

ETHNIC COMPOSITION

Hach Company

Hispanic female 33  Hispanic male 26
Black female 5  Black male 11
Other female 18  Other male 15
White female 371  White male 643

OWNER

Hach Company

Tom Joyce, President
Chris Fergen, Vice President
WHEREAS, Malcolm Pirnie, Inc. is assisting the Water Department to determine the cause of low chlorine residuals, water discoloration and pipeline corrosion in the water distribution system; and,

WHEREAS, it has been determined that raising the pH level of the treated water and continuously monitoring of the pH at the three water treatment plants and strategic locations throughout the distribution system; and,

WHEREAS, to ensure the monitoring data is obtained to evaluate the changes in the treatment during the peak summer demand months, where micro biological activity is the greatest, these ammonia/chlorine analyzers were purchased to meet this testing period; and,

WHEREAS, ratification of this expenditure by the City Council as an emergency purchase is required;

NOW, THEREFORE,

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

Section 1. That the City Manager hereby authorizes the emergency purchase of 17 ammonia/chlorine analyzers to monitor raw and treated water at all three water treatment plants and throughout the distribution system, from Hach Company.

Section 2. That the City Controller be and is hereby authorized to disburse funds to Hach Company in the amount of $422,791.30 from the Water Utilities Capital Construction Funds as follows:

<table>
<thead>
<tr>
<th>FUND</th>
<th>DEPT</th>
<th>UNIT</th>
<th>ACT</th>
<th>OBJ</th>
<th>ENCUMBRANCE</th>
<th>VENDOR</th>
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</thead>
<tbody>
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<td>WTPF</td>
<td>4730</td>
<td>RQS00000032822</td>
<td>029911</td>
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</table>

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

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Business, 4AN, James Carrigan
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN
Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Bell, Nunnally & Martin L.L.P. for additional legal services necessary to represent the City in the lawsuit styled Roland R. Gamez v. The City of Dallas, Texas, Civil Action No. 2:06-CV-150-TJW - Not to exceed $250,000, from $150,000 to $400,000 - Financing: Current Funds

BACKGROUND

The additional legal services of Bell, Nunnally & Martin L.L.P. are necessary for resolution of the matters in the lawsuit styled Roland R. Gamez v. The City of Dallas, Texas, Civil Action No. 2:06-CV-150-TJW.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Council authorized the original professional services contract in the amount of $150,000 on June 13, 2007, by Resolution No. 07-1727.

Council was briefed in Closed Session on June 6, 2007.

FISCAL INFORMATION

$250,000 - Current Funds

M/WBE INFORMATION

See attached.
## ETHNIC COMPOSITION

_Bell, Nunnally & Martin L.L.P._

<table>
<thead>
<tr>
<th>Ethnicity</th>
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<th>Female</th>
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</tr>
<tr>
<td>Other Female</td>
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<td></td>
</tr>
</tbody>
</table>

## OWNER

_Bell, Nunnally & Martin L.L.P._

Thomas L. Case, Managing Partner
GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Bell, Nunnally & Martin L.L.P. for additional legal services necessary to represent the City in the lawsuit styled Roland R. Gamez v. The City of Dallas, Texas, Civil Action No. 2:06-CV-150-TJW - Not to exceed $250,000, from $150,000 to $400,000 - Financing: Current Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local contracts</td>
<td>$250,000.00</td>
<td>100.00%</td>
</tr>
<tr>
<td>Non-local contracts</td>
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<td>0.00%</td>
</tr>
<tr>
<td><strong>TOTAL THIS ACTION</strong></td>
<td>$250,000.00</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

<table>
<thead>
<tr>
<th></th>
<th>This Action</th>
<th>Participation to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
</tr>
<tr>
<td>African American</td>
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<td>0.00%</td>
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<tr>
<td>Hispanic American</td>
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<tr>
<td>Asian American</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Native American</td>
<td>$0.00</td>
<td>0.00%</td>
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<td>WBE</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
</tbody>
</table>
WHEREAS, the City of Dallas is involved in a lawsuit styled Roland R. Gamez v. The City of Dallas, Texas, Civil Action No. 2:06-CV-150-TJW; and

WHEREAS, on June 13, 2007, pursuant to Resolution No. 07-1727, the City entered into a professional services contract with the law firm of Bell, Nunnally & Martin L.L.P. in an amount not to exceed $150,000 for representation of the City in the referenced lawsuit; and

WHEREAS, the expertise of the law firm of Bell, Nunnally & Martin L.L.P. continues to be necessary for the representation of the City in this lawsuit; Now, Therefore,

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

SECTION 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the professional services contract with the law firm of Bell, Nunnally & Martin L.L.P. for additional legal services necessary to represent the City in the lawsuit styled Roland R. Gamez v. The City of Dallas, Texas, Civil Action No. 2:06-CV-150-TJW, in an amount not to exceed $250,000, increasing the original contract amount as supplemented from $150,000 to $400,000.

SECTION 2. That the City Controller is authorized to disburse, in periodic payments to the law firm of Bell, Nunnally & Martin L.L.P., an amount not to exceed $250,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT38907I0066, Vendor No. 507148.

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

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 9

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 37 T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the preservation criteria and additions to the uses for Historic Overlay No. 35 on property zoned an R-1ac(A) Single Family District on White Rock Road, east of Lawther Drive

Recommendation of Staff and CPC: Approval, subject to preservation criteria Z067-240(MW)
LOCATION: On White Rock Road east of Lawther Drive

COUNCIL DISTRICT: 9   MAPSCO: 37T

SIZE OF REQUEST: 3.4261 ac.   CENSUS TRACT: 1.00

APPLICANT/OWNER: City of Dallas Parks and Recreation Department

REPRESENTATIVE: Sam Leake

REQUEST: An application to amend preservation criteria and to add uses for Historic Overlay No. 35 on property zoned an R-1ac(A) Single Family District.

SUMMARY: The White Rock Pump Station, Filter Building and Sedimentation Basins, located on W. Lawther Drive in White Rock Lake Park, are important historical structures. In order to appropriately develop the buildings for recreational use, amendments to the preservation criteria are necessary. These changes will allow renovation and reuse while protecting the buildings and maintaining their architectural integrity.

CITY PLAN COMMISSION RECOMMENDATION: Approval, subject to preservation criteria.

LANDMARK COMMISSION RECOMMENDATION: Approval, subject to preservation criteria.

STAFF RECOMMENDATION: Approval, subject to preservation criteria.
BACKGROUND INFORMATION:

- In 1909, Dallas citizens voted to dam White Rock Creek creating a reservoir and to build a pump station.

- The filter building was built in 1923.

- In 1930, the White Rock Pump Station was closed in favor of the new Bachman Lake Treatment Plant. However, in 1953, a drought in the late 1940's forced the City to restore White Rock. Finally, in 1964, the plant was shut down for good.

- The following uses accessory to the public park will be added to the property: (a) university, high school and community rowing programs and events; (b) boat and equipment storage; (c) docks; (d) athletic training; (e) educational uses; (f) meetings; (g) office; (h) parking; (i) facility rental, food and beverage service and concessions related to events, meetings and programs; and (j) other uses allowable within a public park.

STAFF ANALYSIS:

The proposed amendments to the preservation criteria allow for a new recreational use as a rowing club and boathouse and the restoration or renovation needed while protecting the historic character of the buildings. The proposed uses are being added for the purpose of giving the facility a viable use, thereby promoting its future preservation.

Comprehensive Plan:

Historic preservation has played a key role in defining Dallas' unique character. Preservation historic neighborhoods and buildings creates a direct, visual link to the past, contributing to a "sense of place."

Goal 7.2 Preservation of Historic and Cultural Assets
   Policy 7.2.2 Create a sense of place through the built environment while maintaining the existing historic fabric.
   Policy 7.2.4 Protect historic and cultural assets.
CITY PLAN COMMISSION ACTION: (June 14, 2007)

Motion: It was moved to recommend approval of an amendment to Historic Overlay No. 35 to revise the preservation criteria and add uses on property zoned R-1ac(A) Single Family District on White Rock Road east of Lawther Drive.

Maker: Emmons
Second: Buehler
Result: Carried: 13 to 0
For: 13 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb, Bagley, Weiss, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham
Against: 0
Absent: 0
Vacancy: 0
Abstained: 2 - Miranda, Jones-Dodd

Commissioners abstained, due to bus tour requirements

Notices: Area: 300 Mailed: 1
Replies: For: 0 Against: 0
 Speakers: For: None
For but did not speak: Jeff Cummings, 1907 Marilla St., Dallas, TX, 75201
Against: None

LANDMARK COMMISSION ACTION: (January 8, 2007)

2900 White Rock Rd.
White Rock Pump Station
Discussion, Review and Authorization of a Public Hearing for Revision of Criteria for the 2900 White Rock Rd., White Rock Pump Station

Speakers: None

Motion: Approval of the proposed amendments to the preservation criteria and authorization of a public hearing before the city plan commission.

Maker: Northrup
Second: Johnson
Results: 12/0
Ayes: - 12 Edwards, Flabiano, C. Gonzales, A. Gonzalez, James, Johnson, Keith, Northrup, A. Piper, C. Piper, Silva and Solomon
Against: - 0 None
Absent: - 2 Guerra and Small
Vacancies: - 3 4, 6, and 8
Exhibit A
Preservation Criteria:
White Rock Pump Station

The White Rock Pump Station, the Filter Building, and the Sedimentation Basins are historic structures. The White Rock Pump Station must be renovated and restored as a facility for operations of Dallas Water Utilities and to provide a public meeting hall. All existing original exterior elements of the building façades must be preserved, with (added) brick currently blocking windows to be removed to return fenestrations to their original configurations. The Filter Building and site of the settling ponds are included in the designation, and will be more fully renovated in the future. Renovations, repairs and maintenance of the buildings shall conform to the following guidelines:

1. Surface Materials

Reconstruction, renovation or repair of the opaque elements of each façade shall employ only brick or concrete that is as equal in texture, grain color and module size to that of the existing main structure as is feasible. Existing brick and terra cotta surfaces shall not be painted, although a brick stain may be applied in selected locations upon approval of the Landmark Commission.

Reconstruction, renovation or repair of existing terra cotta and cast concrete hooded lintels, banding, signs and other decorative features shall employ only material of equal texture, grain, color and module size as similar to the original elements as is feasible.

2. Fenestrations and Openings

Existing door and window openings in the protected elevations shall remain intact and be preserved, except that substitutions of doors for windows is permitted if the substitution is compatible, and modifications to window and door openings is permitted if the modification is as similar as practicable to the original design in style and size. Any alterations to currently blocked windows and doors will require returning them to their original configuration if practicable. [All window and door openings shall be renovated to a style and size as similar as practicable to the original design.] No new window or door openings shall be allowed unless required by fire or other safety code provisions. Windows shall be renovated to express similar mullion and light[ea] configurations to the original, using wood or metal clad wood for frames and Mullions.

New doors and adjacent walls in the Sedimentation Basins are permitted if compatible with the industrial nature of the historic structures.

3. Roof

The existing roofs shall be maintained with no new vertical or horizontal extensions or additions allowed, except as may be required for stair access. Mechanical equipment may be placed on the roof of buildings upon review and approval of the Landmark Commission of placement, configuration and color.
A new roof may be constructed over the excavated North East Sedimentation Basin if:

(a) it is part of an adaptive rehabilitation;

(b) it is compatible with the industrial nature of the historic structures; and

(c) no part of the structure shall be higher than 12 feet from the top of the existing Sedimentation Basin wall.

4. Color

The color of the existing façade materials shall remain as is. The brick and terra cotta material will not be sandblasted or painted; only masonry cleaning methods approved by the National Park Service, Department of the Interior, may be used. All other materials may be painted appropriate colors, following review in the Certificate of Appropriateness process. A National Park Service-approved protective surface coating for prevention of graffiti may be used if the coating does not affect the brick color.

5. Smokestack

The existing concrete smokestack shall remain as is and unpainted other than construction of a circular fire stair at its base. Any renovation or repair will utilize approved concrete stabilization techniques as approved by the Landmark Commission.

6. No Build Zones/Protected Elevations

(a) No additions may be constructed on the west (primary), north or south elevations of the Pump House structure or any elevation of the Filter Building. Reconstruction of the one-story wing on the east elevation of the Pump House will utilize brick, concrete and terra cotta of the same texture, grain, color and module size of the existing main structure as is feasible. Brick and terra cotta surfaces shall not be painted, except as permitted in Section (4).

(b) Except as provided in Subsection (6)(c) and Section (7), no new construction shall be allowed within the no build zone, that area within the boundary of the existing pedestrian path, the White Rock Dam and lake, and the northern boundary of the settling ponds, as shown on the site plan attached to and made part of this ordinance as Exhibit B.

(c) A roof structure is permitted over the Northeast Sedimentation Basin, and a parking lot is permitted over the Southwest Sedimentation Basin.

7. Landscaping, Site Elements and Graphics

Site improvements including excavation, hardscaping, landscaping, stairs, steps, drives, parking areas, site lighting, fences, mechanical equipment, or other improvements shall be reviewed and approved for compatibility by the Landmark Commission. Signage and graphics are permitted if compatible. [will be reviewed for compatibility by the Landmark Commission.]
8. Uses

The property in this district may be used for the following uses accessory to a public park, in addition to any other uses that are generally allowed as accessory to a public park:

(a) university, high school and community rowing programs and events;
(b) boat and equipment storage;
(c) docks;
(d) athletic training;
(e) educational uses;
(f) meetings;
(g) office;
(h) parking;
(i) facility rental, food and beverage service and concessions related to events, meetings and programs; and
(j) other uses allowable within a public park.
BACKGROUND:

PLANNED RENOVATIONS
**Notification List of Property Owners**

**Z067-240(MW)(CS)**

1 Property Owners Notified

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<td>Cindy Harris</td>
<td>4310 Buena Vista #8, Dallas, TX 75205</td>
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<td>Katie Pascuzzi</td>
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<td>O L H N A</td>
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<tr>
<td>Gary Gene</td>
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<tr>
<td>Orion Real Estate Group</td>
<td></td>
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<tr>
<td>Bill Lamm</td>
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<tr>
<td>Van Dyke Point, Inc</td>
<td>White Rock NA</td>
<td></td>
</tr>
<tr>
<td>Norma Minnis</td>
<td>Leslie Densmore</td>
<td></td>
</tr>
<tr>
<td>9729 Van Dyke</td>
<td>4027 Santa Barbara</td>
<td></td>
</tr>
<tr>
<td>Dallas, TX 75218</td>
<td>Dallas, TX 75214</td>
<td></td>
</tr>
</tbody>
</table>
KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 34 N

SUBJECT

A public hearing to receive comments regarding an application for a Planned Development District for RR Regional Retail District, IM Industrial Manufacturing District and IR Industrial Research District uses on property zoned an IM Industrial Manufacturing District and IR Industrial Research District, in an area generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue.

Recommendation of Staff and CPC: Approval of a Planned Development District for RR Regional Retail District uses, subject to a conceptual plan and conditions Z067-188(WE)
HONORABLE MAYOR AND CITY COUNCIL  

WEDNESDAY, JUNE 27, 2007

FILE NUMBER: Z067-188 (WE)  
DATE FILED: March 7, 2007

LOCATION: Generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue

COUNCIL DISTRICT: 2  
MAPSCO: 34-N

SIZE OF REQUEST: Approx. 31.02 acres  
CENSUS TRACT: 04.03

APPLICANT: Balcones Realty Partners

OWNER: See List of Owners

REPRESENTATIVE: Jackson Walker

REQUEST: An application for a Planned Development District for RR Regional Retail District, IM Industrial Manufacturing District and IR Industrial Research District uses on property zoned an IM Industrial Manufacturing District and IR Industrial Research District.

SUMMARY: The purpose of the request is to redevelop the site with retail and restaurant uses. The applicant is proposing the structures not exceed 50 feet in height and limit the site access along Forest Park Road, Hawes Street, West Mockingbird Lane and Maple Avenue.

CPC RECOMMENDATION: Pending the June 21, 2007, City Plan Commission public hearing

STAFF RECOMMENDATION: Approval of a Planned Development District for RR Regional Retail District uses, subject to a conceptual plan and staff’s conditions
BACKGROUND INFORMATION:

- The applicant’s request for a Planned Development for RR Regional Retail, IM Industrial Manufacturing and IR Industrial Research District uses will allow for the development of retail and restaurant uses on site. The site is currently developed with industrial and commercial uses and a mobile home park.

- The applicant proposes to retain the existing underlying zoning district, IR and IM, as well as allow for additional RR Regional Retail District uses on site. In addition, there is a natural ravine (floodplain) that transverse the site and is proposed to be filled to allow for the construction of the retail development.

- The applicant will have to obtain approval from the City Council regarding a fill permit to fill the natural ravine (floodplain).

- The surrounding land uses consist of industrial, manufacturing, commercial and single family uses.

**Zoning History:** There has been one Board of Adjustment case and two zoning changes requested in the area.

1. **B067-035**  
   On March 19, 2007, the Board of Adjustment Panel C denied without prejudice a special exception to the parking regulations at 2525 W. Mockingbird Lane.

2. **Z045-116**  
   On April 13, 2005, the City Council approved an IR Industrial Research District on property zoned an MC-3 Multiple Commercial District along the northwest line of Mockingbird Lane beginning at the west corner of Mockingbird Lane and Denton Drive.

3. **Z045-119**  
   On May 13, 2005, the City Council approved an IR Industrial Research District on property zoned an MC-3 Multiple Commercial District on the north corner of Mockingbird Lane and Maple Avenue.
**Thoroughfares/Streets:**

<table>
<thead>
<tr>
<th>Thoroughfare/Street</th>
<th>Type</th>
<th>Existing ROW</th>
<th>Proposed ROW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mockingbird Lane</td>
<td>Minor Arterial</td>
<td>100 ft.</td>
<td>100 ft.</td>
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<tr>
<td>Maple Avenue</td>
<td>Collector</td>
<td>60 ft.</td>
<td>60 ft.</td>
</tr>
<tr>
<td>Empire Central</td>
<td>Collector</td>
<td>44.2 ft.</td>
<td>44 ft.</td>
</tr>
<tr>
<td>Forest Park</td>
<td>Local Street</td>
<td>40 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Hawes Street</td>
<td>Local Street</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
</tbody>
</table>

**Land Use:**

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>IM, IR, Industrial, Mobile Home Park, Vacant building, Staging area for tractor trailers, vacant grocery store</td>
</tr>
<tr>
<td>North</td>
<td>IR, Industrial, Nursery, Single Family</td>
</tr>
<tr>
<td>South</td>
<td>MU-2, IR, Industrial, Undeveloped, Multifamily, Auto Related uses</td>
</tr>
<tr>
<td>East</td>
<td>IR, CS, Industrial, Auto Related uses, Single Family</td>
</tr>
<tr>
<td>West</td>
<td>IR, Industrial</td>
</tr>
</tbody>
</table>

**Comprehensive Plan:** The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies to support the applicant’s request for retail uses, but also recommends protecting Dallas’ floodplains. The continuation of the zoning that permits retail uses within the area is in compliance with the Economic Development Element and Urban Design Element that are outlined in *fowardDallas!*

However, the proposed development may not be in compliance with the Environmental Element in the *FowardDallas! Plan*. The Plan recommends restricting development within the floodplain areas.

**Economic**

**Goal 2.1** Promote Balanced Growth.

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**Goal 2.2** Engage in strategic economic development
Policy 2.2.6 Restore Dallas as the foremost retail location in the region.

Urban Design

Goal 5.2 Strengthen community and neighborhood identity

Policy 5.2.4 Enhance retail, industrial and business operations

Area Plan: The request site lies within the Love Field – West Land Use Study, January 1987, and recommends light industrial or industrial research uses for the area. The area contains a mixture of land uses, from a paint manufacturing company to professional and corporate offices, commercial facilities, and a mobile home park. The Study states that light industrial or industrial research uses are appropriate because the request site is adjacent to a residential area.

STAFF ANALYSIS:

Land Use Compatibility: The 31.02 acre site is irregularly shaped and developed with various conforming and non-conforming uses; a large mobile home park, a staging area for tractor trailers, industrial buildings and a vacant general merchandise store. The applicant is proposing a Planned Development District for RR Regional Retail uses in order to redevelop the site with retail and restaurant uses. The original request was unusual in that the applicant is asked to retain the underlying IM and IR zoning, in order to meet their contractual agreement with the multiple property owners, while permitting additional RR uses within the development. The applicant has dropped the request to include IM and IR uses at this time. In addition, the applicant is requesting 1) to allow for alternative options to meet tree mitigation, and 2) impose the design standards for general merchandise greater than 100,000 square feet of floor area on any structure greater than 75,000 square feet with some modification to those requirements. These changes pertain to tree planting requirements.

The request site contains two floodplain areas; 1) a smaller area which flows in an easterly direction, from the general direction of Forest Park to Maple Avenue, and 2) a more significant floodplain which begins near Maple Avenue and follows in a southerly direction towards Mockingbird Lane. The flow of the two floodplains eventually converges onto the site, channels underneath an existing structure and Mockingbird Lane and continues through to the UT Southwest campus. A significant amount of vegetation has grown in the floodplain areas.

Redevelopment of the site will necessitate filling the site to allow for the development of the retail and restaurant uses. Any fill work in the flood plain will require application to the Public Works Department and approval of a fill permit. The fill permit will be reviewed for compliance under Article V of the Dallas Development Code. The Public Works Department will determine the impact and type of mitigation measures on the
floodplains and forward their recommendation to the City Council. The Dallas City Council will have to approve any fill permits that allows filling the floodplain.

The applicant has identified, on the conceptual plan, several access points to the proposed development. The only street frontage with prohibited access to the proposed development is Empire Central. The applicant is proposing to retain approximately 1.83 acres, which will be used as open space for the adjacent property owners.

Staff has agreed with the applicant on two tree mitigation measures for the proposed development. These mitigation measures pertain to credits for preserving open space and a reduction in the overall water conservation and consumption of the site’s landscape. Staff recommends he applicant receive an inch-for-inch caliper credit for trees in the publicly accessible open space at the time of the first landscape inspection on the Property and a reduction not to exceed a maximum of 10 percent, for the overall water conservation and consumption at the time of the initial landscape inspection.

The applicant is also requesting two multi-tenant signs along Mockingbird Lane that could identify any business within the Planned Development District. These signs would have to be a minimum of 400 feet apart with a maximum effective area of 250 square feet and a maximum height of 35 feet. The applicant has agreed to limit any additional signs to monument signs.

The request for a Planned Development District should not have an adverse impact on the surrounding areas, if staff recommended conditions are approved.

**Development Standards:**

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>PRIMARY Uses</th>
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</thead>
<tbody>
<tr>
<td>IR – Existing</td>
<td>15’ 30’ adjacent to residential</td>
<td>2.0 FAR overall</td>
<td>200/ 15 stories</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Industrial, wholesale distribution &amp; storage, supporting office &amp; retail</td>
</tr>
<tr>
<td>Industrial research</td>
<td>0’ on minor</td>
<td>0.75 office/ retail</td>
<td>0.5 retail</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Industrial, wholesale distribution &amp; storage, supporting office &amp; retail</td>
<td></td>
</tr>
<tr>
<td>IM– Existing Industrial manufacturing</td>
<td>15’ 30’ adjacent to residential</td>
<td>2.0 FAR overall</td>
<td>110/ 8 stories</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Industrial, wholesale distribution &amp; storage, supporting office &amp; retail</td>
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<tr>
<td>Existing</td>
<td></td>
<td>0.75 office/ retail</td>
<td>0.5 retail</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Industrial, wholesale distribution &amp; storage, supporting office &amp; retail</td>
<td></td>
</tr>
<tr>
<td>Staff’s Proposal</td>
<td></td>
<td>200/ 15 stories</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Retail &amp; personal service, office</td>
<td></td>
</tr>
<tr>
<td>Planned Development District for RR</td>
<td></td>
<td>0.5 FAR</td>
<td>50 ft.</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Retail &amp; personal service, office</td>
</tr>
<tr>
<td>Regional retail</td>
<td></td>
<td>50 ft.</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Retail &amp; personal service, office</td>
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<tr>
<td>Applicant’s Proposal</td>
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<td></td>
<td></td>
<td></td>
<td>Proximity Slope Visual Intrusion</td>
<td>Retail &amp; personal service, office</td>
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<tr>
<td>Planned Development District RR</td>
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<td>0.5 FAR</td>
<td>50 ft.</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Retail &amp; personal service, office</td>
</tr>
<tr>
<td>Regional retail</td>
<td></td>
<td>50 ft.</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
<td>Retail &amp; personal service, office</td>
<td></td>
</tr>
</tbody>
</table>
**Landscaping:** Landscaping will be maintained in accordance with Article X, as amended and big box standards for any building greater than 75,000 square feet.

**Article V (Floodplain):** A portion of the site is within the floodplain and any changes to the floodplain will be reviewed in accordance with Article V. The Public Works and Transportation Department would review a floodplain application to determine the impact the applicant’s request may have on the natural ravine (floodplain), if the applicant chooses to alter the floodplain. In addition, the Dallas City Council would approve any fill permits that require filling the floodplain.

The applicant proposes to fill the floodplain to increase the developable land for the retail development, which may include site access, off-street parking spaces or a site pad.

**Traffic:** The Engineering Section of the Department Development Services has reviewed the request and determined that it will not impact the surrounding street system for the proposed development. However, engineering staff has no objections to the proposed development if the following conditions are met:

1. Lengthen the existing eastbound left-turn lane on Mockingbird Lane to a minimum of 150 feet storage (Driveway No. 6).
2. Provide a deceleration lane for westbound traffic on Mockingbird Lane (Driveway No. 5).

These infrastructure improvements were identified in the applicant’s Traffic Impact Analysis Report, *Mockingbird at Maple Retail Site*, February 2007, and are included in staff’s proposed conditions.

**Miscellaneous- Conditions:** A set of conditions has been provided that outlines the areas where staff and the applicant have not reached an agreement. These areas are primarily in the areas of parking lot and landscaping, miscellaneous design standards and landscaping. Staff recommends using the development standards and regulations for the big box development, with a few minor modifications. Staff could not determine the level of detail on the conceptual plan as it relates to the parking lot and landscaping section. Staff can make a more informed decision at the time a detail development plan is submitted for City Plan Commission approval. There is a provision in the conditions that allows the City Plan Commission to approve a site plan that does not comply with all the requirements of the design standards provided that specific criteria are met.
The applicant’s representative has informed staff that the property owners have agreed to remove the language in the Planned Development District conditions that references the IM Industrial Manufacturing District and IR Industrial Research District.

**CPC Action (June 14, 2007)**

**Motion:** In considering an application for a Planned Development District for RR Regional Retail District, IM Industrial Manufacturing District and IR Industrial Research District uses on property zoned an IM Industrial Manufacturing District and IR Industrial Research District, in an area generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue, it was moved to hold this case under advisement until June 21, 2007.

Maker: Strater  
Second: Jones-Dodd  
Result: Carried: 13 to 1  
For: 13 - Prothro, Strater, Gary, Woolen Lipscomb, Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler, Wolfish, Emmons, Cunningham  
Against: 1 - Ekblad  
Absent: 0  
Vacancy: 0  
Abstained: 1 - Marshall

Commissioners abstained, due to bus tour requirements

**Amendment to Motion:** It was moved to amend the motion to hold this case under advisement until July 12, 2007.

Maker: Miranda  
Second: Buehler  
Result: Failed: 6 to 8  
For: 6 - Prothro, Gary, Miranda, Bagley, Buehler, Wolfish  
Against: 8 - Strater, Woolen Lipscomb, Jones-Dodd, Weiss, Hill, Ekblad, Emmons, Cunningham  
Absent: 0  
Vacancy: 0
Abstained: 1 - Marshall

Commissioners abstained, due to bus tour requirements

Notices: Area: 500 Mailed: 106
Replies: For: 2 Against: 7

Speakers: For: Bill Dohlstrom, 901 Main St., Dallas, TX, 75202
Jorge Ramirez, 8117 Preston Rd., Dallas, TX, 75225
Greg Cannon, 5001 Spring Valley, Dallas, TX
Rick Gonzales, 4283 S. Cresthaven Rd., Dallas, TX, 75209
Wilma Avalos, 2318 Anson Rd., Dallas, TX, 75235
Maria Alba, 7011 Denton Dr., Dallas, TX, 75235
For but did not speak: Don Miller, 12700 Park Central Dr., Dallas, TX, 75251

Against: Martha Jimenez, 2232 Empire Central, Dallas, TX, 75235
Hilda Morales, 2205 Peerless Ln., Dallas, TX, 75235
Sister Consuelo Tovar, 7617 Courtland, Dallas, TX, 75235
Cathy Baldwin, 2218 Walraven Ln., Dallas, TX, 75235
Maria Anguiano, 6715 Heartsill Dr., Dallas, TX, 75235
Edith Saenz, 2214 New Moon Ln., Dallas, TX, 75235
Jose Anguiano, 6715 Heartsill Dr., Dallas, TX, 75235
Jennifer Jimenez, 2232 Empire Central, Dallas, TX, 75235
Esperanza Chavez, 6719 Artful Dr., Dallas, TX, 75235
Against but did not speak: Maria Cecenas, 2205 Walraven Ln., Dallas, TX, 75235
Fabiola Nunez, 2215 Walraven Ln., Dallas, TX, 75235
Misael Saenz, 2216 New Moon Ln., Dallas, TX, 75235
Beatriz Mireles, 2203 Blue Star Ln., Dallas, TX, 75235
Juan Martin Gonzales, 2232 Empire Central, Dallas, TX, 75235
Jose Acosta, 6712 Dante Ln., Dallas, TX, 75235
Beatha Castrellon, 2224 Walraven Ln., Dallas, TX, 75235
Ofelia Roberts, 2201 Peerless Ln., Dallas, TX, 75235
Enrique Dominguez, 2215 Peerless Ln., Dallas, TX, 75235
Rafael Torrez, 2217 Peerless Ln., Dallas, TX, 75235
Abigail Rodriguez, 2213 Blue Star Ln., Dallas, TX, 75235
CPC Action (June 21, 2007)

Motion: It was moved to recommend approval of an application for a Planned Development District for RR Regional Retail District uses, subject to a revised conceptual plan and staff’s conditions on property zoned an IM Industrial Manufacturing District and IR Industrial Research District, in an area generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue.

Maker: Strater
Second: Jones-Dodd
Result: Carried: 14 to 0
For: 14 - Prothro, Strater, Gary, Woolen Lipscomb, Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0
Absent: 0
Vacancy: 0
Abstained: 1 - Marshall

Commissioners abstained, due to bus tour requirements

Notices: Area: 500 Mailed: 106
Replies: For: 7 Against: 2
Speakers: For: Bill Dohlstrom, 901 Main St., Dallas, TX, 75202
Jorge Ramirez, 8117 Preston Rd., Dallas, TX, 75225
Patricia Van Winkle, 2529 Brookfield Ave., Dallas, TX, 75235
For but did not speak: Wilma Avalos, 2318 Anson Rd., Dallas, TX, 75235
Maria Alba, 7011 Denton Dr., Dallas, TX, 75235
Against: Martha Jimenez, 2232 Empire Central, Dallas, TX, 75235
Sister Consuelo Tovar, 7617 Courtland, Dallas, TX, 75235
Leticia Martinez, 2210 Blue Star Ln., Dallas, TX, 75235
Eleanor Veitenheimer, 2209 Blue Star Ln., Dallas, TX, 75235
Bertha Castrellon, 2224 Walraven Ln., Dallas, TX, 75235
Gerardo Rendon, 2222 Marlette Ln., Dallas, TX, 75235
Sergio Gonzales, 2414 Blue Star Ln., Dallas, TX, 75235
Cathy Baldwin, 2218 Walraven Ln., Dallas, TX, 75235
Against but did not speak: Edith Saenz, 2214 New Moon Ln., Dallas, TX, 75235
Rosa Maldonado, 6720 Dante Dr., Dallas, TX, 75235
Jose Acosta, 6712 Dante Ln., Dallas, TX, 75235
Faviola Martinez, 2201 Marlette Ln., Dallas, TX, 75235
Rosa Rodriguez, 2104 New Moon Ln., Dallas, TX, 75235
Jose Martinez, 2221 Peerless Ln., Dallas, TX, 75235
Ernestine Mandujano, 2220 Walraven Ln., Dallas, TX, 75235
Francisco Castaneda, 2206 Marlette Ln., Dallas, TX, 75235
Juan Giron, 2202 News Moon Ln., Dallas, TX, 75235
David Gonzales, 2211 Marlette Ln., Dallas, TX, 75235
Mario Sandoval, 2206 Blue star Ln., Dallas, TX 75235
Esperanza Chavez, 6719 Artful Dr., Dallas, TX, 75235
Ofelia Roberts, 2201 Peerless Ln., Dallas, TX, 75235
Eva Munoz, 6716 Artful Dr., Dallas, TX, 75235
Ignacio Castro, 2232 Empire Central, Dallas, TX, 75235
Olivia Roberts, 2232 Empire Central, Dallas, TX, 75235
Maria Coronel, 1517 New Moon Ln., Dallas, TX, 75235
Isela Vega, 2211 Walraven Ln., Dallas, TX, 75235
Luis Martinez, 2213 Peerless Ln., Dallas, TX, 75235
Abigail Rodriguez, 2213 Blue Star Ln., Dallas, TX, 75235
Maria Araceli, 2220 Peerless Ln., Dallas, TX, 75235
Nora Herrera, 2215 Walraven Ln., Dallas, TX, 75235
Gustavo Palacio, 2205 Blue Star Ln., Dallas, TX, 75235
Emma Carrion, 2212 Blue Star Ln., Dallas, TX, 75235
Julio Menjivar, 2209 Walraven Ln., Dallas, TX, 75235
Maria Cecenas, 2205 Walraven Ln., Dallas, TX, 75235
Tania Dominguez, 2215 Peerless Ln., Dallas, TX, 75235
Enrique Dominguez, 2215 Peerless Ln., Dallas, TX, 75235
Hilda Morales, 2205 Peerless Ln., Dallas, TX, 75235
Jose Anguiano, 6715 Heartsill Dr., Dallas, TX, 75235
Liliana Martinez, 2206 Peerless Ln., Dallas, TX, 75235
Adan Mireles, 2203 Blue star Ln., Dallas, TX, 75235
Maria Diaz, 2220 New Moon Ln., Dallas, TX, 75235
Rosa Manrique, 2201 New Moon Ln., Dallas, TX, 75235
Deltino Ledezma, 2210 Marlette Ln., Dallas, TX, 75235
LIST OF OFFICERS
BALCONES REALTY PARTNERS

- Jorge Ramirez – Managing Member
- Linda Kasai – Secretary

LIST OF OFFICERS
GOLDEN BOY PARTNERS, LLC

- John Long – Partner
- Richard Schaefer - Partner
<table>
<thead>
<tr>
<th>Address</th>
<th>Current Use</th>
<th>Owner</th>
<th>Officer</th>
<th>Phone/Fax</th>
</tr>
</thead>
<tbody>
<tr>
<td>2301 West Mockingbird Ln.</td>
<td>unoccupied gas station</td>
<td>BASN Corporation 7320 N Stemmons Fwy Dallas, TX 752474213</td>
<td>Managing Director/President - Alex Daredia</td>
<td>214-912-1741</td>
</tr>
<tr>
<td>2313 West Mockingbird Ln.</td>
<td>Vacant lot used for tractor trailer storage</td>
<td>HJC Development I Ltd &amp; W.W. Willingham III &amp; Gartner 720, LTD Ste 204 8525 Ferndale Rd Dallas, Texas 75238</td>
<td>Manager - Craig Kinney Trustee - Bill Willingham Manager - Gale “Gigi” Gartner</td>
<td>214-553-0000 Fax: 214-553-0063</td>
</tr>
<tr>
<td>6616 Forest Park Rd.</td>
<td>Office building</td>
<td>HJC Development I Ltd &amp; W.W. Willingham III &amp; Gartner 720, LTD Ste 204 8525 Ferndale Rd Dallas, Texas 75238</td>
<td>Manager - Craig Kinney Trustee - Bill Willingham Manager - Gale “Gigi” Gartner</td>
<td>214-553-0000 Fax: 214-553-0063</td>
</tr>
<tr>
<td>2345 West Mockingbird Ln.</td>
<td>Auto body shop</td>
<td>Riley L S &amp; R Leona Riley 1331 N Central Expwy Richardson, TX 75080</td>
<td>Owner - Mr. L.S. Riley Owner - Mrs. L.S. Riley</td>
<td>888-245-5398</td>
</tr>
<tr>
<td>2411 West Mockingbird Ln.</td>
<td>Office building and auto repair</td>
<td>Greenway – Mockingbird L.P. 2808 Fairmont, Ste 100 Dallas, TX 75201</td>
<td>President - Jerry Stool Vice President - Jeff Brand</td>
<td>214-880-9009 Fax: 214-880-0188</td>
</tr>
<tr>
<td>2415 West Mockingbird Ln.</td>
<td>Auto repair</td>
<td>Greenway – Mockingbird L.P. 2808 Fairmont, Ste 100 Dallas, TX 75201</td>
<td>President - Jerry Stool Vice President - Jeff Brand</td>
<td>214-880-9009 Fax: 214-880-0188</td>
</tr>
<tr>
<td>2419 &amp; 2423 West Mockingbird Ln.</td>
<td>Auto sales</td>
<td>Greenway – Mockingbird L.P. 2808 Fairmont, Ste 100 Dallas, TX 75201</td>
<td>President - Jerry Stool Vice President - Jeff Brand</td>
<td>214-880-9009 Fax: 214-880-0188</td>
</tr>
<tr>
<td>2119 &amp; 2449 West Mockingbird Ln.</td>
<td>Education building</td>
<td>Greenway – Mockingbird L.P. 2808 Fairmont, Ste 100 Dallas, TX 75201</td>
<td>President - Jerry Stool Vice President - Jeff Brand</td>
<td>214-880-9009 Fax: 214-880-0188</td>
</tr>
<tr>
<td>6820-6840 Forest Park Rd.</td>
<td>Former manufacturing operations</td>
<td>American Home Capital, LP 3529 Rosedale Ave Dallas, TX 75205</td>
<td>President - Kevin Smith</td>
<td>214-714-0260</td>
</tr>
<tr>
<td>6910 Forest Park Rd.</td>
<td>Former wood preserving operations</td>
<td>BFH Properties 6950 Lemmon Ave Dallas, TX 75209</td>
<td>President - Bob Jackson</td>
<td>214-533-4923</td>
</tr>
<tr>
<td>2328 Empire Central Dr.</td>
<td>Undeveloped</td>
<td>BFH Properties 6950 Lemmon Ave Dallas, TX 75209</td>
<td>President - Bob Jackson</td>
<td>214-533-4923</td>
</tr>
<tr>
<td>2232 Empire Central Dr.</td>
<td>Mobile Home Park</td>
<td>Love Field, LLC 35224 28th Ave S Federal Way, WA 98003</td>
<td>Director - Randy Smith Director - Susan Kirby Wiseman Director - Rodney Wiseman Director - Marvin Calhoun Director - Keith Goldstein</td>
<td>503-288-2408</td>
</tr>
<tr>
<td>6641 Maple Dr.</td>
<td>Former gas station</td>
<td>Riley L S &amp; R Leona Riley 1331 N Central Expwy Richardson, TX 75080</td>
<td>Owner - Mr. L.S. Riley Owner - Mrs. L.S. Riley</td>
<td>888-245-5398</td>
</tr>
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</table>
CPC RECOMMENDED CONDITIONS

SEC. 51P-101. LEGISLATIVE HISTORY.

PD was established by Ordinance No., passed by the Dallas City Council on , 2006.

SEC. 51P-102. PROPERTY LOCATION AND SIZE.

PD is established on property generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central, and Maple Avenue. The size of PD is approximately 31.02 acres.

SEC. 51P-103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this district, SHOPPING CENTER SIGNS means a sign that identifies the names of the owners, tenants, or occupants on the premises.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is a nonresidential zoning district.

SEC. 51P-104. CONCEPTUAL PLAN.

(a) The conceptual plan shows the approximate location of main driveways to be located within the Property and the proposed ingress/egress points; the final location of the ingress/egress points and main driveways to be constructed within the Property must be shown on the development plan.

(b) If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P-105. DEVELOPMENT PLAN.

(a) A development plan must be approved by the city plan commission before issuance of any building permit. In the event of a conflict between the provisions of this article and the development plan, the provisions of this article control. All development plans and any amendments must comply with the conceptual plan.

(b) Before approval of a development plan for any portion or all of the Property, a tree survey, grading and drainage plan, and utilities plan must be provided.
for the Property. It is not necessary to indicate each phase of development if separate phases are proposed.

SEC. 51P-____.106. MAIN USES PERMITTED.

(a) The only main uses permitted are those uses permitted in the RR Regional Retail District, subject to the same conditions applicable in the RR Regional Retail District, as set out in Chapter 51A. For example, a use permitted in the RR Regional Retail District only by specific use permit (SUP) is permitted on that lot only by SUP; a use subject to development impact review (DIR) in the RR Regional Retail District is subject to DIR on that lot, etc.

SEC. 51P-____.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-____.108. YARD, LOT, AND SPACE REGULATIONS.

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

(a) In general: Except as provided in this section, the yard, lot, and space regulations for the RR Regional Retail District apply.

(b) Front, side and rear yard setbacks. The minimum front, side and rear yard setbacks are 15 feet, as shown on the conceptual plan.

(c) Floor area ratio. The maximum floor area ratio is 0.5.

(d) Density. The maximum total floor area for all retail and personal service uses on the Property is 365,000 square feet.

(e) Height. The maximum structure height is 50 feet.

SEC. 51P-____.109 DESIGN STANDARDS.

(a) Except as otherwise provided in this section, the design standards in Section 51A-4.605 apply to all retail and personal service uses built with 75,000 square feet or more.

(b) Trees planted in planters count toward the tree planting requirements in Section 51A-4.608(f).
(c) **Variations and exceptions.** The city plan commission, whether or not a specific use permit is required, may approve a site plan that does not comply with the requirements of the design standards provided that:

1. strict compliance with the design standards is impractical due to site constraints or would result in substantial hardship;
2. the site plan complies with the spirit and intent of the design standards;
3. the site plan furthers the stated purpose of the design standards; and
4. the variation or exception from the design standards will not adversely affect surrounding properties.

The city plan commission shall follow the same procedure used for approval of minor amendments to development plans and the fee for a minor plan amendment shall apply.

**SEC. 51P-___.110. OFF-STREET PARKING AND LOADING.**

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

(b) Except for restaurant uses, the required parking for non-residential uses is 4.5 spaces per 1,000 square feet of floor area. Outdoor sales areas (for example, garden centers) must provide one off-street parking space for every 500 square feet of covered outdoor sales area and one off-street parking space for every 2,000 square feet of open outdoor sales area.

(c) Ingress or egress to and from Empire Central is not permitted.

(d) For the purposes of calculating the amount of required parking, the Property is considered one building site.

**SEC. 51P-___.111. ROADWAY IMPROVEMENTS.**

(a) Before the issuance of a certificate of occupancy for 50,000 square feet the following road improvements must be provided on Mockingbird Lane, with final design and construction approved by the director of public works and transportation:

1. Lengthen the existing eastbound left-turn lane to a minimum of 150 feet storage (Driveway No. 6)
(2) A westbound deceleration lane (Driveway No. 5).

(b) Each application for a building permit or certificate of occupancy must provide a cumulative floor area calculation and the number of off-street parking required for each retail use.

SEC. 51P-.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-.112. LANDSCAPING.

(a) In general. Except as otherwise provided, landscaping must be provided in accordance with Article X.

(b) Tree mitigation.

(1) In general. Except as provided in this section, tree mitigation must be provided in accordance with Article X. Tree mitigation must be completed within 24 months of the issuance of a tree removal permit.

(2) Floodplain. Except as provided in this section, tree mitigation in floodplain areas must be provided in accordance with Article V.

(3) Alternative tree mitigation.

(1) Open space. The permanently-reserved, publicly-accessible open space shown on the conceptual plan may count toward tree mitigation. An inch-for-caliper-inch tree mitigation credit is available at the time of the first landscape inspection on the Property.

(2) Transplanting protected trees. Transplanting healthy, growing protected trees into parking lot islands or medians on the Property may count toward tree mitigation. An inch-for-caliper-inch credit is available at the time of the first landscape inspection on the Property for transplanting healthy, growing protected tree with a caliper of six inches or more.

(3) Tree condition. The condition of trees must be determined by the Building Official at the time of the first landscape inspection on the Property.
SEC. 51P-.113. SIGNS.

(a) In general. Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) Shopping center signs.

(1) For purposes of complying with the sign regulations, the premise is the entire Property for shopping centers signs only.

(3) A shopping center sign may be located adjacent to Mockingbird Lane.

(4) One shopping center sign is permitted for every 300 feet of street frontage and must be located at least 400 feet apart.

(5) No shopping center sign may exceed 35 feet in height and 250 square feet of effective area.

SEC. 51P-.114. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

SEC. 51P-.115. COMPLIANCE WITH CONDITIONS.

The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use in this district until there has been full compliance for that use with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SEC. 51P-.116. ZONING MAP.

PD ___ is located on Zoning Map No. H-6.
CPC RESPONSES

PROPERTY OWNERS NOTIFIED: 7
REPLIES IN FAVOR: 2
REPLIES IN OPPOSITION: 5

AREA OF NOTIFICATION: 6-14-07
DATE U/A: 6-21-07

NOTIFICATION

1:4,800

H-6

Map no: Z067-188 WE
Case no:

The number '0' indicates City of Dallas Ownership.
**Notification List of Property**

**Z067-188(WE)(CS)**

106   Property Owners Notified

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<td>Chris Lomax 6439 Dixie Garden Ln Dallas, TX 75236</td>
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<td>Stan Armstrong 3700 Ross Ave, Box 61 Dallas, TX 75204</td>
</tr>
<tr>
<td>Dallas Planning Asoc</td>
<td>Stuart Pully P O Box 781609 Dallas, TX 75378</td>
<td>FW Dodge Reports</td>
<td>Donna McGuire 9155 Sterling Dr. Ste 160 Dallas, TX 75063</td>
<td>Jackson Walker</td>
<td>Suzan Kedron 901 Main St. #6000 Dallas, TX 75202</td>
</tr>
</tbody>
</table>
Z067-188 (WE)
Kiestwood Neighbors
Neoma Shafer
2538 W Kiest Blvd
Dallas, TX 75233

Lake Highlands AIA
Terri Woods
9603 Rocky Branch Drive
Dallas, TX 75243

Master Plan
J Kimborough
900 Jackson St
Dallas, TX 75202

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

Minyards Properties Inc
Dennis O'Malley
777 Freeport Pkwy
Coppell, TX 75019

N Pk Lovefield Comm Civic League
Joyce Lockley
4718 Wateka Dr.
Dallas, TX 75209

Oak Cliff Chamber
Joe Burklo
545 Lacewood Drive
Dallas, TX 75224

OLPH Church
Fv.Salvador Guzman
7617 Cortland Ave.
Dallas, TX 75235

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

W.A.R.N.
Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Alan Pierce
3912 Cedar Springs
Dallas, TX 75219

Gabriel Camacho
11002 Creekmere
Dallas, TX 75218

Jesse Almaguek
7721 Mohawk Dr
Dallas, TX 75235

Laura French
3856 W Beverly
Dallas, TX 75209

Margaret L Ray
3211 Cherrywood
Dallas, TX 75235

Pattie Walker
PO Box 7488
Dallas, TX 75209

Airway Heights
Rick Gonzales
4283 S Cresthaven
Dallas, TX 75209

Bordeaux Village HOA
Kristen Toney
6373 Bordeaux
Dallas, TX 75209

Cochran Heights
Hector Garcia
3601 Turtle Creek Blvd #901
Dallas, TX 75219

Greenway Parks HOA
Lanay Hartmann
P O Box 7482
Dallas, TX 75209

Harwood International, Inc.
Jerry Jackson
2828 N Harwood, Suite 1600
Dallas, TX 75201
Lovefield West NA
Wilma Avalos
PO Box 35141
Dallas, TX 75235

Lovers Lane Village NA
D.Gustave A. Perez
7811 Morton
Dallas, TX 75209

N Park Lovefield Civic League
Rick Gonzales
4283 S Cresthaven St.
Dallas, TX 75209

Oak Lawn Comm. Prosecutor
Tanya Oliveira
9801 Harry Hines Blvd
Dallas, TX 75220

OLPH Church
Fv. Salvador Guzman
7617 Cortland Ave.
Dallas, TX 75235

Raleighs-Hall Group
Frank M Stick
4224 N Hall St
Dallas, TX 75219

Robin Road Neigh
Alneda Frierson
7410 Robin Rd
Dallas, TX 75209

Robin Road Neigh
Betty R Jekins
7402 Robin Rd
Dallas, TX 75209

Walnut Hill Business Owners
Jim Wiley/Glen Wiley
P O Box 541323
Dallas, TX 75354
KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 66 Z; 67 W X; 76 D H M Q R; 77 A B E F J N

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for certain nonresidential uses on property zoned an MF-2(A) Multifamily District, an R-7.5(A) Single Family District, an IR Industrial Research District, an IM Industrial Manufacturing District, a CR Community Retail District, and an A(A) Agricultural District on property generally bounded by IH 20, J.J. Lemmon Road, Wintergreen Road, and Bonnie View Road and a resolution terminating existing deed restrictions on a portion of the site that prohibit certain uses as well as provide for certain development standards

Recommendation of Staff: Approval of the requested Planned Development District, to be known as the Dallas Logistics Hub Special Purpose District, subject to staff's recommended conditions, and approval of the termination of deed restrictions that encumber a portion of the site.

Recommendation of CPC: Approval of the requested Planned Development District, to be known as the Dallas Logistics Hub Special Purpose District, subject to conditions, and approval of the termination of deed restrictions that encumber a portion of the site.

Z067-158(RB)
FILE NUMBER: Z067-158(RB)  DATE FILED: February 7, 2007

LOCATION: Area generally bounded by IH 20, J.J. Lemmon Road, Wintergreen Road, and Bonnie View Road

COUNCIL DISTRICT: 8  MAPSCO: 66 Z; 67 W, X; 76 D, H, M, Q, R; 77 A, B, E, F, J, N

SIZE OF REQUEST: Approx. 1,319 Acres  CENSUS TRACT: 167.03

APPLICANT: Allen Development of Texas, LLC

REPRESENTATIVE: William Dahlstrom

OWNERS: See attached

REQUEST: An application for a Planned Development District for Certain nonresidential uses on property zoned an R-7.5(A) Single Family District, a CR Community Retail District, an RR Regional Retail District, an LI Light Industrial District, and an IM Industrial Manufacturing District. Additionally, the applicant is requesting to terminate existing deed restrictions that encumber a portion of the site.

SUMMARY: The applicant is requesting a PDD to provide for warehouse/distribution/office uses in conjunction with the proposed Dallas Logistics Hub.

CPC RECOMMENDATION: Approval of a Planned Development District, to be known as the Dallas Logistics Hub Special Purpose District, subject to conditions, and approval of the termination of deed restrictions that encumber a portion of the site.

STAFF RECOMMENDATION: Approval of a Planned Development District, to be known as the Dallas Logistics Hub Special Purpose District, subject to staff’s recommended conditions, and approval of the termination of deed restrictions that encumber a portion of the site.
BACKGROUND INFORMATION:

- The request site consists of two tracts. The northernmost tract, north of IH 20 is undeveloped. The southernmost tract, south of IH 20, is undeveloped and encompasses the vast majority of the site.

- A PDD is being requested for consideration of the following: 1) designation as a Special Purpose District which provides for certain ease of development processes; 2) permit certain uses as a matter of right; 3) permit alternative landscape and tree mitigation requirements; 4) provide for a subtle increase in floor area and structure height for portions of the request site; 5) provide for alternative off-street parking requirements; and, 6) provide for specific signage for the Dallas Logistics Hub.

- Existing deed restrictions are being requested to be terminated on a specific area (492 acres) within the southern portion of the site.

- A portion of SUP No. 1489 for an Electrical substation is situated within the extreme southern boundary of the site. The applicant is not proposing to terminate this portion of SUP No. 1489.

Zoning History:

<table>
<thead>
<tr>
<th>File No.</th>
<th>Request, Disposition, and Date</th>
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<tbody>
<tr>
<td>1. Z990-254</td>
<td>An LI District and an IM District on property zoned an A(A) District. Approved by the City Council subject to deed restrictions that prohibit certain uses and provide for certain development standards.</td>
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SUP Summary

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<tr>
<th>SUP No.</th>
<th>Permitted Use</th>
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<td>666</td>
<td>College</td>
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<td>Permanent</td>
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<tr>
<td>1489</td>
<td>Electrical subst.</td>
<td>30' height for structures</td>
<td>Permanent</td>
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Thoroughfare/Street | Existing & Proposed ROW

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<tr>
<td>IH 20</td>
<td>Freeway; Variable ROW</td>
</tr>
<tr>
<td>J. J. Lemmon Road</td>
<td>Collector; 60’ ROW</td>
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</table>
STAFF ANALYSIS

Comprehensive Plan

The applicant is proposing to develop the site with various industrial/warehouse/distribution uses that will benefit from a Dallas Logistics Hub location. Specific development standards, landscaping/tree mitigation, and architectural standards are being proposed. On a parallel track, the applicant is requesting amendments to the Thoroughfare Plan to address certain geometrics that will facilitate vehicular movement throughout the regional hub while ensuring an adequate ‘level of service’ classification for other vehicular demands throughout the area. While residential development is not a dominate land use throughout the request area, there do exist small pockets of scattered single family uses, which staff is recommending certain development standards to ensure compatibility of the proposed regional development.

In conjunction with the assessment of the request as stated in this document and staff’s supporting recommended conditions, the request is compliance with the Land Use, Economic, Transportation, Urban Design, and Neighborhood Elements, respectively, outlined in forwardDallas!

GOAL 1.1 Align land use strategies with economic development priorities.

Policy 1.1.2 Focus on Southern Sector development opportunities.

GOAL 2.1 Promote balanced growth.

Policy 2.1.4 Support efforts to expand targeted business and industry development within the Southern Sector.

GOAL 4.1 Provide a fundamental land use/transportation linkage.
Policy 4.1.1 Design and improve thoroughfares to balance the need for traffic mobility.

GOAL 5.1 Promote a sense of place, safety, and walkability

Policy 5.1.3 Encourage complementary building height, scale, design, and character.

GOAL 7.1 Promote vibrant and viable neighborhoods

Policy 7.1.2 Promote neighborhood-development compatibility.

Area Plans

The request area lies within and/or abuts three study areas adopted by the City Council:

Southeast Oak Cliff Land Use, Housing, and Economic Study. This study, adopted by the City Council in September, 1991, recommends the area south of IH 20 and east of Bonnie View Road be zoned to accommodate approximately 150 acres of office uses and approximately 150 acres of industrial warehouse uses. It should also be noted that a strong buffer be provided between the recommended uses and any existing or future residential development.

LBJ/Bonnie View Land Use Study. This study, adopted by the City Council in April, 1989, overlaps the portion of the request site north of Cleveland Road. Commercial and industrial uses are recommended for this area.

I-20 Freeway Corridor Land Use Study. This study was adopted by the City Council in December, 2000. The Subdistrict 1 portion of the study includes the IH 20/Langdon Road/Bonnie View Road portion of the site. The study recommends various commercial uses that will benefit from the improved accessibility of the region.

Land Use Compatibility: The request site consists of two tracts. The majority of the site will provide for certain industrial/warehouse/distribution uses that will benefit from the inland port, to be known as the Dallas Logistics Hub. Due to the proximity to the interstate highway system as well as significant rail service, the area will benefit from national and international exposure as a regional distribution hub.

A PDD is being requested for consideration of the following: 1) designation as a Special Purpose District which provides for certain ease of development processes; 2) permit certain uses as a matter of right; 3) permit alternative landscape and tree mitigation
requirements; 4) provide for a subtle increase in floor area and structure height for portions of the request site; 5) provide for alternative off-street parking requirements; and, 6) provide for specific signage for the Dallas Logistics Hub. The 492 acre portion of the site encumbered with deed restrictions are being requested for termination.

The majority of development along the north line of IH 20 that wraps this respective portion of the site is developed with retail and lodging uses. The balance of the area is undeveloped. Further north of the site, residential uses are developed in various small subdivisions.

The general area south of IH 20, which represents the largest land presence within the request area, is undeveloped except for scattered single family uses in the area around Bonnie View Road, Cleveland Road, and Telephone Road. Another pocket of single family residential uses is located within the southern portion of the site along the Blanco Road alignment. Certain commercial/industrial uses located near the IH 20 frontage through the area have been developed on properties generally west of Bonnie View Road. A commercial amusement (outside) use (Mesquite Archery Club) and the Dallas Morning News regional center can be found on properties east of Bonnie View Lane along Telephone Road and Langdon Road, respectively. Wilmer Hutchins High School and various commercial/industrial uses are developed to the east, near the J. J. Lemmon/IH 20 intersection. Finally, Cedar Valley Community College is situated on property southwest of the site. The municipal boundaries of Lancaster and Hutchins border the southern boundary of the site.

The applicant’s efforts for development of the area is anticipated to provide for additional development of uses similar to those that were envisioned during consideration of the rezoning of the 492 acres referenced in the Zoning History section. Staff has worked with the applicant to consider alternative land use, development standards, and specific landscaping/tree mitigation that will apply to this area.

Staff supports the applicant’s request, subject to staff’s recommended conditions. The proposed conditions will ensure compatibility with the existing residential uses scattered throughout the area as well as providing for sensitivity to the environment by providing for certain landscaping and tree mitigation provisions. It should be noted that the difference in staff’s recommended conditions and those of the applicant are addressed in the table below. The applicant’s requested conditions are provided as well.

Additionally, staff supports the termination of existing deed restrictions on approximately one-third (492 acres) of the land area within the request site. It should be noted these restrictions were volunteered in conjunction with the vision of the area supporting industrial/distribution uses, which is consistent with the proposed development addressed in this application. Staff has maintained sensitivity to the presence of
scattered single family uses in the area by ‘carrying forward’ in the staff recommendation certain provisions (setbacks and prohibited uses) addressed in the deed restrictions being requested for termination.

**Traffic:** The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the request and determined the request will not impact the surrounding street system subject to a traffic impact analysis being submitted before the issuance of a building permit for construction that will cause the total floor area within the district to exceed five million square feet and before the issuance of a building permit for construction that will cause the total floor area within the district to exceed 10 million square feet. This will permit staff the opportunity to pursue any additional infrastructure improvements that become required as a result of the ongoing build out of the acreage associated with the request. On a parallel issue, certain Thoroughfare Plan amendments are being pursued (see below) by the applicant to provide for the necessary infrastructure to handle the demands of the request throughout this undeveloped area while maintaining adequate rights-of-way for the general area as a whole.

**Landscaping:** The site possesses significant areas of natural vegetation, much of which is located in a designated flood plain. The applicant has worked with the city arborist to design certain criteria to provide for a creative approach to maintain environmentally sensitive areas while providing for landscaping that meets the spirit of Article X. This will include alternative irrigation measures for qualified LEED structures as well as providing for a credit for required tree mitigation in conjunction with new construction that obtains certain levels of LEED points. Additionally, the proposed intermodal railroad facility (approximately 450 acres) will be recommended to provide for additional street buffers to soften the intensity of this use from adjacent properties.

**Architectural Standards:** In conjunction with the applicant’s vision for the area, specific architectural standards and lighting regulations are being proposed. While normally not considered for industrial/distribution projects, staff has approached this issue much along the same lines that the ‘big box ordinance’ providing for architectural features for large retail uses exceeding 100,000 square feet came into existence. The massing of large distribution/warehouse uses provides for opportunities to incorporate various design criteria to soften their visual impact on adjacent properties and the general area. As a result, staff supports this portion of the applicant’s request.

**Thoroughfare Plan Amendment:** As noted above, application has been submitted to Public Works and Transportation to amend the Thoroughfare Plan to provide for a realignment of Bonnie View Road as well as certain improvements to other revised segments (see attached Thoroughfare Segment Identification). This package of improvements will facilitate infrastructure that will accommodate the projected demand
on the city’s roadway system while ensuring that other vehicular traffic is not impacted by the vehicular activity associated with the regional hub. On June 13, 2007, the City Council adopted the requested amendment to the Thoroughfare Plan.

<table>
<thead>
<tr>
<th>USES</th>
<th>APPLICANT’S REQUEST</th>
<th>STAFF’S RECOMMENDATION</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>PERMIT MINING, OUTSIDE STORAGE WITHOUT VISUAL SCREENING</td>
<td>MAINTAIN PROHIBITING THESE USES (PER EXISTING DEED RESTRICTIONS BEING REQUESTED FOR TERMINATION)</td>
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<td></td>
<td>OUTSIDE STORAGE (WITH VISUAL SCREENING)-ONLY REQUIRE SCREENING WHEN VIEWED FROM A PUBLIC RIGHT-OF-WAY OR WITH RESIDENTIAL ADJACENCY; OTHERWISE, PERMIT OUTSIDE STORAGE WITHOUT VISUAL SCREENING BY RIGHT</td>
<td>REQUIRE ALL OUTSIDE STORAGE AREAS TO BE SCREENED, EXCLUSIVE OF THE INTERMODAL RAILROAD FACILITY</td>
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**CPC Action (May 17, 2007)**

**Motion:** In considering an application for a Planned Development District for certain nonresidential uses on property zoned an MF-2(A) Multifamily District, an R-7.5(A) Single Family District, a CR Community Retail District, an RR Regional Retail District, an LI Industrial District, and an IM Industrial Manufacturing District and the termination of existing deed restrictions on a portion of the site on property generally bounded by IH 20, J.J. Lemmon Road, Wintergreen Road, and Bonnie View Road, it was moved to hold this case under advisement until June 7, 2007.

- Maker: Jones-Dodd
- Second: Buehler
- Result: Carried: 11 to 0

For: 11 - Prothro, Gary, Marshall*, Woolen Lipscomb, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0

Absent: 4 - Strater, Miranda, Bagley, Weiss

Vacancy: 0

*out of the room, shown voting in favor
CPC Action (June 7, 2007)

Motion:  In considering an application for a Planned Development District for Certain nonresidential uses on property zoned an MF-2(A) Multifamily District, an R-7.5(A) Single Family District, a CR Community Retail District, an RR Regional Retail District, an LI Industrial District, and an IM Industrial Manufacturing District and the termination of existing deed restrictions on a portion of the site on property generally bounded by IH 20, J.J. Lemmon Road, Wintergreen Road, and Bonnie View Road, it was moved to hold this case under advisement until June 21, 2007 with a provision that the staff try to put the case on the June 27, 2007, City council agenda.

Maker:  Jones-Dodd
Second:  Marshall
Result:  Carried: 14 to 0

For:  14 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb, Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler, Ekblad, Emmons, Cunningham

Against:  0

Absent:  1 - Wolfish

Vacancy:  0

CPC Action (June 21, 2007)

Motion:  It was moved to recommend approval of a Planned Development District for Certain nonresidential uses on property zoned an R-7.5(A) Single

For:  Bill Dahlstrom, 901 Main St., Dallas, TX, 75202

Against:  None
Family District, a CR Community Retail District, an RR Regional Retail District, an LI Industrial District, and an IM Industrial Manufacturing District and approval of the termination of existing deed restrictions that encumbers a portion of the site on property generally bounded by IH 20, J.J. Lemmon Road, Wintergreen Road, and Bonnie View Road with the following conditions added. 1) **Mining by Specific Use Permit**, a) Oil and gas drilling, production and expiration; b) must be at least 1,000 feet from residential uses; c) maximum aggregate acreage for this use is 4 acres. 2) **Outside Storage without Visual Screen** - Screening is required where adjacent to and visible from residential uses or visible from a public street.

Maker: Jones-Dodd  
Second: Woolen Lipscomb  
Result: Carried: 15 to 0

For: 15 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb, Miranda, Bagley, Jones-Dodd, Weiss, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0

Absent: 0

Vacancy: 0

**Notices:** Area: 500 Mailed: 124  
**Replies:** For: 7 Against: 10

**Speakers:** For: Bill Dahlstrom, 901 Main St., Dallas, TX, 75202  
Against: None
<table>
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<td>San Diego, California  92130</td>
</tr>
</tbody>
</table>
Corporate Management

(Associates for all Corporate Management:

11943 El Camino Real, Suite 200
San Diego, California 92130)

- Richard S. Allen
  Chief Executive Officer

- Edward B. Romanov, Jr.
  President and COO

- Jenny Saubert
  Director of Finance

- Luke Allen
  Corporate Development Operations

- Jon Cross
  Director of Marketing

Texas Development Team

(Associates for all Texas Development Team:

2200 Ross Avenue, Suite 4150W
Dallas, Texas 75201)

- Dan McAuliffe
  President, Allen Development of Texas

- Jason Elms
  Director of Engineering

- Leslie Jutzi
  Director of Governmental Affairs & Community Relations

Officers of each General Partner of each ownership entity
(each is a Delaware limited liability company):

Richard S. Allen  Chief Executive Officer
Edward B. Romanov, Jr.  President/Chief Operating Officer
Dan McAuliffe  Vice President
TERMINATION OF DEED RESTRICTIONS

THE STATE OF TEXAS §

§ KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF DALLAS §

I.

The undersigned, DLH Master Parcel #42-52, L.P., and DLH Master Parcel #79, L.P. (collectively, the “Owners”), are the owners of the following described property (the “Property”), being a total of 483.301 acres, more or less, out of, variously, the W.H. Newton Survey, Abstract No. 1074, the C.C. Overton Survey, Abstract No. 1102, the W.F. Newton Survey, Abstract No. 1084, and the H.H. Hickman Survey, Abstract No. 565, and also located in all or part of City Blocks 8271, 8313, 8314, 8315, 8316, 8320, 8321, 8322, and 8323, City of Dallas (“City”), Dallas County, Texas, and being those same tracts of land conveyed to the Owners by Bonnie View Industrial, Ltd., by Deed dated February 2, 2006, and recorded at Document No. 20060003847 of the Deed Records of Dallas County, Texas, and by Bernard and Betty Irving by Deed dated May 15, 2006, and recorded at Document No. 200600177471 of the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit “A” which is attached hereto for all purposes.

II.

The Property was impressed with certain deed restrictions (the “Prior Restrictions”) as shown in an instrument dated June 26, 2001, signed by Michael E. Rader, President of Prime Rail Interest, Inc., one of two general partners of Bonnie View Industrial, Ltd., and Clyde L. Hargrove, President of South Bethany Development, LLC, the other general partner of Bonnie View Industrial, Ltd., on behalf of said Bonnie View Industrial, Ltd. as the Owner and recorded in Volume 2001148, Page 01169, of 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.

The Owners do hereby terminate and release the following restrictions as they apply to the Property, to wit, those certain Prior Restrictions described in Paragraph II above and attached hereto as Exhibit “B”.

IV.

The above termination was made following a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings 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 their sole cost and expense before the termination becomes effective.

V.

The termination of these restrictions is 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.

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VI.

The Owners agree to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with this termination.

VII.

Unless stated otherwise in this instrument, the definitions and provisions of Chapter 51A of the Dallas City Code, as amended, apply and are incorporated into this instrument as if recited in this instrument.

VIII.

The Owners certify and represent 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.

IX.

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.

EXECUTED at the City of Dallas, Dallas County, this the _____ day of __________, 2007.

OWNERS:

DLII MASTER PARCEL #42-52, L.P.

By: DLH Master Parcel #42-52 Gen Par, LLC, its General Partner

By: __________________________
    Dan McAuliffe, Vice President

DLH MASTER PARCEL #79, L.P.

By: DLH Master Parcel #79 Gen Par, LLC, its General Partner

By: __________________________
    Dan McAuliffe, Vice President
Existing Deed Restrictions

TRACT

BONNIE VIEW INDUSTRIAL LTD., (the Owner) is the owner of the following described property (the Property), being a tract of land conveyed to the Owner by Bonnie View Limited Partnership, a Texas Limited Partnership, by deed dated October 25, 2000, and recorded in Volume 200216, Page 00955, in the Deed Records of Dallas, County, Texas, being that same tract of land out of the W. H. Newton Survey, Abstract No. 1914, City Block 8316, City of Dallas ("City"), Dallas County, Texas, and being more particularly described as follows:

[SEE EXHIBIT 'E']

The Owner does hereby impose all of the Property (all of the tracts described in Exhibits A, B, C, D and E) with the following deed restrictions ("restrictions"), to wit:

The following uses are prohibited on the Property:
- Commercial Ammunition (batteries)
- Compost or chios (composting)
- Hazardous waste management facility
- Industrial (refining)
- Livestock auction, paws, or sheds
- Medical/Infectious waste incinerator
- Metal salvage facility
- Mining
- Municipal waste incinerator
- Organic compost recycling facility
- Outside salvage or reclamation
- Outside storage (without visual screening)
- Psychiatric waste incinerator
- Recycling buy-back center
- Recycling redemption center
- Recycling drop-off container
- Recycling drop-off for special occasion collection
- Cemeteries, burial, or earth works and structures
- Sewage treatment plant

Residential Setback:

Buildings may not be erected or maintained within 200 feet of any residential use

Outside Storage Use with Visual Screening:

For any outside storage with visual screening use, the minimum screening height is nine feet and the maximum storage height is eight feet within forty feet of the screening wall. The visual screening must include either meshing or a solid fence. The visual screening must be constructed prior to the issuance of a Certificate of Occupancy.
Cedar Valley College Subsector

Within Trust Il (within 100 feet of the eastern property line or along the northernmost 200 feet of the west property line).

Drainage

A project drainage plan including water detention meeting the specifications of the Drainage Design Manual of the Department of Public Works and Transportation must be completed prior to development of any lot. Lot drainage must conform to the project drainage plan.

Traffic Impact Analysis

Prior to issuance of building permits that will exceed two million square feet and again at four million square feet of buildings on the property a traffic impact analysis must be conducted by a licensed traffic engineer with copies provided to the Director of Public Works and Building Official.

III.

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approved by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the City attorney. If the City Council approves an amendment or termination of these restrictions, the Owner shall then file the amending or terminating instrument in the Deeds Records of the county where the Property is located at his or her own 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 incidental to zoning of the Property is concerned.
CPC RECOMMENDED CONDITIONS

“ARTICLE ______.

PD ______.

THE DALLAS LOGISTICS PORT SPECIAL PURPOSE DISTRICT

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD _____ was established by Ordinance No.______, passed by the Dallas City Council on ______.

SEC. 51P-____.102. PROPERTY LOCATION AND SIZE.

PD _____ is established on property located at Interstate Highway 20, J. J. Lemmon Road, Wintergreen Road, and Bonnie View Road. The size of PD _____ is approximately 1,319 acres.

SEC. 51P-____.103. CREATION OF SUBDISTRICTS.

This special purpose district is divided into the Logistics Industrial (LI) and Logistics Retail (LR) Subdistricts. The attached Exhibit ___ shows the boundaries of each subdistrict.

SEC. 51P-____.104. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this special purpose district:

(1) INTERMODAL RAILROAD FACILITY means a facility for the loading, unloading, storage (inside and outside), distribution, and transfer of cargo containers from railroads.

(2) DISTRICT IDENTIFICATION SIGNS means a sign that identifies the Logistics Port Special Purpose District.

(3) MOVEMENT CONTROL SIGN means a sign that directs vehicular and pedestrian movement with the special purpose district.
(4) SALON means a facility in which body piercing is performed. BODY PIERCING means the creation of an opening in an individual’s body, other than in an individual’s earlobe, to insert jewelry or another decoration.

(5) STREET YARD means that portion of a lot between a building facade facing a street and the property line.

(6) TATTOO STUDIO means an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This special purpose district is considered a nonresidential zoning district.

(d) In this special purpose district, a single family, duplex, or multifamily use creates a residential adjacency as defined in Chapter 51A.

(e) A planned development subdistrict may be established as a subdistrict of the Logistics Portion Special Purpose District in accordance with Section 51A-4.702. If there is a conflict between an ordinance establishing or amending a planned development subdistrict and this article, the ordinance that established or amended the subdistrict controls.

SEC. 51P-105. CONCEPTUAL PLAN.

A conceptual plan is not required for this special purpose district.

SEC. 51P-106. DEVELOPMENT PLAN.

No development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P-107. MAIN USES PERMITTED.

(a) Logistics Industrial (LI) Subdistrict.

(1) Agricultural uses.

-- Crop production.
(2) Commercial and business service uses.

-- Building repair and maintenance shop. [RAR]
-- Bus or rail transit vehicle maintenance or storage facility. [RAR]
-- Catering service.
-- Custom business services.
-- Custom woodworking, furniture construction, or repair.
-- Electronics service center.
-- Machine or welding shop. [Indoors only. RAR]
-- Machinery, heavy equipment, or truck sales and services. [RAR]
-- Medical or scientific laboratory.
-- Technical school.
-- Tool or equipment rental.
-- Vehicle or engine repair or maintenance. [RAR]

(3) Industrial uses.

-- Industrial (inside). [SUP required if the use is potentially incompatible. See Section 51A 4.203(a); otherwise with RAR.]
-- Industrial (inside) for light manufacturing.
-- Industrial (outside). [RAR]
-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]
-- Mining. [Limited to oil and gas exploration and production and by SUP; limited to an aggregate of four acres on the Property; minimum of 1,000 feet from single family, duplex, or multifamily use.]

**Modified Staff Recommendation**

-- Mining. [Limited to oil and gas exploration and production and by SUP; minimum of 1,000 feet from single family, duplex, or multifamily use]

(4) Institutional and community service uses.

None permitted.

(5) Lodging uses.

-- Extended stay hotel or motel. [SUP]
-- Hotel or motel. [By SUP for a hotel or motel with less than 80 rooms; otherwise, RAR.]
-- Lodging or boarding house. [SUP]

(4) Miscellaneous uses.

-- Carnival circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(5) Office uses.

-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [RAR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(6) Recreation uses.

-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(7) Residential uses.

None permitted.

(8) Retail and personal service uses.

-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4). Treat as if in an industrial district.]
-- Commercial amusement (inside). [SUP required if required in an industrial district. See Section 51A-4.210(b)(7). Gun range and dance hall uses are prohibited.]
-- Commercial motor vehicle parking. [By SUP only if within 500 feet of a residential use.]
-- Commercial parking lot or garage. [RAR]
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- Home improvement center, lumber, brick, or building materials sales yard. [RAR]
-- Household equipment and appliance repair.
-- Motor vehicle fueling station.
-- Personal service uses. [Tattoo studios or piercing salons are not permitted.]
-- Restaurant without drive-in or drive-through service. [RAR]
-- Restaurant with drive-in or drive-through service. [DIR]
-- Temporary retail use.
-- Theater.
-- Truck stop. [SUP]
-- Vehicle display, sales, and service. [RAR]

(9) Transportation uses.

-- Airport or landing field. [SUP]
-- Commercial bus station and terminal. [RAR]
-- Heliport. [RAR]
-- Helistop. [RAR]
-- Intermodal railroad facility.
-- Railroad passenger station. [SUP]
-- Railroad yard, roundhouse, or shops. [RAR]
-- STOL (short take off or landing) port. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council. See Section 51A-4.211(10).]

(10) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical generating plant. [SUP]
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. [RAR]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1). Treat as if in an industrial district.]
-- Utility or government installation other than listed. [SUP]
-- Water treatment plant. [RAR]
(11) Wholesale, distribution, and storage uses.

-- Building mover's temporary storage yard. [SUP]
-- Contractor's maintenance yard. [RAR]
-- Freight terminal.
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage (with visual screening).
-- Outside storage (without visual screening—see Section 51P-__.111).
-- Petroleum product storage and wholesale. [RAR]
-- Recycling buy-back center [See Section 51A-4.213(11). Treat as if in an industrial district.]
-- Recycling collection center. [See Section 51A-4.213(11.1). Treat as if in an industrial district.]
-- Recycling drop-off container. [See Section 51A-4.213 (11.2). Treat as if in an industrial district.]
-- Recycling drop-off for special occasion collection. [See Section 51A-4.213(11.3). Treat as if in an industrial district.]
-- Sand, gravel, or earth sales and storage. [RAR]
-- Trade center.
-- Vehicle storage lot.
-- Warehouse. [RAR]

(b) Logistics Retail (LR) Subdistrict.

(1) Agricultural uses.

-- None permitted.

(2) Commercial and business service uses.

-- Building repair and maintenance shop. [RAR]
-- Catering service.
-- Custom business services.
-- Electronics service center.
-- Machinery, heavy equipment, or truck sales and services. [RAR]
-- Medical or scientific laboratory. [SUP]
-- Tool or equipment rental.
-- Vehicle or engine repair or maintenance. [RAR]

(3) Industrial uses.

-- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]
(4) Institutional and community service uses.

None permitted.

(5) Lodging uses.
-- Extended stay hotel or motel. [SUP].
-- Hotel or motel. [By SUP if hotel or motel with less than 80 rooms; otherwise, RAR.]
-- Lodging or boarding house.
-- Overnight general purpose shelter. [See Section 51A-4.205(2.1). Treat as if in an industrial district.]

(5) Miscellaneous uses.
-- Carnival or circus (temporary). [By special authorization of the building official.]
-- Temporary construction or sales office.

(6) Office uses.
-- Financial institution without drive-in window.
-- Financial institution with drive-in window. [DIR]
-- Medical clinic or ambulatory surgical center.
-- Office.

(7) Recreation uses.
-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(8) Residential uses.

None permitted.

(9) Retail and personal service uses.
-- Alcoholic beverage establishments. [See Section 51A-4.210(b)(4). Treat as if in an industrial district.]
-- Ambulance service. [RAR]
-- Business school.
-- Commercial amusement (inside). [SUP required if required in an industrial district. See Section 51A-4.210(b)(7). Gun range and dance hall uses are prohibited.]
-- Commercial amusement (outside). [SUP]
-- Commercial parking lot or garage. [RAR]
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- General merchandise or food store 100,000 square feet or more. [Subject to the design standards in Section 51A-4.605(a).]
-- Home improvement center, lumber, brick, or building materials sales yard. [RAR]
-- Household equipment and appliance repair.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Personal service uses [Tattoo studios and body piercing studios are not permitted.]
-- Restaurant without drive-in or drive-through service. [RAR]
-- Restaurant with drive-in or drive-through service. [DIR]
-- Temporary retail use.
-- Theater.

(10) Transportation uses.
-- Heliport. [SUP]
-- Helistop. [SUP]
-- Intermodal railroad facility.
-- Railroad passenger station. [SUP]
-- Transit passenger shelter.
-- Transit passenger station or transfer center. [By SUP or city council resolution. See Section 51A-4.211(10).]

(11) Utility and public service uses.
-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities. [SUP or RAR may be required. See Section 51A-4.212(4).]
-- Police or fire station.
-- Post office.
-- Radio, television or microwave tower. [SUP]
-- Tower/antenna for cellular communication. [See Section 51A-4.212(10.1). Treat as if in an industrial district.]
-- Utility or government installation other than listed. [SUP]

(12) Wholesale, distribution, and storage uses.
-- Mini-warehouse. [SUP]

SEC. 51P-____.108. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) Logistics Industrial (LI) Subdistrict. The following accessory uses are not permitted in this district: 
-- Accessory community center (private).
-- Accessory medical/infectious waste incinerator. [See Section 51A-4.217(b) (3.1).]
-- Accessory pathological waste incinerator.
-- Home occupation.
-- Private stable.

(c) **Logistics Retail (LR) Subdistrict.** The following accessory uses are not permitted in this district:

-- Accessory community center (private).
-- Home occupation.
-- Private stable.

**SEC. 51P-109. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) **Logistics Industrial (LI) Subdistrict.**

(1) **Front yard.**

(A) Except as provided in this paragraph, minimum front yard is 50 feet.

(B) Minimum side yard may be reduced to 25 feet if the adjacent right-of-way is less than 72 feet wide, measured from back of curb to back of curb.

(2) **Side yard.**

(A) Except as provided in this paragraph, minimum side yard is 25 feet.

(B) Minimum side yard setback for lots abutting single-family, duplex, or multifamily uses is 100 feet.

(C) No minimum side yard for lots abutting railroad rights-of-way or rail spurs.

(3) **Rear yard.**
(A) Except as provided in this paragraph, minimum rear yard is 25 feet.

(B) Minimum rear yard setback for lots abutting single-family, duplex, or multifamily uses is 100 feet.

(C) No minimum rear yard for lots abutting railroad rights-of-way or rail spur.

(4) Floor area. Except as provided in this paragraph, maximum floor area for all uses combined is 2.0:1. No maximum floor area for industrial (inside), light manufacturing, or office showroom/warehouse uses.

(5) Height.

(A) Unless further restricted in Subparagraph (B), maximum structure height is 200 feet.

(B) Except as provided in this subparagraph, if any portion of a structure is over 26 feet in height, that portion may not be located above a 1-to-3 residential proximity slope. For purposes of this section, residential adjacency means single family or duplex use.

   (i) Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

   (ii) Cranes located with an intermodal railroad facility use are exempt from the residential proximity slope.

(6) Lot coverage.

(A) Maximum lot coverage is 55 percent.

(B) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(7) Lot size. No minimum lot size.

(8) Stories. Maximum number of stories above grade is 17. Parking garages are exempt from this requirement, but must comply with the height regulations in Section 51P-___109(a)(5).

(b) Logistics Retail (LR) Subdistrict.

(1) Front yard. Minimum front yard is 25 feet.
(2) Side yard.
   (A) Except as provided in this paragraph, minimum side yard is 15 feet.
   (B) Minimum side yard is 40 feet for lots abutting single-family, duplex, or multifamily uses.

(3) Rear yard.
   (A) Except as provided in this paragraph, minimum rear yard is 25 feet.
   (B) Minimum rear yard is 50 feet for lots abutting single-family use if a structure on the lot exceeds one story or 20 feet in height and 100 feet if a structure on the lot exceeds two stories or 45 feet in height.

(4) Floor area. Maximum floor area ratio is:
   (A) 0.5 for office uses; and
   (B) 1.5 for all uses combined.

(5) Height.
   (A) Unless further restricted in Subparagraph (B), maximum structure height is 55 feet.
   (B) If any portion of a structure is over 26 feet in height, that portion may not be located above a 1-to-3 residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(6) Lot coverage.
   (A) Maximum lot coverage is 50 percent.
   (B) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(7) Lot size. No minimum lot size.

(8) Stories. Maximum number of stories above grade is five. Parking garages are exempt from this requirement, but must comply with the height regulations in Section 51P-____.109(b)(5).
SEC. 51P-111. SCREENING AND HEIGHT OF OUTSIDE STORAGE.

(a) Intermodal railroad facility use.

(1) Screening. Screening of outside storage is not required.

(2) Height. No maximum height for outside storage.

(b) Other uses.

(1) Screening. If an outside storage area is visible from a public right-of-way or visible from a single family, duplex, or multifamily use, screening of outside storage must be constructed and maintained as follows:

**Modified Staff Recommendation**

(1) Screening. If an outside storage area is visible from a public right-of-way, visible from a single family, duplex, or multifamily use, or visible and within 100 ft of an adjoining property, screening of outside storage must be constructed and maintained as follows:

(A) Screening must a minimum of nine feet in height and must be provided before the issuance of a certificate of occupancy for the use.

(B) Screening must be constructed of:

(i) brick, stone, or concrete masonry;

(ii) earthen berm planted with turf grass or ground cover recommended for local area use by the city arborist. The berm may not have a slope that exceeds one foot of height for each two feet of width;

(iii) evergreen plant materials recommended for local use by the city arborist. Plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years; or

(iv) Any combination of the above.
(C) A required screening wall or fence may not have more than 10 square inches of openings in any given square foot of surface. Plant materials used for required screening must obtain a solid appearance and provide a visual barrier of the required height within three years of their initial planting.

(2) Height.

(A) Except as provided in this paragraph, maximum stacking height of outside storage is 30 feet.

(B) Maximum stacking height of outside storage within 40 feet of screening is eight feet.

SEC. 51P- 112. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Consult Divisions 51A-4.300 for information regarding off-street parking and loading generally.

(c) For an intermodal railroad facility use, minimum required off-street parking is one space for each 1,000 square feet of floor area.

(d) For an intermodal railroad facility, freight terminal, office showroom/warehouse, and warehouse use, minimum required off-street loading is as follows:

<table>
<thead>
<tr>
<th>Floor area</th>
<th>Loading spaces required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10,000 sq.ft</td>
<td>none</td>
</tr>
<tr>
<td>10,001-50,000 sq.ft.</td>
<td>1 space</td>
</tr>
<tr>
<td>50,001-100,000 sq.ft.</td>
<td>2 spaces</td>
</tr>
<tr>
<td>100,001 or more</td>
<td>2 spaces plus one additional space per 100,000 square feet of floor area</td>
</tr>
</tbody>
</table>

SEC. 51P- 112. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.
SEC. 51P- .113. LANDSCAPING

(a) Street yard landscape requirements.

(1) Street yard landscape requirements. Except as provided in this section, a minimum of 15 percent of the street yard must be landscaped. One tree must be provided within the street yard for every 50 feet of street frontage. Trees required in the street yard also qualify for site trees as provided in Subsection (h).

(A) For an intermodal railroad facility,

(i) If the intermodal railroad facility is located abutting Bonnie View Road, a minimum 60 foot-wide IRF street buffer must be provided and located as shown on the attached subdistrict map.

(ii) If the intermodal railroad facility is not located abutting Bonnie View Road, a minimum 15 foot-wide IRF street buffer must be provided and located as shown on the attached subdistrict map.

(iii) Any other street frontage must provide a 60 foot-wide landscape buffer.

(2) Before the issuance of a certificate of occupancy for an intermodal railroad facility use that fronts on a street or with lots that abut single-family, duplex, or multifamily uses, a 60-foot wide landscape buffer must be provided.

(b) Parking lot landscape. Internal parking lot landscaping must comply with the following standards:

(1) Every required parking space must be within 100 feet of a landscape island.

(2) Twenty square feet of landscaping must be provided for every required surface parking space.

(3) Landscape islands must be a minimum of eight feet in width measured from inside of curb to inside of curb.

(4) Each landscape island must have a minimum of one canopy tree. Trees in landscape islands qualify as site trees under Subsection (h), but do not qualify as a parking lot buffer under Subsection (d).

(5) Section 51A-10.104 applies to the internal parking lot landscape areas.

(6) Parking lot landscape requirements apply only to passenger car parking lots, not parking lots used exclusively for trucks.
(c) Perimeter landscape buffer. A minimum 20-foot wide perimeter landscape buffer must be provided along any lot line adjacent to a single-family residential use. One large canopy tree must be provided for every 50 feet of landscape buffer.

(d) Parking lot buffer.

(1) A 20-foot wide landscape buffer must be provided between a parking lot and an adjacent divided thoroughfare.

(2) A ten-foot wide landscape buffer must be provided between a parking lot and an adjacent undivided street.

(3) A parking lot landscape buffer must consist of large shrubs planted a maximum of 36 inches on center with a maintained minimum height of three feet and provides a solid appearance within three years.

(4) The parking lot buffer may be within the street yard.

(5) Trees designated for street yard landscaping may be provided within the parking lot buffers located within a street yard.

(e) Dumpster screening. Dumpsters visible from a public street must be screened on three sides with a minimum six-foot high opaque screening material (not chain link or wooden fences). The fourth side must be a metal gate.

(f) Artificial lot.

(1) Section 51A-10.122, “Artificial Lot Delineation,” applies to this special purpose district.

(2) An artificial lot within this special purpose district is not required to have street frontage.

(g) Irrigation.

(1) Except as otherwise provided in this subsection, all required plant materials in this special purpose district must be irrigated by an automatic irrigation system installed to comply with industry standards.

(2) A facility that is landscaped to comply with the LEED NC credit system, LEED certification, or equivalent rating system, including Texas Smartscape, may provide an alternative landscape maintenance program certified as appropriate by a licensed landscape architect or licensed irrigator.

(3) A water maintenance program must be specified on the landscape plans identifying water sources and areas of altered irrigation measures, as approved by the building official.
(4) If irrigation is provided by an optional collection system, it should be noted on the plans.

(h) Site Trees.

(1) Intermodal railway facility uses.

(A) One tree having a caliper of at least two inches must be provided for each 20,000 square feet of lot area, or fraction thereof, with a minimum of four trees being provided in the IRF street buffer as required in paragraph (a)(1)(A) of this section.

(B) If the building official determines that, due to inhospitable soil conditions or inadequate space, it would be impracticable or imprudent for the site trees to be planted within the intermodal railway facility use, site trees may be planted within 1,000 feet of the use on public property or on other properties within the special purpose district subject to a maintenance agreement the owners of the property. Site trees planted subject to a maintenance agreement may not count toward the site tree requirements on the other properties.

(2) Freight terminal, office showroom/warehouse, and warehouse uses.

(A) One tree having a caliper of at least two inches must be provided for each 6,000 square feet of lot area, or fraction thereof, with a minimum of four trees being provided.

(B) If any of the uses are located between the intermodal railroad facility uses and Bonnie View Road, any trees located in the portion of the IRF street buffer that abuts the platted lot, or platted as a landscape easement on the lot, a site tree credit of one required tree for each tree located in the respective portion of the IRF street buffer is permitted.

(3) Other permitted uses.

(A) One tree having at least two caliper inches must be provided for each 4,000 square feet of lot area, or fraction thereof, with a minimum of four trees being provided.

(B) If any of these uses are located between the intermodal railroad facility and Bonnie View Road, any trees located in the portion of the IRF street buffer that abuts the platted lot, or platted as a landscape easement on the lot, a site tree credit of one required tree for each tree located in the respective portion of the IRF street buffer is permitted.

(4) Tree credits under Section 51A-10.125(b)(3)(B) may be used to satisfy the site tree requirement.

(i) Plant materials must be maintained in a healthy growing condition.
SEC. 51P-114. TREE PRESERVATION.

(a) In general. Except as provided in this section, the tree preservation regulations in Article X apply.

(b) Applicability. Tree preservation regulations do not apply to the following:
   (1) Lots smaller than two acres in size that contain single-family or duplex uses.
   (2) A tree that endangers the public health, welfare, or safety, and that must be immediately removed because of poor structural integrity.
   (3) Trees planted and growing on the premises of a licensed plant or tree nursery that are planted and growing for the sale to the general public.
   (4) A tree that is diseased or infected, damaged beyond the point of recovery, or in danger of falling.
   (5) A tree located within designated rights-of-way.
   (6) A tree within a designated building foundation area.
   (7) Any tree less than 18 caliper inches within an intermodal railroad facility use; or a railroad yard, roundhouse, or shops use.
   (8) A tree within an existing or designated public utility easement area or public drainage easement area.
   (9) Trees with a caliper of 12 inches or less.
   (10) Cedar (juniper) trees.

(c) Tree removal permit. In lieu of a tree survey, an applicant for a tree removal permit may provide an estimate of caliper inches to be removed based on a sampling of trees within the lot or tract to be developed. The sampling must be a minimum of 10 percent of the lot from which the trees are to be removed.

(d) Alternative methods of compliance.

In addition to the alternative methods of compliance with tree replacement requirements in Section 51A-10.135, an applicant for tree replacement may donate land within the city limits for tree preservation purposes, plant replacement trees on other property within the special purpose district, or plant replacement trees on property that is within one mile of the tree removal property but still within the city limits. Any tree planted in public property, including public right-of-way, may be used to mitigate trees removed.

(e) Tree replacement credits.

   (1) A credit against replacement trees is available for protected trees with a caliper greater than 12 inches preserved within tree preservation areas at a ratio of four caliper inches of credit for each one caliper inch preserved in the tree preservation area. Tree
preservation areas must be shown on a landscape plan. The amount of credit for a tree preservation area is determined by:

(A) For tree preservation areas with more than five acres, a tree sampling of 10 percent of the area to be preserved.

(B) For tree preservation areas five acres or less, a tree survey of preserved trees.

(2) For any platted lot abutting a designated floodplain, a credit against replacement trees is available for protected trees greater than 18 inches preserved in floodplain areas at a ratio of one caliper inch of credit for each one caliper inch preserved. Floodplain areas receiving tree replacement credits must be shown on a landscape plan. If a credit is given for trees preserved in a floodplain area, the floodplain area is not eligible for reclamation under Article V.

(3) Credit against replacement trees is available for meeting the most recent version of the LEED Reference Guide for New Construction and Major Renovations, (the “LEED Guide”). Each LEED credit under the Sustainable Sites or Water Efficiency categories counts as two credits for the purposes of this paragraph.

(A) Sites meeting the criteria for 5 LEED Credits qualify for a five percent reduction in the total caliper inches of trees required to be mitigated.

(B) Sites meeting the criteria for between 6 and 10 LEED Credits qualify for a 10 percent reduction in the total caliper inches of trees required to be mitigated.

(C) Sites meeting the criteria for between 11 and 15 LEED Credits qualify for a 20 percent reduction in the total caliper inches of trees required to be mitigated.

(D) Sites meeting the criteria for between 16 and 20 LEED Credits qualify for a 30 percent reduction in the total caliper inches of trees required to be mitigated.

(E) Sites meeting the criteria for between 21 and 25 LEED Credits qualify for a 40 reduction in the total caliper inches of trees required to be mitigated.

(F) Sites meeting the criteria for more than 25 LEED Credits qualify for a 50 percent reduction in the total caliper inches of trees required to be mitigated.

(4) No credit may be given for tree preservation that is outside the city of Dallas.

(f) Location of replacement trees.

(1) Replacement trees planted in a parkway must be at least 10 feet from any underground utility and must be at least 20 feet from overhead utility lines.

(2) Replacement trees may not be planted outside of the city of Dallas.

(g) Timing for tree planting. Replacement trees must be planted within 18 months after issuance of a tree removal permit.

(h) Private license granted.
(1) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in this special purpose district for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(2) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this subsection.

(3) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than $1,000,000 for each occurrence, and $2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(4) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, for keeping related amenities in good repair and condition, and for keeping the premises safe and from deteriorating in value or condition, at no expense to the city. The city is absolutely exempt from any requirements to make repairs or to maintain the landscaping, related amenities, or the premises. The granting of a license for landscaping and related amenities under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

(g) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or related amenities in the parkway. An application for a parkway landscape permit must be made to the director. The
application must be in writing on a form approved by the director and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the director shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the director determines that the construction, planting, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the director shall issue a parkway landscape permit to the property owner; otherwise, the director shall deny the permit.

(3) A property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the director's denial of a parkway landscape permit.

(4) A parkway landscape permit issued by the director is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this section if compliance is made impossible due to the director's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this subsection does not excuse the property owner, his agents, or employees from liability for the installation or maintenance of trees or other amenities in the public right-of-way.

SEC. 51P-___114. TRAFFIC IMPACT ANALYSIS.

A traffic impact analysis must be conducted by a traffic engineer and submitted to the director of public works before the issuance of a building permit for construction that will cause the total floor area within the district to exceed five million square feet and before the issuance of a building permit for construction that will cause the total floor area within the district to exceed 10 million square feet. Any traffic improvements that the director of public works determines are necessary must be made before any further building permits may be issued.

SEC. 51P-___115. SIGNS.

(a) General. Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) District identification signs.

(1) For purposes of complying with the sign regulations, the premise is the entire special purpose district.

(2) A district identification sign may:
(A) be located within 500 feet of an interstate highway or designated thoroughfare as shown on the district identification sign exhibit (Exhibit __).

(B) not exceed one sign for every 2,000 feet of street frontage, or portion thereof, when located within 500 feet of an interstate highway or designated thoroughfare.

(E) not contain more than 200 square feet of effective area and may not exceed 40 feet in height.

(3) district identification signs may be externally illuminated.

(c) Movement control signs.

(1) Movement control signs must direct vehicular or pedestrian movement within this Logistics Port Special Purpose District and may include the name, address, logo, and directional symbol of any use located within the Logistics Port Special Purpose District.

(2) Movement control signs may be externally or internally illuminated.

(3) A movement control sign must be located at least 1,000 feet from another movement control sign.

(3) Movement control signs may:

(A) be attached or detached signs;

(B) not exceed 60 square feet in effective area;

(C) not exceed 15 feet in height;

(E) be erected anywhere within the subdistrict without limit as to number.

(4) A movement control sign may be located in a public right-of-way subject to the franchise requirements of Chapter XIV of the City Charter, Article VI of Chapter 43 of the Dallas City Code, as amended, Chapter 45 of the Dallas Building Code, and the requirements of all other applicable laws, codes, ordinances, rules, and regulations; and

(5) The director of public works and transportation must review the location of any sign located in the public right-of-way to insure that the sign will not pose a traffic hazard or visibility obstruction.
(6) A movement control sign located outside the public right-of-way must have a minimum set back of 15 feet from the property line. No sign may be located in the visibility triangle.

(7) No HBA signs are permitted.

SEC. 51P-____.116. DESIGN GUIDELINES.

(a) Introduction. The purpose of these design guidelines is to encourage development that will contribute to the overall aesthetics of the special purpose district as a unique place by enhancing the built environment. These guidelines are intended to ensure that new development and redevelopment will be compatible with and enhance the overall appearance of the special purpose district.

(b) Materials.

(1) The surface of each exterior wall (excluding doors and windows) facing a public street, residential use, or public open space must consist of stone, brick, glass block, tile, cast metal, cast or cultured stone, concrete, or a combination of these materials.

(2) Other cement products (e.g. stucco, Hardy Plank, or other similar materials) are limited to 50 percent of the buildings’ exterior finishes.

(3) When used, stucco must be located at least eight feet above grade on a facade visible from a public right-of-way or a public area.

(c) Facades.

(1) Horizontal articulation. Walls facing a public right-of-way or a residential use may not extend for a distance greater than four times the wall's height without having an offset of 10 percent of the wall's height (with a maximum offset of five feet). The off-set plane must extend for a distance equal to a minimum of 20 percent of the wall’s total length.

(2) Vertical articulation. Walls facing a public right-of-way or a residential use may not extend for a distance greater than four times the height of the wall without changing height by a minimum of ten percent of the wall's height (with a maximum change in height of five feet).

Figure 1: Horizontal and Vertical Articulation
(4) **Roofs.** Roof-mounted mechanical equipment, skylights, and solar panels must be screened or set back so that they are not visible from a point five feet, six inches above grade at the property line. Screening materials must match the materials and colors used on the main building. Chain link fence may not be used as a screening material.

(d) **Exceptions and variations.** The city plan commission may approve a site plan that does not comply with the design standards in this section if:

1. strict compliance with these design standards are impractical from site constraints or would result in substantial hardship;
2. the site plan complies with the spirit and intent of these design standards;
3. the site plan furthers the stated purpose of these design standards; and
4. the variation or exception from these design standards will not adversely affect surrounding properties.

The city plan commission must follow the same procedure used for approval of minor amendments to development plans and the fee for a minor plan amendment applies.)

51P-____.118 **LIGHTING.**

(a) **In general.** All lighting must be designed in accordance with Illuminating Engineering Society of North America (IESNA) practices.

(b) **Lighting plan review.** A lighting plan that complies with the requirements of this section must be approved by the Building Official with the application for a building permit for work on the building site. Photometric plans must graphically depict illumination layout and foot candle values within the area being lighted and at the property lines. All photometric plans and pertinent illumination design information (including fixtures, electrical design data, and IESNA data for luminaries) submitted to the city must be signed and sealed by a licensed engineer in the state of Texas.
(c) **General design.** Except as provided in this section, all lighting must provide proper site illumination while directing illumination away from any adjacent property.

(1) **Street lighting.** Street lighting must conform at a minimum to the Texas Department of Transportation Highway Illumination Manual.

(2) **Site lighting.** Uses that operate between sunset and sunrise must provide illumination not to exceed a maintained average of two-and-one-half foot-candles at ground level, and must not distribute more than one-quarter of one foot-candle of light on adjacent residential property.

(3) **Parking lot lighting.**

   (A) Parking lot lighting must provide no more than a maintained average of one-and-a-half foot-candles at ground level, and must not distribute more than one quarter of one foot-candle of light on adjacent residential property.

   (B) A minimum average of the greater of either one foot candle (maintained) or that required by applicable IESNA practice must be maintained.

(4) **Sign lighting.** All sign lighting must be designed to minimize uplight. Floodlight use to illuminate signage must be done in a manner that eliminates glare along adjacent roadways and properties.

(d) **Light trespass control measures.**

(1) **Fixture design and location.** Any fixture whose distance from a lot line is less than three times its height must be shielded so that all direct light cast in the direction of streets or abutting residential lots is cut off at an angle of no more than 70 degrees measured from a vertical line directly below the fixture. The cut-off may be accomplished either by the fixture photometric properties or by a supplementary external shield.

(2) **Lighting shield design.** Shields that are installed to control light trespass and glare must be designed so that the parts of the shields that are exposed to the direct light of the fixture and visible from streets or abutting residential lots shall have a flat-black, low reflectivity finish.
SEC. 51P-119. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-120. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this special purpose district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

SEC. 51P-121. ZONING MAP.

PD _____ is located on Zoning Map Nos. P-8, P-9, Q-8, Q-0, R-8, and R-9.”
Location of the Intermodal Railroad Facility Use
(for information purposes only)
CPC RESPONSES

PROPERTY OWNERS NOTIFIED
7 REPLIES IN FAVOR
10 REPLIES IN OPPOSITION
500' AREA OF NOTIFICATION
6-21-07 DATE

The number '0' indicates City of Dallas Ownership

NOTIFICATION

500' AREA OF NOTIFICATION
124 NUMBER OF PROPERTY OWNERS NOTIFIED

1:25,000

DATE: 05/23/2007

GIS TECHNICIAN: CS

P-6, Q-9

R067-158 RB

Z067-158 enlarged
**Notification List of Property Owners**

**Z067-158**

**118 Property Owners Notified**

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Friday, May 04, 2007
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Friday, May 04, 2007
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*Friday, May 25, 2007*
Al Romero
PO Box 870875
Mesquite, TX 75150

Anthony Jones
PO Box 0711
Galveston, TX 77553

Betty Wadkins
2843 Modesto Drive
Dallas, TX 75227

Bridge Ballow c/o Nextel
1680 N. Prosper Dr.
Richardson, TX 75081

Cindy Harris
4310 Buena Vista #8
Dallas, TX 75205

Clarence F Cope
10404 Ferndale
Dallas, TX 75238

Jane Guerrini
7032 Lupton
Dallas, TX 75225

Jeff Bosse
PO Box 4738
Dallas, TX 75208

Katie Pascuzzi
2720 N Stemmons Frwy Suite 900
Dallas, TX 75207

Leanne Witek
16660 N Dallas Pkwy #1200
Dallas, TX 75248

Marcus Wood
6060 N Central Expy Ste 333
Dallas, TX 75206

Pam Conley
901 N Madison Avenue
Dallas, TX 75208

Rob Baldwin
401 Exposition
Dallas, TX 75226

Robert P. Garza
412 E. Sixth St.
Dallas, TX 75203

Stephanie Pegues
1500 Marilla 5FS
Dallas, TX 75201

Steve Craft
P O Box 542225
Dallas, TX 75354

Steve Kim
4318 Sexton Ln.
Dallas, TX 75229

Alpha Testing, Inc
Virginia Brown
2209 Wisconsin St, Ste 100
Dallas, TX 75229

Am. Metro/Study Corp
Marque Nelson
14881 Quorum Dr #400
Dallas, TX 75240

Arboriological Services, Inc.
Bill Seaman
16 Steel Rd.
Wylie, TX 75098

Axley & Hargrove
James Schnurr
3400 Carlisle St, #400
Dallas, TX 75204-1268

Bluffview Homeowner
Pat White
4714 Wildwood
Dallas, TX 75209

Cedar Vista Conservation
Chris Lomax
6439 Dixie Garden Ln
Dallas, TX 75236

Dallas ISD
Stan Armstrong
3700 Ross Ave, Box 61
Dallas, TX 75204

Dallas Planning Asoc
Stuart Pully
P O Box 781609
Dallas, TX 75378

FW Dodge Reports
Donna McGuire
9155 Sterling Dr, Ste 160
Dallas, TX 75063

Jackson Walker
Suzan Kedron
901 Main St, #6000
Dallas, TX 75202

Kiestwood Neighbors
Neoma Shafer
2538 W Kiest Blvd
Dallas, TX 75233

Lake Highlands AIA
Terri Woods
9603 Rocky Branch Drive
Dallas, TX 75243

Master Plan
J Kimbrough
900 Jackson St
Dallas, TX 75202

53
MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

Minyards Properties Inc
Dennis O'Malley
777 Freeport Pkwy
Coppell, TX 75019

N Pk Lovefield Comm Civic League
Joyce Lockley
4718 Wateka Dr.
Dallas, TX 75209

Oak Cliff Chamber
Joe Burklo
545 Lacewood Drive
Dallas, TX 75224

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

W.A.R.N.
Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

BSEAT
Allen McGill
P O Box 41561
Dallas, TX 75241

Citizens Beat Committee
Dorothy Head
4115 McNeil St
Dallas, TX 75227

City of Lancaster
Donald Brown
P O Box 940
Lancaster, TX 75146

Glen Oaks HOA
Eli Davis
912 Timber Dell Ln
Dallas, TX 75232

Pleasant Wood/Grove
J. Eugene Thomas
P O Box 50051
Dallas, TX 75250

SE Dallas Civic Assoc
Lionel Churchill
PO Box 411265
Dallas, TX 75241
KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 8
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 76 E F G J K L

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an LI Light Industrial District on property zoned Planned Development District No. 673 east of Lancaster Road between Cedardale Road and Telephone Road Recommendation of Staff and CPC: Approval Z067-213 (JH)

LOCATION: East of Lancaster Road between Cedardale Road and Telephone Road

COUNCIL DISTRICT: 8  MAPSCO: 76-E, F, G, J, K, L

SIZE OF REQUEST: Approx. 327 acres  CENSUS TRACT: 167.03

REPRESENTATIVE: Kirk Williams

APPLICANT: Ridge Property Services II, LLC

OWNERS: Coffman Investments, LP
Dave Coffman
Diane Coffman Garvin
Tejas Investors Trust

REQUEST: An application for an LI Light Industrial District on property zoned Planned Development District No. 673.

SUMMARY: The applicant proposes to develop the property with light industrial uses. Planned Development District No. 673 allows single family uses.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval
BACKGROUND INFORMATION:

- The request site is currently undeveloped.
- The request site is adjacent to single family residential and undeveloped land.
- The applicant proposes to terminate PDD No. 673 and develop the property with light industrial uses, specifically warehouse and distribution uses.

Zoning History:

1. Z023-311  On April 28, 2004 the City Council approved a Planned Development District for single family uses on property zoned an A(A) Agricultural District, located at east of Lancaster Road between Cedardale Road and Telephone Road (the request site).

2. Z067-158  An application for a Planned Development District for Certain nonresidential uses and the termination of deed restrictions on property zoned an MF-2(A) Multifamily District, an R-7.5(A) Single Family District, an IR Industrial Research District, an IM Industrial Manufacturing District, a CR Community Retail District, and an A(A) Agricultural District on property generally bounded by IH 20, J.J. Lemmon Road, Wintergreen Road, and Bonnie View Road. This case is scheduled for City Plan Commission for June 21, 2007 and City Council on June 27, 2007.

Thoroughfares/Streets:

<table>
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<tr>
<th>Thoroughfares/Street</th>
<th>Type</th>
<th>ROW</th>
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</thead>
<tbody>
<tr>
<td>Cedardale Road</td>
<td>Collector</td>
<td>60 ft.</td>
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<tr>
<td>Telephone Road</td>
<td>Principle Arterial</td>
<td>80 ft.</td>
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Land Use:

<table>
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<th>Site</th>
<th>Zoning</th>
<th>Land Use</th>
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<tbody>
<tr>
<td>North</td>
<td>A(A) and LI</td>
<td>Undeveloped, Single Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>A(A)</td>
<td>Undeveloped, Single Family Residential</td>
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<tr>
<td>South</td>
<td>A(A)</td>
<td>Undeveloped, Single Family Residential</td>
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<tr>
<td>West</td>
<td>City of Lancaster</td>
<td>Undeveloped, Neighborhood Service, Office</td>
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</table>

STAFF ANALYSIS:

Comprehensive Plan:

The request complies with the following land use goals and policies of the Comprehensive Plan because the industrial district would be located in the Southern Sector.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.2 Focus on Southern Sector development opportunities.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.4 Support efforts to expand targeted business and industry development within the Southern Sector.

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.4 Focus on logistics-related jobs for the expansion of employment opportunities, particularly in the Southern Sector.

Land Use Compatibility:
The approximately 327-acre request site is zoned Planned Development District No. 673 and is currently undeveloped. The applicant is proposing to develop the property with light industrial uses, which is not allowed by the existing zoning; PDD No. 673 allows single family uses.

The surrounding land uses are undeveloped and single family uses to the north, east, and south; the area to the west is undeveloped; the area to the southwest is developed with neighborhood service and office uses.

The request site is in an area, generally south of I-20 between Lancaster Road and Bonnie View Road, which is generally zoned for industrial uses. Adjacent to the request site is primarily zoned an A(A) Agricultural District. The A(A) Agricultural District is a “placeholder” district when property is annexed into the city. The Dallas Development Code specifically states the purpose of the A(A) Agricultural District is:

"There exists in certain fringe areas of the city, land which is presently used for agricultural purposes and to which urban services are not yet available. These lands should appropriately continue to be used for agricultural purposes until needed for urban purposes in conformity with the orderly growth of the city. The uses permitted in the A(A) district are intended to accommodate normal farming, ranching, and gardening activities. It is anticipated that all of the A(A) district area will be changed to other urban zoning categories as the area within the corporate limits of Dallas becomes fully developed. Newly annexed territory will be temporarily zoned as an A(A) district until permanent zoning is established."

Staff is supportive of the applicant’s request because of the existing industrial zoning and uses in the general area and no agricultural uses were observed. The development of this large tract to light industrial uses will further encourage development of this type in an area that is already designated for industrial uses. Staff is comfortable with the residential adjacency because the LI Light Industrial District is designed to be located in areas appropriate for industrial development which may be adjacent to residential communities.

**Development Standards:**

<table>
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<tr>
<th>DISTRICT</th>
<th>SETBACKS</th>
<th>Density FAR</th>
<th>Height</th>
<th>Lot Coverage</th>
<th>Special Standards</th>
<th>Primary Uses</th>
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<tr>
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<td></td>
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<tr>
<td>LI Light Industrial</td>
<td>15'</td>
<td>30' adjacent to residential OTHER: No Min.</td>
<td>1.0 FAR overall 0.75 office/ retail 0.5 retail</td>
<td>70' 5 stories</td>
<td>80%</td>
<td>Proximity Slope Visual Intrusion</td>
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<tr>
<td>PDD No. 673 Single Family</td>
<td>20'</td>
<td>5' / 10'</td>
<td>1.375 dwelling units / min. 4,000 sf. lot area</td>
<td>30'</td>
<td>45%</td>
<td>Proximity Slope</td>
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**Parking/Traffic:**
A traffic impact study was submitted with the application. The Engineering Section commented that based on the recommendations of the traffic impact study dated April 3, 2007, roadway improvements for both Cedardale Road and Telephone Road (according to the City of Dallas Thoroughfare Plan) adjacent to the site are needed to provide truck access. These roadway improvements will be addressed at the time of platting and permitting.

Parking will be required in accordance with the Dallas Development Code based on the use. Parking areas will require solid screening that is a minimum of six feet in height where contiguous to property in the A(A) Agricultural district or is a residential use.

PD 673 requires a construction zone wall and a 40 foot setback in the areas shown on its conceptual plan prior to any construction. The requirements are generally located around the leave-out lots on north side Telephone Road and Ray Road that are not part of the subject site. The solid wall was to be a minimum of six feet and constructed of brick. If the applicant’s request is approved, these wall and additional setback areas will not be required with an LI Light Industrial District. Staff has no objection to the applicant providing the screening and landscape buffers that are required in the Dallas Development Code.

**Landscaping:**

Landscaping of any development is required per Article X of the Dallas Development Code.
CPC ACTION

May 17, 2007

Z067-213(JH)

Motion: In considering an application for an LI Light Industrial District on property zoned Planned Development District No. 673 east of Lancaster Road between Cedardale Road and Telephone Road, it was moved to hold this case under advisement until June 14, 2007.

Maker: Jones-Dodd
Second: Buehler
Result: Carried: 10 to 0
For: 10 - Prothro, Gary, Woolen Lipscomb, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham
Against: 0
Absent: 4 - Strater, Miranda**, Bagley, Weiss
Vacancy: 0
Abstained: 1 - Marshall

**Commissioner left, before vote taken
Commissioner abstained, due to bus tour requirements

Notices: Area: 500 Mailed: 70
 Replies: For: 5 Against: 3

Speakers: For: Barry Knight, 5400 Renaissance Tower, Dallas, TX, 75270 Mathew Smith, Address not given
Against: James Dodd, 3575 Ray Rd., Dallas, TX, 75241
Thomas Allen, 200 N. Crest St., Lancaster, TX, 75134

Note: Z067-213(JH) was reconsidered at the end of the meeting.

Motion to reconsider: It was moved to reconsider the action taken earlier today, which was to hold consideration of an application until June 14, 2007.

Maker: Jones-Dodd
Second: Buehler
Result: Carried: 10 to 0
For: 10 - Prothro, Gary, Woolen Lipscomb, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham
Against: 0
Absent: 4 - Strater, Miranda, Bagley, Weiss
Vacancy: 0
Abstained: 1 - Marshall

Commissioner abstained, due to bus tour requirements

**Motion II:** In considering an application for an LI Light Industrial District on property zoned Planned Development District No. 673 east of Lancaster Road between Cedardale Road and Telephone Road, it was moved to hold this case under advisement until June 7, 2007.

Maker: Jones-Dodd
Second: Woolen Lipscomb
Result: Carried: 10 to 0
For: 10 - Prothro, Gary, Woolen Lipscomb, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham
Against: 0
Absent: 4 - Strater, Miranda, Bagley, Weiss
Vacancy: 0
Abstained: 1 - Marshall

Commissioner abstained, due to bus tour requirements

**Notices:**
Area: 500
Mailed: 70

**Replies:**
For: 5
Against: 3

**Speakers:** None
Motion: It was moved to recommend approval of an LI Light Industrial District on property zoned Planned Development District No. 673 east of Lancaster Road between Cedardale Road and Telephone Road.

Maker: Jones-Dodd
Second: Ekblad
Result: Carried: 11 to 0
For: 11 - Prothro, Gary, Woolen Lipscomb, Miranda, Bagley, Jones-Dodd, Hill, Buehler, Ekblad, Emmons, Cunningham
Against: 0
Absent: 2 - Strater, Wolfish
Vacancy: 0
Abstained: 2 - Marshall, Weiss

Commissioners abstained, due to bus tour requirements

Notices: Area: 200 Mailed: 70
replies: For: 10 Against: 4

Speakers: For: Kirk Williams, 5400 Renaissance Tower, Dallas, TX, 75270
Against: James Dodd, 3575 Ray Rd., Dallas, TX, 75241
List of Partners/Principals/Officers

OWNERS

A. Individuals

Peggy Ann Cavender
Betty Cole (ownership through estate of Eddie Eugene Cole)
---ownership shown on same deed

David H. Coffman
Diane Coffman Garvin
---ownership shown on same deed

B. Coffman Investments, L.P.

General Partner: DALA Property Management Corporation

Officers and Directors:
David H. Coffman, President
Lawrence E. Coffman, VP, Secretary and Treasurer
Amy E. Coffman, Director

Limited Partners:

David H. Coffman
Anthony W. Coffman
Lawrence E. Coffman
Amy E. Coffman

C. Tejas Investors

Members:

James A. Doss, Trustee
Robert Winston
Glen Bell
Luther DeWeese
D.A. Frank
Ed Furcon
Jerry Moore
Forest Stokes
Robert Ward

Louis W. Hiné, deceased
Dale Robertson, deceased
List of Partners/Principals/Officers

Applicant

Ridge Property Services II, LLC

Officers and Directors:

James G. Martell, Chairman and Chief Executive Officer
Dennis S. Rice, President
Douglas H. Burr, Vice President
Raymond E. Kivett, Vice President
William J. Peltin, Vice President
Angela Siuta, Vice President
Douglas E. Hayes, Vice President
Kent W. Newsom, Vice President
Kyle J. Schumacher, Vice President
Tracy L. Treger, Vice President
Existing PD Conditions

ARTICLE 673.

PD 673.

SEC. 51P-673.101. LEGISLATIVE HISTORY.

PD 673 was established by Ordinance No. 25572, passed by the Dallas City Council on April 28, 2004. (Ord. 25572)

SEC. 51P-673.102. PROPERTY LOCATION AND SIZE.

PD 673 is established on property located east of Lancaster Road, between Cedardale Road and Telephone Road. The size of PD 673 is approximately 327 acres. (Ord. 25572)

SEC. 51P-673.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential district.

(d) In this article, J-SWING GARAGE means a private garage, extending past the front of a single family dwelling, that allows vehicular access to the garage only through the side of the garage perpendicular to the street adjacent to the front yard, on the side of the garage that is adjacent to the widest side of the front yard, and in which any side of the garage facing a street, other than the side allowing vehicular entry, is detailed to have the appearance of the single family dwelling on the lot. (Ord. 25572)

SEC. 51P-673.104. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit 673A). In the event of a conflict between the text of this article and the conceptual plan, the text of this article controls. (Ord. 25572)

SEC. 51P-673.105. DEVELOPMENT PLAN.

(a) A development plan that complies with the conceptual plan and this article must be submitted for each tract and approved by the city plan commission prior to the issuance of a building permit for that tract.

(b) Each development plan must comply with the requirements for a development plan listed in Section 51A-4.702, and include tabulation boxes showing: (1) the proposed number of dwelling units on the development plan, and the existing number of dwelling units on the Property; (2) the percentage of 4,000 to 5,000 square foot lots, 5,000 to 6,500 square foot lots, and lots over 6,500 square feet on the development plan compared to all lots on the development plan, and the percentage of existing 4,000 to
5,000 square foot lots, 5,000 to 6,500 square foot lots, and lots over 6,500 square feet on the Property compared to all existing lots on the Property as required in Section 51P-673.108(g); (3) the proposed open space acreage on the development plan, and the existing open space acreage on the Property; and (4) the number of 5,000 to 6,500 square foot lots with J-swing garages compared to all 5,000 to 6,500 square foot lots on the development plan, and the number of existing 5,000 to 6,500 square foot lots with J-swing garages compared to all existing 5,000 to 6,500 square foot lots.

(c) A development plan approved by the city plan commission subject to conditions shall not be considered as finally approved. Until a revised development plan is finally approved by the commission, a development plan approved subject to conditions shall be deemed denied. (Ord. 25572)

SEC. 51P-673.106. MAIN USES PERMITTED.

The following listed uses are the only main uses permitted in this district:

(1) Institutional and community service uses.
   -- Church.
   -- Community service center. [SUP]
   -- Public or private school, limited to public school other than open enrollment charter school. [Permitted in Subarea B only.]

(2) Residential uses.
   -- Handicapped group dwelling unit. [SUP required if spacing component of Section 51A-4.209(3.1) is not met.]
   -- Single family.

(3) Transportation uses.
   -- Private street or alley. [SUP]
   -- Transit passenger shelter. [For the purpose of determining the applicability of Section 51A-4.211(9), this district is considered to be a single family district.]

(4) Utility and public service uses.
   -- Local utilities.
   -- Police or fire station. [SUP]

(Ord. 25572)

SEC. 51P-673.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) An accessory community center (private) is permitted in this district, subject to a city plan commission-approved development plan, and compliance with the regulations in Section 51A-4.217(b)(1), except that a specific use permit is not required.
(c) In this district, the following accessory uses are not permitted:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator. (Ord. 25572)

SEC. 51P-673.108. YARD, LOT, AND SPACE REGULATIONS.

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

(a) Front yard.

(1) For residential uses, minimum front yard is 20 feet, except that minimum front yard is 15 feet in front of the area occupied by a J-swing garage.

(2) For all other uses, minimum front yard is 25 feet.

(b) Side and rear yard.

(1) For residential uses, minimum side yard is five feet.

(2) For residential uses, minimum rear yard is 10 feet, except that for lots whose rear yard abuts Telephone Road, minimum rear yard is 20 feet.

(3) For all other uses, minimum side and rear yard is 20 feet where adjacent to or directly across an alley from a single family use or an area permitting single family uses.

(4) No minimum side yard in all other cases.

(c) Density.

(1) Except as limited in Paragraph (2), maximum number of dwelling units on the Property is 1,375.

(2) Prior to application for a building permit for the 251st residential structure, the Property owner shall submit to the director of public works and transportation documentation indicating a contractual obligation to provide either a traffic signal at the intersection of Lancaster Road and Telephone Road, or a dedicated right turn lane from westbound Telephone Road to northbound Lancaster Road. The dedicated right turn lane must consist of a minimum 120 feet in storage length and must maintain a minimum pavement width of 10.5 feet of concrete paving if the roadway is improved to thoroughfare standards with curbing, or a minimum pavement width of 12 feet of concrete paving if the roadway is not upgraded to the thoroughfare standards and curbing at that time, subject to final design and construction approval by the director of development services.

(d) Floor area.

(1) Maximum floor area is 5,000 square feet for permitted structures within the open space areas, with no individual structure being greater than 1,000 square feet.
(2) In all other cases, no maximum floor area.

(e) Height.

(1) In general. Except as provided in Paragraph (2), maximum structure height is 30 feet.

(2) Residential proximity slope for nonresidential uses. If any portion of a structure is over 26 feet in height, that portion may not be located above a 1-to-3 residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(f) Lot coverage.

(1) For residential uses, maximum lot coverage is 45 percent.

(2) For all other uses, maximum lot coverage is 25 percent.

(3) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size.

(1) For residential uses, minimum lot size is 4,000 square feet, subject to the restrictions set forth in Paragraph (2).

(2) Prior to the approval of a preliminary plat and development plan that includes the 344th residential structure, the 688th residential structure, the 1,032nd residential structure, and the 1,375th residential structure, the following lot size combinations must be met: a maximum of 20 percent of the lots on the Property may each be a minimum of 4,000 to 5,000 square feet of land area; a minimum of 60 percent of the lots on the Property must be a minimum of 5,000 to 6,500 square feet of land area; and a minimum of 20 percent of the lots on the Property must each be a minimum of 6,500 square feet of land area.

(3) For all other uses, no minimum lot size.

(h) Stories.

(1) For residential uses, no maximum number of stories.

(2) For parking garages, no maximum number of stories, but parking garages must comply with the height regulations of Subsection (e) above.

(3) For all other uses, maximum number of stories is two. (Ord. 25572)

SEC. 51P-673.109. OPEN SPACE.

(a) A minimum of 32.7 acres of open space must be provided on the Property and be provided based on the following schedule: a minimum of ten percent of the land area of each development plan must be designated as open space.
(b) Open space may include maintenance buildings, pedestrian facilities, information kiosks, and similar structures, subject to the provisions of Section 51P673.108.

(c) No amendment to the conceptual plan is required to identify the exact location of the 32.7 acres of open space. (Ord. 25572)

SEC. 51P-673.110. INTERNAL ROADWAY AND THOROUGHFARE STANDARDS.

(a) For one-way streets, the minimum right-of-way is 45 feet, and the minimum pavement width is 23 feet, back-of-curb to back-of-curb.

(b) For two-way streets, the minimum right-of-way is 50 feet, and the minimum pavement width is 27 feet, back-of-curb to back-of-curb.

(c) For the perimeter loop street exclusive of public school frontage, the minimum right-of-way is 53 feet, and the minimum pavement width is 34 feet, back-of-curb to back-of-curb.

(d) For the perimeter loop street that fronts a public school, the minimum right-of-way is 56 feet, and the minimum pavement width is 37 feet, back-of-curb to back-of-curb.

(e) Recessed parking bays are permitted by providing six feet of pavement in addition to the pavement requirements set forth in this section, and the bays must be constructed as shown on the Internal Roadway Plan (Exhibit 673B).

(f) Median parking with recessed parking bays is permitted by providing six feet of pavement in addition to the pavement requirements defined in this section, and the bays must be constructed as shown on the Internal Roadway Plan.

(g) The Unnamed Proposed Collector, exclusive of the couplet as shown on the Internal Roadway Plan, must be constructed to a minimum right-of-way of 60 feet and a minimum pavement width of 45 feet, back-of-curb to back-of-curb. Each section of the couplet portion of the Unnamed Proposed Collector must be constructed to a minimum right-of-way of 45 feet, and a minimum pavement width of 23 feet, back-of-curb to back-of-curb. (Ord. 25572)

SEC. 51P-673.111. OFF-STREET PARKING AND LOADING.

(a) Off-street parking and loading. Except as modified in this section, consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Except as modified in this section, consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(b) Single family parking. Four off-street parking spaces must be provided for each single family lot. For purposes of this section, the parking spaces may be provided in a garage, or on a minimum 16-foot-wide driveway on the lot. A minimum of two of the required spaces must be located in an enclosed garage. (Ord. 25572)

SEC. 51P-673.112. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 25572)
SEC. 51P-673.113. LANDSCAPING.

Landscaping must be provided in accordance with Article X. (Ord. 25572)

SEC. 51P-673.114. SIGNS.

Signs must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. 25572)

SEC. 51P-673.115. SIDEWALKS.

(a) Except as provided below, sidewalks must be provided in accordance with Chapter 51A.

(b) Sidewalks must be located a minimum of four feet behind the curb. (Ord. 25572)

SEC. 51P-673.116. ADDITIONAL PROVISIONS.

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Garages.

(1) J-swing garages are permitted on a maximum of 20 percent of the lots having a minimum of 5,000 to 6,500 square feet of land area, and on all lots with a land area of more than 6,500 square feet. J-Swing garages are not permitted on lots with less than 5,000 square feet of land area.

(2) The garages to all lots having less than 5,000 square feet of land area, and to a minimum of 80 percent of lots having between 5,000 and 6,500 square feet of land area, shall have vehicular access from an alley only.

(3) Garage doors facing the street adjacent to the front yard are prohibited.

(d) Construction zone wall and 40 foot setback. Prior to any development within the construction zone as shown on the conceptual plan, a minimum six-foot-high solid brick wall must be constructed within five feet of the property line in the area shown on the conceptual plan. The 40 foot setback in the area shown on the conceptual plan applies in addition to any front, side, and rear yard requirements set forth in this article. (Ord. 25572)

SEC. 51P-673.117. COMPLIANCE WITH CONDITIONS.

(a) Except as otherwise provided herein, all paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use in this district until there has been full compliance with this
article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. 25572)

SEC. 51-673.118. ZONING MAP.

PD 673 is located on Zoning Map No. Q-8. (Ord. 25572)
CPC Responses

70 PROPERTY OWNERS NOTIFIED
10 REPLIES IN FAVOR
4 REPLIES IN OPPOSITION
500 AREA OF NOTIFICATION
6-7-07 CPC DATE  U/A from 5/17/07
# Notification List of Property Owners

**Z067-213(JH)(CS)**

### 70 Property Owners Notified

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Tuesday, May 01, 2007
Early Notification List

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<td>BSEAT</td>
<td>Allen McGill, P O Box 41561</td>
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<tr>
<td>Micheal R Coker Co</td>
<td>Michael R Coker, 2700 Swiss Ave, #100</td>
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<tr>
<td>Oak Cliff Chamber</td>
<td>Joe Burklee, 545 Lacewood Drive</td>
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<tr>
<td>Robert Reeves &amp; Assoc. Inc.</td>
<td>Robert Reeves, 900 Jackson St, Suite 160</td>
<td>Dallas, TX 75202</td>
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<tr>
<td>United HOA</td>
<td>Thelma J. Norman, 2628 Blackstone Dr</td>
<td>Dallas, TX 75237</td>
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<tr>
<td>Pleasant Wood/Grove</td>
<td>J. Eugene Thomas, P O Box 50051</td>
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<td>Minyards Properties Inc</td>
<td>Dennis O'Malley, 777 Freeport Pkwy</td>
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<td>PARC DU LAC</td>
<td>Linda Sharp, 12126 Vendome Place</td>
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<td>Signs Manufacturing</td>
<td>William Watson, 4610 Mint Way</td>
<td>Dallas, TX 75236</td>
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<td>W.A.R.N.</td>
<td>Tashia Moseley, 5353 Maple Ave, Ste. 200</td>
<td>Dallas, TX 75235</td>
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<tr>
<td>SE Dallas Civic Assoc</td>
<td>Lionel Churchill, PO Box 411265</td>
<td>Dallas, TX 75241</td>
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