


**JUNE 27, 2007 CITY COUNCIL AGENDA
CERTIFICATION**

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

6-15-07
Date



Edward Scott
City Controller

6/15/07
Date

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CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

June 27, 2007

DATE

(FOR GENERAL INFORMATION AND RULES OF COURTESY PLEASE SEE OPPOSITE SIDE.)

(LA INFORMACIÓN GENERAL Y REGLAS DE CORTESÍA QUE DEBEN OBSERVARSE
DURANTE LAS ASAMBLEAS DEL CONSEJO MUNICIPAL APARECEN EN EL LADO OPUESTO, FAVOR DE LEERLAS.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on AT&T CityCable Channel 6B. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 before 9:00 a.m. on the meeting date. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Informacion General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación AT&T CityCable Canal 6B. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 9 de la mañana del día de la asamblea. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

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

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

Reglas de Cortesia

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

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

**AGENDA
CITY COUNCIL MEETING
WEDNESDAY, JUNE 27, 2007
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

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 45

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:30 a.m.

Items 46 - 47

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 48 - 64

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

AGENDA
CITY COUNCIL MEETING
JUNE 27, 2007
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

Moment of Silence and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the June 13, 2007 City Council Meeting

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize twenty-four-month professional services contracts with forty-seven firms for asbestos environmental and non-asbestos environmental testing services (list attached)
- Not to exceed \$4,900,000 - Financing: Current Funds
3. Authorize a twenty-four-month master agreement for spray thermoplastic, glass traffic beads, pavement markers and adhesive - Susannah Dobbs Co., LLC dba Dobco in the amount of \$516,900, Swarco Reflex, Inc. in the amount of \$112,300, and Pathmark Traffic Products of TX, Inc. in the amount of \$33,600, lowest responsible bidders of six - Total not to exceed \$662,800 - Financing: Current Funds
4. Authorize a sixty-month service contract for commercial storage, retrieval and reference services for City records - Recall Total Information Management, Inc., lowest responsible bidder of two - Not to exceed \$1,342,497 - Financing: Current Funds

CONSENT AGENDA (Continued)**Business Development & Procurement Services (Continued)**

5. Authorize a thirty-six-month master agreement for chemical sewer degreaser and anti-pollution treatment for the wastewater collection system - FMW Distributors, Inc. in the amount of \$461,419 and Municipal Industries, Inc. in the amount of \$78,882, lowest responsible bidders of two - Total not to exceed \$540,301 - Financing: Water Utilities Current Funds
6. Authorize a thirty-six-month service contract for the removal of excavated materials from City facilities and work sites - Herdez Trucking, Inc., lowest responsible bidder of two - Not to exceed \$2,007,250 - Financing: Water Utilities Current Funds
7. Authorize a thirty-six-month master agreement for the purchase, cataloging and physically processing of books for the Dallas public libraries - Ingram Library Services, Inc., lowest responsible bidder of two - Not to exceed \$8,257,720 - Financing: Current Funds
8. Authorize a twenty-four-month master agreement for the rental of heavy equipment to be used in the bio-solid disposal operations at the Southside Wastewater Treatment Plant - United Equipment Rentals Gulf, L.P. in the amount of \$1,551,024 and Romco Equipment Co. in the amount of \$518,640, lowest responsible bidders of six - Total not to exceed \$2,069,664 - Financing: Water Utilities Current Funds
9. Authorize the purchase of a sewer inspection truck and a sewer cleaner truck to be used for sanitary sewer system cleaning and internal television pipe inspections - Rush Truck Center, Houston in the amount of \$202,998 and Metro Ford Truck Sales, Inc. in the amount of \$169,443, lowest responsible bidders of three - Total not to exceed \$372,441 - Financing: Water Utilities Capital Construction Funds (\$202,998) and Water Utilities Current Funds (\$169,443)
10. Authorize twenty-four-month professional services contracts with nineteen firms for geotechnical studies and construction materials testing services (list attached) - Not to exceed \$7,000,000 - Financing: Current Funds

City Attorney's Office

11. Authorize settlement of the lawsuit styled Alicia Horton v. City of Dallas, Texas, Civil Action No. 3:07-CV-0002-N - Not to exceed \$39,000 - Financing: Current Funds

Department of Development Services

12. A resolution declaring approximately 34,600 square feet of City-owned land improved with a former library located at the intersection of Lancaster Road and Corning Avenue unwanted and unneeded and authorize its advertisement for sale by sealed bid with a minimum bid of \$578,000 - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)**Department of Development Services** (Continued)

13. Authorize the quitclaim of 12 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$164,738
14. An ordinance abandoning a portion of an alley to Rivendell Matilda, LP and Kenneth A. Lock, the abutting owners, containing approximately 900 square feet of land located near the intersection of Oram and Matilda Streets, and authorizing the quitclaim - Revenue: \$27,540 plus the \$20 ordinance publication fee

Economic Development**Cityplace Area TIF District**

Note: Item Nos. 15 and 16
must be considered collectively.

15. * Authorize **(1)** a development agreement with Criterion Property Company, L.P. to provide funding for the design, engineering, professional services and construction of public improvements for the Criterion Cityplace Urban Resort, a high-density residential project located at 3925 North Central Expressway in Tax Increment Financing Reinvestment Zone Number Two (Cityplace Area TIF District); **(2)** the Cityplace Area TIF District Board of Directors to dedicate up to \$966,375 from the 2004 TIF Bond Funds and future Cityplace Area TIF revenues in accordance with the development agreement; **(3)** the Director of the Office of Economic Development to extend the project completion date up to six months for good cause and with additional considerations; and **(4)** the establishment of appropriations in the amount of \$300,375 in the Cityplace TIF Bond Fund - Total not to exceed \$966,375 - Financing: Cityplace TIF District Funds and/or Tax Increment Bond Funds
16. * A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Two (Cityplace Area TIF District) to pay Criterion Property Company, L.P. up to \$966,375 for certain TIF-eligible project costs related to the development of the Criterion Cityplace Urban Resort, a high-density residential project located at 3925 North Central Expressway in the Cityplace Area TIF District - Financing: No cost consideration to the City
17. An ordinance amending Article XIV of Chapter 2 of the Dallas City Code to **(1)** rename the South Dallas/Fair Park Trust Fund Board as the South Dallas/Fair Park Development Fund Board; **(2)** revise qualifications for board members; and **(3)** incorporate charter changes relating to the dates on which board members are appointed and begin their terms - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)**Economic Development** (Continued)

18. Authorize amendments to Resolution No. 06-3400, previously approved on December 13, 2006, for the redevelopment of the Butler Brothers Building located at 500 South Ervay Street in the Downtown Connection TIF District to **(a)** increase the number of minimum residential units from 320 to 400, **(b)** increase the affordable housing buy-out requirement based on an increased number of units and median unit price, **(c)** redefine the 45,000 square feet of retail space to allow for living/work space; and **(d)** extend the date to apply for a building permit and start of construction from June 30, 2007 to February 28, 2008 and the completion date from June 30, 2009 to December 31, 2009 - Financing: No cost consideration to the City

Environmental & Health Services

19. Authorize the first amendment to the contract with the Texas Commission on Environmental Quality to **(1)** accept additional grant funds to operate and maintain an ambient air monitoring station in Rockwall County; and **(2)** extend the term of the contract through August 31, 2008 - Not to exceed \$34,254, from \$50,000 to \$84,254 - Financing: Texas Commission on Environmental Quality Grant Funds
20. Authorize the second amendment to the contract with the Texas Commission on Environmental Quality to **(1)** accept additional grant funds to provide air pollution control services in the amount of \$530,421, from \$1,060,842 to \$1,591,263; **(2)** extend the term of the contract through August 31, 2008; and **(3)** provide a local match in an amount not to exceed \$261,252, from \$522,504 to \$783,756 - Total not to exceed \$791,673, from \$1,583,346 to \$2,375,019 - Financing: Texas Commission on Environmental Quality Grant Funds (\$530,421) and Current Funds (\$261,252) (subject to appropriations)
21. Authorize **(1)** the acceptance of a grant from the Texas Commission on Environmental Quality to operate air samplers for particulate matter 2.5 and conduct air monitoring activities in Dallas for the period September 1, 2007 through August 31, 2008; and **(2)** execution of the grant agreement - Not to exceed \$90,433 - Financing: Texas Commission on Environmental Quality Grant Funds
22. Authorize **(1)** the acceptance of a grant from the Texas Commission on Environmental Quality for air monitoring activities for the period September 1, 2007 through August 31, 2009, in the amount of \$367,790; **(2)** a local match in an amount not to exceed \$181,150 over the two-year period; and **(3)** execute of the grant agreement - Total not to exceed \$548,940 - Financing: Texas Commission on Environmental Quality Grant Funds (\$367,790) and Current Funds (\$181,150) (subject to annual appropriations)

Housing

23. Authorize **(1)** adoption of the preliminary FY 2006-07 Consolidated Plan Reprogramming Budget #3 to reprogram \$732,549 of HOME Mortgage Assistance Program Funds to the Basic Home Repair Program and Replacement Housing Program; and **(2)** a public hearing to be held on August 8, 2007 to receive comments on the proposed use of funds - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)**Intergovernmental Services**

24. Authorize the acceptance of a 2006 Buffer Zone Protection Program grant from the U.S. Department of Homeland Security, through its agent, the Governor's Division of Emergency Management, to be used for costs associated with securing critical infrastructure and key resource sites to prevent acts of terrorism within the City of Dallas for the period of October 1, 2006 through April 31, 2008 - Not to exceed \$359,000 - Financing: U.S. Department of Homeland Security, Governor's Division of Emergency Management Grant Funds
25. Authorize approval of the Dallas/Fort Worth International Airport Forty-Second Supplemental Concurrent Bond Ordinance for the issuance of Joint Revenue Refunding Bonds, Series 2007, if certain parameters are met; approving documents related thereto; and related matters - Financing: No cost consideration to the City

Office of Financial Services

26. An ordinance denying Atmos Energy Corp., Mid-Tex Division's proposed new Gas Reliability Infrastructure Program Rate Adjustment and setting Gas Reliability Infrastructure Program Rates to be charged by Atmos Energy Corp. Mid-Tex Division - Financing: No cost consideration to the City
27. Authorize **(1)** adoption of the final FY 2007-08 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$33,311,765 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$19,821,070; **(b)** HOME Investment Partnerships Program in the amount of \$8,298,971; **(c)** American Dream Down-Payment Initiative in the amount of \$179,338; **(d)** Housing Opportunities for Persons with AIDS in the amount of \$3,134,000; and **(e)** Emergency Shelter Grant in the amount of \$775,725; **(2)** amendments to the Citizen Participation Plan to change **(a)** the required minimum number of neighborhood public hearings during the 3-year or 5-year Consolidated Plan Budget development from fourteen meetings to six meetings; **(b)** the required number of days between calling a public hearing and holding a public hearing from no less than 15 days to no less than 14 days; and **(3)** adoption of the final FY 2006-07 Reprogramming Budget in the amount of \$1,102,661 - Financing: No cost consideration to the City

Police

28. Authorize a revised application for the Commercial Auto Theft Interdiction Squad grant to include funding for a Police Research Specialist position to track burglary of motor vehicle trends and a Senior Corporal position to increase public awareness of auto burglary through crime prevention activities from the Texas Automobile Theft Prevention Authority in an amount not to exceed \$164,432 for the period September 1, 2007 through August 31, 2008 - Financing: This action has no cost consideration to the City

CONSENT AGENDA (Continued)**Police (Continued)**

29. Authorize **(1)** the application for and acceptance of the Six City Anti-Gang Grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to participate in a targeted gang prevention initiative and for the operation of a regional gang database for local, state, and federal law enforcement agencies in the amount of \$96,000 for the period of June 1, 2006 through May 31, 2009, **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$27,792, and **(3)** execution of the grant agreement - Total not to exceed \$123,792 - Financing: U.S. Department of Justice Grant Funds (\$96,000) and Current Funds (\$27,792) (subject to annual appropriations)

Public Works & Transportation

30. Authorize a contract for the reconstruction of alley paving, storm drainage, and wastewater main improvements for Project Group 03-3005 (list attached) - Meztec Contractors, Inc., lowest responsible bidder of four - \$769,579 - Financing: 2003 Bond Funds (\$572,359), Water Utilities Capital Improvement Funds (\$192,000), and Water Utilities Capital Construction Funds (\$5,220)
31. Authorize a professional services contract with ANA Consultants, L.L.C. for the engineering design of alley paving and drainage improvements on the alley between Bexar Street and Ideal Avenue from C.F. Hawn (U.S. 175) to Macon Street and erosion control improvements on the alley at Altadena Lane - \$35,801 - Financing: 2006-07 Community Development Grant Funds (\$21,527) and 2003 Bond Funds (\$14,274)
32. Authorize a professional services contract with Huitt-Zollars, Inc. for the design of the Spring Valley/Coit Road intersection enhancements and sidewalks along the west side of Coit Road from Spring Valley to Haymeadow Drive - \$51,545 - Financing: 2003 Bond Funds
33. Authorize an increase in the contract with Gin-Spen, Inc. to provide additional storm drainage improvements along Port Boulevard - \$40,832, from \$342,430 to \$383,262 - Financing: 2003 Bond Funds
34. Authorize the rejection of bids received for the reconstruction of Alley Reconstruction Group 03-2021; and, the re-advertisement for new bids (list attached) - Financing: No cost consideration to the City
35. Authorize the rejection of bids received for the reconstruction of Street Reconstruction Group 03-606; and, the re-advertisement for new bids (list attached) - Financing: No cost consideration to the City
36. Authorize **(1)** sidewalk and barrier free ramp paving improvements on Sidewalk Group 03-131 to provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on August 22, 2007, to receive comments (list attached) - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)**Public Works & Transportation (Continued)**

37. Authorize a professional services contract with Perkins + Will, LP for programming and schematic design services for the new Dallas Police Academy to be located in Cadillac Heights - \$689,117 - Financing: 2003 Bond Funds

Sanitation Services

38. Authorize ordinances granting 42 franchises for solid waste collection and hauling, pursuant to Chapter XIV, City Charter, and Chapter 18, Article IV, of the Dallas City Code (list attached) - Estimated Annual Revenue: \$8,898

Water Utilities

39. Authorize a contract for the construction of a 108-inch raw water transmission line and junction structure near County Road 3818 in Van Zandt County to the Iron Bridge Pump Station site in Hunt County from Lake Fork to Lake Tawakoni - Oscar Renda Contracting, Inc., lowest responsible bidder of four - \$28,746,600 - Financing: Water Utilities Capital Improvement Funds
40. Authorize a contract for the installation of water and wastewater mains at 33 locations (list attached) - Barson Utilities, Inc., lowest responsible bidder of four - \$6,876,493 - Financing: Water Utilities Capital Improvement Funds
41. Authorize a contract for the installation of water and wastewater mains at 19 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of three - \$6,988,920 - Financing: Water Utilities Capital Improvement Funds
42. Authorize a twelve-month contract, with one twelve-month renewal option, with Travis Ranch Development, L.P. to provide untreated water from Lake Ray Hubbard for the period of June 28, 2007 through June 27, 2008 in the amount of \$8,213; and for the period of June 28, 2008 through June 27, 2009 in the amount of \$7,848 - Total Estimated Revenue: \$16,061
43. Authorize an increase in the contract with Cajun Constructors, Inc. for additional improvements required for the expansion to 540 million gallons per day at the East Side Water Treatment Plant - \$1,888,544, from \$31,463,975 to \$33,352,519 - Financing: Water Utilities Capital Improvement Funds
44. Ratify a professional services contract with TCB Inc. to provide engineering services for **(1)** the study and assessment of an existing water transmission main in the City of Irving from Belt Line Road to the Hackberry Pump Station; and, **(2)** the design of a pipeline interconnect at the Hackberry Pump Station - \$220,983 - Financing: Water Utilities Capital Improvement Funds

CONSENT AGENDA (Continued)

Water Utilities (Continued)

45. Ratify emergency repairs and authorize a contract for the construction of improvements to the levee at the Central Wastewater Treatment Plant - T.J. Lambrecht Construction, Inc. - \$143,751 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

46. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

ITEMS FOR FURTHER CONSIDERATION

Housing

47. Authorize a loan to Carpenter's Point, L.P., for the acquisition and 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

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Development Services

ZONING CASES - CONSENT

48. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment for a private-club bar and a commercial amusement (inside) for a dance hall on property zoned a CR Community Retail District on the east side of Ferguson Road, south of Gus Thomasson Road
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewal for additional two-year periods, subject to site plans and conditions Z067-119(JH)
49. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned an R-7.5(A) Single Family District on the south side of Umphress Road, east of Jim Miller Road
Recommendation of Staff and CPC: Approval, for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions Z067-144(OTH)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)**Department of Development Services (Continued)**ZONING CASES - CONSENT (Continued)

50. A public hearing to receive comments regarding an application for and an ordinance granting an R-7.5(A) Single Family District, an R-5(A) Single Family District and an MU-1 Mixed Use District on property zoned an R-10(A) Single Family District on the southeast corner of St. Augustine Drive and Interstate Highway 20 and a resolution accepting deed restrictions volunteered by the applicant
Recommendation of Staff: Approval of an R-7.5(A) Single Family District for 19.552 acres in lieu of the R-7.5(A) an R-5(A) and approval of a CR Commercial Retail District in lieu of the requested MU-1 District.
Recommendation of CPC: Approval of and R-7.5(A) Single Family District, an R-5(A) Single Family District and an MU-1 Mixed Use District with deed restrictions volunteered by the applicant
Z067-177(OTH)
51. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for residential and non-residential uses on property zoned an A(A) Agricultural District between Ledbetter Drive and Spur 408, north of Kiest Boulevard and south of Illinois Avenue
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions
Z067-192(WE)

ZONING CASES - INDIVIDUAL

52. A public hearing to receive comments regarding an application for and an ordinance granting an IM Industrial Manufacturing and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the northeast corner of Simpson Stuart and Interstate 45
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant
Z056-311(OTH)
53. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street
Recommendation of Staff and CPC: Approval for a permanent time period, subject to a site plan and conditions
Z056-318(WE)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)**Department of Development Services (Continued)**ZONING CASES - INDIVIDUAL (Continued)

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)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

55. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict Uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north quadrant of Kings Road and Fairmount Street
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions
Z056-284(RB)
Note: This item was considered by the City Council at public hearings on February 28, March 28, and April 25, 2007, and was taken under advisement until June 27, 2007, with the public hearing open.

MISCELLANEOUS HEARINGS

Department of Development Services**Municipal Setting Designation
at 1809 Rock Island Street**

Note: Item Nos. 56 and 57
must be considered collectively.

56. * A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath property owned by Buckley Oil Company located at 1809 Rock Island Street and adjacent right-of-way - Financing: No cost consideration to the City
57. * An ordinance authorizing support of the issuance of a municipal setting designation to Buckley Oil Company by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS (Continued)

Department of Development Services (Continued)**Municipal Setting Designation
at 10920 Indian Trail****Note:** Item Nos. 58 and 59
must be considered collectively.

58. * A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath property owned by Globus Industrial Partners, Ltd. located at 10920 Indian Trail and adjacent rights-of-way - Financing: No cost consideration to the City
59. * An ordinance authorizing support of the issuance of a municipal setting designation to Globus Industrial Partners, Ltd. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

**Municipal Setting Designation
at 46 properties****Note:** Item Nos. 60 and 61
must be considered collectively.

60. * A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath properties located within an approximate 73-acre area generally centered around the intersection of Oak Lawn Avenue and Hi Line Drive, near Turtle Creek and Market Center Boulevard including 1300, 1400, 1401, 1403, 1405, 1501, 1511, 1515 and 1525 Turtle Creek Boulevard; 1708, 1926 and 1930 Market Center Boulevard; 1330, 1350, 1400, 1402, 1500, 1519, 1525, 1532, 1616, 1617, 1626, 1718, 1900, 1909, 1922, 1930 and 1935 Hi Line Drive; 1333, 1401, 1505, 1616, 1620, 1621, 1628, 1630, 1650, 1700 and 1707 Oak Lawn Avenue; 1525, 1605, 1635 and 1645 North Stemmons Freeway; 1600 and 1626 Edison Street; and adjacent rights-of-way - Financing: No cost consideration to the City
61. * An ordinance authorizing support of the issuance of a municipal setting designation to JRSHK Investments, LP by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

Public Works & Transportation

62. A benefit assessment hearing to receive comments on alley paving, storm drainage and wastewater main improvements on the alley between Casa Vale Drive and Moran Drive from Moran Drive to Losa Drive, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with Canary Construction, Inc., lowest responsible bidder of seven - \$336,886 - Financing: 2003 Bond Funds (\$226,971), Water Utilities Capital Improvement Funds (\$103,315), and Water Utilities Capital Construction Funds (\$6,600)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS (Continued)

Public Works & Transportation (Continued)

63. A benefit assessment hearing to receive comments on street paving, storm drainage, water and wastewater main improvements on Memory Lane from Lake June Road to Eloise Street, and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: No cost consideration to the City
64. A public hearing to receive comments on correcting, adjusting and canceling the assessments for the cost of the improvements against the abutting property owners at 10901 Seagoville Road, 5515 Glen Lakes Drive and 4243 South Polk Street; and at the close of the hearing, authorize an ordinance amending Ordinance No. 26289, previously approved on March 8, 2006, and Ordinance No. 24734, previously approved on September 26, 2001, to reflect these corrections, adjustments and cancellations - Financing: No cost consideration to the City

Professional Services Contracts for Environmental Testing Services
Agenda Item #2

Advanced Environmental Control, Inc.
Afram Environmental Consultants, Inc.
All Environmental, Inc.
Arkose Environmental, Inc.
BDS Technologies, Inc.
Bureau Veritas North America
Benas Environmental Services, Inc.
Caldwell Engineering
CH2M HILL, Inc.
Delta Environmental Consultants
Dougherty Sprague Environmental, Inc.
Enercon Services, Inc.
ETI Environmental Services
Farmer & Associates, Inc.
Gresham, Smith and Partners
Giles Engineering Associates, Inc.
GSWW, Inc.
GME Consulting Services, Inc.
Halff Associates
HBC Engineering, Inc. dba Terracon Consultants, Inc.
HNTB Corporation
ITECH Environmental Services, Inc.
Kleinfelder Central, Inc.
LCA Environmental
LopezGarcia Group, Inc.
MWH Americas, Inc.
Malcolm Pirnie, Inc.
PASS Associates, Inc.
Post, Buckley, Schuh & Jernigan, Inc. dba PBS & J
Professional Services Industries, Inc.
Resource Environmental
Rone Engineering Services, Ltd.
Shaw Environmental, Inc.
Sigma Environmental Solutions, Inc.
SWG Consultants, Inc. dba Southwest Geoscience
TCB, Inc.
Team Consultants, Inc.
TK. Matt and Associates, Inc.
TechLaw, Inc.
Tetra Tech, Inc.
TestAmerica Analytical Testing Corporation
Texas Green Star Environmental LLC
TRC Environmental Corp.
TTI Environmental Laboratories
URS Corporation
Walker Consultants, Inc. dba Benchmark Environmental Consultants
W&M Environmental Group, Inc.

**Professional Services Contracts for Geotechnical and Construction
Materials Testing Services**
Agenda Item #10

Alliance Geotechnical Group, Inc.
Bureau Veritas North America
CTL/Thompson Texas, LLC
Fugro Consultants, Inc.
Geotel Engineering, Inc.
Giles Engineering Associates, Inc.
Globe Engineers, Inc.
GME Consulting Services, Inc.
HBC Engineering, Inc. dba Terracon Consultants, Inc.
Henley-Johnston & Associates
HVJ Associates
Integrated Testing & Engineering Company
Kleinfelder Central, Inc.
Lawrence Engineering
Mas-Tek Engineering & Associates, Inc.
Professional Services Industries, Inc.
Rone Engineering Services, Ltd.
STL Engineers
Team Consultants, Inc.

Tax Foreclosure and Seizure Property Resale

Agenda Item #13

<u>Parcel No.</u>	<u>Address</u>	<u>Bidder</u>	<u># Bids</u>	<u>Amount</u>	<u>DCAD Value</u>	<u>Vac/ Imp</u>	<u>Zoning</u>	<u>Council District</u>
1.	7826 Aurora	Manuel Gonzalez	7	\$30,030.30	\$ 45,460.00	I	R-7.5A	5
2.	5819 Cary	Manuel Gonzalez	2	\$20,020.20	\$51,010.00	I	R-7.5A	7
3.	2830 Dathe	Irma Harris Chase	1	\$5,925.00	\$22,490.00	I	PD595 R-5A	7
4.	3217 Illinois	David Lozano	1	\$8,500.00	\$40,080.00	I	CS	4
5.	212 Landis	Maria Ornelas	1	\$12,100.00	\$35,300.00	I	PD388	7
6.	2615 Lenway	Donathan Alexander	2	\$10,000.00	\$26,160.00	I	PD595	7
7.	3129 Nandina	Tomas Sanchez	2	\$23,500.00	\$56,570.00	V	R-7.5A	8
8.	2746 52nd	John W. Young	2	\$20,062.50	\$65,000.00	V	MF-2A	5
9.	2714 Hector	Tezzy L. Manning	2	\$500.00	\$5,000.00	V	PD595	7
10.	9 Marine Way	Perry Profile Properties, LLC	2	\$12,500.00	\$28,420.00	V	R-7.5A	6
11.	101 S. Tatum	Tomas Sanchez	1	\$16,000.00	\$18,750.00	V	PD595	6
12.	3518 Packard	Tom Blue III	7	\$5,550.00	\$6,000.00	V	PD 595 R-5A	7

June 27, 2007

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Project Group 03-3005
Agenda Item #30

<u>Project</u>	<u>Limits</u>	<u>Council District</u>
Lochspring Drive and Yorksprings Drive	Valley Spring Drive to Meadow Spring Lane	9
Mayhew Drive and Ruth Ann Drive	Maylee Boulevard to "T" alley and Shiloh Road	9

Alley Group 03-2021
Agenda Item #34

<u>Location</u>	<u>Council District</u>
Alley between Dartmoor Drive and Cromwell Circle	13
Alley between Merrell Road and Carry Back Circle	13
Alley between Plaudit Place and Venetian Way	13
Alley between Satsuma Drive and Silverton Drive	13
Alley between Seguin Drive and Valley Ridge Road	13

Street Reconstruction Group 03-606

Agenda Item #35

<u>Location</u>	<u>Limits</u>	<u>Council District</u>
St. Augustine Road	from Silvermeadow Drive to Kittyhawk Avenue	5, 8
St. Augustine Road	from Laneyvale Road to Angelus Road	5, 8
St. Augustine Road	from Bruton Road to Prairie Creek Branch	5, 8
Bruton Road	at St. Augustine Road	5

Sidewalk Group 03-131
Agenda Item #36

<u>Project</u>	<u>Limits</u>	<u>Council District</u>
Franklin Avenue (S)	Gladstone Street to W. 10th Street	1
S. Brighton Avenue	at Wentworth Street	1
Suffolk Avenue (W)	at S. Bishop Avenue	1
Hampton Road (S)	Perryton Drive to W. Illinois Avenue	3
Ledbetter Drive (E) (north side only)	Rocky Ridge Road to S. Marsalis Avenue	4
Colonial Avenue	at Eugene Street	7
Lindaro Lane	at Inadale Avenue	7

42 Franchises for Solid Waste Collection and Hauling

Agenda Item #38

<u>Franchise Haulers</u>	<u>Estimated Annual Revenue</u>
A. C. Cleanup Construction	\$180.00
Aqua Pool Company	\$90.00
B & B Waste Transit, Inc.	\$696.00
Big "C" Demo and Hauling	\$100.00
Bishop International, Inc.	\$174.00
Boone Construction, Co., Inc.	\$90.00
CEI Roofing	\$180.00
CMC Recycling	\$100.00
Corrugated Recycling American	\$100.00
Dallas Waste Disposal & Recycling, Inc.	\$2,610.00
DHW Services, L.P.	\$360.00
Elroy Rivas	\$90.00
Falkenberg Construction Company, Inc.	\$180.00
Faz Roofing, Inc.	\$90.00
Fidel Ramirez	\$90.00
Gallagher's, Inc.	\$100.00
Gibson & Associates, Inc.	\$270.00
Hunker Renovations	\$90.00
HZH, Inc.	\$348.00
IJR, Inc.	\$540.00
I.S.L. Roofing	\$100.00
Junk Busters of America	\$90.00
Kenneth Kovacs	\$180.00
KKS Waste & Disposal Service -DBA- Karol Krolík	\$90.00
Lane & McClain Distributors, Inc.	\$90.00
Leonardo Bravo	\$100.00
Mister Sweeper	\$90.00
Rafael Gonzales	\$90.00
Rain or Shine	\$100.00
Richard Carranza	\$100.00
Rockwall Gutters and Skylights	\$100.00
Solution Recycling & Containers, Inc.	\$90.00
Sully's Tractor Service, Inc.	\$100.00
Texas Moving Co., Inc.	\$180.00
Tsing Construction & Remodeling	\$90.00
Vista Fibers of Dallas	\$270.00
Vital Roofing	\$100.00
Wes Lochridge & Associates	\$90.00
William Keene	\$90.00
William Stephens	\$90.00
Zapata Construction	\$100.00
Zenith Roofing Services, Inc.	<u>\$90.00</u>
Total	\$8,898.00

Installation of Water and Wastewater Mains at 33 Locations
Agenda Item #40

District 1

Alley between Rockwood Street and Cumberland Street from Jerden Lane to
Suffolk Avenue
Alley between Rockwood Street and Cumberland Street from Pembroke Avenue to
Suffolk Avenue
Beckley Avenue from Sunset Avenue to R. L. Thornton Freeway (I.H. 35)
Cumberland Street from Jerden Lane to Pembroke Avenue
Jerden Lane from Rockwood Street to Cumberland Street
Rockwood Street from Jerden Lane to Suffolk Avenue
Suffolk Avenue from Cumberland Street to Rockwood Street

District 2

Alton Avenue from south of St. Mary Avenue to Henderson Avenue
Santa Fe Avenue from St. Mary Avenue to Henderson Avenue
St. Mary Avenue from Santa Fe Avenue to Columbia Avenue
St. Mary Avenue from Terry Street to Santa Fe Avenue

District 3

Alley between Beckleywood Boulevard and Pelman Street from Brookhaven Drive to
R. L. Thornton Freeway (I.H. 35)
French Settlement Road from La Reunion Parkway north

District 4

Alley between Loris Lane and Southerland Avenue from Belknap Avenue to Ozona Street
Alley between Beckley Avenue and Seevers Avenue from Louisiana Avenue to
Georgia Avenue
Alley between Maryland Avenue and Idaho Avenue from Vermont Avenue to Iowa Avenue
Alley between Michigan Avenue and Arizona Avenue from Woodin Boulevard north
Alley between Woodin Boulevard and Louisiana Avenue from Beckley Avenue to
Seevers Avenue
Craddock Street from Elmore Avenue to Alameda Drive
Denley Drive from Genoa Avenue to Forester Drive
Ewing Avenue from Morrell Avenue to Galloway Avenue
Georgia Avenue from Beckley Avenue to Seevers Avenue
Georgia Avenue from Marsalis Avenue to Alaska Avenue
Iowa Avenue from Denley Drive to Bruck Avenue
Ozona Street from Belknap Avenue to Loris Lane
Woodview Lane from Waco Avenue south
Galloway Avenue from Fernwood Avenue to Moore Street*

Installation of Water and Wastewater Mains at 33 Locations
Agenda Item #40 (Continued)

District 5

Hawley Lane from Holcomb Road to Lake June Road
Alto Garden Drive from Pleasant Drive to Holcomb Road*
Jennie Lee Lane from Sandstone Drive to Cypress Avenue*

District 7

Upton Street from Twelfth Street to Clarendon Drive
Viola Street from Clarendon Drive to Ewing Avenue*

District 14

Morningside Avenue from Skillman Street to Clements Street

* Trenchless Installation

Installation of Water and Wastewater Mains at 19 Locations
Agenda Item #41

District 2

Corinth Street from Good Latimer Expressway to Interstate Highway 45

District 4

Alley between Britton Avenue and Fernwood Avenue from Saner Avenue to Ohio Avenue

Alley between Marsalis Avenue and Alaska Avenue from Elmore Avenue north

and in Elmore Avenue from Marsalis Avenue west

Alameda Drive from Kellogg Avenue to Fowler Street

Downing Avenue from Alameda Drive to Elmore Avenue

Elmore Avenue from Arizona Avenue east

Elmore Avenue from Craddock Street to Fowler Street

Elmore Avenue from Maryland Avenue to alley west of Lancaster Road

Elmore Avenue from alley east of Lancaster Road to Belknap Avenue

Fernwood Avenue from Woodin Boulevard to Louisiana Avenue and Louisiana Avenue from

Fernwood Avenue east and alley from Fernwood Avenue to Lamont Avenue

Hemphill Drive from Alameda Drive to Easter Avenue

Kingsley Drive from Strobel Avenue to Ramona Avenue

District 7

Carter Street from Collins Avenue to Spring Avenue

Clarence Street from Good Latimer Expressway to Harrison Avenue

Collins Avenue from Foreman Street to Carter Street

Du Bois Avenue from Childs Street to Eleventh Street

Foreman Street from Marshall Street to Collins Avenue

Good Latimer Expressway from Logan Street to Clarence Street

Alley between Lenway Street and Warren Avenue from Meadow Street southwest *

* Wastewater Main Rehabilitation

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

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding Economic Development negotiations. Section 551.087 of the Texas Open Meetings Act.

AGENDA DATE June 27, 2007

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of June 13, 2007 City Council Meeting
2			All	C	PBD	\$4,900,000.00	0.00%	0.00%	Authorize twenty-four-month professional services contracts with forty-seven firms for asbestos environmental and non-asbestos environmental testing services
3			All	C	PBD, PWT	\$662,800.00	0.00%	0.00%	Authorize a twenty-four-month master agreement for spray thermoplastic, glass traffic beads, pavement markers and adhesive
4			All	C	PBD, SEC	\$1,342,497.00	0.00%	0.00%	Authorize a sixty-month service contract for commercial storage, retrieval and reference services for City records
5			All	C	PBD, WTR	\$540,301.00	0.00%	85.40%	Authorize a thirty-six-month master agreement for chemical sewer degreaser and anti-pollution treatment for the wastewater collection system
6			All	C	PBD, WTR	\$2,007,250.00	100.00%	100.00%	Authorize a thirty-six-month service contract for the removal of excavated materials from City facilities and work sites
7			All	C	PBD, LIB	\$8,257,720.00	100.00%	0.00%	Authorize a thirty-six-month master agreement for the purchase, cataloging and physically processing of books for the Dallas public libraries
8			8	C	PBD, WTR	\$2,069,664.00	25.06%	0.00%	Authorize a twenty-four-month master agreement for the rental of heavy equipment to be used in the bio-solid disposal operations at the Southside Wastewater Treatment Plant
9			All	C	PBD, WTR	\$372,441.00	45.50%	0.00%	Authorize the purchase of a sewer inspection truck and a sewer cleaner truck to be used for sanitary sewer system cleaning and internal television pipe inspections
10			All	C	PBD	\$7,000,000.00	0.00%	0.00%	Authorize twenty-four-month professional services contracts with nineteen firms for geotechnical studies and construction materials testing services
11			N/A	C	ATT, DDS	\$39,000.00	NA	NA	Authorize settlement of the lawsuit styled Alicia Horton v. City of Dallas, Texas, Civil Action No. 3:07-CV-0002-N
12			4	C	DDS	NC	NA	NA	A resolution declaring approximately 34,600 square feet of City-owned land improved with a former library located at the intersection of Lancaster Road and Corning Avenue unwanted and authorize its advertisement for sale by sealed bid
13			4, 5, 6, 7, 8	C	DDS	REV \$164,738	NA	NA	Authorize the quitclaim of 12 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders
14			14	C	DDS	REV \$27,540	NA	NA	An ordinance abandoning a portion of an alley to Rivendell Matilda, LP and Kenneth A. Lock, the abutting owners, containing approximately 900 square feet of land located near the intersection of Oram and Matilda Streets, and authorizing the quitclaim
15			14	C	ECO	\$966,375.00	NA	NA	Cityplace Area TIF District: Authorize a development agreement with Criterion Property Company, L.P. to provide funding for the design, engineering, professional services and construction of public improvements for a residential project @ 3925 North Central Expressway

AGENDA DATE June 27, 2007

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
16			14	C	ECO	NC	NA	NA	Cityplace Area TIF District: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Two (Cityplace Area TIF District) to pay Criterion Property Company, L.P. for TIF-eligible project costs related to the development of residential project @ 3925 North Central Expressway
17			7	C	ECO	NC	NA	NA	An ordinance amending Article XIV of Chapter 2 of the Dallas City Code to rename the South Dallas/Fair Park Trust Fund Board as the South Dallas/Fair Park Development Fund Board; revise qualifications for board members; & incorporate charter changes relating to dates board members are appointed & their terms
18			2	C	ECO	NC	NA	NA	Authorize amendments to Resolution No. 06-3400, previously approved on December 13, 2006, for the redevelopment of the Butler Brothers Building @ 500 South Ervay Street in the Downtown Connection TIF District to increase residential units from 320 to 400 & affordable housing buy-out requirement, redefine use to allow for living/work space & extend date to begin & complete construction
19			All	C	EHS	GT	NA	NA	Authorize the first amendment to the contract with the Texas Commission on Environmental Quality to accept additional grant funds to operate and maintain an ambient air monitoring station in Rockwall County; and extend the term of the contract through August 31, 2008
20			All	C	EHS	\$261,252.00	NA	NA	Authorize the second amendment to the contract with the Texas Commission on Environmental Quality to accept additional grant funds to provide air pollution control services, extend the term of contract through August 31, 2008 & provide a local match
21			All	C	EHS	GT	NA	NA	Authorize the acceptance of a grant from the Texas Commission on Environmental Quality to operate air samplers for particulate matter 2.5 and conduct air monitoring activities in Dallas for the period September 1, 2007 - August 31, 2008 & execute grant agreement
22			All	C	EHS	\$181,150.00	NA	NA	Authorize the acceptance of a grant from the Texas Commission on Environmental Quality for air monitoring activities for the period September 1, 2007 - August 31, 2009, a local match & execute grant agreement
23			All	C	HSG	NC	NA	NA	Authorize adoption of the preliminary FY 2006-07 Consolidated Plan Reprogramming Budget #3 to reprogram \$732,549 of HOME Mortgage Assistance Program Funds to the Basic Home Repair Program and Replacement Housing Program and a public hearing to be held on August 8, 2007
24			All	C	IGS	GT	NA	NA	Authorize the acceptance of a 2006 Buffer Zone Protection Program grant from the U.S. Department of Homeland Security, through the Governor's Division of Emergency Management, for costs associated with securing critical infrastructure & key resource sites to prevent terrorism from October 1, 2006 - April 30, 2008
25			Outside	C	IGS	NC	NA	NA	Authorize approval of the Dallas/Fort Worth International Airport Forty-Second Supplemental Concurrent Bond Ordinance for the issuance of Joint Revenue Refunding Bonds, Series 2007, if certain parameters are met; approving documents related thereto; and related matters
26			All	C	OFS	NC	NA	NA	An ordinance denying Atmos Energy Corp., Mid-Tex Division's proposed new Gas Reliability Infrastructure Program Rate Adjustment and setting Gas Reliability Infrastructure Program Rates to be charged by Atmos Energy Corp. Mid-Tex Division
27			All	C	OFS	NC	NA	NA	Authorize adoption of the final FY 2007-08 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds, amendments to Citizen Participation plan & adoption of the FY 2006-07 Reprogramming Budget
28			All	C	POL	NC	NA	NA	Authorize a revised application for the Commercial Auto Theft Interdiction Squad grant to include funding for a Police Research Specialist position to track burglary of motor vehicle trends and a Senior Corporal position to increase public awareness of auto theft for September 1, 2007 - August 31, 2008
29			All	C	POL	\$123,792.00	NA	NA	Authorize the application for & acceptance of the Six City Anti-Gang Grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to participate in targeted gang prevention initiative & operation of regional gang database for June 1, 2006 - May 31, 2009, pension & insurance & execute grant agmt
30			9	C	PWT	\$769,579.00	67.24%	45.85%	Authorize a contract for the reconstruction of alley paving, storm drainage, and wastewater main improvements for Project Group 03-3005

AGENDA DATE June 27, 2007

ITEM #	OK	IND	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
31				5, 7	C	PWT	\$14,273.90	100.00%	25.70%	Authorize a professional services contract with ANA Consultants, L.L.C. for the engineering design of alley paving and drainage improvements on the alley between Bexar Street and Ideal Avenue from C.F. Hawn (U.S. 175) to Macon Street and erosion control improvements on the alley at Altadena Lane
32				11	C	PWT	\$51,545.00	100.00%	49.83%	Authorize a professional services contract with Huitt-Zollars, Inc. for the design of the Spring Valley/Coit Road intersection enhancements and sidewalks along the west side of Coit Road from Spring Valley to Haymeadow Drive
33				8	C	PWT	\$40,831.50	55.64%	42.56%	Authorize an increase in the contract with Gin-Spen, Inc. to provide additional storm drainage improvements along Port Boulevard
34				13	C	PWT	NC	NA	NA	Authorize the rejection of bids received for the reconstruction of Alley Reconstruction Group 03-2021; and, the re-advertisement for new bids
35				5, 8	C	PWT	NC	NA	NA	Authorize the rejection of bids received for the reconstruction of Street Reconstruction Group 03-606; and, the re-advertisement for new bids
36				1, 3, 4, 7	C	PWT	NC	NA	NA	Authorize sidewalk and barrier free ramp paving improvements on Sidewalk Group 03-131 to provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements & benefit assessment hearing to be held on August 22, 2007
37				2	C	PWT	\$689,117.00	82.77%	23.44%	Authorize a professional services contract with Perkins + Will, LP for programming and schematic design services for the new Dallas Police Academy to be located in Cadillac Heights
38				All	C	SAN	REV \$8,898	NA	NA	Authorize ordinances granting 42 franchises for solid waste collection and hauling, pursuant to Chapter XIV, City Charter, and Chapter 18, Article IV, of the Dallas City Code
39				Outside	C	WTR	\$28,746,600.00	21.72%	2.58%	Authorize a contract for the construction of a 108-inch raw water transmission line and junction structure near County Road 3818 in Van Zandt County to the Iron Bridge Pump Station site in Hunt County from Lake Fork to Lake Tawakoni
40				1, 2, 3, 4, 5, 7, 14	C	WTR	\$6,876,493.50	78.43%	25.64%	Authorize a contract for the installation of water and wastewater mains at 33 locations
41				2, 4, 7	C	WTR	\$6,988,919.50	95.43%	84.62%	Authorize a contract for the installation of water and wastewater mains at 19 locations
42				Outside	C	WTR	REV \$16,061	NA	NA	Authorize a twelve-month contract, with one twelve-month renewal option, with Travis Ranch Development, L.P. to provide untreated water from Lake Ray Hubbard for the period of June 28, 2007 - June 27, 2008 and for the period June 28, 2009 - June 27, 2009
43				Outside	C	WTR	\$1,888,544.00	98.39%	27.42%	Authorize an increase in the contract with Cajun Constructors, Inc. for additional improvements required for the expansion to 540 million gallons per day at the East Side Water Treatment Plant
44				Outside	C	WTR	\$220,983.00	100.00%	25.74%	Ratify a professional services contract with TCB Inc. to provide engineering services for the study and assessment of an existing water transmission main in the City of Irving from Belt Line Road to the Hackberry Pump Station; and design of a pipeline interconnect @ the Hackberry Pump Station
45				7	C	WTR	\$143,750.74	16.93%	16.93%	Ratify emergency repairs and authorize a contract for the construction of improvements to the levee at the Central Wastewater Treatment Plant

AGENDA DATE June 27, 2007

ITEM #	OK	IND	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
46				NA	I	SEC	NC	NA	NA	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
47				7	I	HSG	GT	NA	NA	Authorize a loan to Carpenter's Point, L.P., for the acquisition and 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
48				9	PH	DDS	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment for a private-club bar and a commercial amusement (inside) for a dance hall on property on the east side of Ferguson Road, south of Gus Thomasson Road
49				4	PH	DDS	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned an R-7.5(A) Single Family District on the south side of Umphress Road, east of Jim Miller Road
50				8	PH	DDS	NC	NA	NA	A public hearing to receive comments regarding an application for & an ordinance granting an R-7.5(A) Single Family District, an R-5(A) Single Family District & an MU-1 Mixed Use District on property zoned an R-10(A) Single Family District on southeast corner of St. Augustine Drive & IH20 & a resolution accepting deed restrictions
51				3	PH	DDS	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for residential and non-residential uses on property zoned an A(A) Agricultural District between Ledbetter Drive & Spur 408, north of Kiest Boulevard & south of Illinois Avenue
52				5	PH	DDS	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an IM Industrial Manufacturing and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the northeast corner of Simpson Stuart & IH45
53				2	PH	DDS	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street & Wyman Street
54				9	PH	DDS	NC	NA	NA	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
55				2	PH	DDS	NC	NA	NA	A public hearing to receive comments regarding an application for & an ordinance granting a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict Uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, Oak Lawn Special Purpose District on Kings & Fairmont Streets
56				2	PH	DDS	NC	NA	NA	Municipal Setting Designation at 1809 Rock Island Street: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath property owned by Buckley Oil Company & adjacent right-of-way
57				2	PH	DDS	NC	NA	NA	Municipal Setting Designation at 1809 Rock Island Street: An ordinance authorizing support of the issuance of a municipal setting designation to Buckley Oil Company by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water
58				6	PH	DDS	NC	NA	NA	Municipal Setting Designation at 10920 Indian Trail: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath property owned by Globus Industrial Partners, Ltd. & adjacent rights-of-way
59				6	PH	DDS	NC	NA	NA	Municipal Setting Designation at 10920 Indian Trail: An ordinance authorizing support of the issuance of a municipal setting designation to Globus Industrial Partners, Ltd. by the Texas Commission on Environmental Quality and prohibiting use of groundwater beneath the designated as potable water

AGENDA DATE June 27, 2007

ITEM #	OK	DEF	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
										Municipal Setting Designation at 46 Properties: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath properties located within an approximate 73-acre area centered around Oak Lawn Avenue & Hi Line Drive & adjacent rights-of-way
60				2	PH	DDS	NC	NA	NA	Municipal Setting Designation at 46 Properties: An ordinance authorizing support of the issuance of a municipal setting designation to JRSHK Investments, LP by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water
61				2	PH	DDS	NC	NA	NA	A benefit assessment hearing to receive comments on alley paving, storm drainage and wastewater main improvements on the alley between Casa Vale Drive and Moran Drive from Moran Drive to Losa Drive, and at the close of the hearing, authorize an ordinance levying benefit assessments & a contract for construction
62				9	PH	PWT	\$336,886	96.88%	25.38%	A benefit assessment hearing to receive comments on street paving, storm drainage, water and wastewater main improvements on Memory Lane from Lake June Road to Eloise Street, and at the close of the hearing, authorize an ordinance levying benefit assessments
63				5	PH	PWT	NC	NA	NA	A public hearing to receive comments on correcting, adjusting and canceling the assessments for the cost of the improvements against the abutting property owners at 10901 Seagoville Road, 5515 Glen Lakes Drive and 4243 South Polk Street; and at the close of hearing, authorize ordinance amending Ord Nos. 26289 & 24734
64				3, 8, 13	PH	PWT	NC	NA	NA	

TOTAL \$75,491,765.14

KEY FOCUS AREA: Economic Development
Neighborhood Quality of Life
Trinity River

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services

CMO: Dave Cook, 670-7804

MAPSCO: N/A

SUBJECT

Authorize twenty-four-month professional services contracts with forty-seven firms for asbestos environmental and non-asbestos environmental testing services (list attached)
- Not to exceed \$4,900,000 - Financing: Current Funds

BACKGROUND

Authorization is needed to enter into twenty-four-month professional services contracts with forty-seven testing firms for asbestos environmental and non-asbestos environmental testing services to be provided as needed for City facilities, street and storm drainage projects, water and wastewater, and other public improvements. Forty-seven firms responded to a request for qualifications.

Forty-seven firms have been selected as being capable of performing these services for a twenty-four-month period and have submitted their individual proposals for the price of the services. The four member committee that reviewed the vendor qualifications was made up of representatives from Aviation, Office of Environmental Quality, Equipment and Building Services, and Public Works and Transportation. The high number of vendors selected to do these services for the city, is necessary to: 1. Ensure that the work flow is not interrupted by manpower issues that would be created if very few vendors were selected and 2. Make certain that all the diverse services that the City needs performed can be carried out by having a large field of vendors. To ensure participation from all vendors, this master agreement will be monitored by the Business Development & Procurement Services which will release a quarterly report to all involved departments highlighting those companies that are either unused or underutilized. It will be up to the individual departments to utilize and evaluate the vendors. These evaluations will be used to improve the performance of the contracted vendors and to establish a higher quality of work required to be selected for future projects.

BACKGROUND (Continued)

This will be the eighteenth year to utilize this concept which allows the City to negotiate lower fees per test by grouping together most of the testing, instead of contracting it on a project by project basis. Twenty-four months was determined to be the appropriate term for this contract due to the stability of pricing of testing services.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 8, 2004, City Council authorized twenty-four-month professional services contracts for geotechnical investigation, materials testing, asbestos environmental and non-asbestos environmental testing services by Resolution #04-3529.

On October 27, 2004, City Council authorized an increase in the professional services contracts with thirty-one firms for continuation of geotechnical investigation, materials testing, asbestos environmental and non-asbestos environmental testing services by Resolution #04-3015.

FISCAL INFORMATION

Current Funds - \$4,900,000

This action does not encumber funding for the services. The expenses for the services shall be funded from the project funds or operating funds of the individual project or department receiving the services.

M/WBE INFORMATION

Ten (21%) of the forty-seven firms selected are certified M/WBE firms registered with the City of Dallas. All firms have agreed to observe the Good Faith Effort in subcontracting and purchasing. With this effort the total M/WBE participation is expected to increase.

Firm

Certification Number

AEI Consultants
Afram Environmental Consultants, Inc.
Arkose Environmental, Inc.
Benchmark
Benas Environmental Services, Inc.
Dougherty Sprague Environmental, Inc.
Resource Environmental Consulting
Sigma Environmental Solutions
SWG Consultants, Inc. dba Southwest Geoscience
TTI Environmental Testing & Consulting

WFDB31928Y0907
BMDB32229Y1007
BFWB31789N0807
BFDB31420Y0707
BMDB32830Y1107
WFDB31156Y0607
WFWB30720N0507
BMMB33159N0108
WFDB33209Y0108
IFDB32427Y1007

ETHNIC COMPOSITION

Advanced Environmental Control, Inc.

Hispanic Female	0	Hispanic Male	1
African-American Female	4	African-American Male	1
Other Female	0	Other Male	0
White Female	0	White Male	0

Afram Environmental Consultants, Inc.

Hispanic Female	0	Hispanic Male	1
African-American Female	4	African-American Male	1
Other Female	0	Other Male	0
White Female	0	White Male	0

All Environmental, Inc. dba AEI Consultants

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	6	White Male	3

Arkose Environmental, Inc.

Hispanic Female	0	Hispanic Male	0
African-American Female	4	African-American Male	0
Other Female	1	Other Male	1
White Female	2	White Male	2

BDS Technologies, Inc.

Hispanic Female	0	Hispanic Male	1
African-American Female	0	African-American Male	3
Other Female	0	Other Male	2
White Female	2	White Male	5

Bureau Veritas North America

Hispanic Female	0	Hispanic Male	1
African-American Female	0	African-American Male	1
Other Female	0	Other Male	0
White Female	3	White Male	12

ETHNIC COMPOSITION (Continued)

Benas Environmental Services, Inc.

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	2	White Male	3

Caldwell Engineering, Inc.

Hispanic Female	0	Hispanic Male	2
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	1	White Male	10

CH2M HILL, Inc.

Hispanic Female	2	Hispanic Male	4
African-American Female	3	African-American Male	4
Other Female	4	Other Male	1
White Female	21	White Male	43

Delta Environmental Consultants, Inc.

Hispanic Female	1	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	3	White Male	4

Dougherty Sprague Environmental, Inc.

Hispanic Female	1	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	1	Other Male	0
White Female	3	White Male	4

Enercon Services, Inc.

Hispanic Female	3	Hispanic Male	4
African-American Female	2	African-American Male	5
Other Female	3	Other Male	23
White Female	52	White Male	243

ETHNIC COMPOSITION (Continued)

ETI Environmental Services

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	2
White Female	1	White Male	0

Farmer & Associates, Inc.

Hispanic Female	0	Hispanic Male	2
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	0	White Male	13

Giles Engineering Associates, Inc.

Hispanic Female	0	Hispanic Male	2
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	0	White Male	13

Gresham, Smith and Partners

Hispanic Female	13	Hispanic Male	18
African-American Female	20	African-American Male	25
Other Female	11	Other Male	18
White Female	260	White Male	451

GSWW, Inc.

Hispanic Female	2	Hispanic Male	1
African-American Female	0	African-American Male	3
Other Female	2	Other Male	0
White Female	10	White Male	30

GME Consulting Services, Inc.

Hispanic Female	0	Hispanic Male	2
African-American Female	0	African-American Male	1
Other Female	0	Other Male	0
White Female	5	White Male	9

ETHNIC COMPOSITION (Continued)

Halff Associates, Inc.

Hispanic Female	16	Hispanic Male	67
African-American Female	11	African-American Male	11
Other Female	6	Other Male	18
White Female	88	White Male	284

HBC Engineering, Inc. dba Terracon Consultants, Inc.

Hispanic Female	3	Hispanic Male	11
African-American Female	1	African-American Male	9
Other Female	1	Other Male	4
White Female	17	White Male	56

HNTB Corporation

Hispanic Female	1	Hispanic Male	2
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	4	White Male	5

ITECH Environmental Services, Inc.

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	1
Other Female	0	Other Male	0
White Female	1	White Male	1

Kleinfelder Central, Inc.

Hispanic Female	0	Hispanic Male	1
African-American Female	0	African-American Male	1
Other Female	0	Other Male	0
White Female	3	White Male	17

LCA Environmental, Inc.

Hispanic Female	1	Hispanic Male	2
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	4	White Male	5

ETHNIC COMPOSITION (Continued)

LopezGarcia Group, Inc.

Hispanic Female	10	Hispanic Male	15
African-American Female	2	African-American Male	7
Other Female	5	Other Male	13
White Female	50	White Male	82

MWH Americas, Inc.

Hispanic Female	83	Hispanic Male	95
African-American Female	69	African-American Male	56
Other Female	90	Other Male	157
White Female	590	White Male	1183

Malcolm Pirnie, Inc.

Hispanic Female	0	Hispanic Male	3
African-American Female	1	African-American Male	2
Other Female	1	Other Male	5
White Female	4	White Male	13

PASS Associates, Inc.

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	1
Other Female	0	Other Male	0
White Female	1	White Male	1

Post, Buckley, Schuh & Jernigan, Inc. dba PBS & J

Hispanic Female	3	Hispanic Male	2
African-American Female	6	African-American Male	2
Other Female	1	Other Male	6
White Female	25	White Male	5

Professional Service Industries, Inc.

Hispanic Female	1	Hispanic Male	5
African-American Female	2	African-American Male	2
Other Female	1	Other Male	1
White Female	6	White Male	20

ETHNIC COMPOSITION (Continued)

Resource Environmental Consulting, Inc.

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	3	White Male	1

Rone Engineering Services, Ltd.

Hispanic Female	2	Hispanic Male	43
African-American Female	4	African-American Male	16
Other Female	6	Other Male	0
White Female	15	White Male	73

Shaw Environmental, Inc.

Hispanic Female	42	Hispanic Male	131
African-American Female	206	African-American Male	121
Other Female	65	Other Male	181
White Female	968	White Male	2696

Sigma Environmental Solutions, Inc.

Hispanic Female	0	Hispanic Male	0
African-American Female	1	African-American Male	2
Other Female	0	Other Male	0
White Female	0	White Male	5

SWG Consultants, Inc. dba Southwest Geoscience

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	6	White Male	5

TCB, Inc.

Hispanic Female	4	Hispanic Male	3
African-American Female	5	African-American Male	1
Other Female	4	Other Male	0
White Female	5	White Male	24

ETHNIC COMPOSITION (Continued)

Team Consultants, Inc.

Hispanic Female	2	Hispanic Male	7
African-American Female	0	African-American Male	0
Other Female	2	Other Male	0
White Female	4	White Male	40

TK. Matt and Associates, Inc.

Hispanic Female	0	Hispanic Male	1
African-American Female	1	African-American Male	5
Other Female	0	Other Male	0
White Female	1	White Male	6

TechLaw, Inc.

Hispanic Female	1	Hispanic Male	2
African-American Female	5	African-American Male	3
Other Female	7	Other Male	2
White Female	56	White Male	65

TestAmerica Analytical Testing Corporation

Hispanic Female	0	Hispanic Male	1
African-American Female	13	African-American Male	17
Other Female	1	Other Male	1
White Female	43	White Male	66

Tetra Tech, Inc.

Hispanic Female	2	Hispanic Male	0
African-American Female	1	African-American Male	1
Other Female	0	Other Male	1
White Female	7	White Male	11

Texas Green Star Environmental LLC

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	4	White Male	7

ETHNIC COMPOSITION (Continued)

TRC Environmental Corp.

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	4	White Male	7

TTI Environmental Laboratories

Hispanic Female	0	Hispanic Male	2
African-American Female	0	African-American Male	0
Other Female	4	Other Male	9
White Female	1	White Male	1

URS Corporation

Hispanic Female	248	Hispanic Male	399
African-American Female	221	African-American Male	282
Other Female	254	Other Male	570
White Female	2798	White Male	6306

Walker Consultants, Inc. dba Benchmark Environmental Consultants

Hispanic Female	0	Hispanic Male	0
African-American Female	1	African-American Male	0
Other Female	0	Other Male	1
White Female	8	White Male	9

W&M Environmental Group, Inc.

Hispanic Female	2	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	9	White Male	12

OWNERS

Advanced Environmental Control, Inc.

Shahin Hatefi, President

Afram Environmental Consultants, Inc.

Okoro Elias, President

OWNERS (Continued)

All Environmental, Inc. dba AEI Consultants

Craig Hertz, President

Arkose Environmental, Inc.

Lui Barkkume, President

BDS Technologies, Inc.

Dr. Taoreed O. Badmus, President

Bureau Veritas North America

Dickerson C. Wright, President
Alexander A. Hockman, Vice President
Burton K. Haimes, Secretary
Francois Tardan, Treasurer

Benas Environmental Services, Inc.

Ephraim N. Okotcha

Caldwell Engineering

Tom R. Caldwell, President

CH2M HILL, Inc.

Ralph Peterson, CEO

Delta Environmental Consultants

Paul Goureault, President

Dougherty Sprague Environmental, Inc.

Cathy W. Dougherty, President

Enercon Services, Inc.

John Richardson, President

OWNERS (Continued)

ETI Environmental Services

Eddie Taw, President

Farmer & Associates, Inc.

Craig W. Farmer, President

Gresham, Smith and Partners

Everett H. Cowan, President

Giles Engineering Associates, Inc.

Terry L. Giles, President

Patrick D. Rueteman, Vice President

Joyce Giles, Secretary

Kimberly Dexter, Treasurer

GSWW, Inc.

Charles G. Wilmut, President

GME Consulting Services, Inc.

Mark Kawalek, President/Secretary

Doug Ziolkowski, Senior Vice President

Bill Holt, Vice President

Marci Kawalek, Vice President/Treasurer

Halff Associates

Martin Molloy, President

HBC Engineering, Inc. dba Terracon Consultants, Inc.

David Gaboury, President

HNTB Corporation

Scott Smith, President

OWNERS (Continued)

ITECH Environmental Services, Inc.

Tom Jankowiak, President

Kleinfelder Central, Inc.

K. Craig Vaughn, President
Bartlett W. Patton, Vice President
Russell O. Carey, Secretary
John M. Pilkington, Treasurer

LCA Environmental

Mary Clark, President

LopezGarcia Group, Inc.

Rudy M. Garcia, President

MWH Americas, Inc.

Daniel McConville, President

Malcolm Pirnie, Inc.

Robert G. McCollum, Vice President

PASS Associates, Inc.

Louis C. Jensen, Vice President

Post, Buckley, Schuh & Jernigan, Inc. dba PBS & J

Todd J. Kenner, President

Professional Services Industries, Inc.

Howell Branum, President
Robert Schenck, Vice President
Mark Weiland, Secretary
Marshall Hammack, Treasurer

OWNERS (Continued)

Resource Environmental

Dyana M. Lee, President

Rone Engineering Services, Ltd.

Richard K. Leigh, President
Mark D. Gray, Vice President
Doris Leigh, Secretary

Shaw Environmental, Inc.

Gary Paul Graffia, President

Sigma Environmental Solutions, Inc.

Claude A. Brown, President

SWG Consultants, Inc. dba Southwest Geoscience

Rusty Lynn Simpson, President

TCB, Inc.

James F. Thompson, President

Team Consultants, Inc.

William Prikryl, President/Secretary/Treasurer

TK. Matt and Associates, Inc.

Tony O. Ediale, President

TechLaw, Inc.

Patricia Brown-Derocher, President

Tetra Tech, Inc.

Sam W. Box, President

OWNERS (Continued)

TestAmerica Analytical Testing Corporation

Rachel Brydon-Jannetta President

Texas Green Star Environmental LLC

R. Steven George, Member

TRC Environmental Corp.

Christopher P. Vincze

TTI Environmental Laboratories

Avtar Pabley, President

URS Corporation

Betsy Bernard, President

Walker Consultants, Inc. dba Benchmark Environmental Consultants

Kelly J. Walker, President

W&M Environmental Group, Inc.

Michael Whitehead, President

Professional Services Contracts for Testing Services

Advanced Environmental Control, Inc.
Afram Environmental Consultants, Inc.
All Environmental, Inc.
Arkose Environmental, Inc.
BDS Technologies, Inc.
Bureau Veritas North America
Benas Environmental Services, Inc.
Caldwell Engineering
CH2M HILL, Inc.
Delta Environmental Consultants
Dougherty Sprague Environmental, Inc.
Enercon Services, Inc.
ETI Environmental Services
Farmer & Associates, Inc.
Gresham, Smith and Partners
Giles Engineering Associates, Inc.
GSWW, Inc.
GME Consulting Services, Inc.
Halff Associates
HBC Engineering, Inc. dba Terracon Consultants, Inc.
HNTB Corporation
ITECH Environmental Services, Inc.
Kleinfelder Central, Inc.
LCA Environmental
LopezGarcia Group, Inc.
MWH Americas, Inc.
Malcolm Pirnie, Inc.
PASS Associates, Inc.
Post, Buckley, Schuh & Jernigan, Inc. dba PBS & J
Professional Services Industries, Inc.
Resource Environmental
Rone Engineering Services, Ltd.
Shaw Environmental, Inc.
Sigma Environmental Solutions, Inc.
SWG Consultants, Inc. dba Southwest Geoscience
TCB, Inc.
Team Consultants, Inc.
TK. Matt and Associates, Inc.
TechLaw, Inc.
Tetra Tech, Inc.

Professional Services Contracts for Testing Services (Continued)

TestAmerica Analytical Testing Corporation

Texas Green Star Environmental LLC

TRC Environmental Corp.

TTI Environmental Laboratories

URS Corporation

Walker Consultants, Inc. dba Benchmark Environmental Consultants

W&M Environmental Group, Inc.

June 27, 2007

WHEREAS, asbestos environmental and non-asbestos environmental testing services are desirable and necessary for quality control on City facilities, street and storm drainage projects, water and wastewater, other public improvements, and forensic testing; and,

WHEREAS, the Office of Business Development and Procurement Services wishes to establish a multiple vendor contract with several testing companies to provide the services; and,

WHEREAS, the proposal from each firm outlines the unit prices for testing items;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute multiple vendor contracts upon approval as to form by the City Attorney, to enter into professional services contracts for asbestos environmental and non-asbestos environmental testing services with each of the professional firms listed below, in accordance with each professional firm's proposal and the total of all contracts not to exceed \$4,900,000 for a term of twenty-four months beginning July 2007.

Advanced Environmental Control, Inc. (343766)
Afram Environmental Consultants, Inc. (246113)
All Environmental, Inc. (VS0000006150)
Arkose Environmental, Inc. (518908)
BDS Technologies, Inc. (358484)
Bureau Veritas North America (VS0000019283)
Benas Environmental Services, Inc. (510564)
Caldwell Engineering (350686)
CH2M HILL, Inc. (505225)
Delta Environmental Consultants (517051)
Dougherty Sprague Environmental, Inc. (356555)
Enercon Services, Inc. (343932)
ETI Environmental Services (263977)
Farmer & Associates, Inc. (VS0000019413)
Gresham, Smith and Partners (503071)
Giles Engineering Associates, Inc. (350698)
GSWW, Inc. (090012)
GME Consulting Services, Inc. (356975)
Halff Associates (506773)
HBC Engineering, Inc. dba Terracon Consultants, Inc. (341409)
HNTB Corporation (090096)
ITECH Environmental Services, Inc. (VS0000020324)

June 27, 2007

Kleinfelder Central, Inc. (041746)
LCA Environmental (342318)
LopezGarcia Group, Inc. (512830)
MWH Americas, Inc. (VS0000001965)
Malcolm Pirnie, Inc. (341680)
PASS Associates, Inc. (356968)
Post, Buckley, Schuh & Jernigan, Inc. dba PBS & J (VS0000014902)
Professional Services Industries, Inc. (VS0000017524)
Resource Environmental (335748)
Rone Engineering Services, Ltd. (089164)
Shaw Environmental, Inc. (508219)
Sigma Environmental Solutions, Inc. (VS0000016824)
SWG Consultants, Inc. dba Southwest Geoscience (520144)
TCB, Inc. (132725)
Team Consultants, Inc. (255849)
TK. Matt and Associates, Inc. (VS0000002138)
TechLaw, Inc. (502899)
Tetra Tech, Inc. (VS0000018993)
TestAmerica Analytical Testing Corporation (VS0000014954)
Texas Green Star Environmental LLC (VS0000019219)
TRC Environmental Corp. (VS0000018710)
TTI Environmental Laboratories (349592)
URS Corporation (503659)
Walker Consultants, Inc. dba Benchmark Environmental Consultants (508013)
W&M Environmental Group, Inc. (509461)

Section 2. That the department directors or their designees are authorized to request testing services as needed with any of the authorized firms in accordance with the accepted unit prices.

Section 3. That for the term of each contract, upon receipt and approval of invoices by the Director or authorized designee of the department requesting the service for those testing services received in accordance with the applicable contract and proposal, the City Controller is authorized to disburse funds, not to exceed the sum of \$4,900,000 for all contracts, from the applicable project fund for the individual construction or testing project for which the services are being performed, subject to annual appropriation of funding by the City Council.

Section 4. That each contract shall provide for termination by the City Manager, without liability, in the event of non-appropriation of funding available for these contracts by the City Council.

June 27, 2007

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

DISTRIBUTION:

Office of Business Development and Procurement Services
Office of Financial Services
Aviation
Environmental & Health Services
Equipment & Building Services
Housing
Public Works and Transportation
Sanitation Service
Street Services
Water Utilities
Office of Environmental Quality
Parks and Recreation

KEY FOCUS AREA: Neighborhood Quality of Life
Public Safety & Homeland Security

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Public Works & Transportation

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

MAPSCO: N/A

SUBJECT

Authorize a twenty-four-month master agreement for spray thermoplastic, glass traffic beads, pavement markers and adhesive - Susannah Dobbs Co., LLC dba Dobco in the amount of \$516,900, Swarco Reflex, Inc. in the amount of \$112,300, and Pathmark Traffic Products of TX, Inc. in the amount of \$33,600, lowest responsible bidders of six - Total not to exceed \$662,800 - Financing: Current Funds

BACKGROUND

This master agreement will be used to purchase thermoplastic and associated marking materials to re-stripe traffic lane lines, crosswalks, stop bars and miscellaneous pavement legends in the City. The thermoplastic is heated until it liquefies and then it is applied to the street like paint then glass beads are applied to the surface of the thermoplastic material to make it more reflective and more visible to motorists and pedestrians. Reflectorized traffic buttons are used to highlight lane separations and ensure drivers do not change lanes in unsafe locations, such as left turn lanes. The adhesive is used to bond the traffic buttons to the pavement. The reflective properties of these materials are governed by Manual of Uniformed Traffic Control Devices (MUTCD) and these materials meet these standards.

Public Works and Transportation re-stripes approximately 250 traffic lane miles each year. Depending on availability of funds and manpower, 300 to 400 school crosswalks and stop bars are re-striped each year.

Twenty-four months was determined to be an appropriate term due to the stability of market prices.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 31, 2005, City Council authorized a twenty-four-month price agreement for the purchase of spray thermoplastics and glass traffic beads by Resolution #05-1150.

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

On April 9, 2003, City Council authorized a twenty-four-month price agreement for the purchase of spray thermoplastics and glass traffic beads by Resolution #03-1147.

FISCAL INFORMATION

\$662,800.00 - Current Funds

M/WBE INFORMATION

4 - Vendors contacted

4 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

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

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

ETHNIC COMPOSITION

Susannah Dobbs Co., LLC dba Dobco

Hispanic Female	1	Hispanic Male	7
Black Female	1	Black Male	28
Other Female	0	Other Male	0
White Female	16	White Male	17

Swarco Reflex, Inc.

Hispanic Female	1	Hispanic Male	7
Black Female	1	Black Male	28
Other Female	0	Other Male	0
White Female	16	White Male	17

Pathmark Traffic Products of TX, Inc.

Hispanic Female	2	Hispanic Male	5
Black Female	0	Black Male	0
Other Female	0	Other Male	0
White Female	6	White Male	4

BID INFORMATION

The following bids were received and opened on April 26, 2007. This master agreement is being awarded by group to the lowest responsive and responsible bidders.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Susannah Dobbs Co., LLC dba Dobco	P. O. Box 888 Manchester, GA 31816	Multiple Groups
*Swarco Reflex, Inc.	P. O. Box 155 Mexia, TX 76667	Multiple Groups
*Pathmark Traffic Products of TX, Inc.	4435 Hunter Rd San Marcos, TX 78666	Multiple Groups
3M Company	3M Center St Paul, MN 55144	Multiple Groups
Potters Industries, Inc.	P. O. Box 840 Valley Forge, PA 19482	Multiple Groups
Apollo Coating Technologies, Inc.	2953 Ladybird Lane Dallas, TX 75220	Multiple Groups

OWNERS

Susannah Dobbs Co., LLC dba Dobco

Susannah Dobbs, President

Swarco Reflex, Inc.

Carl McCollum, President
Jon Sproul and James D. Sproul, Vice President
Audrey Morris, Secretary/Treasurer

Pathmark Traffic Products of TX, Inc.

I-Hsiung Wang, President
Steve Huang, Vice President

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a twenty-four-month master agreement for spray thermoplastic, glass traffic beads, pavement markers and adhesive - Susannah Dobbs Co., LLC dba Dobco in the amount of \$516,900, Swarco Reflex, Inc. in the amount of \$112,300, and Pathmark Traffic Products of TX, Inc. in the amount of \$33,600, lowest responsible bidders of six - Total not to exceed \$662,800 - Financing: Current Funds

Susannah Dobbs Co., LLC dba Dobco, Swarco Reflex, Inc. and Pathmark Traffic Products of TX, 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$662,800.00	100.00%
TOTAL CONTRACT	<u>\$662,800.00</u>	<u>100.00%</u>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>

June 27, 2007

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

Section 1. That a master agreement for the purchase of spray thermoplastics, glass traffic beads, pavement markers and adhesive is authorized with Susannah Dobbs Co., LLC dba Dobco (503472) in the amount of \$516,900.00, Swarco Reflex, Inc. (518223) in the amount of \$112,300.00, and Pathmark Traffic Products of TX, Inc. (519060) in the amount of \$33,600.00, for a term of twenty-four months in an amount not to exceed \$662,800.00.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed \$662,800.00.

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
Public Works and Transportation

KEY FOCUS AREA: Staff Accountability

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
City Secretary

CMO: Dave Cook, 670-7804
Deborah Watkins, 670-0653

MAPSCO: N/A

SUBJECT

Authorize a sixty-month service contract for commercial storage, retrieval and reference services for City records - Recall Total Information Management, Inc., lowest responsible bidder of two - Not to exceed \$1,342,497 - Financing: Current Funds

BACKGROUND

This sixty-month service contract will provide commercial records storage, retrieval and reference services for City records. Dallas City Charter, Chapter IIIA, Section 3 (3) requires the Office of the City Secretary to operate the records storage facility for the storage of city records.

The Texas Local Government Code, the Texas Penal Code, the Texas Open Records Act, the Dallas City Code and the Dallas City Charter require the preservation of local government records until disposition of such records is authorized in accordance with the Texas Local Government Records Act of 1989 as amended.

There are two locations for storage of City Records, one on-site and one off-site. The City Secretary's office manages both locations. The on-site location is located in L2DN and holds approximately 20,000 boxes. This location lacks essential environmental and security controls, such as air conditioning and humidity control. These items are most likely to be retrieved such as Personnel records, Police records, and Attorney files. The off-site facility stores all other documentation that would be less likely to be retrieved. There are approximately 50,000 boxes located off-site.

Commercial records storage was implemented in 1992 when the record center on L2DN of City Hall was filled to capacity (25,000 boxes). Commercial record storage is needed to supplement the records center's ability to store records and provide information reference and retrieval services. In addition, commercial record storage is used to store long-term and permanent records in a climate controlled and secure environment that is above ground. Commercial records storage also provides disaster prevention protection, as records are stored away from City Hall.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 8, 2006, City Council authorized rescinding a sixty-month master agreement for commercial records storage by Resolution #06-3130.

On August 9, 2006, City Council authorized a sixty-month master agreement for commercial records storage by Resolution #06-2009.

FISCAL INFORMATION

\$1,342,497.00 - Current Funds

M/WBE INFORMATION

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

10 - 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

Recall Total Information Management, Inc.

Hispanic Female	0	Hispanic Male	2
Black Female	2	Black Male	2
Other Female	1	Other Male	1
White Female	2	White Male	11

BID INFORMATION

The following bids were received and opened on February 8, 2007. This service contract is being awarded to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Recall Total Information Management, Inc.	2009 Country Club Drive Dallas, TX 75006	\$1,342,496.50

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
Iron Mountain Records Management	1235 North Union Bower Irving, Texas 75061	Non-responsive**

**Iron Mountain Records Management was deemed non-responsive due to failure to comply with bid specifications.

OWNER**Recall Total Information Management, Inc.**

Nino Pala, President
Al Trujillo, Vice President

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a sixty-month service contract for commercial storage, retrieval and reference services for City records - Recall Total Information Management, Inc., lowest responsible bidder of two - Not to exceed \$1,342,497 - Financing: Current Funds

Recall Total Information Management, Inc., 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$1,342,497.00	100.00%
TOTAL CONTRACT	\$1,342,497.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

June 27, 2007**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

Section 1. That the City Manager is authorized to execute a contract with Recall Total Information Management, Inc. (VS0000004093) for commercial storage, retrieval and reference services for City records for a term of sixty months in an amount not to exceed \$1,342,497.00, upon approval as to form by the City Attorney. If the services was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Recall Total Information Management, Inc., shall be based only on the amount of the services directed to be performed by the City and properly performed by Recall Total Information Management, Inc., under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$1,342,497.00:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJECT</u>
0001	SEC	1364	3099

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

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Office of Financial Services, 4FN

KEY FOCUS AREA: Public Safety & Homeland Security

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

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

MAPSCO: N/A

SUBJECT

Authorize a thirty-six-month master agreement for chemical sewer degreaser and anti-pollution treatment for the wastewater collection system - FMW Distributors, Inc. in the amount of \$461,419 and Municipal Industries, Inc. in the amount of \$78,882, lowest responsible bidders of two - Total not to exceed \$540,301 - Financing: Water Utilities Current Funds

BACKGROUND

This master agreement will provide chemical sewer degreaser and anti-pollution treatment for City wastewater collection system. These chemicals will be used to eliminate odors and prevent blockage and overflows caused by excessive grease buildups in sewer lines.

The two products, included in this master agreement, are sewer degreaser and bio-grease degrader.

- The sewer degreaser is a liquefying product for grease that is added to the sewer cleaner tanks to clean the interior of sewer walls.
- Degrader bio-grease is used for routine maintenance. Degrader bio-grease are microorganisms which are dropped into the sewer lines through manholes or clean-outs to actually consume the grease. These applications tend to be used more around apartment complexes.

These products are considered non-hazardous, non-flammable and non-corrosive and will not harm the wastewater treatment environment, hydraulic sewer cleaning equipment, plants, animals or marine life.

These chemicals are used throughout the wastewater collection system. On an average, the City treats approximately 65.8 billion gallons of wastewater per year and maintains 4,178 miles of wastewater mains.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 8, 2004, the City Council authorized a thirty-six-month price agreement for sewer grease liquefying agent by Resolution #04-3449.

On January 9, 2002, the City Council authorized a thirty-six-month price agreement for sewer grease liquefying agent by Resolution #02-0097.

FISCAL INFORMATION

\$ 540,301.00 - Water Utilities Current Funds

M/WBE INFORMATION

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

52 M/WBE and non-M/WBE vendors were contacted.

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

ETHNIC COMPOSITION

FMW Distributors, Inc.

Hispanic Female	1	Hispanic Male	1
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	0	White Male	0

Municipal Industries, Inc.

Hispanic Female	1	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	2	White Male	7

BID INFORMATION

The following bids were received and opened on April 19, 2007. This master agreement is being awarded by line to the lowest responsive and responsible bidders.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Group 1</u>	<u>Group 2</u>	<u>Group 3</u>
*FMW Distributors, Inc.	58 Brookgreen Circle S. Montgomery, TX 77356	No Bid	No Bid	\$461,419
*Municipal Industries, Inc.	11425 Red Rock Road Oklahoma City, OK 73120	No Bid	\$78,883	No Bid

OWNERS

FMW Distributors, Inc.

Fran Whitehead, President

Municipal Industries, Inc.

Ralph B. Bendorf, President
Carol Bendorf, Secretary

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a thirty-six-month master agreement for chemical sewer degreaser and anti-pollution treatment for the wastewater collection system - FMW Distributors, Inc. in the amount of \$461,419 and Municipal Industries, Inc. in the amount of \$78,882, lowest responsible bidders of two - Total not to exceed \$540,301 - Financing: Water Utilities Current Funds

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

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$540,301.00	100.00%
TOTAL CONTRACT	\$540,301.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
FMW Distributors, Inc.	WFWB32378Y1007	\$461,419.00	85.40%
Total Minority - Non-local		\$461,419.00	85.40%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$461,419.00	85.40%
Total	\$0.00	0.00%	\$461,419.00	85.40%

June 27, 2007

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

Section 1. That a master agreement for chemical sewer degreaser and anti-pollution treatment for the wastewater collection system is authorized with FMW Distributors, Inc. (246893) in the amount of \$461,419.00 and Municipal Industries, Inc. (500551) in the amount of \$78,882.00, for a term of thirty-six months in an amount not to exceed \$540,301.00.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed \$540,301.00.

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, 4FS
Water Utilities

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

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

MAPSCO: N/A

SUBJECT

Authorize a thirty-six-month service contract for the removal of excavated materials from City facilities and work sites - Herdez Trucking, Inc., lowest responsible bidder of two - Not to exceed \$2,007,250 - Financing: Water Utilities Current Funds

BACKGROUND

This service contract will provide for the removal of excavated materials (concrete, re-bar, broken pipe, rocks, and sand) from City facilities and work sites throughout the City of Dallas. The City estimates approximately 348,000 cubic yards of excavated material will be removed by the awarded vendor within a thirty-six month period. This service contract provides the City with an option for the vendor to remove excavated materials at one of four service centers if the vendor cannot be notified in a timely manner or materials will be picked up at the work site by the vendor.

The City's maintenance crews excavate trenches to make repairs to water mains, streets and alleys, and the excess excavated material is hauled to an approved dumpsite or landfill according to the Texas Commission on Environmental Quality (TCEQ).

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 23, 2002, City Council authorized a thirty-six-month service contract for removal of excavated materials by Resolution #02-3034.

FISCAL INFORMATION

\$2,007,250.00 - Water Utilities Current Funds

M/WBE INFORMATION

48 - Vendors contacted
47 - No response
1 - Response (Bid)
0 - Response (No bid)
1 - Successful

198 - 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

Herdez Trucking, Inc.

Hispanic Female	0	Hispanic Male	12
Black Female	0	Black Male	13
Other Female	0	Other Male	0
White Female	0	White Male	2

BID INFORMATION

The following bids were received and opened on March 8, 2007. This bid had four groups and the contract is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Herdez Trucking, Inc.	6426 CF Hawn Freeway Dallas, TX 75217	\$ 2,007,250.00
Eagle Construction and Environmental Services	9701 East I-20 Fort Worth, TX 76040	\$21,533,450.00

OWNER

Herdez Trucking, Inc.

Hector Hernandez, President/Treasurer
Tesse Hernandez, Vice President
Benito Hernandez, Secretary

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a thirty-six-month service contract for the removal of excavated materials from City facilities and work sites - Herdez Trucking, Inc., lowest responsible bidder of two - Not to exceed \$2,007,250 - Financing: Water Utilities Current Funds

Herdez Trucking, Inc. is a local, 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$2,007,250.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	<u>\$2,007,250.00</u>	<u>100.00%</u>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Herdez Trucking Inc.	HMDB1532Y0807	\$2,007,250.00	100.00%
Total Minority - Local		<u>\$2,007,250.00</u>	<u>100.00%</u>

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$2,007,250.00	100.00%	\$2,007,250.00	100.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$2,007,250.00</u>	<u>100.00%</u>	<u>\$2,007,250.00</u>	<u>100.00%</u>

June 27, 2007**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

Section 1. That the City Manager is authorized to execute a service contract with Herdez Trucking, Inc., for the removal of excavated materials from City facilities and work sites for a term of thirty-six months in an amount not to exceed \$2,007,250.00, upon approval as to form by the City Attorney. If the service bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Herdez Trucking, Inc., shall be based only on the amount of the services directed to be performed by the City and properly performed by Herdez Trucking, Inc., under the contract.

SECTION 2. That the City Controller is authorized to disburse funds, from the following appropriation, in an amount not to exceed \$2,007,250.00:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJECT</u>	<u>AMOUNT</u>
0100	DWU	7422	3072	\$1,334,821.25
0100	DWU	7412	3072	\$ 672,428.75

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

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Office of Financial Services, 4FN
Water Utilities

KEY FOCUS AREA: Neighborhood Quality of Life
Staff Accountability

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Library

CMO: Dave Cook, 670-7804
Charles W. Daniels, 670-3390

MAPSCO: N/A

SUBJECT

Authorize a thirty-six-month master agreement for the purchase, cataloging and physically processing of books for the Dallas public libraries - Ingram Library Services, Inc., lowest responsible bidder of two - Not to exceed \$8,257,720 - Financing: Current Funds

BACKGROUND

This master agreement will be used for the purchase, cataloging and physically processing of approximately 485,000 books in English and Spanish. The Library expects to purchase 485,000 books using this master agreement and have vendors catalog, inventory and security strip them so that they arrive at the libraries "shelf ready".

There are currently 25 branch libraries and a Central library. Within the timeframe of this master agreement, there are also a children's library at North Park and a new branch library in southeast Dallas (Prairie Creek) scheduled to open, and the replacement of three branches with larger facilities.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$8,257,720.00 - Current Funds

M/WBE INFORMATION

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

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

ETHNIC COMPOSITION

Ingram Library Services, Inc.

Hispanic Female	4	Hispanic Male	4
Black Female	32	Black Male	18
Other Female	14	Other Male	9
White Female	461	White Male	270

BID INFORMATION

The following bids were received and opened on November 3, 2006. This master agreement is being awarded to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Ingram Library Services, Inc.	One Ingram Blvd. La Vergne, TN 37086	\$8,257,720.00
BWI	1847 Mercer Road Lexington, KY 40511	\$8,926,250.00

OWNER

Ingram Library Services, Inc.

Peter F. Clifton, President
Joe Reynolds, Vice President
William P. Morelli, Secretary
Jeffrey K. Belser, Treasurer

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a thirty-six-month master agreement for the purchase, cataloging and physically processing of books for the Dallas public libraries - Ingram Library Services, Inc., lowest responsible bidder of two - Not to exceed \$8,257,720 - Financing: Current Funds

Ingram Library Services, Inc. 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$8,257,720.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$8,257,720.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

June 27, 2007

Section 1. That a master agreement is authorized for the purchase, cataloging and physically processing of books for the Dallas public libraries with Ingram Library Services, Inc. (028950) for a term of thirty-six months in an amount not to exceed \$8,257,720.00.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed \$8,257,720.00.

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJECT</u>
0001	LIB	5391	4860

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
Library

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 8

DEPARTMENT: Business Development & Procurement Services
Water Utilities

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

MAPSCO: 69A-X

SUBJECT

Authorize a twenty-four-month master agreement for the rental of heavy equipment to be used in the bio-solid disposal operations at the Southside Wastewater Treatment Plant - United Equipment Rentals Gulf, L.P. in the amount of \$1,551,024 and Romco Equipment Co. in the amount of \$518,640, lowest responsible bidders of six - Total not to exceed \$2,069,664 - Financing: Water Utilities Current Funds

BACKGROUND

This master agreement will provide for the long term rental of heavy equipment used by Water Utilities in the bio-solid disposal operations at the Southside Wastewater Treatment Plant. This equipment is uniquely suited to transport and distribute wastewater residuals in dedicated landfill and disposal fields at the plant. This operation is required to comply with the state Texas Commission of Environmental Quality and federal Environmental Protection Agency regulations and to reduce odor complaints by citizens. This equipment will transport and distribute approximately 1,000 wet tons of bio-solids daily. The types of heavy equipment used include excavators, articulated sludge haulers, heavy bulldozers and graders.

Twenty-four months was determined to be an appropriate term for this master agreement because it represents the length of time that this type of equipment is able to adequately perform in the caustic environment at the Southside Wastewater Treatment Plant before it needs to be replaced. Additionally, the vendors will take responsibility for the maintenance, repair or replacement of all wear items such as brakes, flats, and clutches relieving the city of these routine repairs.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 25, 2005, City Council authorized a twenty-four-month price agreement for heavy equipment rental at the Southside Wastewater Treatment Plant by Resolution #05-1572.

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

On May 14, 2003, City Council authorized a twenty-four-month price agreement for heavy equipment rental at the Southside Wastewater Treatment Plant by Resolution #03-1361.

FISCAL INFORMATION

\$2,069,664.00 - Water Utilities Current Funds

M/WBE INFORMATION

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

48 - 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

United Equipment Rentals Gulf, L.P.

Hispanic Female	1	Hispanic Male	2
Black Female	0	Black Male	1
Other Female	0	Other Male	0
White Female	3	White Male	19

Romco Equipment Co.

Hispanic Female	5	Hispanic Male	26
Black Female	2	Black Male	9
Other Female	0	Other Male	0
White Female	19	White Male	136

BID INFORMATION

The following bids were received and opened on April 12, 2007. This master agreement is being awarded to the lowest responsive and responsible bidders by line item. There were six line items to bid.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*United Equipment Rentals Gulf, L.P.	1720 Watauga Rd. Fort Worth, TX 76106	Multiple Lines
*Romco Equipment Co.	5151 Cash Rd. Dallas, TX 75247	Multiple Lines
Bane Machinery, Inc.	P. O. Box 541355 Dallas, TX 75354-1355	Multiple Lines
Four Seasons Equipment, Inc.	4120 Cedar Lake Dr. Dallas, TX 75227	Multiple Lines
Niece Equipment Rentals, L.P.	800 N. Hwy. 77 Ste # 160-122 Waxahachie, TX 75165	Multiple Lines
Equipment Support Services	2019 Airport Frwy Euless, TX 76040	Multiple Lines

OWNERS

United Equipment Rentals Gulf, L.P.

Wayland R. Hicks, President
Michael J. Kneeland, Vice President
Irene Moshouris, Treasurer

Romco Equipment Co.

Charles F. Clarkson, President
Craig Burket, Vice President

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a twenty-four-month master agreement for the rental of heavy equipment to be used in the bio-solid disposal operations at the Southside Wastewater Treatment Plant - United Equipment Rentals Gulf, L.P. in the amount of \$1,551,024 and Romco Equipment Co. in the amount of \$518,640, lowest responsible bidders of six - Total not to exceed \$2,069,664 - Financing: Water Utilities Current Funds

United Equipment Rentals Gulf, L.P. is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce. Romco Equipment Co. 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$518,640.00	25.06%
Total non-local contracts	\$1,551,024.00	74.94%
TOTAL CONTRACT	\$2,069,664.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

June 27, 2007

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

Section 1. That a master agreement for rental of heavy equipment to be used in the bio-solid disposal operations at the Southside Wastewater Treatment Plant is authorized with United Equipment Rentals Gulf, L.P. (187028) in the amount of \$1,551,024.00, and Romco Equipment Co. (012528) in the amount of \$518,640.00, for a term of twenty-four months in a total amount not to exceed \$2,069,664.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for rental of heavy equipment to be used in the bio-solid disposal operations at the Southside Wastewater Treatment Plant. If a written contract is required or requested for any or all purchases of rental of heavy equipment for the Southside Wastewater Treatment Plant under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed \$2,069,664.00.

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
Water Utilities

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

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

MAPSCO: N/A

SUBJECT

Authorize the purchase of a sewer inspection truck and a sewer cleaner truck to be used for sanitary sewer system cleaning and internal television pipe inspections - Rush Truck Center, Houston in the amount of \$202,998 and Metro Ford Truck Sales, Inc. in the amount of \$169,443, lowest responsible bidders of three - Total not to exceed \$372,441 - Financing: Water Utilities Capital Construction Funds (\$202,998) and Water Utilities Current Funds (\$169,443)

BACKGROUND

These vehicles will be used to perform sanitary sewer system cleaning and internal television pipe inspections. The addition of these units will increase the number of preventative inspections, and departmental efficiency. Preventative inspections and cleanings are important in identifying existing or potential problem areas in the sewer system, evaluating the seriousness of detected problems, locating the positions of problems and providing clear, concise and meaningful reports to management. The addition of this equipment will also help in the reduction of sanitary sewer overflows (SSO's) and reduce overtime usage.

The addition of this equipment is required to produce more preventive sewer cleaning and TV inspection footage. This equipment will assist Water Utilities in their efforts to decrease the number of overflows by performing more cleaning and inspection of the system to avert possible overflows. The Water Department maintains 4,178 miles of wastewater mains.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$202,998.00 - Water Utilities Capital Construction Funds

\$169,443.00 - Water Utilities Current Funds

M/WBE INFORMATION

0 - Vendors contacted

0 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

25 - 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

Rush Truck Center, Houston

Hispanic Female	5	Hispanic Male	23
Black Female	1	Black Male	12
Other Female	0	Other Male	1
White Female	6	White Male	38

Metro Ford Truck Sales, Inc.

Hispanic Female	11	Hispanic Male	39
Black Female	0	Black Male	13
Other Female	0	Other Male	0
White Female	12	White Male	12

BID INFORMATION

The following bids were received and opened on March 22, 2007. This purchase is being awarded by line to the lowest responsive and responsible bidders.

BID INFORMATION (Continued)

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
<u>Line one</u>		
*Rush Truck Center, Houston	10200 North Loop East Irving, TX 75060	\$202,998.00
Metro Ford Truck Sales, Inc.	4000 Irving Blvd. Dallas, TX 75247	No Bid
Optical Robotics, LLCA.	4806 Wright Dr. Bld. C Smyrna, GA 30082	No Bid
<u>Line two</u>		
*Metro Ford Truck Sales, Inc.	4000 Irving Blvd. Dallas, TX 75247	\$169,443.00
Optical Robotics, LLCA.	4806 Wright Dr. Bld. C Smyrna, GA 30082	\$184,000.00
Rush Truck Center, Houston	10200 North Loop East Irving, TX 75060	No Bid

OWNERS

Rush Truck Center, Houston

Marving Rush, President
Rusty Rush, Vice President

Metro Ford Truck Sales, Inc.

Dan Foley Jr., President
Eileen Beard, Vice President
Roland Alaniz, Secretary

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize the purchase of a sewer inspection truck and a sewer cleaner truck to be used for sanitary sewer system cleaning and internal television pipe inspections - Rush Truck Center, Houston in the amount of \$202,998 and Metro Ford Truck Sales, Inc. in the amount of \$169,443, lowest responsible bidders of three - Total not to exceed \$372,441 - Financing: Water Utilities Capital Construction Funds (\$202,998) and Water Utilities Current Funds (\$169,443)

Rush Truck Center, Houston is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce. Metro Ford Truck Sales, 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$169,443.00	45.50%
Total non-local contracts	\$202,998.00	54.50%
TOTAL CONTRACT	\$372,441.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

June 27, 2007**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

Section 1. That the purchase of a sewer inspection truck and a sewer cleaner truck to be used for sanitary sewer system cleaning and internal television pipe inspections is hereby authorized with Rush Truck Center, Houston (VS0000004933) in the amount of \$202,998 and Metro Ford Truck Sales, Inc. (039866) in the amount of \$169,443 for a total not to exceed \$372,441.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for a sewer inspection truck and a sewer cleaner truck to be used for sanitary sewer system cleaning and internal television pipe inspections. 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 \$372,441.00:

<u>FUND</u>	<u>DEPT</u> <u>UNIT</u>	<u>OBJECT</u>	<u>ENCUMBRANCE</u>
0103	DWU CS50	4740	RQS-DWU-00000023571
0100	DWU 7416	4740	RQS-DWU-00000023575

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.

Business Development and Procurement Services, 3FS
Office of Financial Services, 4FN
Water Utilities

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services

CMO: Dave Cook, 670-7804

MAPSCO: N/A

SUBJECT

Authorize twenty-four-month professional services contracts with nineteen firms for geotechnical studies and construction materials testing services (list attached) - Not to exceed \$7,000,000 - Financing: Current Funds

BACKGROUND

Authorization is needed to enter into a twenty-four-month professional services contract with geotechnical studies and construction materials testing firms for services to be provided as needed for City facilities. Nineteen firms responded to a request for qualifications.

Nineteen firms have been selected as being capable of performing these services for a twenty-four month period and have submitted their individual proposals for the price of the services.

This will be the eighteenth year to utilize this concept which allows the City to negotiate lower fees per test by grouping together most of the testing, instead of contracting it on a project by project basis. Twenty-four months was determined to be the appropriate term for this contract due to the stability of pricing of testing services.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 8, 2004, City Council authorized a twenty-four-month contract for geotechnical investigation, materials testing, asbestos environmental and nonasbestos environmental testing services by Resolution #04-3529

On October 27, 2004, City Council authorized an increase in the professional services contracts with thirty-one firms for continuation of geotechnical investigation, materials testing, asbestos environmental and nonasbestos environmental testing services by Resolution #04-3015.

FISCAL INFORMATION

\$7,000,000 - Current Funds

This action does not encumber funding for the services. The expenses for the services shall be funded from the project funds or operating funds of the individual project or department receiving the services.

M/WBE INFORMATION

Five (26.32%) of the nineteen firms selected are certified M/WBE firms registered with the City of Dallas. All firms have agreed to observe the Good Faith Effort in subcontracting and purchasing. With this effort the total M/WBE participation is expected to increase.

<u>Firm</u>	<u>Certification Number</u>
Geotel Engineering, Inc.	PMDB3276Y1107
Globe Engineers, Inc.	WFDB33320Y0108
HVJ Associates	BMMB32262N1007
Integrated Testing & Engineering Company	IMDB30199Y0308
Lawrence Engineering	BMDB33129Y0108

ETHNIC COMPOSITION

Alliance Geotechnical Group, Inc.

Hispanic Female	0	Hispanic Male	3
African-American Female	0	African-American Male	1
Other Female	1	Other Male	3
White Female	9	White Male	34

Bureau Veritas North America

Hispanic Female	0	Hispanic Male	1
African-American Female	0	African-American Male	1
Other Female	0	Other Male	0
White Female	3	White Male	12

CTL/Thompson Texas, LLC

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	6
White Female	4	White Male	16

ETHNIC COMPOSITION (Continued)

Fugro Consultants, Inc.

Hispanic Female	1	Hispanic Male	7
African-American Female	1	African-American Male	4
Other Female	1	Other Male	9
White Female	7	White Male	31

Geotel Engineering, Inc.

Hispanic Female	0	Hispanic Male	1
African-American Female	0	African-American Male	1
Other Female	1	Other Male	1
White Female	0	White Male	1

Giles Engineering Associates, Inc.

Hispanic Female	0	Hispanic Male	2
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	0	White Male	13

Globe Engineers, Inc.

Hispanic Female	0	Hispanic Male	3
African-American Female	1	African-American Male	0
Other Female	0	Other Male	0
White Female	1	White Male	4

GME Consulting Services, Inc.

Hispanic Female	0	Hispanic Male	2
African-American Female	0	African-American Male	1
Other Female	0	Other Male	0
White Female	5	White Male	9

HBC Engineering, Inc. dba Terracon Consultants, Inc.

Hispanic Female	3	Hispanic Male	11
African-American Female	1	African-American Male	9
Other Female	1	Other Male	4
White Female	17	White Male	56

ETHNIC COMPOSITION (Continued)

Henley-Johnston & Associates, Inc.

Hispanic Female	3	Hispanic Male	11
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	4	White Male	17

HVJ Associates

Hispanic Female	2	Hispanic Male	11
African-American Female	2	African-American Male	18
Other Female	1	Other Male	10
White Female	7	White Male	21

Integrated Testing & Engineering Company

Hispanic Female	0	Hispanic Male	0
African-American Female	2	African-American Male	0
Other Female	0	Other Male	4
White Female	1	White Male	6

Kleinfelder Central, Inc.

Hispanic Female	0	Hispanic Male	1
African-American Female	0	African-American Male	1
Other Female	0	Other Male	0
White Female	3	White Male	17

Lawrence Engineering

Hispanic Female	1	Hispanic Male	14
African-American Female	3	African-American Male	5
Other Female	0	Other Male	2
White Female	1	White Male	4

Mas-Tek Engineering & Associates, Inc.

Hispanic Female	0	Hispanic Male	1
African-American Female	0	African-American Male	8
Other Female	0	Other Male	0
White Female	1	White Male	2

ETHNIC COMPOSITION (Continued)

Professional Services Industries, Inc.

Hispanic Female	1	Hispanic Male	5
African-American Female	2	African-American Male	2
Other Female	1	Other Male	1
White Female	6	White Male	20

Rone Engineering Services, Ltd.

Hispanic Female	2	Hispanic Male	43
African-American Female	4	African-American Male	16
Other Female	6	Other Male	0
White Female	15	White Male	73

STL Engineers

Hispanic Female	1	Hispanic Male	4
African-American Female	0	African-American Male	2
Other Female	0	Other Male	0
White Female	0	White Male	4

Team Consultants, Inc.

Hispanic Female	2	Hispanic Male	7
African-American Female	0	African-American Male	0
Other Female	2	Other Male	0
White Female	4	White Male	40

OWNERS

Alliance Geotechnical Group, Inc.

Frank Shirazi, President/Treasurer
Mark J. Farrow, Vice President/ Secretary

Bureau Veritas North America

Dickerson C. Wright, President
Alexander A. Hockman, Vice President
Burton K. Haimen, Secretary
Francois Tardan, Treasurer

OWNERS (Continued)

CTL/Thompson Texas, LLC

Richard J. Hammerberg, President

Fugro Consultants, Inc.

Joseph M. Cibor, President

Saad M. Hineidi, Vice President

Richard Baird, Secretary/Treasurer

Geotel Engineering, Inc.

Wei Zhang, President

Qin Wang, Vice President/Secretary/Treasurer

Giles Engineering Associates, Inc.

Terry L. Giles, President

Patrick D. Rueteman, Vice President

Joyce Giles, Secretary

Kimberly Dexter, Treasurer

Globe Engineers, Inc.

Fay Saremi, President/Secretary/Treasurer

GME Consulting Services, Inc.

Mark Kawalek, President/Secretary

Doug Ziolkowski, Senior Vice President

Bill Holt, Vice President

Marci Kawalek, Vice President/Treasurer

HBC Engineering, Inc. dba Terracon Consultants, Inc.

David Gaboury, President

Henley-Johnston & Associates

A.D. Henley, President/Secretary

John W. Johnston, Vice President/ Treasurer

OWNERS (Continued)

HVJ Associates

Herbert Johnson, President/Treasurer
Michael Hasen, Vice President/Secretary

Integrated Testing & Engineering Company

Kumar Palaniappan, President
Shawn Wilson, Vice President

Kleinfelder Central, Inc.

K. Craig Vaughn, President
Barlett W. Patton, Vice President
Russell O. Carey, Secretary
John M. Pilkington, Treasurer

Lawrence Engineering

Ron Pleasant, President
Timothy Gordon, Vice President
Ramsey Bradbury, Secretary
Richard McKinstry, Treasurer

Mas-Tek Engineering & Associates, Inc.

Stephen Mason, President
Tangelia Mason, Vice President

Professional Services Industries, Inc.

Howell Branum, President
Robert Schenck, Vice President
Mark Weiland, Secretary
Marshall Hammack, Treasurer

Rone Engineering Services, Ltd.

Richard K. Leigh, President
Mark D. Gray, Vice President
Doris Leigh, Secretary

OWNERS (Continued)

STL Engineers

Arcilia Acosta, President
Scott M. Pettit, Vice President

Team Consultants, Inc.

William Prikryl, President/Secretary/Treasurer

**Professional Services Contracts for Geotechnical
& Construction Materials Testing Services**

Alliance Geotechnical Group, Inc.
Bureau Veritas North America
CTL/Thompson Texas, LLC
Fugro Consultants, Inc.
Geotel Engineering, Inc.
Giles Engineering Associates, Inc.
Globe Engineers, Inc.
GME Consulting Services, Inc.
HBC Engineering, Inc. dba Terracon Consultants, Inc.
Henley-Johnston & Associates
HVJ Associates
Integrated Testing & Engineering Company
Kleinfelder Central, Inc.
Lawrence Engineering
Mas-Tek Engineering & Associates, Inc.
Professional Services Industries, Inc.
Rone Engineering Services, Ltd.
STL Engineers
Team Consultants, Inc.

June 27, 2007

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

Section 1. That the City Manager is authorized to execute a professional services contract with Alliance Geotechnical Group, Inc. (338366), Bureau Veritas North America (VS0000019283), CTL/Thompson Texas, LLC (510559), Fugro Consultants, Inc. (505028), Geotel Engineering, Inc. (354487), Giles Engineering Associates, Inc. (350698), Globe Engineers, Inc. (502808), GME Consulting Services, Inc. (356975), HBC Engineering, Inc. dba Terracon Consultants, Inc. (341409), Henley-Johnston & Associates (041733), HVJ Associates (VS0000005759), Integrated Testing & Engineering Company (335648), Kleinfelder Central, Inc. (041746), Lawrence Engineering (509330), Mas-Tek Engineering & Associates, Inc. (350688), Professional Services Industries, Inc. (VS0000017524), Rone Engineering Services, Ltd. (089164), STL Engineers (517672), and Team Consultants, Inc. (255849) for a twenty-four-month professional service contract for geotechnical studies and construction materials testing services in an amount not to exceed \$7,000,000.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to these firms shall be based only on the amount of the services directed to be performed by the City and properly performed by these firms under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$7,000,000.00:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJECT</u>
0001	POM	1233	3099

Section 3. 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
 Environmental & Health Services
 Equipment & Building Services
 Housing
 Public Works and Transportation
 Sanitation Service
 Street Services
 Water Utilities
 Office of Environmental Quality

KEY FOCUS AREA: Staff Accountability

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Department of Development Services

CMO: Thomas P. Perkins, Jr., 670-3491
A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Alicia Horton v. City of Dallas, Texas, Civil Action No. 3:07-CV-0002-N - Not to exceed \$39,000 - Financing: Current Funds

BACKGROUND

Plaintiff is represented by attorney J. Mark Perrin, The Perrin Law Firm, P.C.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Council was briefed in Closed Session on June 20, 2007.

FISCAL INFORMATION

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

\$39,000 - Current Funds

June 27, 2007

WHEREAS, a lawsuit, styled Alicia Horton v. City of Dallas, Texas, Civil Action No. 3:07-CV-0002-N, was filed by Plaintiff seeking compensation from the City of Dallas for damages caused by the alleged denial of her statutory rights, involving an employee of the Department of Development Services; and

WHEREAS, Plaintiff, Alicia Horton, through her attorney, J. Mark Perrin, The Perrin Law Firm, P.C., has agreed to settle this lawsuit for the amount of \$39,000; **Now, Therefore**,

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

SECTION 1. That the settlement of the lawsuit styled Alicia Horton v. City of Dallas, Texas, Civil Action No. 3:07-CV-0002-N, in the amount of \$39,000 is hereby approved.

SECTION 2. That the City Controller is authorized to pay to Alicia Horton and attorney, J. Mark Perrin, the amount of \$39,000 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: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 4

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 55X

SUBJECT

A resolution declaring approximately 34,600 square feet of City-owned land improved with a former library located at the intersection of Lancaster Road and Corning Avenue unwanted and unneeded and authorize its advertisement for sale by sealed bid with a minimum bid of \$578,000 – Financing: No cost consideration to the City

BACKGROUND

This item will declare approximately 34,600 square feet of City-owned land improved with a former library located at the intersection of Lancaster Road and Corning Avenue unwanted and unneeded and authorize its advertisement for sale by sealed bid. The advertisement will establish a minimum bid requirement which is based on an independent appraisal, and state that the City of Dallas reserves the right to reject any and all bids received.

This property will be advertised for sale with a reservation of all oil, gas and other minerals in and under the property and a restriction prohibiting the placement of industrialized housing. The advertisement will be posted in local newspapers and on the Real Estate website. A "for sale" sign will be placed on the property with notices of the sale being sent to: (1) property owners within 300 feet of the property; (2) brokers and agents in the Dallas area; and (3) investors and citizens kept on an internal surplus property mailing list.

The current zoning for this property is community retail and the tax value is \$186,900. The property will return to the tax rolls upon conveyance.

This property has been reviewed by the Housing Department for infill housing and is not desired for this program.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

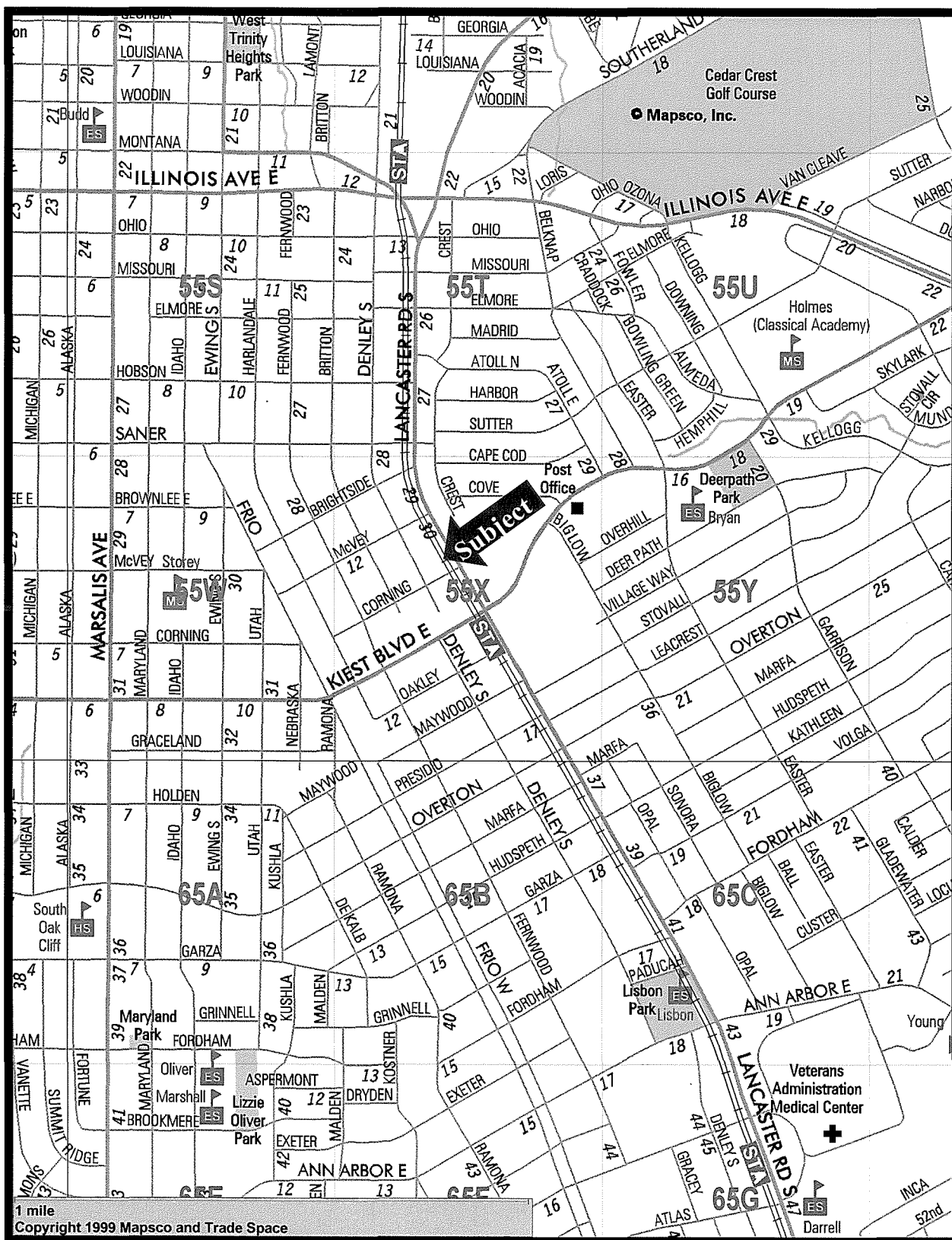
This item has no prior action.

FISCAL INFORMATION

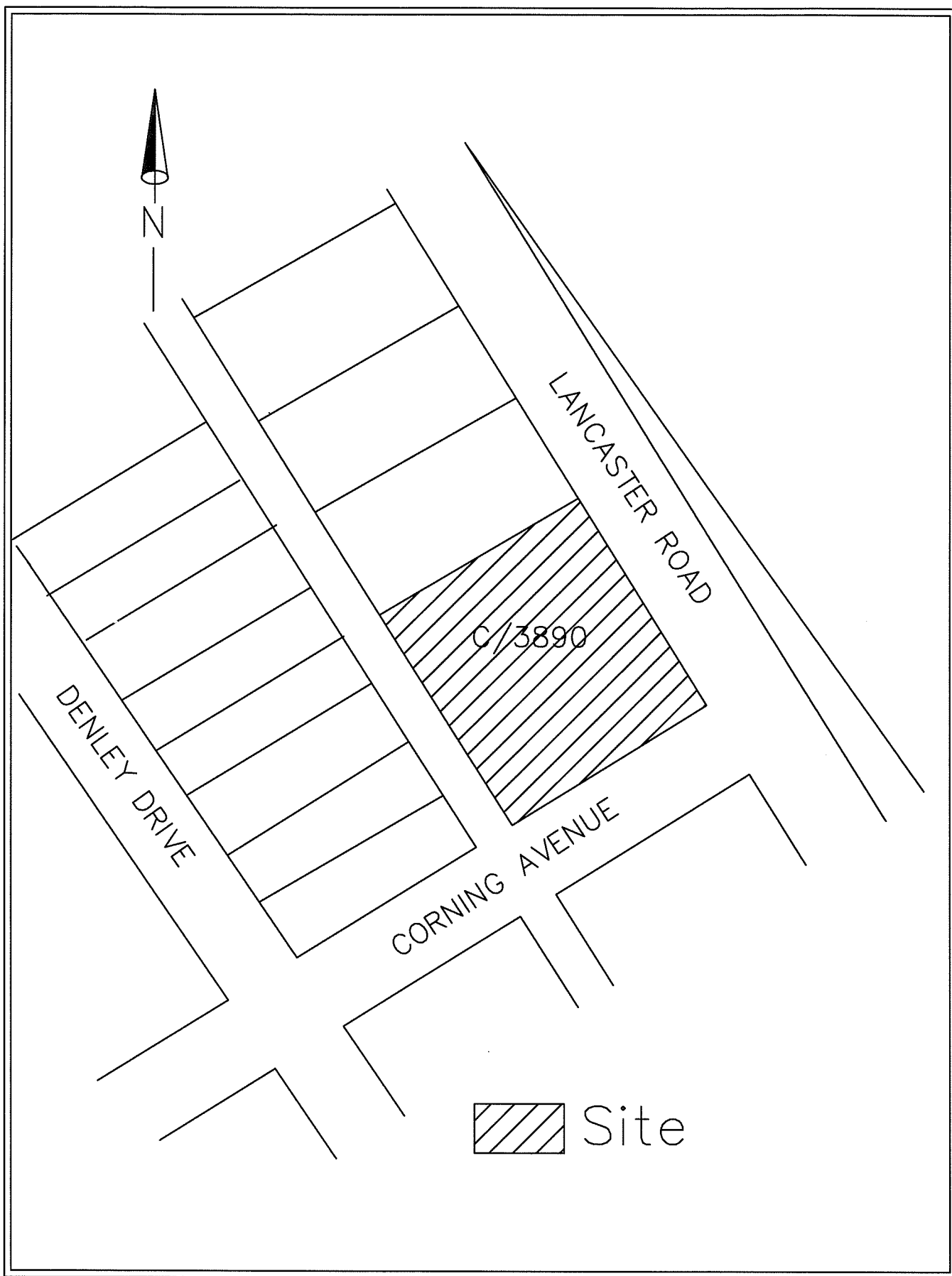
No cost consideration to the City

MAPS

Attached



Mapsco 55X

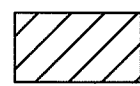


DENLEY DRIVE

LANCASTER ROAD

CORNING AVENUE

C/3890



Site

June 27, 2007

WHEREAS, the City of Dallas is the owner of a tract of unwanted and unneeded land located in Dallas County, Texas and described below; and

WHEREAS, said City property is currently developable and must be disposed of by sealed bid in compliance with State law; **Now Therefore**,

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

SECTION 1. That the following listed City-owned land is declared unwanted and unneeded by the City Council and is to be advertised for sale pursuant to State law, with the minimum bid as specified:

Parcel No.1, containing approximately 34,600 square feet in Lots 21, 22, 23, and 24, Block C/3890, Dallas County, Texas, located at 3039 Lancaster Road at the intersection of Lancaster Road and Corning Avenue, – **Minimum Bid \$578,000.00.**

SECTION 2. That the Director of Development Services is authorized to advertise the above described property for sale.

SECTION 3. That the advertisement of the property shall state:

- a) that the City of Dallas reserves the right to reject any and all bids received and all sales are subject to approval by the Dallas City Council;
- b) that the sale shall be by Deed Without Warranty in a form approved by the City Attorney;
- c) that the sale shall be subject to the terms, covenants, conditions, reservations, restrictions and exceptions of this authorizing resolution, including without limitation the following:
 - i) any and all visible and apparent easements and encroachments, whether of record or not;
 - ii) a restriction prohibiting the placement of industrialized housing on the property;
 - iii) 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;

June 27, 2007

- iv) an easement for street purposes containing approximately 3,523 square feet of land as conveyed by Volume 3698 Page 42, Volume 3704 Page 109 and Volume 3737 Page 65, Deed Records of Dallas County, Texas;
- v) the reservation in the deed conveying the said property of a 15 foot by 15 foot alley sight easement and a 10 foot by 10 foot corner clip easement at the southwest and southeast corners respectively of said Lot 24 Block C/3890;
- vi) 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;
- vii) 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;
- d) that, to the maximum extent allowed by law, the sale shall be strictly on an "AS IS, WHERE IS, WITH ALL FAULTS" basis; and
- e) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

SECTION 4. That as a material part of the consideration for the sale, the grantee and the City shall acknowledge and agree and provided in any relevant instrument that, to the maximum extent allowed by law, (a) grantee is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS", (b) the City disclaims responsibility as to the accuracy or completeness of any information relating to the Property, (c) 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 (d) the City 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. Without limiting the foregoing, the City 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:

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(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.

SECTION 5. That all closing costs and title expenses, including without limitation costs of title insurance, if desired, shall be paid by grantee.

SECTION 6. That the property is now on the exempt tax roll, and taxes for the remaining part of the then current calendar year shall be assessed from the date of closing.

SECTION 7. 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): 4, 5, 6, 7, 8

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 46T V W X 47L 52E F 55B 56S 58F 66E 76A

SUBJECT

Authorize the quitclaim of 12 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$164,738

BACKGROUND

This item authorizes the quitclaim of 12 properties which were foreclosed by the Sheriff's Department for unpaid taxes pursuant to judgments or seizure warrants from a District Court. These properties are being sold to the highest bidders and will return to the tax rolls upon conveyance.

Successful bidders are required to sign a certification stating that they are not purchasing these properties on behalf of the foreclosed owners and that they have no debts owed to the City, no pending code violations and that they are not chronic code violators.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: \$164,738

OWNER

Perry Profile Properties, LLC

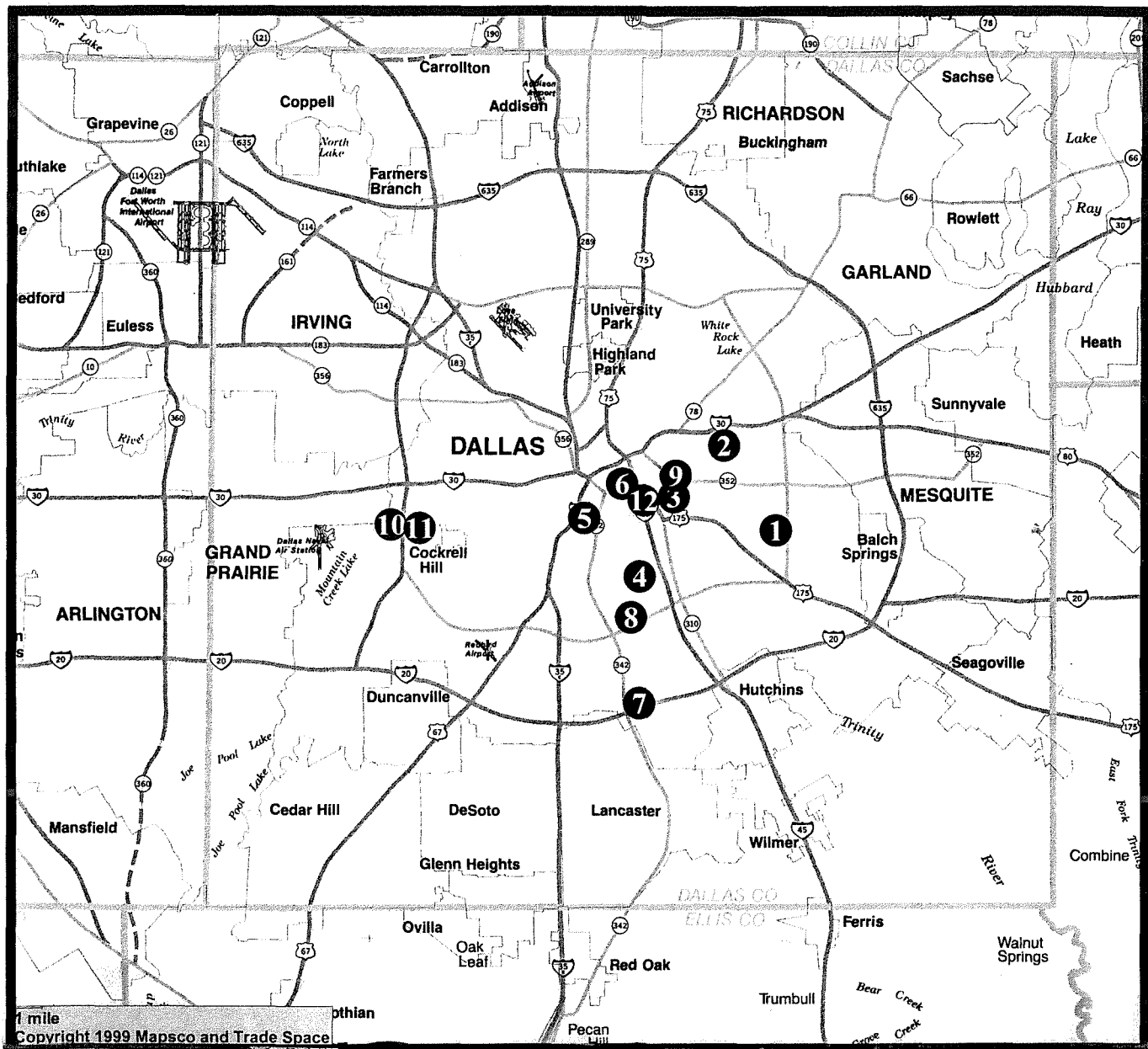
Samar Perry, CEO

MAP

Attached

Tax Foreclosure and Seizure Property Resale

<u>Parcel No.</u>	<u>Address</u>	<u>Bidder</u>	<u># Bids</u>	<u>Amount</u>	<u>DCAD Value</u>	<u>Vac/ Imp</u>	<u>Zoning</u>	<u>Council District</u>
1.	7826 Aurora	Manuel Gonzalez	7	\$30,030.30	\$ 45,460.00	I	R-7.5A	5
2.	5819 Cary	Manuel Gonzalez	2	\$20,020.20	\$51,010.00	I	R-7.5A	7
3.	2830 Dathe	Irma Harris Chase	1	\$5,925.00	\$22,490.00	I	PD595 R-5A	7
4.	3217 Illinois	David Lozano	1	\$8,500.00	\$40,080.00	I	CS	4
5.	212 Landis	Maria Ornelas	1	\$12,100.00	\$35,300.00	I	PD388	7
6.	2615 Lenway	Donathan Alexander	2	\$10,000.00	\$26,160.00	I	PD595	7
7.	3129 Nandina	Tomas Sanchez	2	\$23,500.00	\$56,570.00	V	R-7.5A	8
8.	2746 52nd	John W. Young	2	\$20,062.50	\$65,000.00	V	MF-2A	5
9.	2714 Hector	Tezzy L. Manning	2	\$500.00	\$5,000.00	V	PD595	7
10.	9 Marine Way	Perry Profile Properties, LLC	2	\$12,500.00	\$28,420.00	V	R-7.5A	6
11.	101 S. Tatum	Tomas Sanchez	1	\$16,000.00	\$18,750.00	V	PD595	6
12.	3518 Packard	Tom Blue III	7	\$5,550.00	\$6,000.00	V	PD 595 R-5A	7



Parcel No.	Address	Mapsc	Council District
1	7826 AURORA	58F	5
2	5819 CARY	47L	7
3	2830 DATHE	46T	7
4	3217 E ILLINOIS	56S	4
5	212 LANDIS	55B	7
6	2615 LENWAY	46W	7
7	3129 NANDINA	76A	8
8	2746 52 ND	66E	5
9	2714 HECTOR	46V	7
10	9 MARINE WAY	52E	6
11	101 S TATUM	52F	6
12	3518 PACKARD	46X	7

June 27, 2007

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

WHEREAS, in accordance with Attorney General Opinion No. JM-1232, the City of Dallas, pursuant to the provisions of Section 34.05(a) of the Property Tax Code, may sell the Properties at any time, ("the Second Sale"), subject to any right of redemption existing at the time of the Second Sale; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.05 of the Property Tax Code, a taxing unit is authorized to resell the Properties; and

WHEREAS, by accepting its pro rata proceeds from the Second Sale, the State concurs in the transfer of Properties in which it has an interest; and

WHEREAS, the City Manager, acting on behalf of the County, when granted consent pursuant to a County Commissioner's Court Order, and DISD, when granted consent pursuant to a School Board Resolution, has the authority to execute a quitclaim deed to the Properties quitclaiming to the purchasers the right, title, and interest acquired or held by each taxing unit that was a party to the judgment foreclosing tax liens on the Properties or the warrant authorizing Seizure of the Properties; and

WHEREAS, the Properties were advertised in the Dallas Morning News on the dates as indicated on Exhibit A;

WHEREAS, the City Council has previously approved the resale of other properties where funds were not received and have not been disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County; and

WHEREAS, the distribution of the proceeds of the resale will be in accordance with Chapter 34, Section 34.06 of the Property Tax Code; Now, Therefore,

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

SECTION 1. That upon receipt of the monetary consideration from the bidder for each parcel from the list of Properties, as specified in Exhibit A, and upon consent by the County and DISD, the City Manager is hereby authorized to execute Quitclaim Deeds, subject to the right of redemption, if any, and to the terms, conditions and release of the taxing entities therein, to be attested by the City Secretary upon approval as to form by the City Attorney.

June 27, 2007

SECTION 2. That the consideration received shall be distributed pursuant to Chapter 34, Section 34.06 of the Property Tax Code and applied to payment of the judgment, court costs, interest, and cost of sale owed to the taxing entities by the delinquent taxpayer or the amount of delinquent taxes, penalties, the amount secured by any municipal health or safety liens on the Property included in the Warrant application, court costs, interest and cost of seizure and sale owed to the taxing entities as set forth in the Warrant; any such amount(s) still owed by the delinquent taxpayer to any of the taxing entities shall remain the personal obligation of the delinquent taxpayer, and any excess amounts shall be distributed in the manner described in Section 34.03 of the Property Tax Code.

SECTION 3. That the purchasers shall be responsible for the pro rata property taxes assessed from the date of closing for the remaining part of the then current calendar year. These Properties shall be placed back on the tax rolls effective as of the date of execution of the deed.

SECTION 4. That to the extent authorized by law the liens securing the taxes referenced in Section 2 above are hereby released.

SECTION 5. That any and all proceeds for the resale of the properties listed on Exhibit A and for the properties previously approved for resale by the City Council where funds were not received and have not been disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County be deposited to General Fund 0001, Department DEV, Balance Sheet Account 0519.

SECTION 6. That upon receipt of the consideration, the City Controller is authorized to disburse proceeds of the resale of the properties listed on Exhibit A, in accordance with Chapter 34, Section 34.06 of the Property Tax Code, which calculations for disbursement shall be provided by the Director of Development Services, to the City of Dallas Land Based Receivables, the Dallas County District Clerk and the Dallas County Tax Office from the account specified in Section 5 above.

SECTION 7. That upon receipt of the consideration, the City Controller is authorized to disburse proceeds pursuant to Chapter 34, Section 34.06 of the Property Tax Code, which calculations for disbursement shall be provided by the Director of Development Services, for properties previously approved for resale by the City Council where funds have not been disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County from the account specified in Section 5 above.

SECTION 8. That any procedures required by Section 2-24 of the Dallas City Code that are not required by state law are hereby waived with respect to this conveyance.

June 27, 2007

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

EXHIBIT A

TAX-FORECLOSED (TF) AND SEIZURE WARRANT (SW) PROPERTY RESALES

June 27, 2007

PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	TF/SW	VACANT IMPROVED	OWNED BY TAXING ENTITIES*	DEED VOLUME PAGE	DMN DATES ADVERTISED	# BIDS	BIDDER	BID AMOUNT
1	7826 Aurora Lot 24, Block 7/6237 Buckner Park Addition No.1	TF	I	1,2,3	200600363255	4-7/8-07	7	Manuel Gonzalez	\$30,030.30
2	5819 Cary Lot 11 R, Block B/5805 Birkhead's Subdivision	TF	I	1,2,3	200600363256	4-7/8-07	2	Manuel Gonzalez	\$20,020.20
3	2830 Dathe Lot 8, Block 1969-D Dathe's Homestead Addition	TF	I	1,2,3	200600244748	4-7/8-07	1	Irma Harris Chase	\$5,925.00
4	3217 Illinois Lot 49, Block G/6094 Bonnie View Gardens Addition No. 2	TF	I	1,2,3	200600077444	4-7/8-07	1	David Lozano	\$8,500.00
5	212 Landis Lot 4, Block 3/3118 Betterton Springhill Addition	TF	I	1,2,3	200600210791	4-7/8-07	1	Maria Ornelas	\$12,100.00

* 1=CITY, 2=DISD, 3=COUNTY, 4=STATE All properties are located in the City of Dallas, Dallas County, Texas
All Sheriff's Deeds are recorded in the Dallas County Deed Records

EXHIBIT A**TAX-FORECLOSED (TF) AND SEIZURE WARRANT (SW) PROPERTY RESALES****June 27, 2007**

PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	TF/SW	VACANT IMPROVED	OWNED BY TAXING ENTITIES*	DEED VOLUME PAGE	DMN DATES ADVERTISED	# BIDS	BIDDER	BID AMOUNT
6	2615 Lenway Lot 35, Block A/1694 John F. Burgers South Side Addition	TF	I	1,2,3	200600026942	4-7/8-07	2	Donathan Alexander	\$10,000.00
7	3129 Nandina SW 65 Feet Lot 21, Block 21/7614 Alta Mesa Park Addition	TF	I	1,2,3	200600357890	4-7/8-07	1	Tomas Sanchez	\$23,500.00
8	2746 52 nd Lots 25, 26 and 27, Block 44/5845 Kessler Heights Addition No. 3	TF	V	1,2,3	200600160411	4-7/8-07	2	John W. Young	\$20,062.50
9	2714 Hector Lot 6, Block 1829-8 Guinns Subdivision	TF	V	1,2,3	200600357895	4-7/8-07	2	Tezzy L. Manning	\$500.00
10	9 Marine Way Lot 9, Block I/8343 Mountain Lakes Estates Addition	TF	V	1,2,3	200600363252	4-7/8-07	2	Perry Profile Properties, LLC	\$12,550.00

* 1=CITY, 2=DISD, 3=COUNTY, 4=STATE All properties are located in the City of Dallas, Dallas County, Texas
All Sheriff's Deeds are recorded in the Dallas County Deed Records

EXHIBIT A

TAX-FORECLOSED (TF) AND SEIZURE WARRANT (SW) PROPERTY RESALES

June 27, 2007

PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	TF/SW	VACANT IMPROVED	OWNED BY TAXING ENTITIES*	DEED VOLUME PAGE	DMN DATES ADVERTISED	# BIDS	BIDDER	BID AMOUNT
11	101 S. Tatum Lots 9 & 10, Block 20/8342 Arcadia Park Addition	TF	V	1,2,3	200600357887	4-7/8-07	1	Tomas Sanchez	\$16,000.00
12	3518 Packard Lot 4, Block 2/1705 Central Park Addition	TF	V	1,2,3	200600237322	4-7/8-07	7	Tom Blue III	\$5,550.00
								TOTAL:	\$164,738.00

* 1=CITY, 2=DISD, 3=COUNTY, 4=STATE All properties are located in the City of Dallas, Dallas County, Texas
All Sheriff's Deeds are recorded in the Dallas County Deed Records

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 14
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 36X

SUBJECT

An ordinance abandoning a portion of an alley to Rivendell Matilda, LP and Kenneth A. Lock, the abutting owners, containing approximately 900 square feet of land located near the intersection of Oram and Matilda Streets, and authorizing the quitclaim - Revenue: \$27,540 plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of an alley to Rivendell Matilda, LP and Kenneth A. Lock, the abutting owners. The proposed area to be abandoned will be included with the property of the abutting owners for assemblage with their adjacent land for construction of a 38-unit multi-family development. The abandonment fee is based on an independent appraisal.

Notices were sent to 37 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: \$27,540 plus the \$20 ordinance publication fee

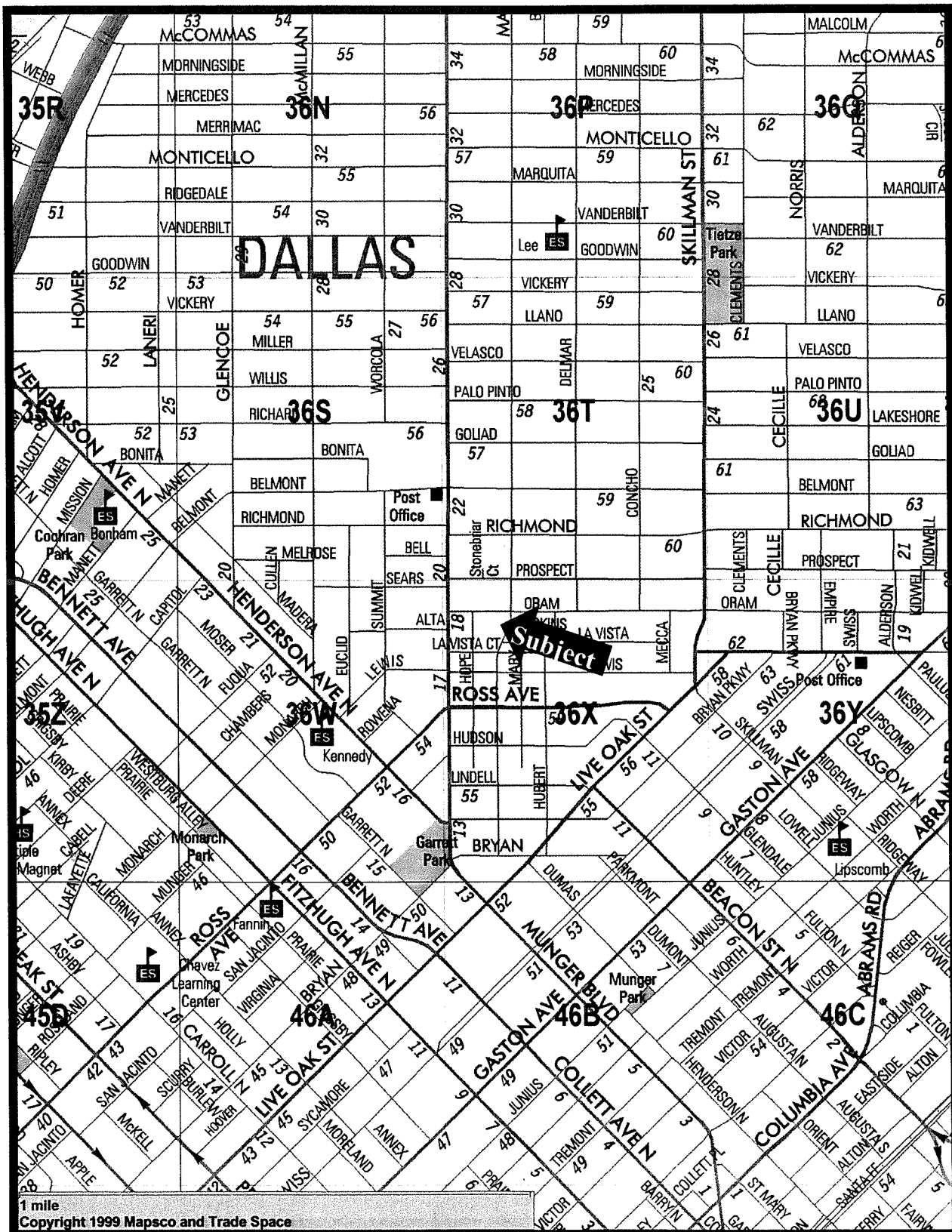
OWNER

Rivendell Matilda, LP

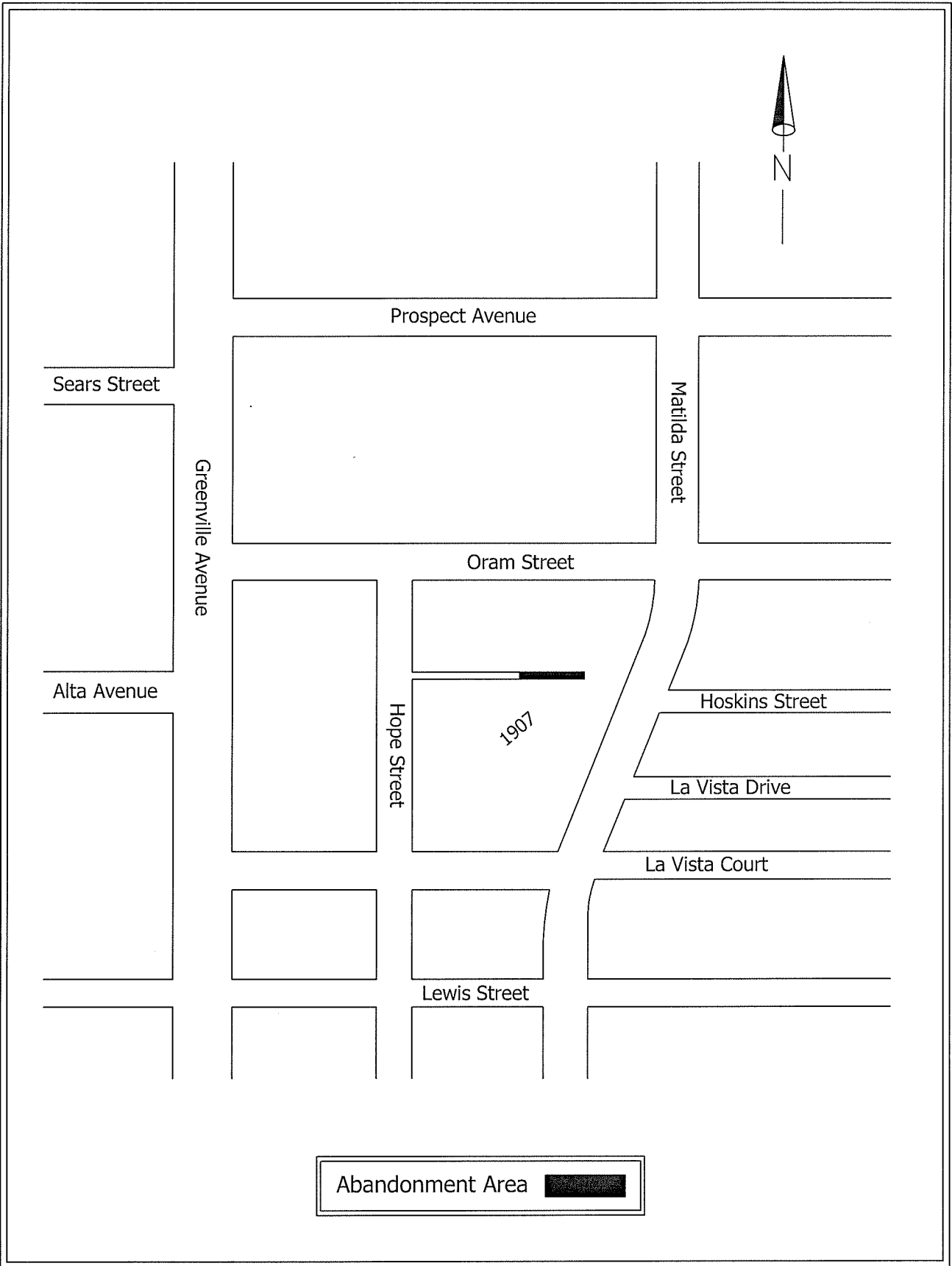
Meek GP, LLC, General Partner
M. Stephen Meek, Managing Partner

MAPS

Attached



Mapsco 36X



ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of an alley located adjacent to City Blocks 1907 and 1908 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Rivendell Matilda, LP and Kenneth A. Lock; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing for the waiver of certain provisions of Dallas Development Code; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Rivendell Matilda, LP, a Texas limited partnership and Kenneth A. Lock, an individual, hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said alley right-of-way is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

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

SECTION 1. That those certain provisions of Sections 51A-8.507(b)4 of the Dallas Development Code regarding dead-end alleys to the extent, not required by state law or City Charter, are hereby waived with respect to this ordinance.

SECTION 2. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 3. That for and in monetary consideration of the sum of **TWENTY-SEVEN THOUSAND FIVE HUNDRED FORTY AND NO/100 (\$27,540.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 9, 10 and 11, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to that certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 4. That upon payment of the monetary consideration set forth in Section 3, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 5. That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 3 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Development Services - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 6. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and for all intents and purposes made a part hereof.

SECTION 7. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, their heirs, successors and assigns.

SECTION 8. 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 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, their heirs, 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**, their heirs, successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, their heirs, successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, their heirs, 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 substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15

U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the Deed Records of Dallas, Texas after its approval by the City Plan Commission of the City of Dallas.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Development Services. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, their heirs, successors and assigns, to the satisfaction of the Director of Development Services.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Development Services, or designee. Upon receipt of the monetary consideration set forth in Section 3, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Development Services, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Development Services, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

THERESA O'DONNELL
Director of Development Services

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 35 Y

SUBJECT

Cityplace Area TIF District

- * Authorize **(1)** a development agreement with Criterion Property Company, L.P. to provide funding for the design, engineering, professional services and construction of public improvements for the Criterion Cityplace Urban Resort, a high-density residential project located at 3925 North Central Expressway in Tax Increment Financing Reinvestment Zone Number Two (Cityplace Area TIF District); **(2)** the Cityplace Area TIF District Board of Directors to dedicate up to \$966,375 from the 2004 TIF Bond Funds and future Cityplace Area TIF revenues in accordance with the development agreement; **(3)** the Director of the Office of Economic Development to extend the project completion date up to six months for good cause and with additional considerations; and **(4)** the establishment of appropriations in the amount of \$300,375 in the Cityplace TIF Bond Fund - Total not to exceed \$966,375 - Financing: Cityplace TIF District Funds and/or Tax Increment Bond Funds
- * A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Two (Cityplace Area TIF District) to pay Criterion Property Company, L.P. up to \$966,375 for certain TIF-eligible project costs related to the development of the Criterion Cityplace Urban Resort, a high-density residential project located at 3925 North Central Expressway in the Cityplace Area TIF District - Financing: No cost consideration to the City

BACKGROUND

Criterion Property Company, L.P. (Criterion) plans to build a 5-floor structure over 2 parking levels providing a minimum of 370 multi-family luxury rental units averaging 950 square feet located at 3925 N. Central Expressway in the Cityplace Area TIF District. The residential development will have 579 structured parking spaces, 23 on-site surface parking spaces and 3 street parking spaces. The minimum private investment is approximately \$60,000,000.

BACKGROUND (continued)

The development represents one of the last four tracts remaining for high density development in Cityplace, to implement the Cityplace Area TIF Project Plan.

The cost of related TIF eligible public improvements is approximately \$966,375. These improvements include, but are not limited to design, engineering, professional services, wastewater enhancements, utility burial/relocation and streetscape/landscape improvements.

The \$966,375 total amount of TIF funds committed to the Criterion Cityplace Urban Resort project is based on the estimated expenditures to be incurred by Criterion Property Company, L.P. (Criterion), on eligible TIF project costs.

Certain costs of improvements are eligible for funding with tax increment revenues under legislative actions taken in 2005. Pursuant to the Cityplace Area TIF District Project Plan and Reinvestment Zone Financing Plan, the Board recommended that TIF funding up to \$966,375 be dedicated or pledged from future Cityplace Area TIF District revenues to the proposed Criterion Cityplace development. No TIF subsidies will become payable until the Criterion Cityplace Urban Resort project is fully completed.

Criterion Property Company, L.P. will fund and construct the approved TIF eligible public improvements at a cost of approximately \$966,375. Criterion Property Company, L.P., will be reimbursed solely from the Cityplace Area TIF District Fund, and/or Tax Increment Bonds, not City general funds or other City bond funds, only to the extent Cityplace Area TIF District funds are available. Reimbursement for these TIF eligible project costs will be made from two sources of Cityplace Area TIF District funds; approximately \$666,000 will be repaid from tax increment revenues and approximately \$300,375 will be repaid from 2004 Cityplace Area TIF Bond Funds.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	December 2007
Complete Construction	October 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 11, 1992, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Two (Cityplace Area TIF District) by Ordinance No. 21465.

On August 11, 1993, City Council authorized the Final Project Plan and Reinvestment Zone Financing Plan for the Cityplace Area TIF District by Ordinance No. 21769 as amended.

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

On March 30, 2007, the Cityplace Area TIF Board of Directors reviewed the proposed Criterion Cityplace Urban Resort project, and recommended City Council consideration of a development agreement with Criterion Property Company, L.P. and the Cityplace Area TIF District's participation in the project.

FISCAL INFORMATION

\$966,375 – Cityplace TIF District Funds and/or 2004 Tax Increment Bond Funds

OWNER

Criterion Property Company, L.P.

W. Pretlow Riddick
General Partner

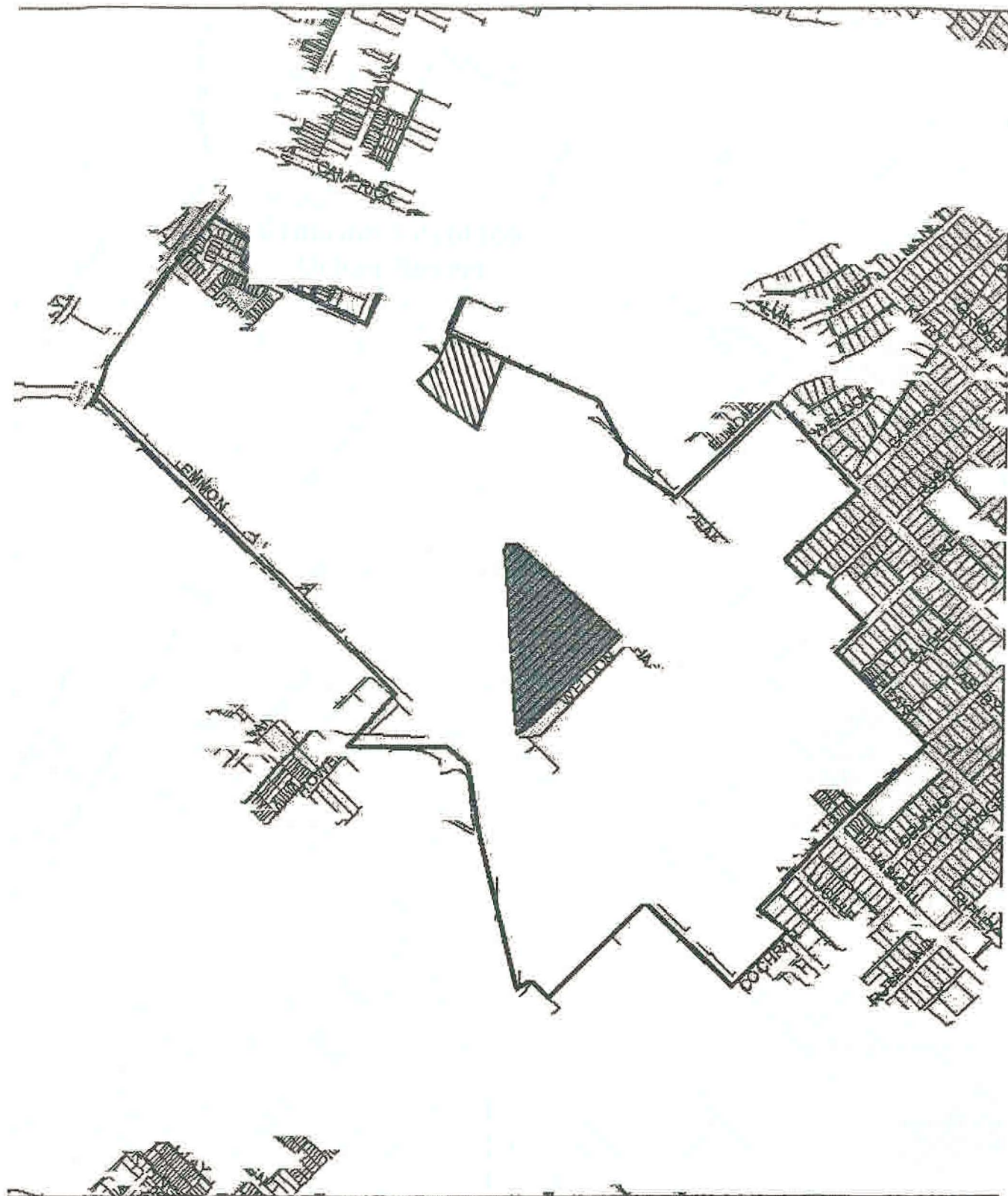
DEVELOPER

Criterion Property Company, L.P.

W. Pretlow Riddick
General Partner

MAP

Attached.



Site Map

June 27, 2007

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

WHEREAS, on November 11, 1992, the City Council established Tax Increment Financing Reinvestment Zone Number Two Cityplace Area TIF District in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act") to promote development and redevelopment in the Cityplace area through the use of tax increment financing by Ordinance No. 21465; and

WHEREAS, on August 11, 1993, the City Council approved the Cityplace Area TIF District Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 21769 as amended; and

WHEREAS, on March 30, 2007 the Cityplace Area TIF District Board of Directors reviewed the proposed development of the Criterion Property Company, L.P. ("Criterion"), high-density residential project (Criterion Cityplace Urban Resort) located at 3925 N. Central Expressway in the Cityplace Area TIF District and recommend City Council consideration of a development agreement with Criterion Property Company, L.P. and authority to dedicate an amount not to exceed \$966,375 in TIF Bond funds and/or future TIF revenues from the Cityplace Area TIF District; and

WHEREAS, the development high density residential anchors or catalyst developments is necessary for the future growth and expansion of residential and commercial activity within the City of Dallas; and

WHEREAS, in furtherance of the Cityplace Area TIF District Project Plan and Reinvestment Zone Financing Plan and to promote within the Cityplace 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 provide economic incentives to Criterion Property Company, L.P., for the construction of a project containing a minimum of 300,000 square feet of residential space and a minimum of 500 structured parking spaces on land located at 3925 N. Central Expressway in the Cityplace Area TIF District.

NOW, THEREFORE,

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

Section 1. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

June 27, 2007

Section 2. That following approval as to form by the City Attorney the City Manager is hereby authorized to execute a development agreement between Criterion Property Company, L.P. and the City of Dallas, on behalf of the Cityplace Area TIF District, in an amount not to exceed \$966,375 for the Criterion Cityplace Urban Resort development to implement the Cityplace Area TIF District Project plan and Reinvestment Zone Financing Plan and the Cityplace Area TIF Board of Directors may therefore pledge or dedicate TIF Bond funds and/or future TIF revenues in satisfaction of this agreement.

Section 3. That the City Manager is hereby authorized to establish appropriations in Fund 0043, Department ECO, Unit P366, Object 4420, in amount not to exceed \$300,375.

Section 4. That the City Controller is authorized disburse funds from:

Cityplace TIF Bond Fund – Fund 0043, Department ECO, Unit P366, Activity TICP, Object 4420, Program No. CPT1F002, CT ECOP366E039, Vendor No. VS0000019071, in an amount not to exceed \$300,375.

Cityplace TIF District Fund - Fund 0030, Department ECO, Unit 9941, Activity TICP, Object 4420, Program No. CPT1F002, CT ECO9941E040, Vendor VS0000019071, in amount not to exceed \$666,000.

Section 5. That Criterion Property Company, L.P. shall design, fund and construct public improvements to support the development of Criterion Cityplace Urban Resort in an amount not to exceed \$966,375 for the costs of construction of TIF eligible public improvements for Criterion Cityplace Urban Resort, a high-density residential project located at 3925 North Central Expressway in the Cityplace Area TIF District, which shall be repaid from the Cityplace Area TIF District Funds and/or Tax Increment Bonds in accordance with the terms of the development agreement described in hereof, but only to the extent such Cityplace Area TIF District Funds and/or Tax Increment Bonds are available for such purpose.

Section 6. That nothing in this resolution shall be construed to require the City to approve reimbursement from any source of City funds other than the Cityplace Area TIF District Fund and/or Tax Increment Bonds. Any funds expended by Criterion Property Company, L.P., under the development agreement that have not been repaid, due to lack of or unavailability of Cityplace Area TIF District funds shall no longer be considered project costs of the Cityplace Area TIF District, and the obligation of the Cityplace Area TIF District or the City to repay Criterion Property Company, L.P. shall automatically expire.

Section 7. That in addition to the conditions set out in the Sections above, the Development Agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

June 27, 2007

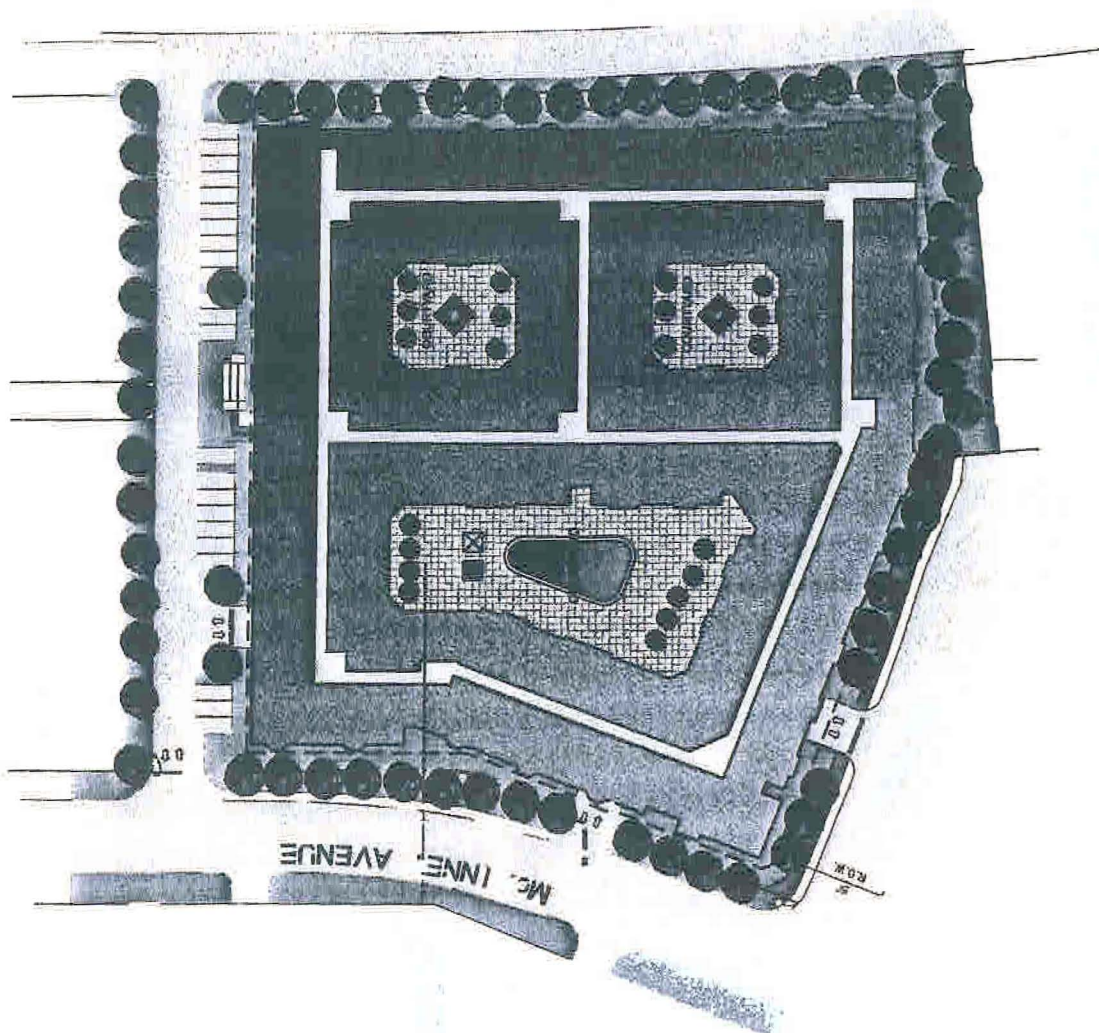
Section 7 (continued)

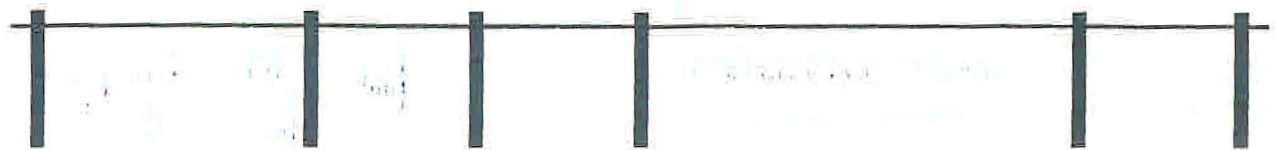
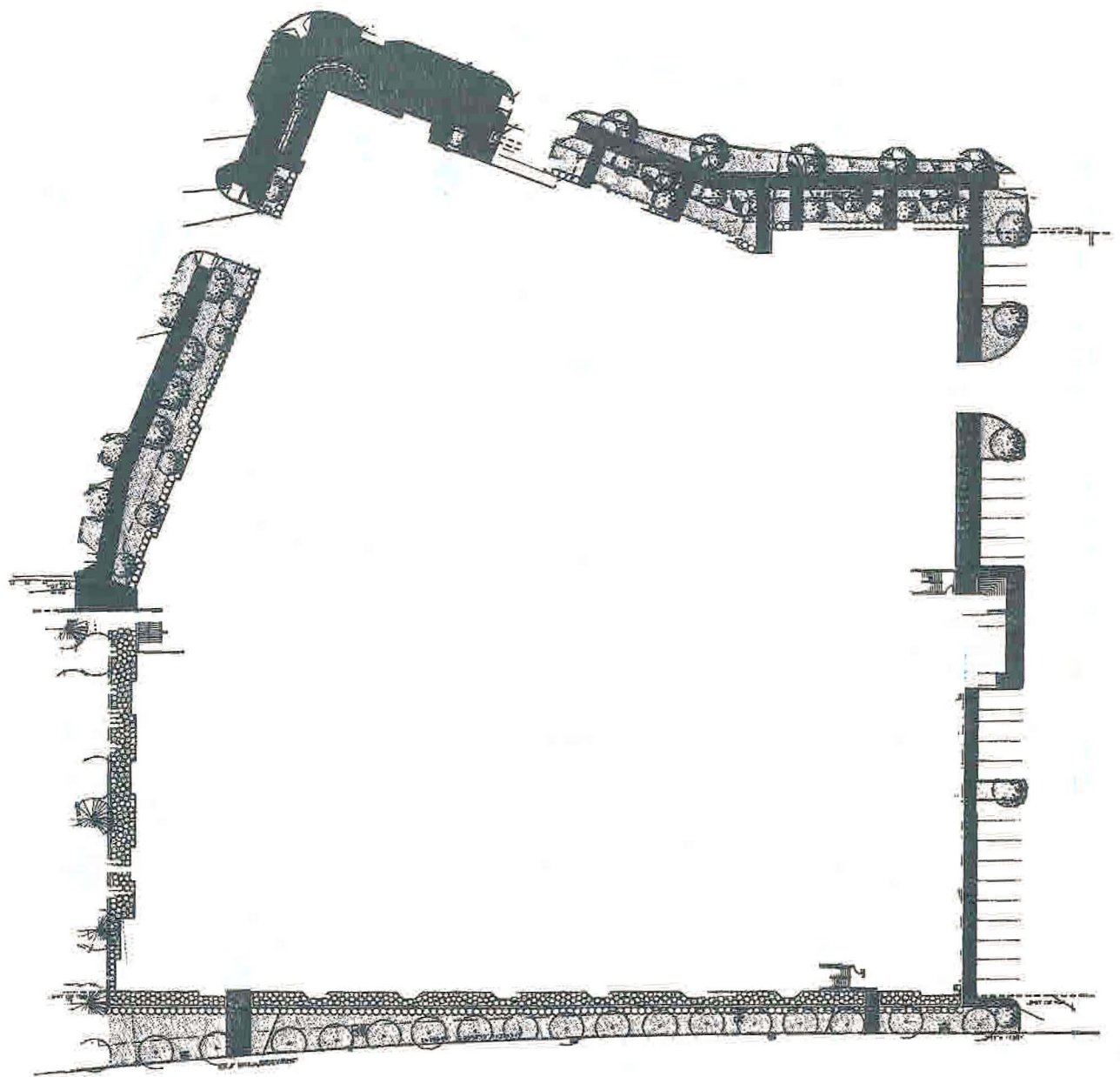
- A. Criterion Property Company, L.P. will invest a minimum of \$60,000,000 in private improvements in the Criterion Cityplace Urban Resort project, including property acquisition costs, and all public and private predevelopment, development, and construction costs associated with a high density residential development. The developer will be eligible for repayment upon completion. **(See Exhibit B & C)**
- B. The Criterion Cityplace Urban Resort development shall contain a minimum of 300,000 square feet of residential space and a minimum of 500 structured parking spaces.
- C. Criterion Property Company, L.P. shall use reasonable efforts to take out a construction or demolition permit for project improvements or commence funding of project improvements by December 31, 2007.
- D. Criterion Property Company, L.P. shall complete construction and obtain a final certificate of occupancy (CO) without tenant finish out, for Criterion Cityplace Urban Resort, a high-density residential project by October 31, 2009.
- E. Criterion Property Company, L.P. shall complete construction and obtain a final certificate of acceptance issued by the Department of Public Works and Transportation for public infrastructure projects associated with this project by October 31, 2009.
- F. Criterion Property Company, L.P. shall execute and fund an operating and maintenance agreement for all non-standard public improvements installed as a part of the Criterion Cityplace Urban Resort development by October 31, 2009.
- G. Criterion Property Company, L.P. shall comply with the City's M/WBE Good Faith Effort policy with a goal of twenty-five percent (25%) participation for the TIF eligible public improvement project construction.
- H. Criterion Property Company, L.P. shall cause the residential portion of the development to be marketed pursuant to the City's Affirmative Fair Housing Marketing Plan.
- I. The Director of the Office of Economic Development shall have the authority to extend the completion date for the project up to six (6) months for good cause and with additional consideration.

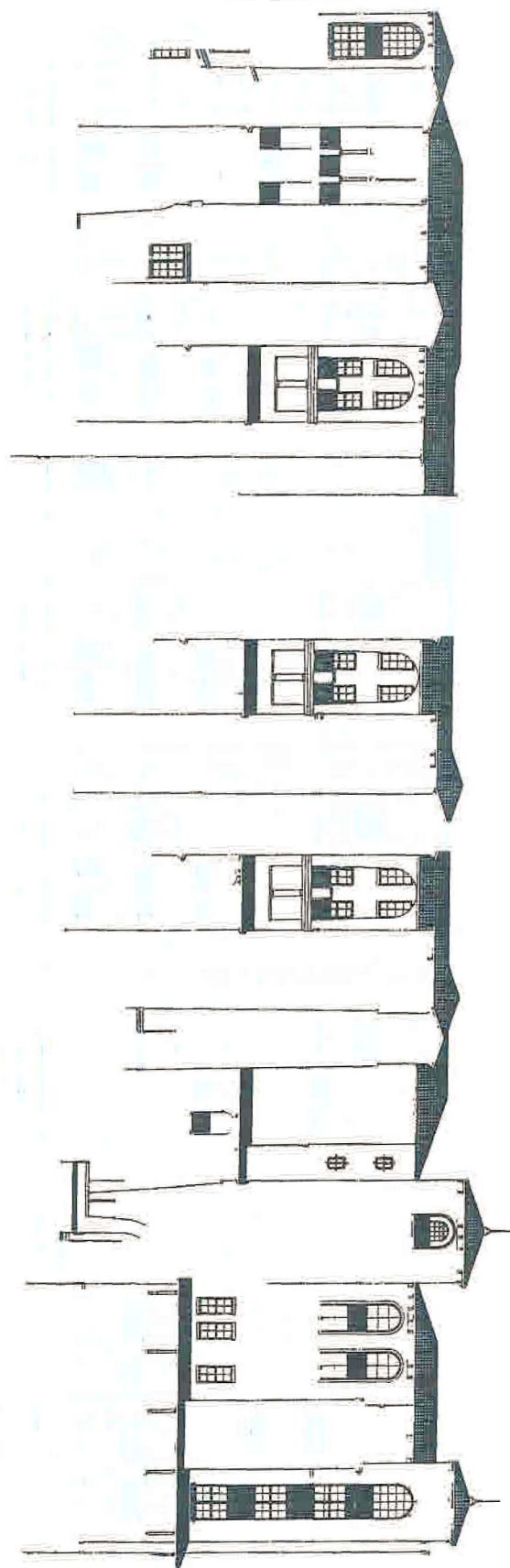
June 27, 2007

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

Distribution: Office of Economic Development – Tenna Kirk, 5CS
Office of Economic Development – Sajid Safdar, 2CN
Office of Economic Development - Stan Prichard, 2CN
City Attorney's Office - Barbara Martinez
City Attorney's Office - Sarah Hasbid







June 27, 2007

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

WHEREAS, on November 11, 1992, the City Council established Tax Increment Financing Reinvestment Zone Number Two, ("Cityplace Area TIF District"), in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act") to promote development and redevelopment in the Cityplace area through the use of tax increment financing by Ordinance No. 21465; and

WHEREAS, on August 11, 1993, the City Council approved the Cityplace Area TIF District Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 21769 as amended; and

WHEREAS, on March 30, 2007, the Cityplace Area TIF District Board of Directors reviewed the proposed Criterion Property Company, L.P. development and recommend City Council consideration of a development agreement with Criterion Property Company, L.P., and the Cityplace Area TIF District's participation in the project; and

WHEREAS, the development of high density anchors or catalyst developments is necessary for the future growth and expansion of residential and commercial activity within the City of Dallas; and

WHEREAS, the Issuer (hereinafter sometimes referred to as "City") is contemplating the construction of certain public improvements within the Cityplace Area TIF District; and

WHEREAS, the City has concluded that it does not currently desire to incur debt to finance the project costs it is about to pay; however, if in the best financial interest of the City may in the future negotiate with financial institutions to secure bonds or other obligations, or lines of credit, to aid in the funding of projects within the District; and

WHEREAS, the City desires to repay Criterion Property Company, L.P. for the costs it is about to pay from the proceeds of obligation to be issued or Cityplace Area TIF District revenues collected, subsequent to the payment of such costs; and

WHEREAS, the City has no other funds that are, or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside for purposes of paying the costs the City expects to incur.

NOW, THEREFORE,

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

June 27, 2007

Section 1. That the findings, determinations and certifications contained in the recitals above are incorporated herein for all purposes.

Section 2. That the issuer expects to incur debt as one or more series of obligation for the purpose of paying the costs on the Projects. The following is a general functional description of the Project for which the expenditures to be reimbursed or paid and a statement of the maximum principal amount of debt expected to be issued for such reimbursement purposes.

Project Description

Design and Construction of Public infrastructure improvements to be located within Reinvestment Zone Number Two, ("Cityplace Area TIF District") as shown on **Exhibit A**, attached hereto

Debt To Be Issued

not to exceed \$966,375
as provided by the Project
Plan and Reinvestment
Zone Financing Plan and
the Development Agreement

Section 3. That the total Cityplace Area TIF District participation in the cost of design, engineering, construction management and construction of the public improvements for the Criterion Cityplace Urban Resort development shall not exceed an amount of \$966,375 all in accordance with the terms of said development agreement.

Section 4. That nothing in the resolution shall be construed to require the City to approve repayment from any source of City funds other than the Cityplace Area TIF District Fund and/or Tax Increment Bonds. Any funds expended by Criterion Property Company, L.P., under the development agreement that remain unpaid, due to lack or unavailability of Cityplace Area TIF District Funds shall no longer be considered project costs of the Cityplace Area TIF District or the City to repay Criterion Property Company, L.P., shall automatically expire.

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 - Stan Prichard, 2CN
City Attorney's Office - Barbara Martinez
City Attorney's Office - Sarah Habid

Exhibit A

**Criterion Cityplace Urban Resort
Cityplace Area TIF District
Criterion Property Company, L.P. Project Costs**

For Design, Engineering, Construction and Construction Management of:

Utility Burial/Relocation	\$194,176
Water, Wastewater & Storm Water Improvements	\$126,876
Paving & Streetscape Improvements (Note 2) (wide sidewalks, brick pavers, street trees with grates & irrigation, bollards and or benches and distinctive pedestrian lighting)	\$521,361
Design & Engineering	\$66,113
<u>Construction Management</u>	<u>\$57,849</u>
Total Funded Costs	\$966,375

Note 1: The amounts listed above are engineering, construction, design, construction management, and contingency estimates. The cost elements may change slightly as the costs are defined; however, the total of the project costs will not exceed the approved amount of \$966,375.

Note 2:

McKinney Avenue

Construct 7 foot wide brick paver sidewalk along McKinney Avenue, with some portions ranging up to 16 foot wide with three metal tree grates. Pedestrian lights are spaced at approximately 40 feet apart for most of the frontage. Plant Nine, 5 inch caliper inch live oaks along McKinney Avenue approximately 40 feet apart. Plant three, 3 inch caliper pond cypress along McKinney Avenue approximately 16 feet apart. (no public access easement – all improvements are between the property line and the street)

Noble Avenue

Construct 7 foot wide brick paver sidewalk along Noble Avenue, with some portions ranging up to 12 foot wide with two metal tree grates. Pedestrian lights are spaced at approximately 30-60 feet apart for most of the frontage. Plant Three, 4 inch caliper inch red oaks along Noble Avenue at varying distances. Plant two, 3 inch caliper pond cypress along Noble Avenue approximately 12 feet apart. (no public access easement – all improvements are between the property line and the street)

Central Expressway

Construct 7 foot wide brick paver sidewalk along Central Expressway. Pedestrian lights are spaced at approximately 50 feet apart for most of the frontage. Plant Eighteen, 4 inch caliper inch lacebark elms along Central Expressway approximately 18 feet apart. (there will be an 8 feet x 419 feet public access easement along the Central Frontage – all improvements are between 8 foot behind the property line and the street)

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 7
DEPARTMENT: Office of Economic Development
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 56 C

SUBJECT

An ordinance amending Article XIV of Chapter 2 of the Dallas City Code to **(1)** rename the South Dallas/Fair Park Trust Fund Board as the South Dallas/Fair Park Development Fund Board; **(2)** revise qualifications for board members; and **(3)** incorporate charter changes relating to the dates on which board members are appointed and begin their terms – Financing: No cost consideration to the City

BACKGROUND

The South Dallas/Fair Park Trust Fund (Trust Fund) has operated under policies, procedures and guidelines established and amended throughout its conception and existence since 1987.

A thorough review of the operation of the Trust Fund completed by City staff revealed a need to address issues that have developed throughout its existence as the Trust Fund has evolved. The purpose of the proposed ordinance amendment is to reflect modifications in the June 28, 2006 Resolution No. 06-1833 that required an ordinance change.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 18, 1987, the City Council approved and adopted the South Dallas/Fair Park Neighborhood Preservation and Economic Development Plan to establish the South Dallas/Fair Park Trust Fund by Resolution No. 87-0632.

On November 8, 1989, the City Council, acting on certain recommendations put forth by the Fair Park Task Force authorized the creation of guidelines and projects concerning the Trust Fund by Resolution No. 89-3605.

On August 26, 1992, the City Council affirmed its commitment to the Trust Fund and directed the City Manager and South Dallas/Fair Park Trust Fund Board to submit recommendations for a long-range plan for the Trust Fund.

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

On March 24, 1993, the City Council approved certain recommendations contained in the long-range plan submitted for the Trust Fund by Resolution No. 93-1145.

On October 27, 1999, the City Council authorized an amendment to Resolution No. 93-1145 regarding the programs and administration of the Trust Fund, by Resolution No. 93-3439.

On February 25, 2004, the City Council authorized unused Trust Fund monies under certain conditions to be used in subsequent fiscal years by Resolution No. 04-0801.

On May 9, 2006, the Economic Development and Housing Committee was briefed on the modifications to the South Dallas/Fair Park Trust Fund.

On June 13, 2006, the South Dallas/Fair Park Trust Fund Advisory Board reviewed the proposals presented to the Economic Development and Housing Committee and recommended submitting them to the City Council for consideration.

On June 28, 2006, the City Council authorized an amendment to Resolution No. 99-3499 regarding the programs, administration, advisory board name and qualifications of advisory board members of the South Dallas/Fair Park Trust Fund, by Resolution No. 06-1833.

FISCAL INFORMATION

No cost consideration to the City

ORDINANCE NO. _____

An ordinance amending Article XIV (composed of Sections 2-130 through 2-132) of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended; renaming the South Dallas/Fair Park trust fund board as the South Dallas/Fair Park development fund board; revising qualifications for board members; incorporating charter changes relating to the dates on which board members are appointed and begin their terms; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Article XIV, "South Dallas/Fair Park Trust Fund Board," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"ARTICLE XIV.

**SOUTH DALLAS/FAIR PARK DEVELOPMENT [~~TRUST~~]
FUND BOARD.**

**SEC. 2-130. SOUTH DALLAS/FAIR PARK DEVELOPMENT [~~TRUST~~] FUND BOARD -
CREATED; TERMS; MEMBERSHIP.**

(a) There is hereby created the South Dallas/Fair Park development [~~trust~~] fund board of the city, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(b) All members will [~~shall~~] be appointed for an initial term to expire on August 31, 1991. Subsequent appointments will be made in September [~~August~~] of each odd-numbered year for a two-year term beginning on October [~~September~~] 1. All members will [~~shall~~] serve until their successors are appointed and qualified.

(c) Members of the board must meet the following qualifications:

(1) Eight members must meet any of the following qualifications:

(A) Be a resident of the South Dallas/Fair Park development fund program area as defined by city council resolution.

(B) Be a representative of a cultural institution or other facility permanently housed at Fair Park.

(C) Be the owner or operator of a business in the South Dallas/Fair Park development fund program area as defined by city council resolution.

(D) Be actively involved in the South Dallas/Fair Park community.

(2) Seven members must have substantial knowledge and expertise in any of the following areas:

(A) Housing development.

(B) Business development and operations.

(C) Non-profit management and operations.

(D) General community development principles and practices.

(3) In addition to the qualifications listed in Paragraphs (1) and (2) of this subsection, at least two of the board members must have loan underwriting experience.

~~[(1) Four members must be residents of the South Dallas/Fair Park trust fund program area as defined by city council resolution.~~

~~(2) One member must be a representative of a cultural institution or other facility permanently housed at Fair Park.~~

~~(3) Three members must operate a business in the South Dallas/Fair Park trust fund program area as defined by city council resolution.~~

~~(4) One member must have substantial knowledge and expertise in housing development.~~

~~(5) One member must have substantial knowledge and expertise in small business development and operations.~~

~~(6) One member must have substantial knowledge in general community development principles and practices.~~

~~(7) Four members must be citizens at large.]~~

(d) The city manager or a designated representative shall serve as an ex officio, nonvoting member of the board.

SEC. 2-131. SOUTH DALLAS/FAIR PARK DEVELOPMENT [~~TRUST~~] FUND BOARD - DUTIES AND RESPONSIBILITIES.

(a) The board shall act as an advisory body to the city manager and the city council and shall:

(1) recommend to the city manager guidelines and projects for the expenditure of the South Dallas/Fair Park development [~~trust~~] fund; and

(2) perform other duties assigned by the city council or requested by the city manager.

(b) The city manager shall present the recommendations of the board, along with any recommendations of the city manager, to the city council.

SEC. 2-132. RESERVED.”

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

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

SECTION 4. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

LC/DCC/00408A

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: 45Q

SUBJECT

Authorize amendments to Resolution No. 06-3400, previously approved on December 13, 2006, for the redevelopment of the Butler Brothers Building located at 500 South Ervay Street in the Downtown Connection TIF District to **(a)** increase the number of minimum residential units from 320 to 400, **(b)** increase the affordable housing buy-out requirement based on an increased number of units and median unit price, **(c)** redefine the 45,000 square feet of retail space to allow for living/work space; and **(d)** extend the date to apply for a building permit and start of construction from June 30, 2007 to February 28, 2008 and the completion date from June 30, 2009 to December 31, 2009 - Financing: No cost consideration to the City

BACKGROUND

The Office of Economic Development staff have been working with Bob Bisno on the rehabilitation of the existing historic Butler Brothers Building. Ervay Lofts L.P. plans to make an investment of construction-related hard costs of at least \$49,000,000. The total project cost is estimated to be \$77,200,000.

The 8-story building was constructed in 1911. It is situated across the street from Dallas City Hall. The project includes the renovation of the building with a minimum of 320 residential units and 45,000 square feet of retail space. The 2006 DCAD property value is \$2,500,000.

On December 13, 2006, TIF funding for this project was approved in an amount not to exceed \$15,000,000. This action will not change the amount of TIF funds. The historic facade of this 520,000 square foot structure (including parking garage) has been completely covered or removed throughout the years. Re-creating this facade will include a significant amount of work.

The developer has requested additional time to pull the building permits and to complete construction.

BACKGROUND (continued)

The request is being recommended by staff and the Downtown Connection TIF District Board of Directors because of the difficulties the developer has had in determining a method to restore the historic brick façade.

The developer is working with the Texas Historical Commission to determine an acceptable and cost effective way to remove the existing façade to expose the historic brick. The other reason for the delay is the determination by the City that approximately 1,400 linear feet of sanitary sewer line will need to be upgraded. This additional cost and the time to design and construct the utility upgrade was also considered by staff and the TIF Board. The TIF Board stated in their motion to approve the extensions that the developer may come back for additional time if it is determined that the City is unable to process and construct the sanitary sewer line by the new completion date.

In exchange for the additional eight months to pull a building permit and additional six months to complete construction of 500 South Ervay, the developer has agreed to construct a minimum of 400 residential units, rather than the original 320, and has also agreed to a more costly buy-out of the affordable units, based on the median unit cost.

Staff is concerned about filling the 45,000 square feet of retail space while trying to focus the retail efforts in the Main Street core area. Therefore, the retail requirement now allows for live-work space so long as the space is adaptable for retail use and a minimum of 5,000 remain retail space at all times.

The occupancy triggers, as established in the original project approval, are as follows: forty percent (40 percent) of the residential units must be sold prior to TIF payment and fifty percent (50 percent) of the retail (now retail/live-work) space must be occupied prior to TIF payment.

TIF funds will be reimbursed (1) once all contingencies are met and when increment becomes available, (2) after any and all annual Downtown Connection TIF District bond and reserve obligations are met, (3) after the Tower Petroleum/1900 Pacific payment (as recommended by the Downtown Connection TIF District Board of Directors and subject to City Council approval), and (4) after all affordable housing, park, and Uptown project improvement obligations have been met.

On June 4, 2007, the Economic Development and Housing Committee received an upcoming memo on the amendments to the Butler Brothers Building project, including a proforma summary.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 23, 2005, the City Council authorized the adoption of the Criteria for Evaluating Proposed Tax Increment Financing Districts by Resolution No. 05-0745.

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

On June 8, 2005, the City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) to promote development and redevelopment in the Uptown and Downtown areas through the use of tax increment financing by Ordinance No. 26020.

On June 8, 2005, the City Council authorized sponsoring the Downtown Dallas Development Authority (DDDA) as a local government corporation to promote the City, including the development of the geographic areas of the City included within the City Center TIF District and the Downtown Connection TIF District by Resolution No. 05-1755.

On August 26, 2005, the Downtown Connection TIF District Board of Directors approved a proposal for the issuance of the Downtown Dallas Development Authority Contract Tax Increment Revenue Bonds to fund the redevelopment of the Mercantile Block, the Continental Building and the Atmos Complex, located within the Downtown Connection TIF District.

On May 11, 2006 and June 22, 2006, the Downtown Connection TIF District Board of Directors reviewed and approved TIF funding for Ervay Lofts L.P.'s redevelopment of the Butler Brothers Building located at 500 S. Ervay.

On November 20, 2006, the Economic Development and Housing Committee was briefed on the Butler Brothers Building located at 500 S. Ervay.

On December 13, 2006, City Council authorized a development agreement with Ervay Lofts, LP, to provide funding for historic facade renovation, environmental remediation, interior and exterior demolition and other related TIF-eligible expenditures for the Downtown Connection TIF District by Resolution No. 06-3400.

On May 10, 2007, the Downtown Connection TIF District and Downtown Dallas Development Authority reviewed and approved the amendments to the Butler Brothers Building project.

FISCAL INFORMATION

No cost consideration to the City

OWNER

Ervay Lofts L.P.

Robert H. Bisno

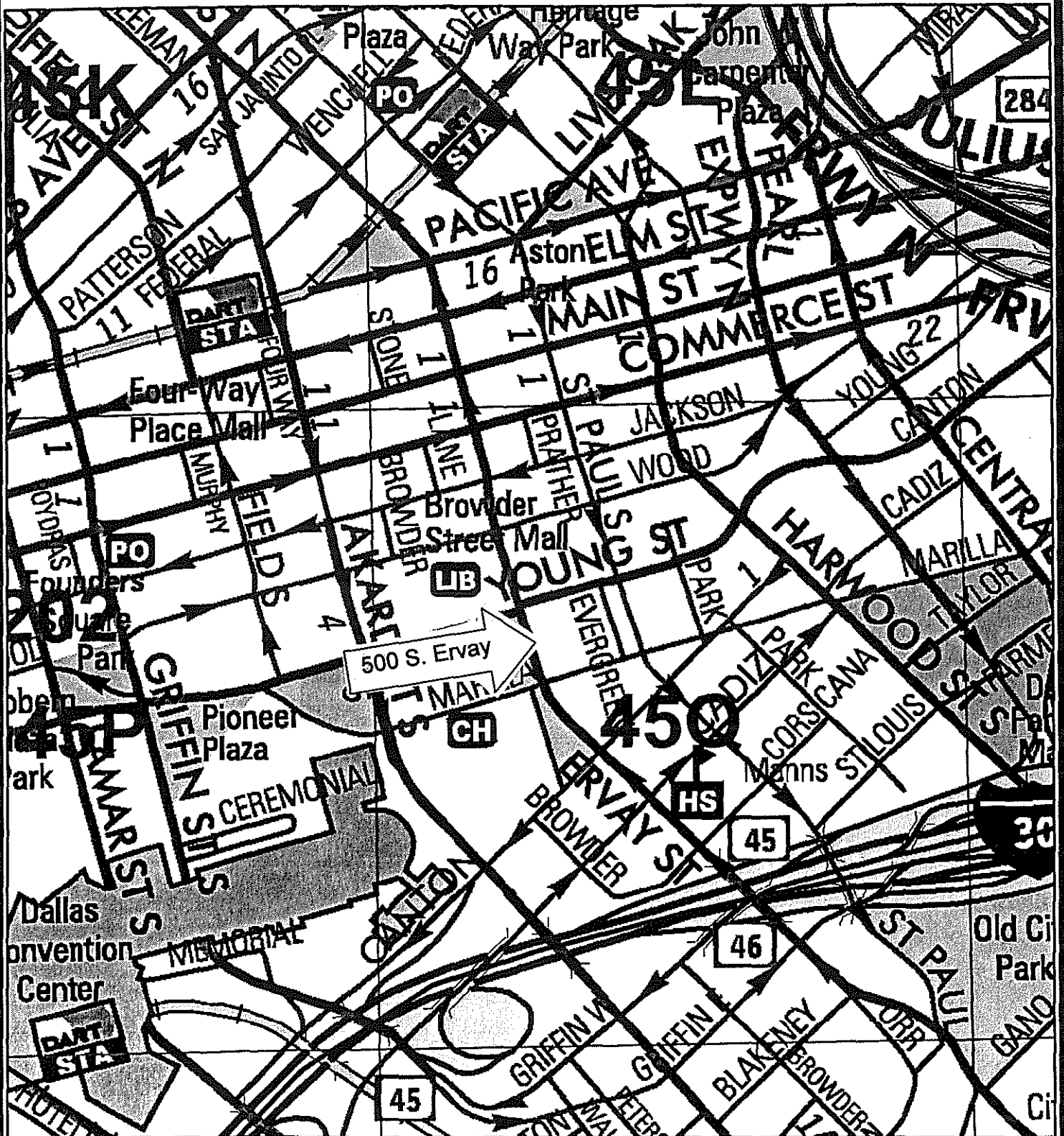
DEVELOPER

Bisno Development Co. LLC

Robert H. Bisno

MAP

Attached.



ERVAY LOFTS

June 27, 2007

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

WHEREAS, on June 8, 2005, the City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) in accordance with the Tax Increment Financing Act, as amended, Chapter 311 of the Texas Tax Code, Vernon's Texas Codes Annotated (the "Act") to promote development and redevelopment in the Uptown and Downtown areas through the use of tax increment financing by Ordinance No. 26020; and

WHEREAS, the Downtown Connection TIF District was created to finance public improvements and associated project costs to be made at the discretion of the City Council as the City Council finds necessary or convenient for the implementation of the Downtown Connection TIF District Project and Financing Plan; and

WHEREAS, on June 8, 2005, the City Council authorized the establishment of the Downtown Dallas Development Authority (DDDA) as a local government corporation for the public purpose of aiding, assisting, and acting on behalf of the City in the performance of its governmental functions to promote the City, including the development of the geographic areas of the City included within Tax Increment Financing Zone Number Five, (City Center TIF District) and the Downtown Connection TIF District by Resolution No. 05-1755; and

WHEREAS, on August 26, 2005, pursuant to the conditions and obligations of the Forest City Development Agreement, the Downtown Connection TIF District Board of Directors approved a proposal for the issuance of the Downtown Dallas Development Authority Contract Tax Increment Revenue Bonds in two series (collectively the "Bonds"), the first to be issued on March 8, 2006, and the second to be issued in 2007 by the DDDA to fund the redevelopment of the Mercantile Block, the Continental Building and the Atmos Complex, which are anticipated to be catalyst projects located within the Downtown Connection TIF District; and

WHEREAS, on August 29, 2005, the City Council authorized the adoption of the Downtown Connection Tax Increment Financing District Project Plan and Reinvestment Zone Financing Plan (the "Project and Financing Plan") by Ordinance No. 26096, (City Secretary File Number 05-2544); and

WHEREAS, on May 11, 2006 and June 22, 2006, the Downtown Connection TIF District Board of Directors reviewed and approved TIF funding for Ervay Lofts L.P.'s redevelopment of the Butler Brothers Building located at 500 S. Ervay; and

WHEREAS, on November 20, 2006, the Economic Development and Housing Committee was briefed on the Butler Brothers Building located at 500 S. Ervay; and

June 27, 2007

WHEREAS, on December 13, 2006, City Council authorized a development agreement with Ervay Lofts, LP, to provide funding for historic facade renovation, environmental remediation, interior and exterior demolition and other related TIF-eligible expenditures for Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District) by Resolution No. 06-3400; and

WHEREAS, on May 10, 2007, the Downtown Connection TIF District and Downtown Dallas Development Authority reviewed and approved the amendments to the Butler Brothers Building project; and

WHEREAS, on June 4, 2007, the Economic Development and Housing Committee received an upcoming memo on the amendments to the Butler Brothers Building project, including a proforma summary; and

WHEREAS, the expenditure of TIF funds supporting this development is consistent with promoting development and redevelopment of the Downtown Connection TIF District in accordance with the purposes for its creation, the City's revised Public/Private Partnership Guidelines and Criteria, the ordinance adopted by the City Council approving the Project and Financing Plan, and is for the purpose of making public improvements consistent with and described in the Project and Financing Plan for the Downtown Connection TIF District.

NOW, THEREFORE,

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

Section 1. That the recitals and findings above are true and correct.

Section 2. That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute amendments to Resolution No. 06-3400 previously approved on December 13, 2006, for the funding of historic facade renovation, environmental remediation, interior and exterior demolition and other TIF-eligible expenditures necessary for the redevelopment of the Butler Brothers Building located at 500 South Ervay Street to (a) increase the number of minimum residential units from 320 to 400, (b) update the affordable housing requirement, (c) redefine the 45,000 square feet of retail space to allow for living/work space, and (d) extend the date to apply for a building permit and start of construction from June 30, 2007 to February 28, 2008 and the completion date from June 30, 2009 to December 31, 2009.

Section 3. That Section 7 of Resolution No. 06-3400 is amended to reflect the following:

Section 7 That in addition to the conditions set out above, the Agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

June 27, 2007

Section 3. (continued)

- C. Ervay Lofts L.P. or its Affiliate shall create a minimum of ~~320~~ 400 residential units in the Butler Brothers Building of which a minimum of 40 percent of the units must be sold prior to TIF payment.
- D. Ervay Lofts L.P. shall set-aside 10 percent of the residential units as affordable or opt to transfer the obligation in the following manner at a cost of ~~\$20,000~~ one tenth of the median unit price per set-aside unit: Assuming that approximately ~~320~~ 400 units will be constructed at the property, then ~~32~~ 40 units must be made available as affordable housing per the program requirements. Accordingly, as an example, if the median unit price is \$250,000, the developer's total affordable housing transfer obligation will be ~~32~~ 40 units x ~~\$20,000~~ \$25,000 = \$1,000,000 (This calculation and the actual number of set-aside units required and the amount of the affordable transfer obligation shall be adjusted to reflect the total number of residences actually constructed on the property as well as the actual median price.) The transfer obligation shall be paid in part at the time a residential unit in the property is sold in the amount of ten percent of the transfer obligation on \$2,000 each unit (in this example, 10 percent of \$25,000, or \$2,500, shall be due upon the sale on each residential unit). The balance of the ~~\$640,000~~ \$1,000,000 transfer obligation, however, shall become finally due and payable to the City no later than eighteen months after the project's certificate of occupancy has been issued. Ervay Lofts L.P. shall pay the total transfer obligation by this date regardless of whether any or all of the residential units are sold. Should the Developer pay the Transfer Obligation in lieu of providing Affordable units in the Property, the Developer shall make available information pertaining to the City of Dallas' Homeownership Loan Program, including contact information, on residential marketing materials.
- E. Ervay Lofts L.P. or its Affiliate shall create 45,000 square feet of retail space and/or live-work space, of which a minimum of 22,500 square feet shall be occupied for a minimum of twelve (12) months prior to TIF payment. Of the 45,000 square feet, 5,000 square feet shall be operated as retail and the additional 40,000 shall be adaptable for retail but may be operated as live-work space. No portion of the 45,000 square feet of retail space shall be operated as a nightclub. In addition, the Developer shall limit the use of the retail space in accordance with the classifications listed in Exhibit C attached hereto. Developer shall strictly adhere to the classifications for acceptable, conditional and undesirable uses as listed in Exhibit C. Further, unless the context unmistakably indicates otherwise, the definitions and interpretations contained in Chapter 51A of the Dallas City Code, as amended, shall be used to construe these restrictions and classifications. All conditional classifications or uses not included in Exhibit C shall require approval of the City's Economic Development and Housing Committee and the City Council.

June 27, 2007

Section 3. (continued)

All retail establishments shall provide a use and quality commensurate with the revitalization and improvement efforts being made downtown as described in the Downtown Connection TIF District Project and Financing Plan.

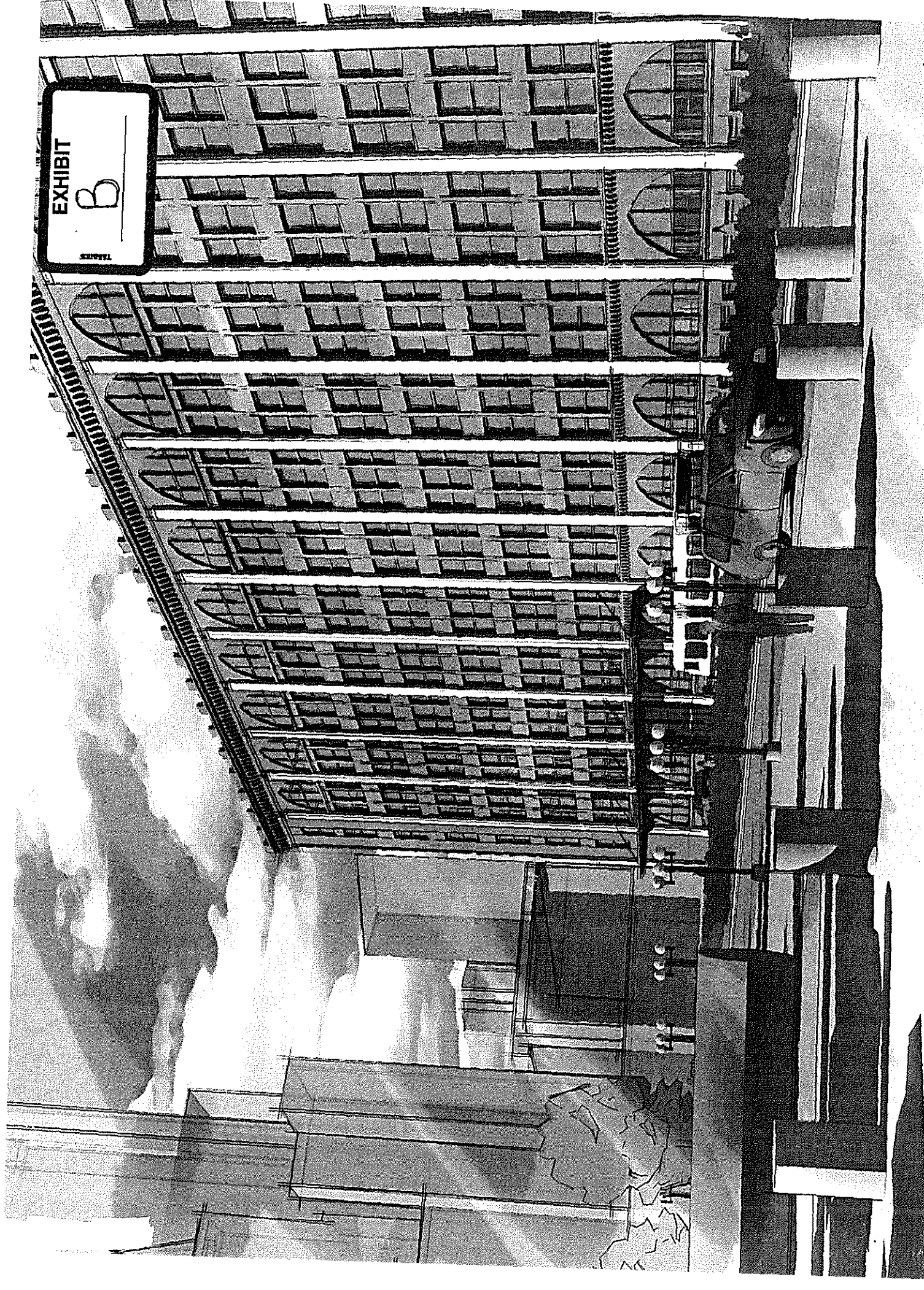
- G. Ervay Lofts L.P. or its Affiliate shall receive its TIF District Project courtesy review from the Dallas Landmark Commission by March 31, 2007 and a final review by September 30, 2007.
- H. Ervay Lofts L.P. or its Affiliate shall take out the building permit and start construction by ~~June 30, 2007~~ February 28, 2008.
- I. Ervay Lofts L.P. or its Affiliate shall complete construction and obtain a final certificate of occupancy for the improvements by ~~June 30, 2009~~ December 31, 2009.

Section 4. That **Exhibit B** is replaced to reflect the addition of the site plan.

Section 5. That Resolution No. 06-3400 shall remain in full force and effect except as amended herein.

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

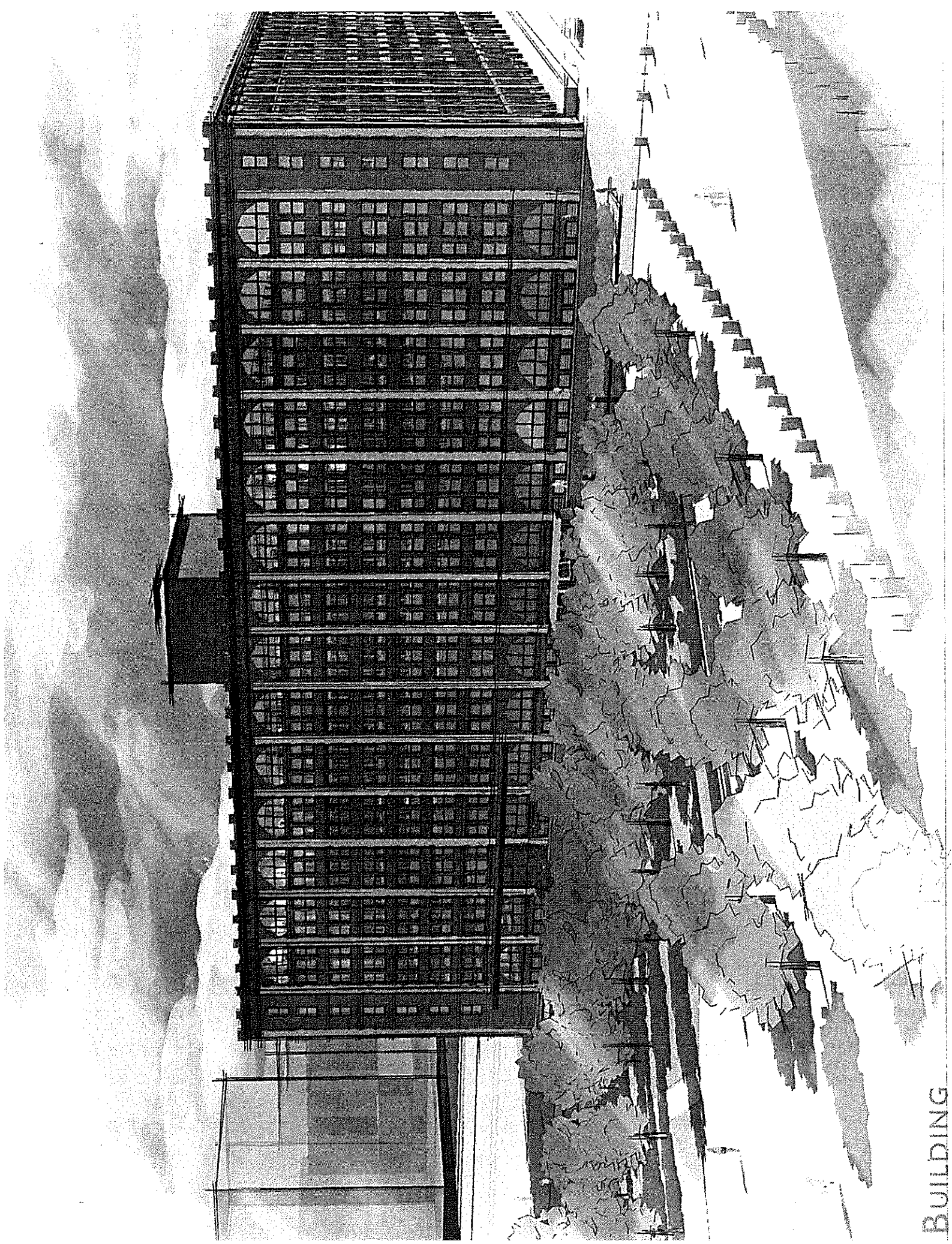
Distribution: Office of Economic Development, Tenna Kirk, 5CS
Office of Economic Development, Dorcy Clark ,2CN
City Attorney's Office - Barbara Martinez

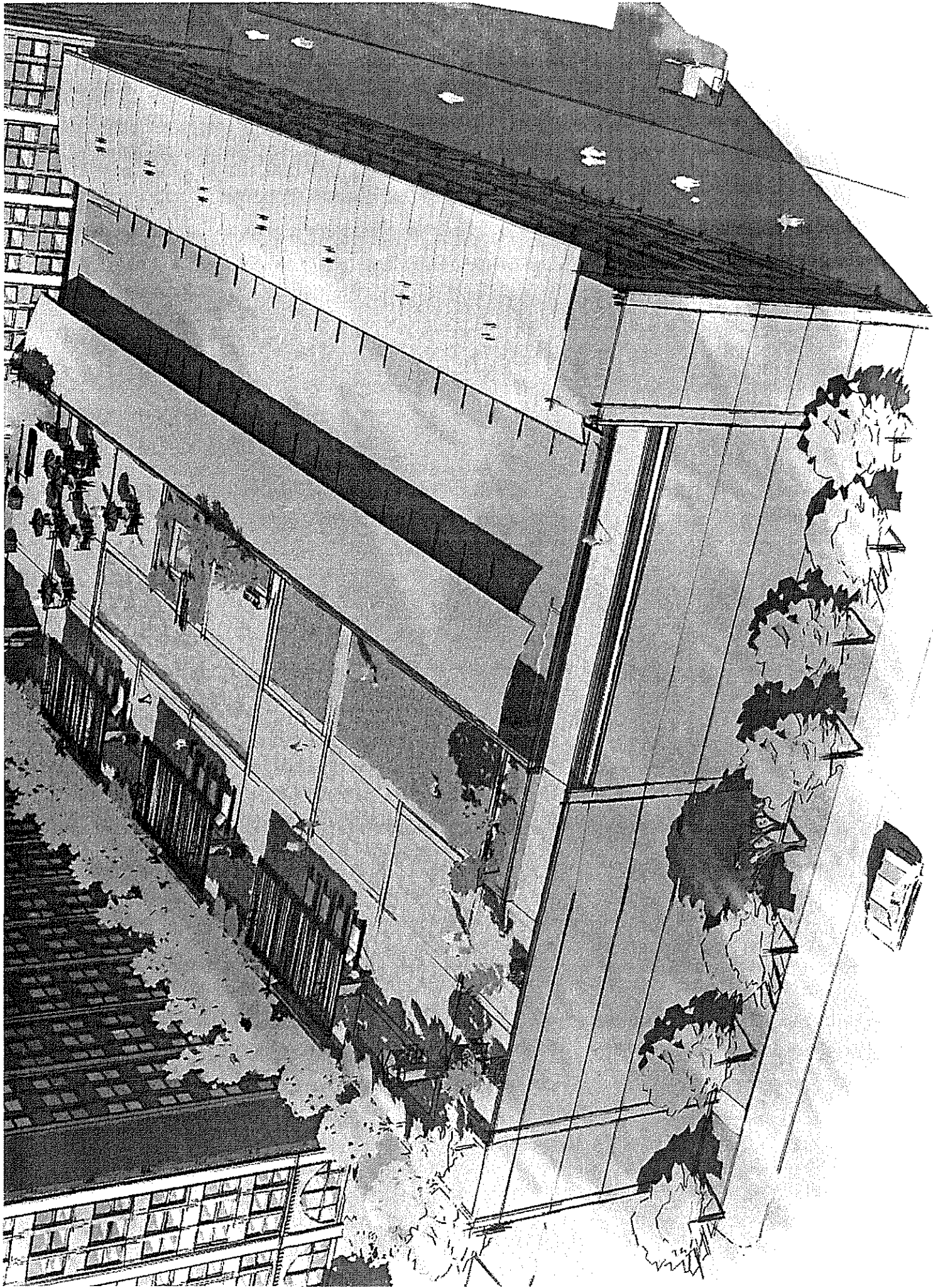


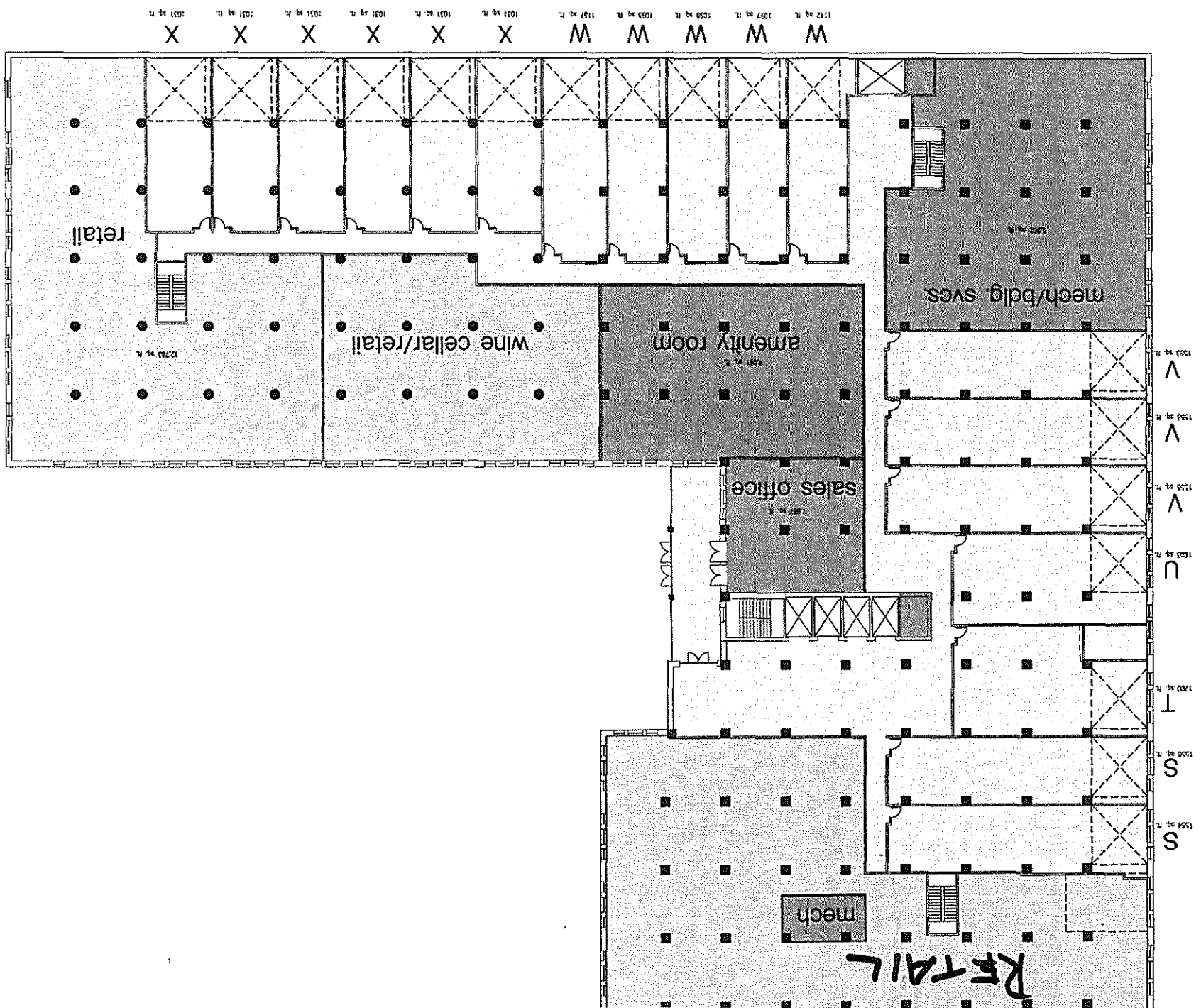
BUILDING



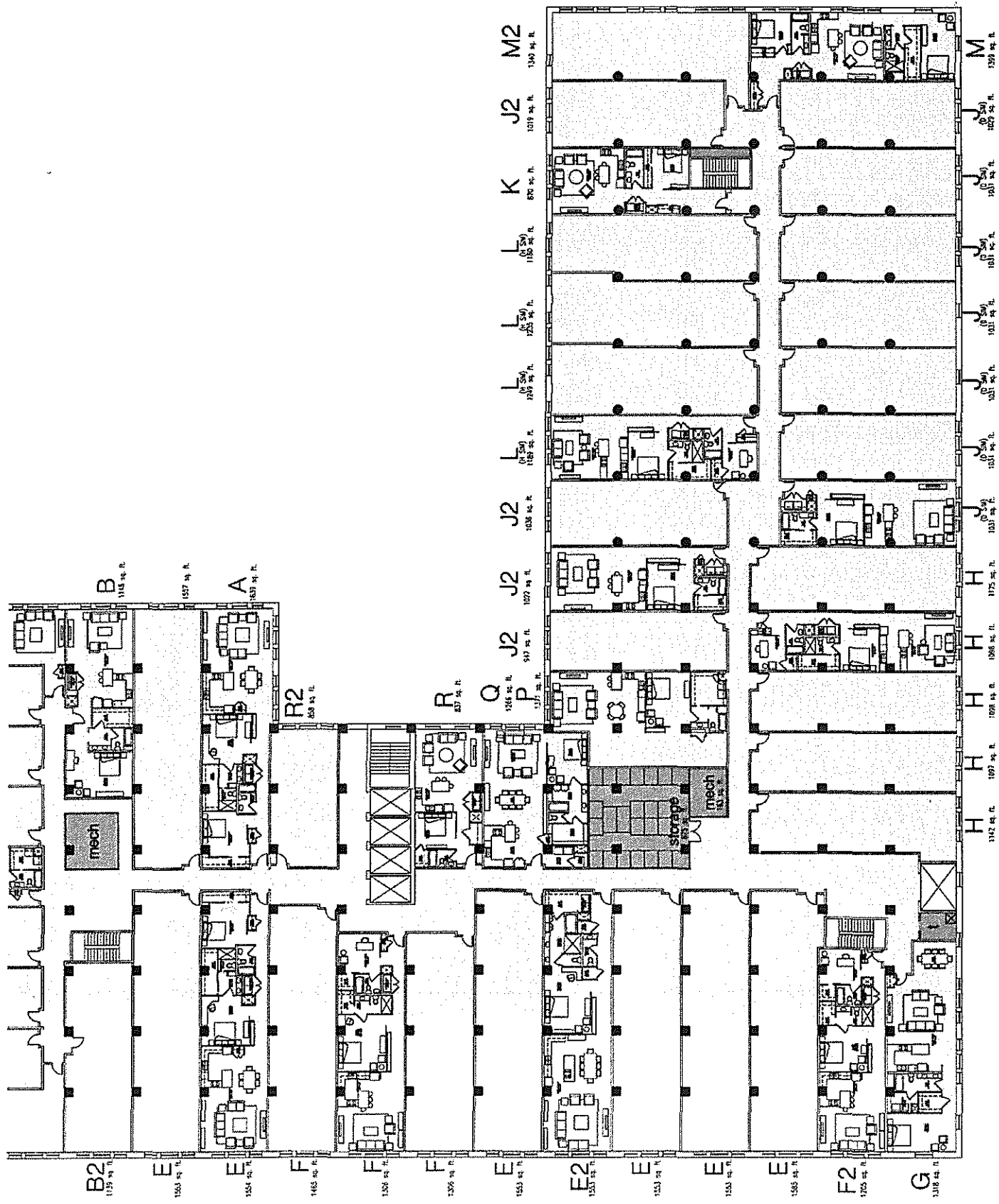
BUILDING

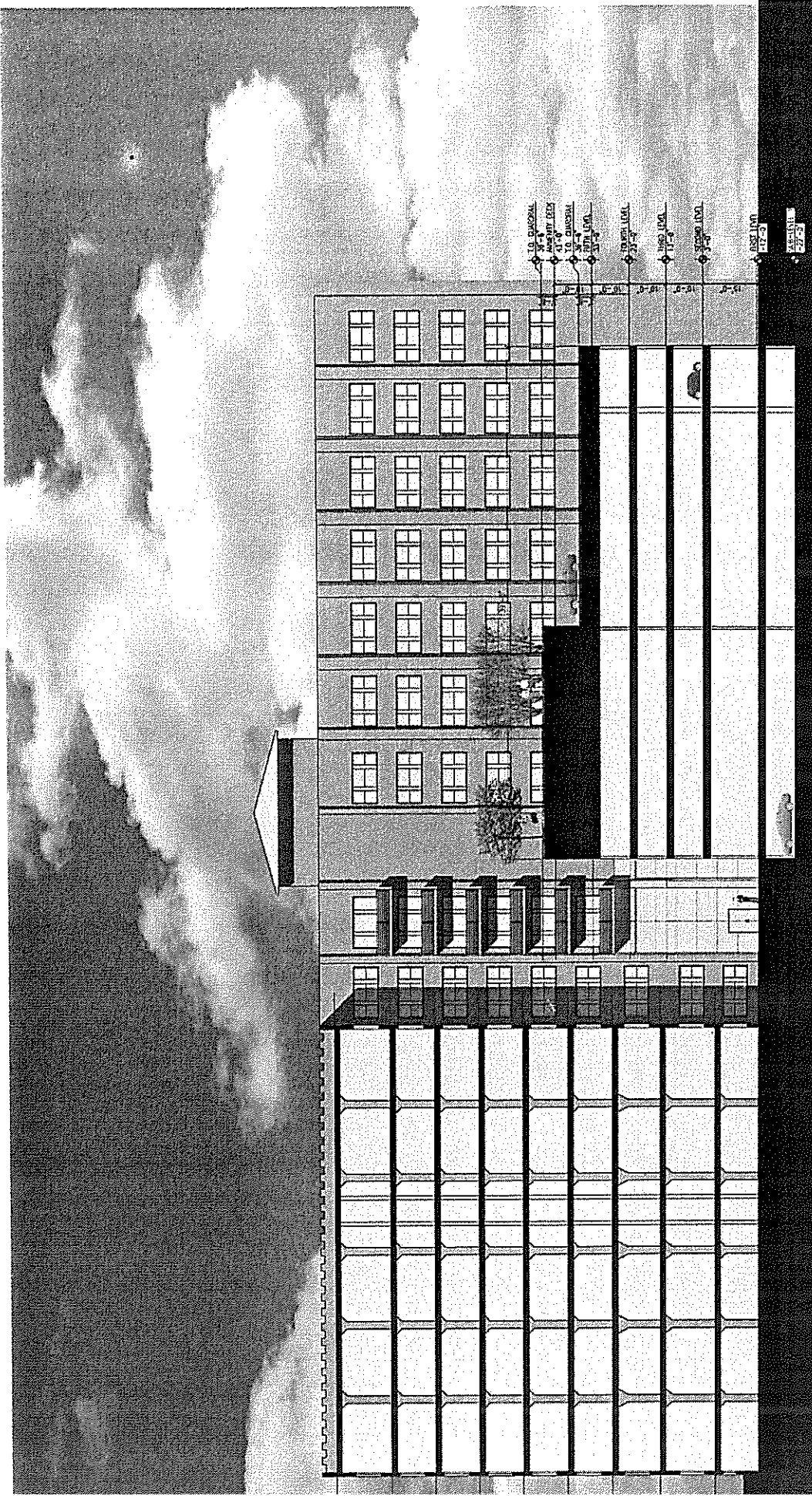






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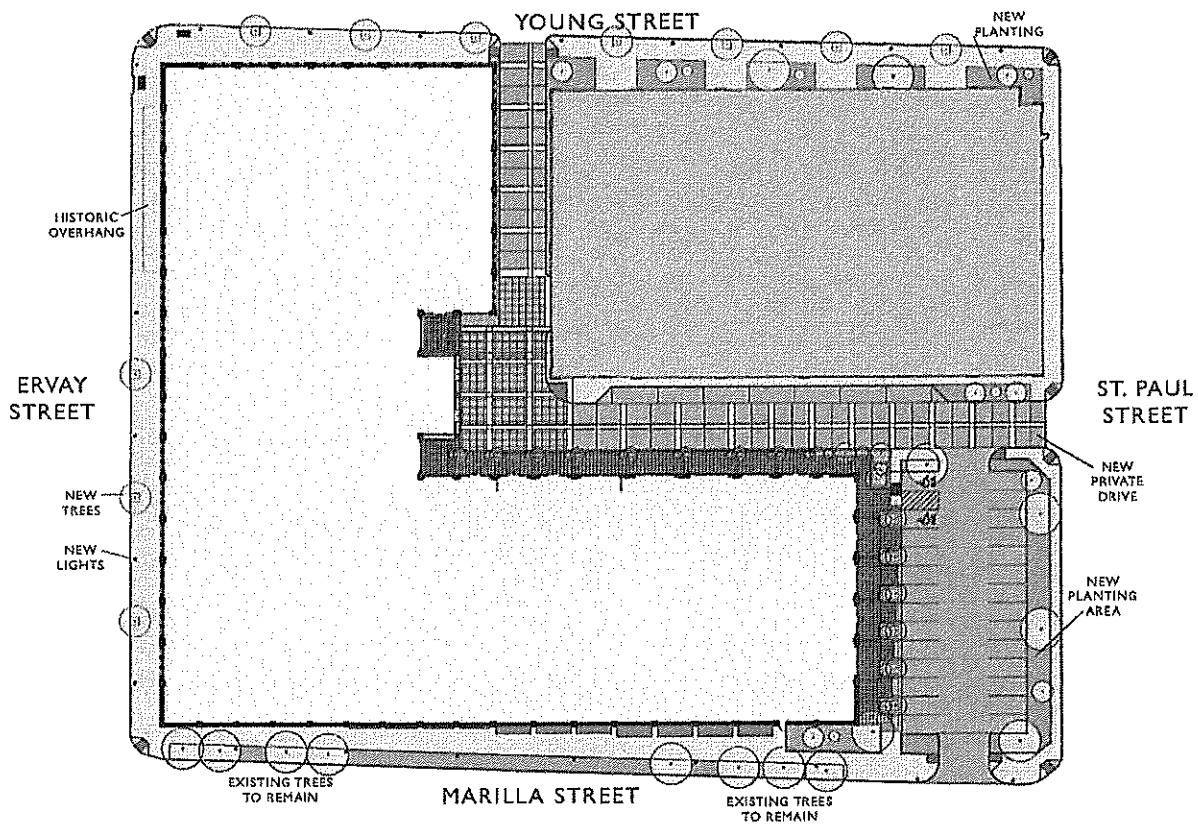
The Butler Brothers Building
500 S. Ervay

The Butler Brothers Building, located at 500 S. Ervay and constructed in 1911, is the subject of a renovation/restoration project that would restore the exterior of the building to more closely resemble its original appearance while converting the interior into residential units and retail areas. Renovations during the 1960s resulted in a concrete and stucco facade as seen today. However, it is the aim of this project to return the building to its original state with ornate brick facades, arched windows, and turn of the century details (See attached photos). To make this location more pedestrian friendly, modifications to the surrounding sidewalks in the form of plantings, lighting, and architectural details are being proposed.

New tree planters will be cut into the existing sidewalk every fifty-three feet along both Young and Ervay Streets while the existing Oak trees along Marilla Street will be kept as is with an added planting strip running along the curb (See P7). New planting areas will be developed along the area inside the sidewalks running along St. Paul in front of the surface parking lot and in front of the new parking garage on Young. Trees considered thus far are Lacebark Elm, Sweetgum, and Shumard Red Oak. High-Rise Live Oak or Allee Elm would be viable options if something more upright is deemed more desirable.

Whenever possible, all sidewalks will be maintained as is with new black pedestrian lights spaced every fifty-three feet for added security (P11). The new private drive will be either Lithocrete monolithic concrete paving or Wausau concrete pavers.

Further architectural detailing will also create a more pedestrian friendly area by forming a relation to the human scale. Seating will be provided at the corner of Young and Ervay with garbage receptacles and prominent historic awning overhangs will be on the Young and Marilla facades to soften the scale of the building and provide added cover from the elements (P9 & P10). Original basement windows will also be uncovered and give pedestrians a view into retail spaces (P5&P6). Small porches will protrude from units on the Marilla side at the street level to promote the interaction of people and to mark what was at one time the massive train dock for the building. (See drawings A3.01-A3.05 for exact locations)



BUTLER BROTHERS BUILDING

DATE: 05.17.07
 DRAWING: 05.17.07

05.17.07

©merriman associates architects, inc. 2007



architects
maa
 merriman
 associates

Butler Brothers Building
500 S. Ervay, Dallas, Texas

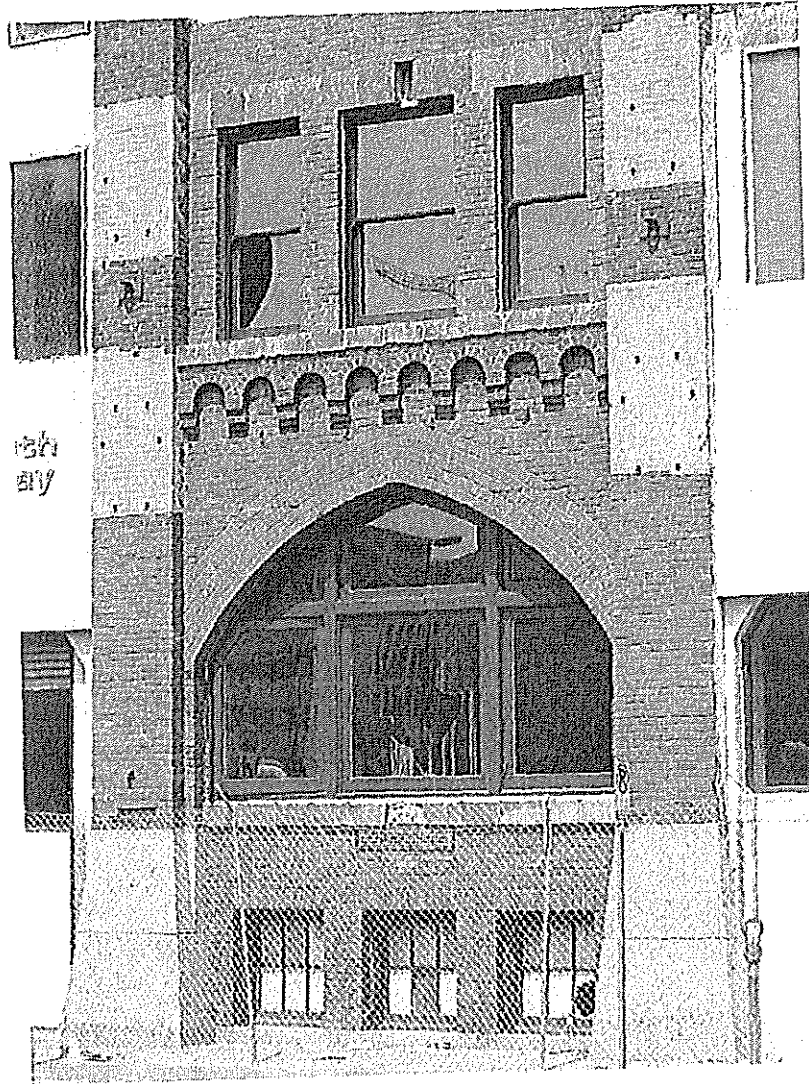


Photo 5: New arched window at 2nd Floor; new set of
(3) wood windows at 3rd Floor

Butler Brothers Building
500 S. Ervay, Dallas, Texas



Photo 6: West Facade - Selective Demolition and Restoration

Butler Brothers Building
500 S. Ervay, Dallas, Texas



Photo 7: Southwest Facade looking Northeast

Butler Brothers Building
500 S. Ervay, Dallas, Texas



Photo 9: Aerial view from Southwest Corner CIRCA 1950

Butler Brothers Building
500 S. Ervay, Dallas, Texas



Photo 10: Northwest Corner of Building CIRCA 1912

Butler Brothers Building
500 S. Ervay, Dallas, Texas

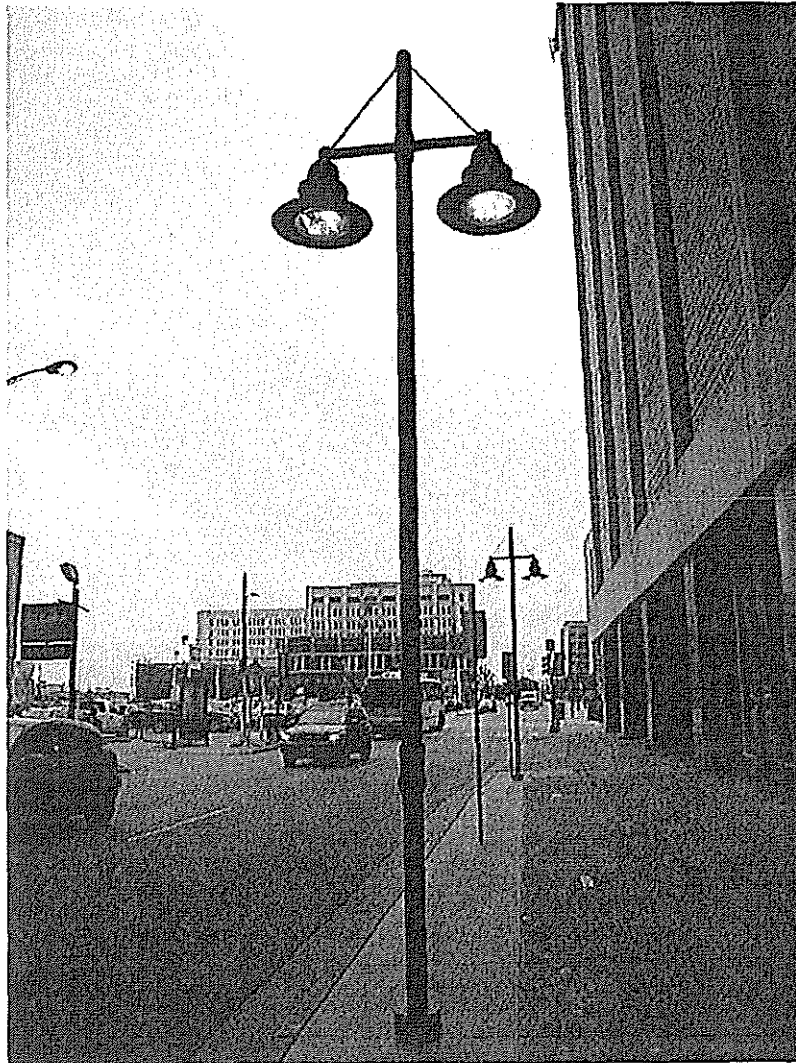
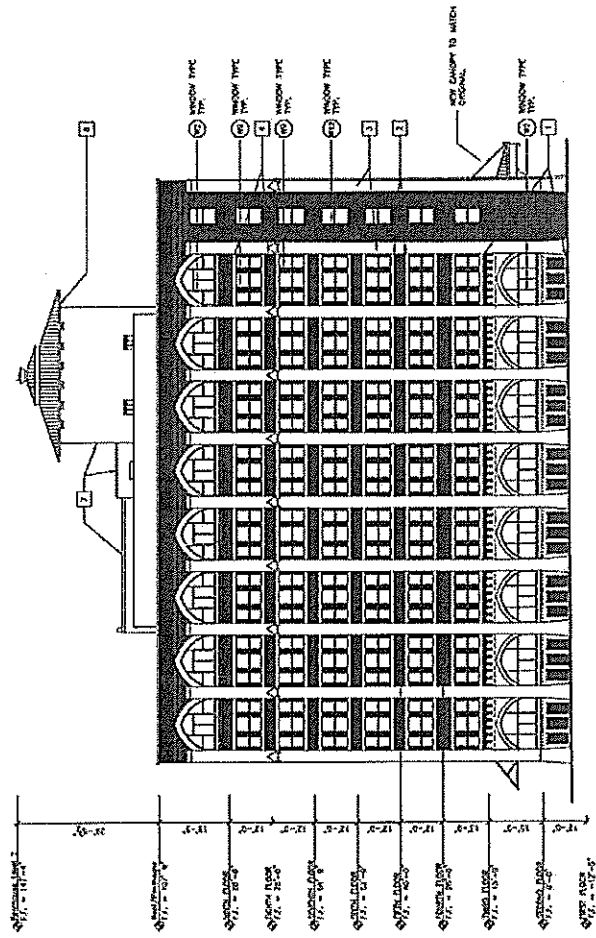


Photo 11: Typical Pedestrian Street Lamp

Description of Rehabilitation

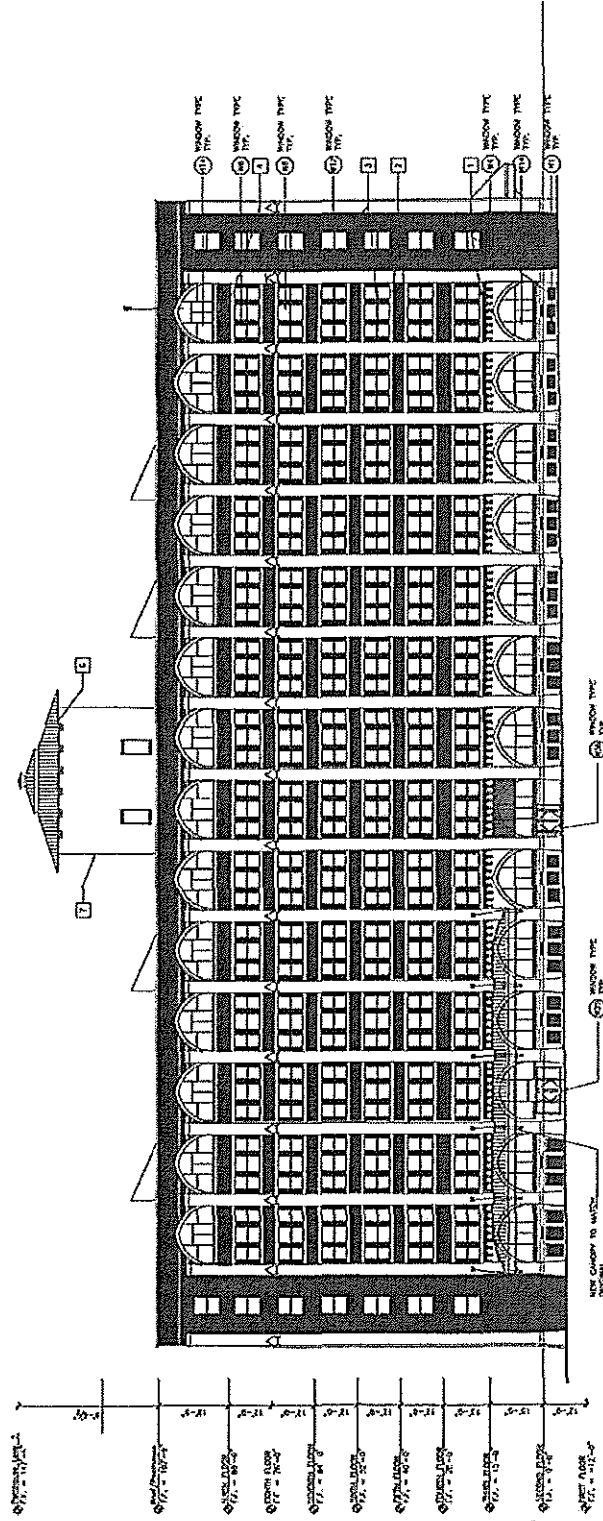


RESTORED NORTH ELEVATION

500 S. ERVAY
 GALEX BY
 APRIL 18, 2007
 MASS. 2000072

SCALE 1" = 50'

Description of Rehabilitation

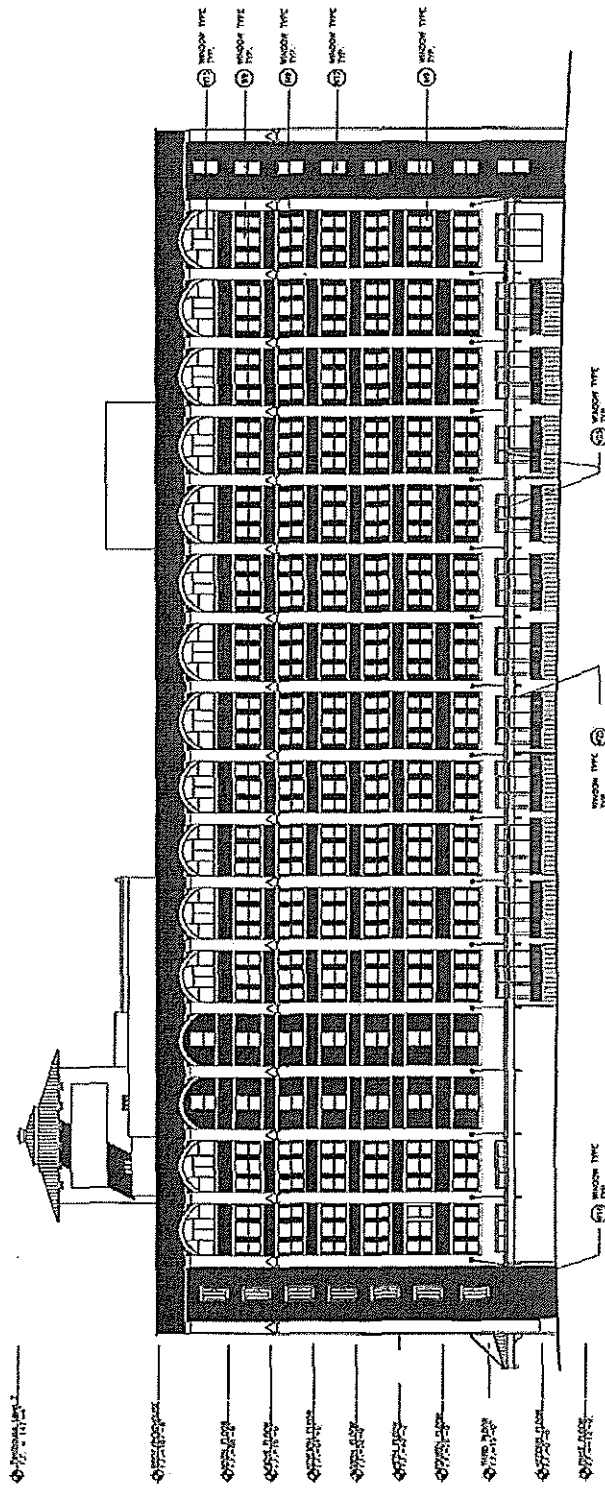


MA
MAZZILLI
ASSOCIATES

RESTORED WEST ELEVATION
N
SCALE 1/8\"/>

500 S. ERVAY
designed by
APRIL 15, 2007
max. 2005072

Description of Rehabilitation



RESTORED SOUTH ELEVATION

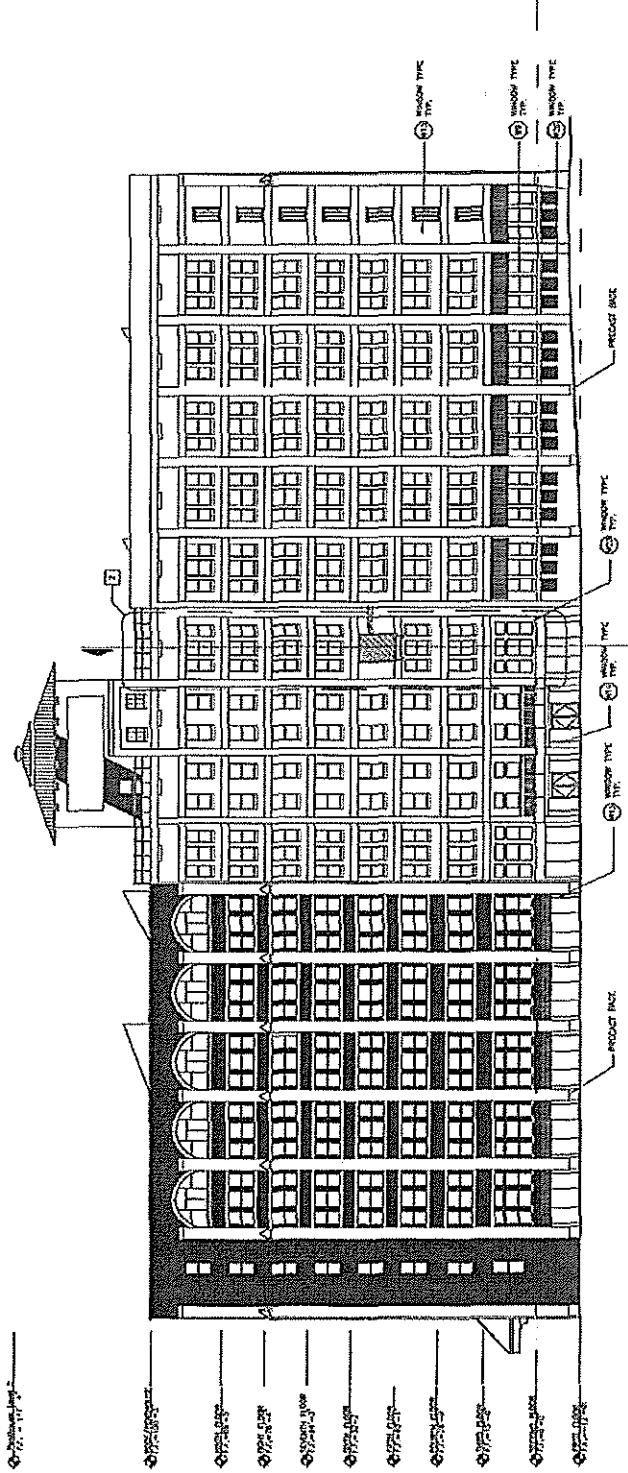
500 S. ERVAY

APRIL 15, 2007

SCALE 1" = 50'

NO. 200002

Description of Rehabilitation

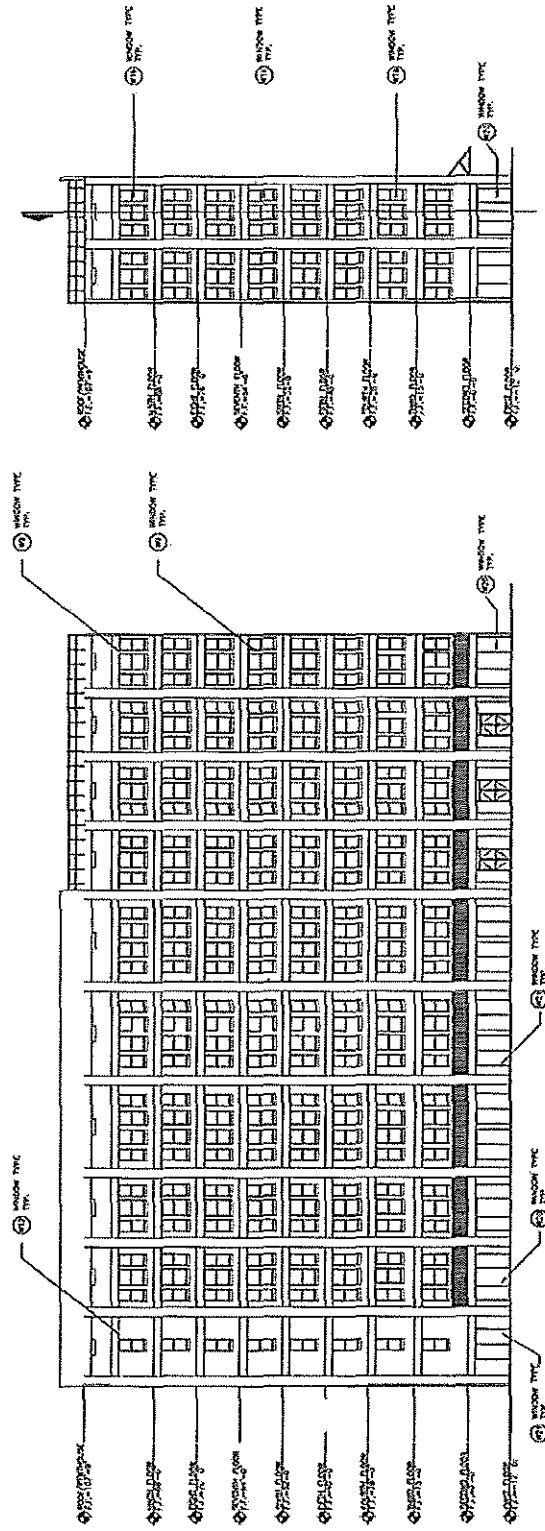


500 S. ERVAY
 dated 15 APRIL 15, 2007
 sheet 2000012

architect
mae
 MARRIMED
 ASSOCIATES

RESTORED EAST ELEVATION
 SCALE 1/8" = 1'-0"

Description of Rehabilitation



500 S. ERVAY RESTORED COURTYARD ELEVATIONS

SCALE 1" = 5'

APRIL 16, 2007

DATE 2/20/02

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: Charles W. Daniels, 670-3390

MAPSCO: N/A

SUBJECT

Authorize the first amendment to the contract with the Texas Commission on Environmental Quality to **(1)** accept additional grant funds to operate and maintain an ambient air monitoring station in Rockwall County; and **(2)** extend the term of the contract through August 31, 2008 - Not to exceed \$34,254, from \$50,000 to \$84,254 - Financing: Texas Commission on Environmental Quality Grant Funds

BACKGROUND

Since 1967, the City of Dallas has received various state and federal grant funds to support the Air Pollution Control program. The Air Pollution Control program consists of: (1) monitoring ambient air quality; (2) enforcing the Texas Clean Air Act and the City's Clean Air Ordinance; and (3) reviewing permits for the construction and/or modification of industrial plants which have the potential of emitting airborne contaminants.

The Texas Commission on Environmental Quality (TCEQ) requested that the City of Dallas operate the Rockwall County continuous ambient air monitoring station as a part of the city's and Dallas Fort Worth region's ambient air monitoring network. TCEQ purchased and installed major components of the station and will maintain those at their expense, including all hardware and equipment required for the facility to be operational.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract to accept grant funds to operate and maintain an ambient air monitoring station on June 28, 2006, by Resolution No. 06-1747.

FISCAL INFORMATION

\$34,254 - Texas Commission on Environmental Quality Grant Funds

June 27, 2007

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has awarded additional grant funds in the amount of \$34,254 for air pollution monitoring; and

WHEREAS, there is a continuing need for the City of Dallas to operate an air pollution control program; and

WHEREAS, the City of Dallas, Environmental and Health Services Department has been approved by the TCEQ to operate and maintain a continuous ambient air monitoring station in Rockwall County;

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 the first amendment to the contract with the Texas Commission on Environmental Quality for Contract No. 582-7-72654 to **(1)** accept additional grant funds to operate and maintain an ambient air monitoring station in Rockwall County; and **(2)** extend the term of the contract through August 31, 2008, and execute any and all documents required by the amendment.

Section 2. That the City Controller is hereby authorized to receive and deposit additional grant funds in Fund F145, Dept. EHS, Unit 0221, Revenue Source 6506, in an amount not to exceed \$34,254.

Section 3. That the City Manager is hereby authorized to increase appropriations in Fund F145, Dept. EHS, Unit 0221, Object Code 3099, in an amount not to exceed \$34,254, from \$50,000 to \$84,254.

Section 4. That the City Controller is hereby authorized to transfer grant funds from Fund F145, Dept. EHS, Unit 0221, Object Code 3099 to reimburse the Fund 0001, Dept. EHS, Unit 4241, Object Code 5011 in an amount not to exceed \$34,254, from \$50,000 to \$84,254.

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

DISTRIBUTION: Environmental and Health Services Department
City Attorney's Office
Office of Financial Services, 4FN

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: Charles W. Daniels, 670-3390

MAPSCO: N/A

SUBJECT

Authorize the second amendment to the contract with the Texas Commission on Environmental Quality to **(1)** accept additional grant funds to provide air pollution control services in the amount of \$530,421, from \$1,060,842 to \$1,591,263; **(2)** extend the term of the contract through August 31, 2008; and **(3)** provide a local match in an amount not to exceed \$261,252, from \$522,504 to \$783,756 - Total not to exceed \$791,673, from \$1,583,346 to \$2,375,019 - Financing: Texas Commission on Environmental Quality Grant Funds (\$530,421) and Current Funds (\$261,252) (subject to appropriations)

BACKGROUND

The City of Dallas Air Pollution Control Program has been in existence since the late 1960s. Initially, the contract to conduct inspections and enforce state regulations was with the Texas Air Control Board. Contracts have been awarded annually since the early 1980s. The Federal Clean Air Act amendments of 1990 placed additional restrictions on air emissions in many parts of the state, requiring increased investigations. The DFW Ozone State Implementation Plan of 2001 has also placed new restrictions on air emissions in the nine-county DFW area, which calls for increased regulatory controls. The Texas Commission on Environmental Quality (TCEQ) recognizes the City as an extension of its agency and contracts with the City, providing partial reimbursement for inspections of regulated facilities, which are required by the Environmental Protection Agency (EPA), and enforcement of state, federal and local regulations. The investigations and rule enforcement cannot be accomplished by TCEQ due to personnel and budget constraints placed on it by the legislature. The financial support from the TCEQ enables the City to extend its activities to reach more of the regulated community and to participate in educational and outreach opportunities.

BACKGROUND (Continued)

The item will authorize reimbursement to the City for conducting the following investigations: complaint response, anti-tampering inspections of automobile emission controls, State II Vapor Recovery equipment inspections and Pressure Test observations at gasoline distribution stations, major source and regulation compliance determinations, Title V Federal operating permits, State pre-construction and modification permits, and State permit compliance certification. TCEQ will fund up to the maximum of 67% of total program costs. The City is required to fund the remaining 33% of program costs.

PRIOR ACTION/REVIEW (COUNCILS, BOARDS, COMMISSIONS)

Authorized the acceptance of grant funds to reimburse costs associated with providing air pollution control services on August 10, 2005, by Resolution No. 05-2198.

Authorized the acceptance of grant funds to reimburse costs associated with providing air pollution control services on August 13, 2003, by Resolution No. 03-2151.

Authorized the acceptance of grant funds to reimburse costs associated with providing air pollution control services on February 12, 2003, by Resolution No. 03-0624.

Authorized the acceptance of grant funds to reimburse costs associated with providing air pollution control services on February 13, 2002, by Resolution No. 02-0650.

Authorized the acceptance of grant funds to reimburse costs associated with providing air pollution control services on August 23, 2000, by Resolution No. 00-2616.

FISCAL INFORMATION

\$530,421 - Texas Commission on Environmental Quality Grant Funds
\$261,252 - Current Funds (subject to appropriations)

June 27, 2007

WHEREAS, the Federal Clean Air Act amendments of 1990 and the Dallas/Fort Worth Ozone State Implementation Plan placed additional restrictions on air emissions; and

WHEREAS, the State Legislature appropriated funds to the Texas Commission on Environmental Quality (TCEQ) for air pollution control; and

WHEREAS, there is a continuing need for the City of Dallas to operate an air pollution control program; and

WHEREAS, the City of Dallas Environmental and Health Services Department has been approved by the TCEQ to receive additional reimbursement funds in an amount not to exceed \$530,421; and

WHEREAS, the existing Contract No. 582-6-74390 has been extended for one additional year through August 31, 2008;

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 the second amendment to the contract with the Texas Commission on Environmental Quality for Contract No. 582-6-74390 to **(1)** accept additional grant funds to provide air pollution control services in the amount of \$530,421, from \$1,060,842 to \$1,591,263; **(2)** extend the term of the contract through August 31, 2008; and **(3)** provide a local match in an amount not to exceed \$261,252, from \$522,504 to \$783,756, and execute any and all documents required by the amendment.

Section 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$530,421, from \$1,060,842 to \$1,591,263 in Fund S168, Dept. EHS, Unit 4084, Object Code 3099.

Section 3. That the City Controller is hereby authorized to receive and deposit funds in Fund S168, Dept. EHS, Unit 4084, Revenue Source Code 6508, in an amount not to exceed \$530,421, from \$1,060,842 to \$1,591,263.

Section 4. That the City Controller is hereby authorized to transfer funds from Fund S168, Dept. EHS, Unit 4084, Object Code 3099 to reimburse Fund 0001, Dept. EHS, Unit 4241, Object Code 5011 in an amount not to exceed \$530,421, from \$1,060,842 to \$1,591,263.

June 27, 2007

Section 5. That the City of Dallas will provide matching funds in Fund 0001, Dept. EHS, Unit 4241 in an amount not to exceed \$261,252 (subject to appropriations).

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

DISTRIBUTION: Environmental and Health Services
City Attorney's Office
Office of Financial Services, 4FN

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: Charles W. Daniels, 670-3390

MAPSCO: N/A

SUBJECT

Authorize **(1)** the acceptance of a grant from the Texas Commission on Environmental Quality to operate air samplers for particulate matter 2.5 and conduct air monitoring activities in Dallas for the period September 1, 2007 through August 31, 2008; and **(2)** execution of the grant agreement - Not to exceed \$90,433 - Financing: Texas Commission on Environmental Quality Grant Funds

BACKGROUND

Since 1967, the City of Dallas has received various state and federal grants to support the Air Pollution Control program. The Air Pollution Control program consists of: (1) monitoring ambient air quality; (2) enforcing the Texas Clean Air Act and the City's Clean Air Ordinance; and (3) reviewing permits for the construction and/or modification of industrial plants which have the potential of emitting airborne contaminants.

In addition to the criteria pollutants ambient air monitoring network, the Texas Commission on Environmental Quality has requested that the City support the Texas Particulate Matter (PM) 2.5 Ambient Air Monitoring Network by continuing to operate fine particulate matter air monitors in the City of Dallas. The standards for particulate matter produced evidence of serious health effects associated with exposure to fine particulate matter less than 10-microns in size.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the acceptance of a grant for FY 2006-07 on June 28, 2006, by Resolution No. 06-1746.

Authorized the acceptance of a grant for FY 2005-06 on June 8, 2005, by Resolution No. 05-1749.

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

Authorized the acceptance of a grant for FY 2004-05 on August 25, 2004, by Resolution No. 04-2482.

Authorized the acceptance of a grant for FY 2003-04 on November 12, 2003, by Resolution No. 03-3149.

Authorized the acceptance of a grant for FY 2003-04 on September 10, 2003, by Resolution No. 03-2461.

FISCAL INFORMATION

\$90,433 - Texas Commission on Environmental Quality Grant Funds

June 27, 2007

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has awarded funds in the amount of \$90,433 for air pollution monitoring; and

WHEREAS, there is a continuing need for the City of Dallas to operate an air pollution control program; and

WHEREAS, the City of Dallas, Environmental and Health Services Department has been approved by the TCEQ to support the Texas PM 2.5 Ambient Air Monitoring Network and to receive reimbursement funds up to \$90,433;

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 an agreement and accept grant funds for Contract No. 582-7-72657 from the Texas Commission on Environmental Quality to operate air samplers for particulate matter 2.5 and conduct air monitoring activities in Dallas for the period September 1, 2007 through August 31, 2008, and execute any and all documents required by the grant agreement.

Section 2. That the City Controller is hereby authorized to receive and deposit grant funds in Fund F186, Dept. EHS, Unit 0279, Revenue Source 6506, in an amount not to exceed \$90,433.

Section 3. That the City Manager is hereby authorized to establish appropriations in Fund F186, Dept. EHS, Unit 0279, Object Code 3099, in an amount not to exceed \$90,433.

Section 4. That the City Controller is hereby authorized to transfer grant funds from Fund F186, Dept. EHS, Unit 0279, Object Code 3099 to reimburse the Fund 0001, Dept. EHS, Unit 4241, Object Code 5011 in an amount not to exceed \$90,433.

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

DISTRIBUTION: Environmental and Health Services Department
City Attorney's Office
Office of Financial Services, 4FN

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: Charles W. Daniels, 670-3390

MAPSCO: N/A

SUBJECT

Authorize **(1)** the acceptance of a grant from the Texas Commission on Environmental Quality for air monitoring activities for the period September 1, 2007 through August 31, 2009, in the amount of \$367,790; **(2)** a local match in an amount not to exceed \$181,150 over the two-year period; and **(3)** execute of the grant agreement - Total not to exceed \$548,940 - Financing: Texas Commission on Environmental Quality Grant Funds (\$367,790) and Current Funds (\$181,150) (subject to annual appropriations)

BACKGROUND

Since 1967, the U.S. Environmental Protection Agency has awarded grants to the City of Dallas as partial support for the Air Pollution Control Program. Beginning in FY 1997-98 these funds were passed through the Texas Commission on Environmental Quality (TCEQ) in the form of a contract awarded to the City of Dallas.

The Air Pollution Control Program includes: (1) monitoring ambient air quality at a network of sites within and near the city of Dallas; (2) enforcing the Texas Clean Air Act and the City's Air Quality Ordinance; and (3) reviewing permits for the construction of industrial plants with the potential of emitting airborne pollutants.

Acceptance of these funds will enable the City of Dallas to continue the Ambient Air Monitoring Program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the acceptance of a grant for FY 2005-07 on June 8, 2005, by Resolution No. 05-1751.

Authorized the acceptance of a grant for FY 2003-05 on August 27, 2003, by Resolution No. 03-2307.

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

Authorized the acceptance of a grant for FY 2001-03 on December 12, 2001, by Resolution No. 01-3670.

FISCAL INFORMATION

\$367,790 - Texas Commission on Environmental Quality Grant Funds

\$181,150 - Current Funds (subject to annual appropriations)

June 27, 2007

WHEREAS, the U.S. Environmental Protection Agency has awarded air pollution control grants to the City of Dallas, delegating financial oversight to the Texas Commission on Environmental Quality (TCEQ), on an annual basis for partial support of the City's Air Pollution Control Program; and

WHEREAS, there is a continuing need for the City of Dallas to operate an air pollution control program; and

WHEREAS, the City of Dallas Environmental and Health Services Department has been approved by the TCEQ to receive up to \$367,790 to continue the ambient air monitoring program;

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 **(1)** accept of a grant from the Texas Commission on Environmental Quality (Contract No. 582-8-72683) for air monitoring activities for the period September 1, 2007 through August 31, 2009, in the amount of \$367,790; **(2)** provide a local match in an amount not to exceed \$181,150 over the two-year period; and **(3)** execute the grant agreement and any and all documents required by the grant agreement.

Section 2. That the City Controller is hereby authorized to receive and deposit funds in Fund F172, Dept. EHS, Unit 4087, Revenue Source Code 6506, in the amount of \$367,790.

Section 3. That the City Manager is hereby authorized to establish appropriations in the amount of \$367,790 in Fund F172, Dept. EHS, Unit 4087, Object Code 3099.

Section 4. That the City Controller is hereby authorized to transfer funds from Fund F172, Dept. EHS, Unit 4087, Object Code 3099 to reimburse the Fund 0001, Dept. EHS, Unit 4241, Object Code 5011 in the amount of \$183,895 annually, for a total not to exceed \$367,790.

Section 5. That the City of Dallas will provide matching funds in Fund 0001, Dept. EHS, Unit 4241 in an amount not to exceed \$181,150 over the two-year period (subject to annual appropriations).

June 27, 2007

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

DISTRIBUTION: Environmental and Health Services
City Attorney's Office
Office of Financial Services, 4FN

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing

CMO: A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

Authorize **(1)** adoption of the preliminary FY 2006-07 Consolidated Plan Reprogramming Budget #3 to reprogram \$732,549 of HOME Mortgage Assistance Program Funds to the Basic Home Repair Program and Replacement Housing Program; and **(2)** a public hearing to be held on August 8, 2007 to receive comments on the proposed use of funds - Financing: No cost consideration to the City

BACKGROUND

On August 11, 2004, the City Council adopted the final FY 2004-05 Consolidated Plan Budget which included a line appropriations of \$550,000 for the Mortgage Assistance Program (MAP) to by Resolution No. 04-2308.

On August 10, 2005, by Resolution No. 05-2233, the City Council adopted the final FY 2005-06 Consolidated Plan Budget that included a line item appropriation of \$4,750,000 for the MAP. On October 12, 2005, by Resolution No. 05-2935 the City Council authorized the last renewal of a three-year contract with the Enterprise Foundation to implement the Mortgage Assistance Program.

On June 28, 2006, by Resolution No. 06-1739, the City Council adopted the final FY 2006-07 Consolidated Plan Budget and appropriated \$4,762,803 in Home Investment and Partnership Program (HOME) funds for the MAP and a Request for Proposals was issued on August 11, 2006. On October 11, 2006, the City Council authorized the execution of a new one-year contract, with a two one-year renewal options, with Enterprise Community Partners formerly The Enterprise Foundation. With the closeout of the 2005 MAP contract, an unspent balance of \$732,545 in HOME funds remained.

On June 28, 2006, by Resolution No. 06-1739, the City Council adopted the final FY 2006-07 Consolidated Plan Budget that included a CDBG line item appropriation of \$3,991,125 for the Basic Home Repair Program to provide major system repairs to owner occupied low-income homeowners. As of April 2007, all funds have been expended and/or committed to projects.

BACKGROUND (continued)

On June 28, 2006, by Resolution No. 06-1739, the City Council also adopted the final FY 2006-07 Consolidated Plan Budget which included line item appropriations of \$740,000 for CDBG and \$450,000 for the HOME Replacement Housing Program to provide on-site reconstruction of homes that (a) cannot be repaired to meet minimum housing standards; (b) conditions of the home create an imminent danger to life, health and/or safety to the residents and/or the neighborhood; and (c) repairs which are not feasible because making the repairs will not extend the life of the repaired structure beyond 15 years. As of June 2007, all funds have been expended and/or committed to projects.

This request is to reprogram \$732,549 from the HOME Mortgage Assistance Program to the Basic Home Repair Program and Replacement Housing Program to provide the additional funding needed to fund qualified home repair and replacement projects awaiting assistance.

Source of Funds:

FY 04-05	HOME	Mortgage Assistance Program	\$ 39,445
FY 05-06	HOME	Mortgage Assistance Program	<u>\$693,104</u>
		Total	\$732,549

Use of Funds:

FY 04-05	HOME	Basic Home Repair Program	\$ 39,445
FY 05-06	HOME	Basic Home Repair Program	\$326,829
FY 05-06	HOME	Replacement Housing Program	<u>\$366,275</u>
		Total	\$732,549

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 24, 2003, the City Council authorized a one-year contract with two one-year renewal options with The Enterprise Foundation, Inc. to provide both HOME Investment Partnerships Program funding and Community Development Block Grant (CDBG) funds for use in mortgage underwriting review, loan document recording, contract reporting and compliance monitoring, and administering transactions throughout the loan term and to develop, implement and fund a homebuyer education program by Resolution No. 03-2593.

On August 11, 2004, the City Council adopted the FY 2004-05 Consolidated Plan Budget by Resolution No. 04-2308.

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

On October 13, 2004, the City Council authorized the first of two one-year renewal options for the Enterprise Foundation for the Mortgage Assistance Program by Resolution No. 04-2929.

On August 10, 2005, the City Council adopted the FY 2005-06 Consolidated Plan Budget by Resolution No. 05-2233.

On October 12, 2005, the City Council authorized the second of two one-year renewal options for the Enterprise Foundation for the Mortgage Assistance Program by Resolution No. 05-2935.

On June 28, 2006, the City Council adopted the final FY 2006-07 Consolidated Plan and Reprogramming Budget for the Housing and Urban Development Grant Funds to appropriate \$4,762,803 in HOME funds for the Mortgage Assistance Program, \$3,991,125 for the Basic Home Repair Program and \$1,190,000 for the Replacement Housing Program by Resolution No. 06-1739.

On December 13, 2006, the City Council adopted the final FY 2006-07 Consolidated Plan Reprogramming Budget #1 to appropriate \$3,300,000 of Section 108 Intown Housing Program Income by Resolution No. 06-3435.

On May 23, 2007, the City Council adopted the final FY 2006-07 Consolidated Plan Reprogramming Budget #2 to appropriate \$3,343,732 of Section 108 Intown Housing Program income for downtown condominium purchase loan assistance to low- and moderate-income homebuyers, and for financing the acquisition, demolition, infrastructure, and construction of housing, economic development and mixed-use development by Resolution No. 07-1577.

FISCAL INFORMATION

No cost consideration to the City.

June 27, 2007

WHEREAS, on August 11, 2004, the City Council adopted the FY 2004-05 Consolidated Plan Budget by Resolution No. 04-2308; and

WHEREAS, on October 13, 2004, the City Council authorized the first of two one-year renewal options for the Enterprise Foundation for the Mortgage Assistance Program by Resolution No. 04-2929; and

WHEREAS, on August 10, 2005, the City Council adopted the final FY 2005-06 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) Grant Funds by Resolution No. 05-2233; and

WHEREAS, October 12, 2005, the City Council authorized the second of two one-year renewal options for the Enterprise Foundation for the Mortgage Assistance Program by Resolution No. 05-2935; and

WHEREAS, on June 28, 2006, the City Council adopted the FY 2006-07 Consolidated Plan and Reprogramming Budget for the U.S. Department of Housing and Urban Development (HUD) which appropriated \$3,991,125 for the Basic Home Repair Program and \$1,190,000 for Replacement Housing Program by Resolution No. 06-1739; and

WHEREAS, on December 13, 2006, the City Council adopted the final FY 2006-07 Consolidated Plan Reprogramming Budget #1 to appropriate \$3,300,000 of Section 108 Intown Housing Program Income by Resolution No. 06-3435; and

WHEREAS, on May 23, 2007, the City Council adopted the final FY 2006-07 Consolidated Plan Reprogramming Budget #2 to appropriate \$3,343,732 of Section 108 Intown Housing Program income for downtown condominium purchase loan assistance to low- and moderate-income homebuyers, and for financing the acquisition, demolition, infrastructure, and construction of housing, economic development and mixed-use development by Resolution No. 07-1577; and

WHEREAS, additional funding is needed to fund qualified home repair and replacement projects awaiting assistance; and

WHEREAS, the City's Citizen Participation Plan and HUD regulations require a 30-day public comment period and a public hearing; **NOW, THEREFORE**,

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

June 27, 2007

Section 1. That the preliminary FY 2006-07 Consolidated Plan Reprogramming Budget #3 be approved as follows:

Source of Funds:

FY 04-05	HOME	Mortgage Assistance Program	\$ 39,445
FY 05-06	HOME	Mortgage Assistance Program	<u>\$693,104</u>

Total	\$732,549
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Use of Funds:

FY 04-05	HOME	Basic Home Repair Program	\$ 39,445
FY 05-06	HOME	Basic Home Repair Program	\$326,829

FY 05-06	HOME	Replacement Housing Program	<u>\$366,275</u>
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Total	\$732,549
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Section 2. That a public hearing be held on August 8, 2007 to receive comments on the proposed use of funds.

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

DISTRIBUTION:

Housing Department
 City Attorney's Office
 Office of Financial Services/Community Development, 4FS

KEY FOCUS AREA: Public Safety & Homeland Security

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Intergovernmental Services

CMO: Mary K. Suhm, 670-5306

MAPSCO: N/A

SUBJECT

Authorize the acceptance of a 2006 Buffer Zone Protection Program grant from the U.S. Department of Homeland Security, through its agent, the Governor's Division of Emergency Management, to be used for costs associated with securing critical infrastructure and key resource sites to prevent acts of terrorism within the City of Dallas for the period of October 1, 2006 through April 31, 2008 - Not to exceed \$359,000 - Financing: U.S. Department of Homeland Security, Governor's Division of Emergency Management Grant Funds

BACKGROUND

On October 1, 2006 the City of Dallas was awarded \$359,000 from the Governor's Division of Emergency Management under the Department of Homeland Security 2006 Buffer Zone Protection Program (BZPP). The BZPP is designed to reduce vulnerabilities of critical infrastructure and key resource sites across the county. The FY 2006 BZPP grants provide funding for the equipment of these protective actions to better safeguard and minimize potential for terrorist attacks.

Funding from the 2006 BZPP is reserved for the acquisition and use of the allowable materials, equipment, and resources identified in the Buffer Zone Protection (BZP) and resulting Vulnerability Reduction Purchase Plan (VRPP). DHS must provide written approval for the BZP for each site. The BZP and VRPP must be coordinated with the State Administrative Agency, the Governor's Division of Emergency Management, to ensure development and implementation of all ongoing prevention, preparedness, and response initiatives, programs, and funding sources within the State.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized the acceptance of the 2005 Buffer Zone Protection Program grant from the U.S. Department of Homeland Security, through its agent, the Governor's Division of Emergency Management on August 23, 2006, by Resolution No. 06-2233.

FISCAL INFORMATION

\$359,000 - U.S. Department of Homeland Security, Governor's Division of Emergency Management Grant Funds

June 27, 2007

WHEREAS, the U.S. Department of Homeland Security, through its agent, the Governor's Division of Emergency Management, has awarded the City of Dallas the 2006 Buffer Zone Protection Program grant to be used for costs associated with securing critical infrastructure and key resource sites to prevent acts of terrorism within the City of Dallas; and

WHEREAS, grant funds have been awarded to the City of Dallas for such equipment to protect critical infrastructure and key resources; and

WHEREAS, the City of Dallas will benefit from increased law enforcement capabilities to safeguard and minimize potential for terrorist attacks.

NOW THEREFORE,

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

Section 1. That the City Manager be authorized to accept a 2006 Buffer Zone Protection Program grant from the U.S. Department of Homeland Security, through its agent, the Governor's Division of Emergency Management, to be used for costs associated with securing critical infrastructure and key resource sites to prevent acts of terrorism within the City of Dallas for the period of October 1, 2006 through April 31, 2008 in an amount not to exceed \$359,000.

Section 2. That the City Manager be authorized to establish appropriations in an amount not to exceed \$359,000 in Fund F168, Department CMO, Unit 0299, Object Code 3099.

Section 3. That the City Controller be authorized to deposit grant funds in Fund F168, Department CMO, Unit 0299, Revenue Code 6506, total not to exceed \$359,000.

Section 4. That the City Controller be authorized to disburse funds from F168, Department CMO, Unit 0299, Object Code 3099, total not to exceed \$359,000.

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

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Intergovernmental Services

CMO: Mary K. Suhm, 670-5306

MAPSCO: N/A

SUBJECT

Authorize approval of the Dallas/Fort Worth International Airport Forty-Second Supplemental Concurrent Bond Ordinance for the issuance of Joint Revenue Refunding Bonds, Series 2007, if certain parameters are met; approving documents related thereto; and related matters - Financing: No cost consideration to the City

BACKGROUND

The Cities of Dallas and Fort Worth, Texas jointly own the Dallas/Fort Worth International Airport ("Airport"), which is operated for and on behalf of the Cities by a Joint Airport Board pursuant to Chapter 22 of the Texas Transportation Code. The above referenced bonds are Additional Obligations under the Thirtieth Supplemental Concurrent Bond Ordinance adopted by the Cities of Fort Worth and Dallas on February 22, 2000 and 23, 2000, respectively, which amended and supplemented the 1968 Regional Airport Concurrent Bond Ordinance adopted by the Cities of Fort Worth and Dallas on November 11 and 12, 1968, respectively (the "Ordinance", and together with the Thirtieth Supplement, the "Controlling Ordinances"). In accordance with the Controlling Ordinances, the Series 2007 Bonds shall be issued under the provisions of the Controlling Ordinances, as supplemented by the Forty-Second Supplement Concurrent Bond Ordinance for the purposes of refunding the outstanding maturities of the Series 1997 Bonds of the Cities relating to the Airport, providing funding for the debt service reserve fund requirement, if any, and paying the Airport's costs incurred in connection with the issuance of the Series 2007 Bonds.

The Series 2007 Bonds may be issued subject to the following parameters: (a) the maximum aggregate principal amount to be issued shall be \$110,000,000, (b) the price to be paid for the initial Bond shall not be less than 95%, (c) the underwriter's discount shall not exceed .60% or \$6.00 per \$1,000, (d) the maximum maturity shall not exceed 2023, and (e) the principal of the initial Bond shall bear interest at a rate no greater than 6% per annum.

The proceeds from the issuance of the Bonds will allow the Airport to realize debt service savings.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Dallas City Council was briefed on June 20, 2007.

The Dallas Finance, Audit and Accountability Committee was briefed on June 11, 2007.

FISCAL INFORMATION

No cost consideration to the City.

DRAFT

DALLAS/FORT WORTH INTERNATIONAL AIRPORT

FORTY-SECOND SUPPLEMENTAL CONCURRENT BOND ORDINANCE

Passed concurrently by the City Councils of the Cities of Dallas and Fort Worth, Texas

authorizing

\$____,000,000

aggregate principal amount

of

**DALLAS/FORT WORTH INTERNATIONAL AIRPORT
JOINT REVENUE REFUNDING BONDS,
SERIES 2007**

Passed by the City Council of the City of Dallas June 27, 2007

Passed by the City Council of the City of Fort Worth June 26, 2007

Effective June 27, 2007

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CITY OF DALLAS ORDINANCE NO. _____

CITY OF FORT WORTH ORDINANCE NO. _____

**FORTY-SECOND SUPPLEMENTAL CONCURRENT BOND ORDINANCE
AUTHORIZING DALLAS/FORT WORTH INTERNATIONAL AIRPORT
JOINT REVENUE REFUNDING BONDS, SERIES 2007, FOR LAWFUL
PURPOSES; PROVIDING THE SECURITY THEREFOR; PROVIDING FOR
THE SALE, EXECUTION AND DELIVERY THEREOF SUBJECT TO CERTAIN
PARAMETERS; AND PROVIDING OTHER TERMS, PROVISIONS AND
COVENANTS WITH RESPECT THERETO.**

WHEREAS, prior to the adoption of this ordinance (herein defined and cited as the “Forty-Second Supplemental Concurrent Bond Ordinance” or as the or this “Ordinance”), the City Councils of the Cities of Dallas and Fort Worth, Texas (the “Cities”) passed the Thirtieth Supplemental Concurrent Bond Ordinance (defined and cited herein as the “Thirtieth Ordinance”) relating to the Dallas/Fort Worth International Airport (the “Airport”); and

WHEREAS, the Thirtieth Ordinance amended and supplemented the prior ordinance of the Cities that is defined therein as the “1968 Ordinance”; and

WHEREAS, the 1968 Ordinance, as amended and supplemented by the Thirtieth Ordinance, and the Thirtieth Ordinance, now constitute the controlling bond ordinances of the Cities (herein defined together as the “Controlling Ordinances”) that relate to the financing of the Airport and that, together (i) prescribe the terms and conditions upon the basis of which the Additional Obligations, Credit Agreements, and Parity Credit Agreement Obligations may be issued and executed, and (ii) provide and establish the pledge, security, and liens securing the Cities’ special obligations to pay when due the Outstanding Obligations, the Initial Obligations, any Parity Credit Agreement Obligations, and any Additional Obligations; and

WHEREAS, the City Councils of the Cities of Dallas and Fort Worth, on May 14 and May 13, 1997, respectively, concurrently adopted the Twenty-Seventh Supplemental Regional Airport Concurrent Bond Ordinance authorizing the issuance of the Dallas-Fort Worth Regional Airport Joint Revenue Construction and Refunding Bonds, Series 1997 (the “Series 1997 Bonds”), in the aggregate principal amount of \$142,070,000; and

WHEREAS, each City Council hereby finds and determines that the refunding of all or a portion of the outstanding maturities of the Series 1997 Bonds described in Schedule I (the “Refunded Obligations”) is in the best interest of the Cities; and

WHEREAS, it is anticipated that debt service savings in an amount to be set forth in the Officers Pricing Certificate can be achieved by the issuance of the Dallas/Fort Worth International Airport Joint Revenue Refunding Bonds, Series 2007, in one or more subseries (the “Bonds”), to, among other things, refund all or a portion of the Refunded Obligations; and

WHEREAS, this Ordinance is adopted for the purpose of, among the other purposes set forth below, refunding all or a portion of the Refunded Obligations, as set forth in the Officers Pricing Certificate; and

WHEREAS, in accordance with the Controlling Ordinances, the Cities have been requested by the Dallas/Fort Worth International Airport Board (the "Board") to issue Additional Obligations pursuant to this Ordinance to refund all or a portion of the Refunded Obligations and for other purposes as further described in Section 3.1; and

WHEREAS, each City Council finds and determines that the meeting at which this Ordinance was adopted was open to the public, and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Ordinance, was given, all as required by Applicable Law;

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH:

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.1. Short Title. This Ordinance may hereafter be cited in other documents and without further description as the "Forty-Second Supplemental Concurrent Bond Ordinance."

Section 1.2. Definitions. The capitalized terms used herein, including in the preambles hereto, that are not otherwise defined herein shall have the same meanings and definitions as are applied to such terms, respectively, in, or incorporated into, the Controlling Ordinances. Additionally, unless otherwise expressly provided or unless the context clearly requires otherwise, the following additional terms shall have the respective meanings specified below:

Authorized Officer – means the Chief Executive Officer, the Executive Vice President and Chief Financial Officer, and the Vice President-Finance of the Board, and, in the event any of such positions is renamed or otherwise reorganized, including any person holding or exercising the duties of any comparable position.

Bond - means any of the Bonds.

Bond Date - means the date of such Bonds as designated in the Officers Pricing Certificate.

Bonds - mean the bonds described in Section 3.1.

Closing Date - means the date on which the Bonds are actually delivered to and paid for by the Purchaser.

Designated Payment/Transfer Office - means (i) with respect to the initial Paying Agent/Registrar named herein, its office in Dallas, Texas, or such other location as may be designated by the Paying Agent/Registrar, and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the Cities and such successor.

DTC - means The Depository Trust Company of New York, New York, or any successor securities depository.

DTC Participant - means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among such parties.

Initial Bond - means the Bonds described in Section 3.2 with the insertions required by Section 6.2(d).

Insurer or Insurers - means the issuer of the Policy or of the Policies if more than one are issued, as certified by an Authorized Officer on the Closing Date.

Interest Payment Date - means the date or dates upon which interest on the Bonds is scheduled to be paid until the applicable Stated Maturity Date or Mandatory Redemption Date, as determined in the Officers Pricing Certificate.

Mandatory Redemption Dates - mean the dates on which the Cities are obligated to redeem Bonds in advance of their respective Stated Maturity Dates in accordance with Section 4.4.

Master Paying Agent Agreement - means the paying agent agreement previously executed by the Board and the Paying Agent/Registrar that specifies the duties and responsibilities of the Paying Agent/Registrar with respect to bonds or other obligations issued by the Cities in relation to the Airport.

Officers Pricing Certificate - means the certificate to be executed by one or more of the Authorized Officers pursuant to Section 3.2 and attached as Schedule II to the Underwriting Agreement.

Ordinance - means this Ordinance and all amendments hereof and supplements hereto.

Original Issue Date - means the Closing Date of the Bonds.

Paying Agent/Registrar - means The Bank of New York Trust Company, N.A., or any successor thereto as provided in this Ordinance.

Policy or Policies - means the policy or policies of municipal bond insurance relating to the Bonds issued on the Closing Date by the Insurer or the Insurers if more than one.

Purchaser - means the person, firm or entity or the group thereof, or the representative of such group, initially purchasing the Bonds issued hereunder from the Cities pursuant to the Underwriting Agreement.

Rebate Fund - means the special fund required to be created and maintained in Section 8.4 and is the type of fund referred to in the definition of that term in the Thirtieth Ordinance.

Record Date - means the 15th day of the month next preceding an Interest Payment Date.

Representation Letter - means the "Blanket Letter of Representations" between the Cities and DTC, as approved and ratified in Section 3.9(c).

Stated Maturity Dates - mean the respective dates on which the Bonds are stated to mature in accordance with Section 3.2(b).

Thirtieth Ordinance - means the Thirtieth Supplemental Concurrent Bond Ordinance passed by the City Councils of the Cities and effective on February 23, 2000.

Underwriting Agreement - means the Underwriting Agreement hereafter entered into as contemplated and authorized in Section 3.2(b).

Section 1.3. **Table of Contents, Titles and Headings.** The table of contents, titles and headings of the Articles and Sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.4. **Interpretation.** (a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) Article and Section references shall mean references to Articles and Sections of this Ordinance unless designated otherwise.

(c) If any one or more of the covenants, provisions or agreements contained herein should be contrary to Applicable Law, then such covenants, provisions or agreements shall be deemed separable from the remaining covenants, provisions, and agreements hereof, and shall in no way affect the validity of the remaining covenants, provisions, and agreements contained in this Ordinance.

Section 1.5. **Declarations and Additional Rights and Limitations Under Controlling Ordinances.** (a) For all purposes of the Outstanding Ordinances and the Controlling Ordinances, as amended and supplemented, the Cities declare and provide as follows:

(i) The Bonds are Additional Obligations that are authorized by Section 3.2 of the Thirtieth Ordinance.

(ii) The Bonds are not Interim Obligations.

(iii) Each Policy is a Credit Agreement, and each Insurer is a Credit Provider. However, a Policy does not create a Parity Credit Agreement Obligation. A Policy, if any, entered into for the purpose of providing all or a portion of the amount equal to the Debt Service Reserve Requirement is hereby declared to be a Credit Agreement that is on a parity with Subordinate Lien Obligations; provided however, the provisions of subsection 5.2(b)(iii) of the Thirtieth Ordinance shall continue to apply with respect to any deficiencies in the Debt Service Reserve Fund, including any costs of a Policy with respect to the Debt Service Reserve Fund.

(iv) Administrative Expenses shall include the fees and expenses owed to the Paying Agent/Registrar.

(v) The amount of the Debt Service Reserve Requirement on account of the Bonds is an amount that is less than the average annual Debt Service that will be required to be paid on or with respect to all Outstanding Obligations as of the date following the delivery of the Bonds. In the event that the amount on deposit in the Debt Service Reserve Fund is less than the amount required, as determined in the Officers Pricing Certificate, the amount specified in Section 8.1 shall be deposited to the Debt Service Reserve Fund out of the proceeds of the Bonds or shall be used to enter into a Credit Agreement to satisfy the Debt Service Reserve Requirement.

(vi) The Stated Maturity Dates and the Mandatory Redemption Dates established in accordance with Article III are Principal Payment Dates for the purposes of the Thirtieth Ordinance.

(vii) Each Insurer, as a Credit Provider, is authorized to give and withdraw notices of default under the provisions of Section 7.1(vii) of the Thirtieth Ordinance.

(viii) Each of the Authorized Officers is designated and appointed as an "officer" of the Cities for the limited purposes of administering this Ordinance, including particularly the related documents and agreements described herein in accordance with Chapters 1207 and 1371, Government Code, as amended.

(ix) As permitted by Section 5.1 of the Thirtieth Ordinance, the Board confirms the creation of the Capitalized Interest Account in the Construction Fund. The Capitalized Interest Account is a Pledged Fund, subject to the terms and provisions of Section 8.6.

(x) This Ordinance is an Additional Supplemental Ordinance.

(b) For all purposes of the Outstanding Ordinances and the Controlling Ordinances, as amended and supplemented, the following additional rights and limitations are granted and imposed:

(i) No amendment to the Controlling Ordinances or this Ordinance shall be approved or adopted pursuant to any of Sections 8.2, 8.3, 8.4, or 8.5 of the Thirtieth Ordinance, whether with or without the consent of the Holders, unless and until the same is approved by the Insurer, to the extent required under the terms of the Credit Agreement.

(ii) The Cities shall have the right to amend the Outstanding Ordinances, the Controlling Ordinances, and this Ordinance without the consent of or notice to the Holders, for any purpose not prohibited by Section 8.3 of the Thirtieth Ordinance, if such amendment is approved by the Insurer and such other Credit Providers, if any, as may be required by an Additional Supplemental Ordinance.

(iii) Whenever in this Ordinance, or in the Controlling Ordinances, the right is granted to redeem Bonds in advance of a Stated Maturity Date, any such redemption may be accomplished with any lawfully available money. The Bonds may be redeemed according to their respective terms, and pro rata redemptions are not required. All money delivered to the Paying Agent/Registrar for the purpose of paying the principal of and interest on Bonds shall be held uninvested by the Paying Agent/Registrar.

(iv) In the event of the occurrence of an Event of Default, the right of acceleration of the Stated Maturity Date or the Mandatory Redemption Date of any Bond or of any Parity Credit Agreement Obligation is not granted as a remedy, and the right of acceleration is expressly denied.

(v) The specific information that must be provided pursuant to the disclosure requirements of Section 10.1 of the Thirtieth Ordinance with respect to the Bonds shall be (A) the audited financial statements of the Board for each Fiscal Year ending on and after September 30, 2007, and (B) the annual financial information shall be the operating data relating to the Bonds set forth in the numbered tables in the official statement relating to the issuance of the Bonds. The Board shall provide such information on behalf of the Cities.

ARTICLE II

PURPOSES, PLEDGE AND SECURITY FOR BONDS

Section 2.1. Purposes of Ordinance. The purposes of this Ordinance are to prescribe the specific terms and provisions of the Bonds, to extend expressly the pledge, lien, security, and provisions of the Controlling Ordinances to and for the benefit of the Holders, to provide certain covenants to and for the benefit of each Insurer and/or Credit Provider, and to sell the Bonds to the Purchaser.

Section 2.2. Pledge, Security for, Sources of Payment of Bonds. (a) The pledge, the security and the filing provisions of Sections 2.2 and 2.4, respectively, of the Thirtieth Ordinance are hereby expressly restated, fixed, brought forward and granted to the Holders, and to each Insurer, as a Credit Provider.

(b) The Bonds, as "Additional Obligations" under the Controlling Ordinances, are secured by a lien on and pledge of the Pledged Revenues and the Pledged Funds on a parity with the Prior Obligations, the Initial Obligations, and any other Additional Obligations that are Outstanding, and with Parity Credit Agreement Obligations, if any, that are unpaid from time to time, as declared and provided in Section 2.2 of the Thirtieth Ordinance.

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE BONDS

Section 3.1. Authorization. Additional Obligations, to be designated "Cities of Dallas and Fort Worth, Texas, Dallas/Fort Worth International Airport Joint Revenue Refunding Bonds, Series 2007," are hereby authorized to be issued and delivered in accordance with Applicable Law and as provided herein and in the Officers Pricing Certificate. The Bonds shall be issued and the proceeds thereof shall be used, together with other available funds, if any, for the purpose of refunding all or a portion of the Refunded Obligations, as set forth in the Officers Pricing Certificate and/or to pay the Cities' and the Board's costs incurred in connection with the issuance of the Bonds, including the costs of the Policy or Policies for Insurance.

Section 3.2. Initial Date, Denominations, Number, Maturity, Initial Registered Owner, Characteristics of the Initial Bond and Expiration Date of Delegation. (a) The Initial Bond is hereby authorized to be issued, sold, and delivered hereunder as a single fully registered Bond, without interest coupons, dated the date designated as prescribed below, in the denomination and maximum aggregate principal amount of \$110,000,000, numbered T-1, payable in annual installments of principal to the initial

registered owner thereof (to be determined by the Authorized Officers, as hereinafter provided), or to the registered assignee or assignees of said Bond or any portion or portions thereof (in each case, the "registered owner"), with the annual installments of principal of the Initial Bond to be payable on the dates, respectively, and in the principal amounts, respectively, to be stated in the Initial Bond as set forth in this Ordinance and the Officers Pricing Certificate, and as provided in this Ordinance, but with the final installment of principal (the maximum term) to be not later than November 1, 2023.

(b) As authorized by Chapters 1207 and 1371, Texas Government Code, as amended, the Authorized Officers and the City Managers are hereby authorized, appointed, and designated as the officers or employees of the Cities authorized to act on behalf of the Cities in the selling and delivering of the Initial Bond and carrying out the other procedures specified in this Ordinance, including the determination of the price at which the Initial Bond will be sold, the amount of each Principal Installment issued hereunder in the maximum aggregate principal amount of \$110,000,000, the due date of each Principal Installment hereof, which shall be November 1 in each year in which a Principal Installment is due, the rate of interest to be borne by each Principal Installment issued hereunder, the redemption features, including any requirements of Mandatory Redemption, and all other matters relating to the issuance, sale, and delivery of the Initial Bond and the Bonds. The Authorized Officers and the City Managers, acting for and on behalf of the Cities, are authorized to enter into and carry out the Underwriting Agreement in substantially the form attached hereto as Exhibit A as approved by the City Attorneys of the Cities with the parties indicated in Exhibit A, at such price, in the aggregate principal amount, with such Principal Installments, with such interest rates, with such redemption features and other matters, as shall be determined by the Authorized Officers and set forth therein and in the Officers Pricing Certificate; provided that: (i) the price to be paid for the Initial Bond shall not be less than 95% of the initial aggregate principal amount thereof with a maximum underwriter's discount of .60%; (ii) no installment of principal of the Initial Bond shall bear interest at a rate greater than 6.00% per annum; and (iii) the refunding of the Refunded Obligations shall result in net debt service savings in an amount to be set forth in the Officers Pricing Certificate. It is further provided, however, that, notwithstanding the foregoing provisions, the Initial Bond shall not be delivered unless prior to delivery, the Bonds have been rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for long term obligations, as required by Applicable Law. In connection with the issuance and delivery of the Bonds, each of the Authorized Officers, acting for and on behalf of the Cities, is authorized to set out in the Officers Pricing Certificate such information as contemplated herein. The Officers Pricing Certificate shall include such information as such Authorized Officer(s) deem appropriate or is required by this Ordinance.

(c) Each of the Authorized Officers is authorized to establish which maturity or maturities, if any, shall be insured based on recommendations of the Co-Financial Advisors of the Airport, and such Authorized Officer(s) shall specify the name or names of the Insurer or Insurers in the Underwriting Agreement and shall specify therein which maturity or maturities, if any, will be insured.

(d) The Initial Bond (i) may be prepaid or redeemed prior to the respective scheduled due dates of installments of principal thereof as provided for in this Ordinance and in the Officers Pricing Certificate, (ii) may be assigned and transferred, (iii) may be converted and exchanged for other Bonds, (iv) shall have the characteristics, and (v) shall be signed and sealed, and the principal of and interest on the Initial Bond shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BOND set forth in this Ordinance and as determined by an Authorized Officer, as provided herein and in the Officers Pricing Certificate, with such changes and additions as are required to meet the terms of the Underwriting Agreement and the Officers Pricing Certificate, including the name as to which the Initial Bond shall be registered.

(e) In the event the Underwriting Agreement shall not be executed on or before 5:00 p.m. on December 1, 2007, the delegation of authority to the Authorized Officers pursuant to this Ordinance shall cease to be effective unless the City Council of each of the Cities shall act to extend such delegation.

Section 3.3. Medium, Method and Place of Payment. (a) The principal of, premium, if any, and interest on the Bonds shall be paid in lawful money of the United States of America as provided in this Section.

(b) Interest on the Bonds shall be payable to the Holders whose names appear in the Obligation Register (as defined in section 3.5) at the close of business on the Record Date; provided, however, that in the event of nonpayment of interest on a scheduled Interest Payment Date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the Cities or the Board. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which shall be at least 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each Holder of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice.

(c) Interest on the Bonds shall be paid by check (dated as of the Interest Payment Date) and sent by the Paying Agent/Registrar to the Holder entitled to such payment, United States mail, first class postage prepaid, to the address of the Holder as it appears in the Obligation Register or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the person to whom interest is to be paid; provided, however, that such person shall bear all risk and expenses of such other customary banking arrangements. Upon written request of a registered owner of at least \$1,000,000 in principal amount of Bonds, all payments of the principal of, redemption premium, if any, and interest on the Bonds shall be paid by wire transfer in immediately available funds to an account designated by such registered owner.

(d) The principal of each Bond shall be paid to the Holder on the due date thereof (whether at the maturity date or the date of prior redemption thereof) upon presentation and surrender of such Bond at the Designated Payment/Transfer Office.

(e) If a date for the payment of the principal of or interest on a Bond is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the Cities or in the city in which the Designated Payment/Transfer Office is located, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding Business Day, and payment on such date shall have the same force and effect as if made on the original date payment was due.

(f) Subject to any applicable escheat, unclaimed property, or similar and Applicable Law, unclaimed payments remaining unclaimed by the Holders entitled thereto for three years after the applicable payment or redemption date shall be paid to the Board and thereafter neither the Cities, the Paying Agent/Registrar, nor any other person shall be liable or responsible to any Holders of such Bonds for any further payment of such unclaimed moneys or on account of any such Bonds.

(g) The unpaid principal balance of the Initial Bond shall bear interest as set forth in such Initial Bond to the respective scheduled due dates, or to the respective dates of prepayment or redemption, of the Principal Installments, and said interest shall be payable to the registered owner thereof, all in the manner provided and on the dates fixed by the Authorized Officers in accordance with this Ordinance and

the Officers Pricing Certificate, and with interest rates as fixed by the Authorized Officers in accordance with this Ordinance and the Officers Pricing Certificate, and as set forth in the Underwriting Agreement.

Section 3.4. Ownership. (a) The Cities, the Board, the Paying Agent/Registrar and any other person may treat each Holder as the absolute owner of such Bond for the purpose of making and receiving payment of the principal thereof and premium, if any, thereon, and for the further purpose of making and receiving payment of the interest thereon (subject to the provisions herein that interest is to be paid to each Holder on the Record Date), and for all other purposes, whether or not such Bond is overdue, and neither the Cities, the Board, nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the person deemed to be the Holder in accordance with this Section shall be valid and effectual and shall discharge the liability of the Cities, the Board, and the Paying Agent/Registrar upon such Bond to the extent of the sums paid.

Section 3.5. Registration, Transfer and Exchange. (a) So long as any Bonds remain outstanding, the Board shall cause the Paying Agent/Registrar to keep a register (the "Obligation Register") at its principal trust office in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Bonds in accordance with this Ordinance.

(b) Ownership of any Bond may be transferred in the Obligation Register only upon the presentation and surrender thereof at the Paying Agent's Designated Payment/Transfer Office for transfer of registration and cancellation, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of the Bonds, or any portion thereof in any integral multiple of \$5,000, to the assignee or assignees thereof, and the right of such assignee or assignees thereof to have the Bond or any portion thereof registered in the name of such assignee or assignees. No transfer of any Bond shall be effective until entered in the Obligation Register. Upon assignment and transfer of any Bond or portion thereof, a new Bond or Bonds will be issued by the Paying Agent/Registrar in conversion and exchange for such transferred and assigned Bond. To the extent possible the Paying Agent/Registrar will issue such new Bond or Bonds in not more than three business days after receipt of the Bond to be transferred in proper form and with proper instructions directing such transfer.

(c) Any Bond may be converted and exchanged only upon the presentation and surrender thereof at the Designated Payment/Transfer Office of the Paying Agent/Registrar together with a written request therefor duly executed by the registered owner or assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantees of signatures satisfactory to the Paying Agent/Registrar, for a Bond or Bonds of the same maturity and interest rate and in any authorized denomination and in an aggregate principal amount equal to the unpaid principal amount of the Bond presented for exchange. If a portion of any Bond is redeemed prior to its scheduled maturity as provided herein, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in the denomination or denominations of any integral multiple of \$5,000 at the request of the registered owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon surrender thereof for cancellation. To the extent possible, a new Bond or Bonds shall be delivered by the Paying Agent/Registrar to the registered owner of the Bond or Bonds in not more than three business days after receipt of the Bond to be exchanged in proper form and with proper instructions directing such exchange.

(d) Each Bond issued in exchange for any Bond or portion thereof assigned, transferred or converted shall have the same principal maturity date and bear interest at the same rate as the Bond for

which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall convert and exchange the Bonds as provided herein, and each substitute Bond delivered in accordance with this Section shall constitute an original contractual obligation of the Cities and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such substitute Bond is delivered.

(e) The Board will pay, as Administrative Expenses, the Paying Agent/Registrar's reasonable and customary charge for the initial registration or any subsequent transfer, exchange or conversion of the Bonds, but the Paying Agent/Registrar will require the Holder to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer, exchange or conversion of a Bond. In addition, the Cities hereby covenant with the Holders of the Bonds that the Board will (i) pay the reasonable and standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due, and (ii) pay the fees and charges of the Paying Agent/Registrar for services with respect to the transfer, registration, conversion and exchange of Bonds as provided herein.

(f) Neither the Cities, the Board, nor the Paying Agent/Registrar shall be required to issue, transfer, or exchange any Bond called for redemption, in whole or in part, where such redemption is scheduled to occur within 45 calendar days after the transfer or exchange date; provided, however, such limitation shall not be applicable to an exchange by the Holder of the uncalled principal balance of a Bond.

Section 3.6 Cancellation and Authentication. All Bonds paid or redeemed before their Stated Maturity Dates in accordance with this Ordinance, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance with this Ordinance, shall be canceled upon the making of proper records regarding such payment, redemption, exchange or replacement. The Paying Agent/Registrar shall dispose of the canceled Bonds in accordance with Applicable Law.

Section 3.7. Temporary Bonds. (a) Following the delivery and registration of the Initial Bond issued hereunder and pending the preparation of definitive Bonds, the proper officers of the Cities may execute and, upon the Cities' or the Board's request, the Paying Agent/Registrar shall authenticate and deliver, one or more temporary Bonds that are printed, lithographed, typewritten, mimeographed or otherwise produced, in any denomination, substantially of the tenor of the definitive Bonds in lieu of which they are delivered, without coupons, and with such appropriate insertions, omissions, substitutions and other variations as the officers of the Cities executing such temporary Bonds may determine, as evidenced by their signing of such temporary Bonds.

(b) Until exchanged for Bonds in definitive form, such Bonds in temporary form shall be entitled to the benefit and security of this Ordinance.

(c) The Cities or the Board, without unreasonable delay, shall prepare, execute and deliver to the Paying Agent/Registrar the Bonds in definitive form; thereupon, upon the presentation and surrender of the Bond or Bonds in temporary form to the Paying Agent/Registrar, the Paying Agent/Registrar shall cancel the Bonds in temporary form and authenticate and deliver in exchange therefor a Bond or Bonds of the same maturity and series, in definitive form, in the authorized denomination, and in the same aggregate principal amount, as the Bond or Bonds in temporary form surrendered. Such exchange shall be made without the making of any charge therefor to any Owner.

Section 3.8 Replacement Bonds. (a) Upon the presentation and surrender to the Paying Agent/Registrar, at the Designated Payment/Transfer Office, of a mutilated Bond, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like tenor and

principal amount, bearing a number not contemporaneously outstanding. The Cities, the Board, or the Paying Agent/Registrar may require the Holder of such Bond to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event any Bond is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to Subchapter D of Chapter 1201, Government Code, as amended, and in the absence of notice or knowledge that such Bond has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Holder first:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Bond;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar and the Cities to save them harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the Cities and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Bond, a bona fide purchaser of the original Bond in lieu of which such replacement Bond was issued presents for payment such original Bond, the Cities, the Board, and the Paying Agent/Registrar shall be entitled to recover such replacement Bond from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the Cities, the Board, or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Bond has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, instead of issuing a replacement Bond, may pay such Bond.

(e) Each replacement Bond delivered in accordance with this Section shall constitute an original contractual obligation of the Cities and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such replacement Bond is delivered.

Section 3.9. Book-Entry Only System. (a) The definitive Bonds shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof. Upon initial issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.10, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the Cities, the Board, and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the Cities, the Board, and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the

accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a Holder, as shown on the Obligation Register, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than a Holder, as shown in the Register of any amount with respect to principal of, premium, if any, or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, the Cities, the Board, and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Obligation Register as the absolute owner of such Bond for the purpose of payment of principal of, premium, if any, and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfer with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Bonds only to or upon the order of the respective Holders, as shown in the Obligation Register, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Cities' obligations with respect to payment of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than a Holder, as shown in the register, shall receive a certificate evidencing the obligation of the Cities to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the registered Owner at the close of business on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(c) The "Blanket Representation Letter" setting respective duties with respect to the Bonds has been previously executed and delivered by an Authorized Officer and made applicable to the Bonds delivered in book-entry-only form to DTC, as securities depository therefor, is hereby ratified and approved for the Bonds.

Section 3.10. Successor Securities Depository. In the event that the Cities, the Board, or the Paying Agent/Registrar determine that DTC is incapable of discharging its responsibilities described herein and in the Representation Letter, and that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, or in the event DTC discontinues the services described herein, the Cities, the Board, or the Paying Agent/ Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants, as identified by DTC, of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants, as identified by DTC, of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts, as identified by DTC. In such event, the Bonds shall no longer be restricted to being registered in the Obligation Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Holders transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

Section 3.11. Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bonds are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bonds, and all notices with respect to such Bonds, shall be made and given, respectively, in the manner provided in the Representation Letter.

ARTICLE IV

REDEMPTION OF BONDS BEFORE MATURITY

Section 4.1. Limitation on Redemption. The Bonds shall be subject to redemption before scheduled maturity only as provided in this Article IV and the Officers Pricing Certificate.

Section 4.2. Optional Redemption. (a) The Authorized Officers shall specify in the Underwriting Agreement, Officers Pricing Certificate, Initial Bond, and in the Bonds such rights of optional redemption, if any, and the Redemption Prices therefor that are to be reserved by the Cities.

(b) To the extent the Bonds are subject to optional redemption, the Board, at least 45 days before the redemption date, unless a shorter period shall be satisfactory to the Paying Agent/Registrar, shall notify the Paying Agent/Registrar of such redemption date and of the principal amount of the Bonds to be redeemed.

Section 4.3. Partial Redemption. (a) If less than all of the Bonds are to be redeemed pursuant to Section 4.2, the Board shall have the right to determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call at random the Bonds, or portions thereof, within such maturity or maturities and in such principal amounts for redemption as determined by the Board in its sole discretion.

(b) A portion of a single Bond of a denomination greater than \$5,000 may be redeemed, but only in a principal amount equal to \$5,000 or any integral multiple thereof. If such a Bond is to be partially redeemed, the Paying Agent/Registrar shall treat each \$5,000 portion of the Bond as though it were a single Bond for purposes of selection for redemption.

(c) Upon surrender of any Bond for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.5 of this Ordinance, shall authenticate and deliver an exchange Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond so surrendered, such exchange being without charge.

(d) The Paying Agent/Registrar shall promptly notify the Board in writing of the principal amount to be redeemed of any Bond as to which only a portion thereof is to be redeemed.

Section 4.4. Mandatory Redemption of Certain Bonds. (a) The Authorized Officers shall specify in the Underwriting Agreement, Officers Pricing Certificate, Initial Bond and in the Bonds such obligations to redeem the Bonds mandatorily, and the Redemption Prices therefor, as are to be imposed on the Cities.

(b) Subject to the provisions of subsection (c) of this Section, when less than all of the Bonds of a specified maturity on a specified Stated Maturity Date are required to be redeemed as determined in accordance with this Section, the Board, acting on behalf of the Cities, shall have the right and shall direct the Paying Agent/Registrar to call by lot the Bonds, or portions thereof within a maturity, that are to be called for redemption. A portion of a single Bond of a denomination greater than \$5,000 may be redeemed, but only in a principal amount equal to \$5,000 or an integral multiple thereof. The Paying Agent/Registrar shall treat each \$5,000 portion of the Bond as though it were a single Bond for purposes of selection for redemption. Upon surrender of any Bond for redemption in part, the Paying Agent/Registrar shall authenticate and deliver an exchange Bond or Bonds in an aggregate amount equal to the unredeemed portion of the Bond so surrendered.

(c) In lieu of the procedure described in subsection (b) of this Section, if less than all of the Bonds of a Stated Maturity Date are required to be redeemed, the Cities and the Board shall have the right to accept tenders of Bonds of the applicable Stated Maturity Date and to purchase Bonds of such maturity in the open markets at any price that is less than the applicable Redemption Price for the Bonds required to be redeemed.

Section 4.5. Notice of Redemption to Holders. (a) The Paying Agent/Registrar shall give notice of any redemption of Bonds by sending notice by first class United States mail, postage prepaid, not less than 30 days before the date fixed for redemption, to the Holder of each Bond (or part thereof) to be redeemed, at the address shown on the Obligation Register.

(b) The notice shall state the redemption date, the redemption price, the place at which the Bonds are to be surrendered for payment, and, if less than all the Bonds outstanding are to be redeemed, an identification of the Bonds or portions thereof to be redeemed.

(c) Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Holder receives such notice.

Section 4.6. Payment Upon Redemption. (a) Before or on each redemption date, the Board on behalf of the Cities shall deposit with the Paying Agent/Registrar money sufficient to pay all amounts due on the redemption date and the Paying Agent/Registrar shall make provision for the payment of the Bonds to be redeemed on such date by setting aside and holding in trust such amounts as are received by the Paying Agent/Registrar from the Board and shall use such funds solely for the purpose of paying the principal of, redemption premium, if any, and accrued interest on the Bonds being redeemed, or the tender or negotiated price in the case of Bonds tendered or purchased under Section 4.4(c).

(b) Upon presentation and surrender of any Bond called for redemption at the Designated Payment/Transfer Office on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of, redemption premium, if any, and accrued interest on such Bond to the date of redemption from the money set aside for such purpose.

Section 4.7. Effect of Redemption. (a) Notice of redemption having been given as provided in Section 4.5 of this Ordinance, the Bonds or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the Cities fail in their obligation to make provision for the payment of the principal thereof, redemption premium, if any, or accrued interest thereon on the date fixed for redemption, such Bonds or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Bonds are presented and surrendered for payment on such date.

(b) If the Cities shall fail to make provision for payment of all sums due on a redemption date, then any Bond or portion thereof called for redemption shall continue to bear interest at the rate stated on the Bond until due provision is made for the payment of same by the Cities.

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.1. Appointment of Initial Paying Agent/Registrar. The Bank of New York Trust Company, N.A., is hereby appointed as the initial Paying Agent/Registrar for the Bonds, under and subject to the terms and provisions of the Master Paying Agent Agreement.

Section 5.2. Qualifications. The Paying Agent/Registrar shall be a commercial bank, a trust company organized under applicable laws, or any other entity duly qualified and legally authorized to serve as and perform the duties and services of paying agent and registrar for the Bonds.

Section 5.3. Maintaining Paying Agent/Registrar. (a) At all times while any Bonds are Outstanding, the Cities will maintain a Paying Agent/Registrar that is qualified under Section 5.2 of this Ordinance.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the Board will promptly appoint a replacement.

Section 5.4. Termination. The Cities, acting through the Board, upon not less than 60 days notice, reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated written notice of such termination, provided, that such termination shall not be effective until a successor Paying Agent/Registrar has been appointed and has accepted the duties of Paying Agent/Registrar for the Bonds.

Section 5.5. Notice of Change. Promptly upon each change in the entity serving as Paying Agent/Registrar, the Board will cause notice of the change to be sent to each Holder and Insurer by first class United States mail, postage prepaid, at the address in the Obligation Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar.

Section 5.6. Agreement to Perform Duties and Functions. By accepting the appointment as Paying Agent/Registrar, the Paying Agent/Registrar acknowledges receipt of copies of the Controlling Ordinances and this Ordinance, and is deemed to have agreed to the provisions of thereof, and to perform the duties and functions of Paying Agent/Registrar prescribed therein and herein.

Section 5.7. Delivery of Records to Successor. If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Obligation Register (or a copy thereof) and all other pertinent books and records relating to the Bonds to the successor Paying Agent/Registrar.

ARTICLE VI

FORM OF THE BONDS

Section 6.1. Form Generally. (a) The Bonds, including the Registration Certificate of the Comptroller of Public Accounts of the State, the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Bonds, (i) shall be substantially in the form set forth in this Article, with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any

reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the Board.

(b) Any portion of the text of any Bonds may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Bonds.

(c) The Bonds, including the Initial Bond submitted to the Attorney General of Texas and any temporary Bonds, shall be typed, printed, lithographed, photocopied or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Bonds, as evidenced by their execution thereof.

Section 6.2. Form of Bond. The form of Bond, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Bonds, shall be substantially as follows:

(a) [Form of Bond]

REGISTERED

REGISTERED

No. _____

\$ _____

United States of America
State of Texas
Cities of Dallas and Fort Worth

**DALLAS/FORT WORTH INTERNATIONAL AIRPORT
JOINT REVENUE REFUNDING BOND, SERIES 2007**

INTEREST RATE: MATURITY DATE: ORIGINAL ISSUE DATE: CUSIP NO.:

_____ %

_____, ____

_____, 2007

The Cities of Dallas and Fort Worth, Texas (the "Cities"), for value received, hereby promise to pay to

or registered assigns, on the Maturity Date, as specified above, the sum of

_____ DOLLARS

unless this Bond shall have been sooner called for redemption and the payment of the principal hereof shall have been paid or provision for such payment shall have been made, and to pay interest on the unpaid principal amount hereof from the later of _____, 2007, or the most recent interest payment date to which interest has been paid or provided for until such principal amount shall have been paid or provided for, at the per annum rate of interest specified above, computed on the basis of a 360-day year of twelve 30-day months, such interest to be paid semiannually on May 1 and November 1 of each year, commencing _____, 2007. Interest on the Bonds shall accrue from _____, 2007.

Capitalized terms appearing herein that are defined terms in the Ordinances defined below, have the meanings assigned to them in the Ordinances. Reference is made to the Ordinances for such definitions and for all other purposes.

The principal of this Bond shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Bond at the corporate trust office in Dallas, Texas (the "Designated Payment/Transfer Office"), of The Bank of New York Trust Company, N.A. or, with respect to a successor Paying Agent/Registrar, at the Designated Payment/Transfer Office of such successor. Interest on this Bond is payable by check dated as of the interest payment date, mailed by the Paying Agent/Registrar to the registered owner at the address shown on the registration books kept by the Paying Agent/Registrar or by such other customary banking arrangements acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the person to whom interest is to be paid. Upon written request of a registered owner of at least \$1,000,000 in principal amount of Bonds, all payments of the principal of, redemption premium, if any, and interest on the Bonds shall be paid by wire transfer in immediately available funds to an account designated by such registered owner. For the purpose of the payment of interest on this Bond, the registered owner shall be the person in whose name this Bond is registered at the close of business on the "Record Date," which shall be the 15th day of the month next preceding such interest payment date; provided, however, that in the event of nonpayment of interest on a scheduled interest payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each Holder of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last business day preceding the date of mailing such notice.

If a date for the payment of the principal of or interest on the Bonds is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the Cities or in the city in which the Designated Payment/Transfer Office is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding Business Day, and payment on such date shall have the same force and effect as if made on the original date payment was due.

This Bond is one of a series of fully registered bonds specified in the title hereof, dated August 1, 2007 issued in the aggregate principal amount of \$____,000,000 issued pursuant to the authority of Chapter 22, Texas Transportation Code, as amended, Chapters 1207, 1371 and 1503, Texas Government Code, as amended and the "Controlling Ordinances," as defined in the Forty-Second Supplemental Concurrent Bond Ordinance adopted concurrently by the City Councils of the Cities (the "Forty-Second Supplemental Ordinance"). The Controlling Ordinances and the Forty-Second Supplemental Ordinance are herein collectively referred to as the "Ordinances." This Bond is one of the Additional Obligations authorized by the Ordinances and is subject to the terms and provisions thereof. The Ordinances and their respective terms and provisions are incorporated herein for all purposes.

The Bonds were issued by the Cities for the purposes of obtaining funds to refund certain Obligations previously issued by the Cities and/or to pay the Cities' and the Board's costs incurred in connection with the issuance of the Bonds, including the costs of the Policy or Policies for.

The Bonds and the interest thereon are payable from, and are secured by a first lien on and pledge of the Pledged Revenues and the Pledged Funds.

The lien on and pledge of the Pledged Revenues and Pledged Funds created and granted in the Ordinances in favor of the Bonds is on a parity with the lien and pledge thereof granted by the Cities in favor of the Holders of Outstanding Obligations, the Initial Obligations, and any Additional Obligations or Parity Credit Agreement Obligations that may be issued or executed pursuant to the Controlling Ordinances, as defined and permitted therein. The Cities have reserved the right in the Ordinances to issue additional Initial Obligations, Additional Obligations and Parity Credit Agreement Obligations that, after issuance, may be secured by liens on and pledges of the Pledged Revenues and Pledged Funds on a parity with the lien thereon in favor of the Bonds.

The Cities have also reserved the right in the Ordinances to issue Subordinate Lien Obligations, and Net Revenue Obligations and Credit Agreement Obligations in connection therewith, provided the lien and pledge securing the same are expressly made junior and subordinate to the pledge and lien securing the Obligations and Parity Credit Agreement Obligations.

All covenants requiring the Cities to pay principal and interest or other payments on Obligations, Subordinate Lien Obligations, Net Revenue Obligations, and Credit Agreement Obligations shall be joint, and not several, obligations, and all monetary obligations shall be payable and collectible solely from the revenues and funds expressly pledged thereto by the Ordinances or by an Additional Supplemental Ordinance, such revenues and funds being owned in undivided interests by the City of Dallas (to the extent of 7/11ths thereof) and by the City of Fort Worth (to the extent of 4/11ths thereof); and, each and every Holder shall by his acceptance of this Bond consent and agree that no claim, demand, suit, or judgment for the payment of money shall ever be asserted, filed, obtained or enforced against either of the Cities apart from the other City and from sources other than the funds and revenues pledged thereto; and no liability or judgment shall ever be asserted, entered or collected against either City individually, except out of such pledged revenues and exceeding in the case of Dallas an amount equal to 7/11ths of the total amount asserted or demanded, and in the case of Fort Worth an amount equal to 4/11ths of the total amount asserted or demanded. The Holders hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation.

* The Cities have reserved the right and option to redeem the Bonds maturing in the years ____ through ____, inclusive, in whole or part, in principal amounts equal to \$5,000 or any integral multiple thereof, before their respective maturity dates, on November 1, ____, or on any date thereafter, at a price equal to the principal amount thereof, plus interest to the date fixed for redemption, without premium. [The Cities reserve the right, at their option, to redeem the Term Bond maturing on November 1, in each of the years November 1, ____, on November 1, ____ or any date thereafter, at the principal amount thereof, plus accrued interest, if any, to the date fixed for redemption, without premium.] If less than all of the Bonds are to be redeemed, the Board shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Bonds, or portions thereof, within such maturity and in such principal amounts, for redemption.

* The Bonds maturing November 1, ____ shall be redeemed prior to stated maturity in part at random on November 1 as indicated, in each of the years set forth below from moneys required to be deposited to the credit of the Debt Service Fund at the principal amount thereof and accrued interest to date of redemption, without premium. Such required sinking fund installments as to each maturity are as follows:

BONDS MATURING NOVEMBER 1, ____

Year

Amount

BONDS MATURING NOVEMBER 1, ____

Year

Amount

BONDS MATURING NOVEMBER 1, ____

Year

Amount

BONDS MATURING NOVEMBER 1, ____

Year

Amount

BONDS MATURING NOVEMBER 1, ____

Year

Amount

* The Paying Agent/Registrar will select at random the specific Bonds (or with respect to Bonds having a denomination in excess of \$5,000, each \$5,000 portion thereof) to be redeemed by mandatory redemption. The principal amount of Bonds required to be redeemed on any redemption date pursuant to the foregoing mandatory sinking fund redemption provisions hereof shall be reduced, at the option of the Board on behalf of the City, by the principal amount of any Bonds having the same maturity which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the Board on behalf of the City at a price not exceeding the principal amount of such Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

* Notice of such redemption or redemptions shall be given by first class mail, postage prepaid, not less than 30 days before the date fixed for redemption, to the registered owner of each of the Bonds to be redeemed in whole or in part. Notice having been so given, the Bonds or portions thereof designated for redemption shall become due and payable on the redemption date specified in such notice; from and after such date, notwithstanding that any of the Bonds or portions thereof so called for redemption shall not have been surrendered for payment, interest on such Bonds or portions thereof shall cease to accrue.

* To be included only if Underwriting Agreement reserves rights of optional redemption and/or establishes one or more Sinking Funds and provides for mandatory redemption.

As provided in the Ordinances, and subject to certain limitations therein set forth, this Bond is transferable upon surrender of this Bond for transfer at the Designated Payment/Transfer Office, with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar, and, thereupon, one or more new fully registered Bonds of the same stated maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

Neither the Cities, the Board, nor the Paying Agent/Registrar shall be required to issue, transfer or exchange any Bond called for redemption where such redemption is scheduled to occur within 45 calendar days of the transfer or exchange date; provided, however, such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

The Cities, the Board, the Paying Agent/Registrar, and any other person may treat the person in whose name this Bond is registered as the owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Bond is registered on the Record Date or Special Record Date, as applicable) and for all other purposes, whether or not this Bond be overdue, and neither the Cities, the Board, nor the Paying Agent/Registrar shall be affected by notice to the contrary.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Bond and the series of which it is a part is duly authorized by law; that all acts, conditions and things required to be done precedent to and in the issuance of the Bonds have been properly done and performed and have happened in regular and due time, form and manner, as required by law.

(Execution Page Follows)

IN WITNESS WHEREOF, the City Council of the City of Dallas, Texas, has caused the facsimile seal of that City to be placed hereon and this Bond to be signed by the facsimile signature of its Mayor and countersigned by the facsimile signatures of its City Manager and City Secretary; and the City Council of the City of Fort Worth, Texas, has caused the facsimile seal of that City to be placed hereon and this Bond to be signed by the facsimile signature of its Mayor, countersigned by the facsimile signature of its City Secretary, and approved as to form and legality by its City Attorney.

COUNTERSIGNED:

City Manager,
City of Dallas, Texas

Mayor,
City of Dallas, Texas

City Secretary,
City of Dallas, Texas

COUNTERSIGNED:

City Secretary,
City of Fort Worth, Texas

Mayor,
City of Fort Worth, Texas

APPROVED AS TO FORM AND LEGALITY:

City Attorney,
City of Fort Worth, Texas

(b) [Form of Certificate of Paying Agent/Registrar]

CERTIFICATE OF PAYING AGENT/REGISTRAR

This is one of the Bonds referred to in the within mentioned Ordinances. The series of Bonds of which this Bond is a part was originally issued as one Initial Bond which was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

as Paying Agent/Registrar

Dated:

By: _____
Authorized Signatory

(c) [Form of Assignment]

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto (print or typewrite name, address and zip code of transferee):

_____ (Social Security or other identifying number: _____) the within Bond and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration hereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed By:

Authorized Signatory

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular and must be guaranteed in a manner satisfactory to the Paying Agent/Registrar.

(d) Initial Bond Insertions.

(i) The Initial Bond shall be in the form set forth in paragraph (a) of this Section, except that:

(A) immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY"

DATE" shall both be completed with the words "As Shown Below" and "CUSIP NO. ____" deleted;

(B) in the first paragraph:

the words "on the Maturity Date" shall be deleted and the following will be inserted:

"on _____ in the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

<u>Years</u>	<u>Principal Installments</u>	<u>Interest Rates</u>
--------------	-----------------------------------	---------------------------

(Information to be inserted in accordance with Section 3.2(b) hereof)";
and

(C) the Initial Bond shall be numbered T-1.

(ii) The following Registration Certificate of Comptroller of Public Accounts shall appear on the Initial Bond in lieu of the Certificate of the Paying Agent/Registrar:

**REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS**

OFFICE OF THE COMPTROLLER
OF PUBLIC ACCOUNTS

REGISTER NO. _____

THE STATE OF TEXAS

I HEREBY CERTIFY THAT there is on file and of record in my office a certificate to the effect that the Attorney General of the State of Texas has examined and approved this Bond as required by law, and that he finds that it has been issued in conformity with the constitution and laws of the State of Texas, and that this Bond has been registered this day by me.

WITNESS MY SIGNATURE AND SEAL OF OFFICE this _____.

[SEAL]

Comptroller of Public Accounts
of the State of Texas

Section 6.3. CUSIP Registration. The Cities may secure identification numbers through the CUSIP Service Bureau Division of Standard & Poor's Corporation, New York, New York, and may authorize the printing of such numbers on the face of the Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Bonds shall be of no significance or effect as regards the legality thereof and neither the Cities, the Board, nor the attorneys approving said Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Bonds.

Section 6.4. Legal Opinion. The approving legal opinions of McCall, Parkhurst & Horton L.L.P., Vinson & Elkins L.L.P. and Renee Higginbotham-Brooks, Esq., Co-Bond Counsel, shall be delivered to the Paying Agent/Registrar and the delivery thereof shall be acknowledged by the Paying Agent/Registrar on behalf of the Holders of the Bonds.

ARTICLE VII

EXECUTION, APPROVAL, REGISTRATION, SALE AND DELIVERY OF BONDS AND RELATED DOCUMENTS

Section 7.1. Method of Execution, Delivery of Initial Bond. (a) Each of the Bonds shall be signed and executed on behalf of the City of Dallas by the manual or facsimile signature of its Mayor and countersigned by the manual or facsimile signatures of its City Manager and City Secretary, and the corporate seal of that City shall be impressed, printed, lithographed or otherwise reproduced or placed on each bond. Each of the Bonds shall be signed and executed on behalf of the City of Fort Worth by the manual or facsimile signature of its Mayor and countersigned by the manual or facsimile signature of its City Secretary; the same shall be approved as to form and legality by the manual or facsimile signature of the City Attorney of the City, and its corporate seal shall be impressed, printed, lithographed or otherwise reproduced or placed upon each bond. All manual or facsimile signatures placed upon the Bonds shall have the same effect as if manually placed thereon, all to be done in accordance with Applicable Law.

(b) In the event the Mayor, City Secretary, City Manager or City Attorney of either of the Cities is absent or otherwise unable to execute any document or take any action authorized herein, the Mayor Pro Tem, the Assistant City Secretary, an Assistant City Manager or an Assistant City Attorney, respectively, shall be authorized to execute such documents and take such actions, and the performance of such duties by the Mayor Pro Tem and the Assistant City Secretary, and an Assistant City Manager and an Assistant City Attorney shall, for the purposes of this Ordinance, have the same force and effect as if such duties were performed by the Mayor, City Secretary, City Manager and City Attorney, respectively. If any official from either City whose manual or facsimile signature shall appear on the Bonds, shall cease to be such official before the Authentication of the Bonds or before delivery of the Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purpose as if such official had remained in such office.

(c) On the Closing Date, one "Initial Bond," representing the entire principal amount of the Bonds, payable in stated installments to the Purchaser or its designee, executed by manual or facsimile signatures of the Mayors and the City Manager of the City of Dallas and countersigned by the City Secretaries of the Cities and approved as to form and legality by the City Attorney of the City of Fort Worth, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State, will be delivered to the Purchaser or its designee. Upon payment for the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond and deliver to DTC on behalf of the Purchaser registered definitive Bonds as described in Section 3.7.

(d) Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate

of Paying Agent/Registrar substantially in the form provided in this Ordinance, duly authenticated by manual execution of the Paying Agent/Registrar. It shall not be required that the same authorized representative of the Paying Agent/Registrar sign the Certificate of Paying Agent/ Registrar on all of the Bonds. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Bond shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided in this Ordinance, manually executed by the Comptroller of Public Accounts of the State or by his duly authorized agent, which certificate shall be evidence that the Initial Bond has been duly approved by the Attorney General of the State and that it is a valid and binding obligation of the Cities, and has been registered by the Comptroller.

Section 7.2. Approval and Registration. The Board is hereby authorized to have control and custody of the Bonds and all necessary records and proceedings pertaining thereto pending their delivery, and the Chairman, and the officers and employees of the Board and of the Cities are hereby authorized and instructed to make such certifications and to execute such instruments as may be necessary to accomplish the delivery of the Bonds or the Initial Bond to the Attorney General of the State of Texas and to assure the investigation, examination and approval thereof by the Attorney General and their registration by the Comptroller of Public Accounts. Upon registration of the Bonds, the Comptroller of Public Accounts (or a deputy designated in writing to act for him) shall manually sign the Comptroller's Registration Certificate accompanying the Bonds and the seal of the Comptroller shall be impressed, or placed in facsimile, on such certificate. The Chairman of the Board and the Chief Executive Officer of the Airport shall be further authorized to make such agreements and arrangements with the purchasers of Bonds and with the Paying Agent/Registrar as may be necessary to assure that such Bonds will be delivered to such purchasers in accordance with the terms of sale.

Section 7.3. TEFRA Approval. An Authorized Officer or the Assistant Vice President – Finance is hereby appointed to be the designated Hearing Officer for a public hearing relating to the Bonds to be held for purposes of satisfying Section 147 of the Code and the Mayors are hereby authorized to approve the issuance of the Bonds and the use of the proceeds thereof for the purpose of satisfying the requirements of Section 147 of the Code.

Section 7.4. Approval of Credit Agreements. The Board is authorized to enter into Credit Agreements relating to the Bonds from time to time while the Bonds are Outstanding in accordance with Applicable Law.

Section 7.5. Official Statement. In connection with the offer and sale of the Bonds, a preliminary official statement and a final official statement are hereby duly authorized. A draft copy of the preliminary official statement has been presented to and considered at this meeting, and is attached as Exhibit C. The preparation, execution and delivery of a preliminary official statement and a final official statement for the Bonds and any supplements thereto which may be necessary to accomplish the issuance of Bonds are hereby authorized, in such form and with such changes therein as shall be approved by an Authorized Officer or the Board, with an Authorized Officer's execution of the Officers Pricing Certificate for the Bonds to constitute conclusive evidence of such approval.

Section 7.6. Attorney General Modification. In order to obtain the approval of the Bonds by the Attorney General of the State of Texas, any provision of this Ordinance may be modified, altered or amended after the date of its adoption if required by the Attorney General in connection with the Attorney General's examination as to the legality of the Bonds and approval thereof in accordance with the applicable law. Such changes, if any, shall be provided to the City Secretary of each City and such City Secretary shall insert such changes into this Ordinance as if approved on the date hereof.

Section 7.7 Further Action. The Authorized Officers and each of them are authorized, empowered and directed to execute such other documents in addition to those enumerated herein and to take such other actions as they deem necessary or advisable in order to carry out and perform the purposes of this Ordinance.

Section 7.8 Refunding and Redemption of Refunded Obligations. (e) The Cities hereby direct that the Refunded Obligations, or such portion thereof specified in the Officers Pricing Certificate, be called for redemption on November 1, 2007, or such other date as shall be specified in the Officers Pricing Certificate (the "Redemption Date") and that The Bank of New York Trust Company, N.A., as successor paying agent for the Refunded Obligations (the "Escrow Agent"), deposit an amount sufficient, with investment earnings thereon, if any, to pay the amount due on the Refunded Obligations on the Redemption Date, which amount represents the par amount of the outstanding principal amount of, plus accrued interest on, plus redemption premium, if any, for the Refunded Obligations to the Redemption Date (the "Redemption Price"), all in accordance with the form of notice of redemption prepared by the Escrow Agent and attached to the Escrow Agreement. The Refunded Obligations shall not bear interest after the Redemption Date.

(f) The Board is hereby authorized to enter into an escrow agreement, which is hereby approved in the general form approved by the Board, with the Escrow Agent. The Escrow Agent is authorized to take such steps as may be necessary or appropriate to purchase securities on behalf of the Board and to create and fund the Escrow Fund contemplated by the Escrow Agreement through the use of the proceeds of the Bonds and other lawfully available monies of the Board, and to use such monies to redeem the Refunded Obligations on the Redemption Date.

ARTICLE VIII

GENERAL PROVISIONS

Section 8.1. Deposit and Uses of Bond Proceeds. (a) The proceeds received from the sale of the Bonds, together with other available funds, if any, shall be applied as follows: (i) an amount, together with interest earnings thereon, if any, equal to the Redemption Price shall be deposited into the Escrow Fund for the Refunded Obligations; and/or (ii) an amount equal to the Cities' and the Board's costs of issuance of the Bonds will be deposited into the Construction Fund.

Section 8.2. Payment of the Bonds. While any of the Bonds are outstanding and unpaid, the Board shall make available to the Paying Agent/Registrar, out of the Debt Service Fund or the Debt Service Reserve Fund, the amounts and at the times required by this Ordinance and the Controlling Ordinances, money sufficient to pay when due all amounts required to be paid by this Ordinance, the Controlling Ordinances, the Outstanding Ordinances, and the Additional Supplemental Ordinances, if any, that authorize the issuance of Initial Obligations or Additional Obligations.

Section 8.3. Representations and Covenants. (a) The Cities and the Board will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in the Controlling Ordinances and this Ordinance; the Cities will promptly pay or cause to be paid from Pledged Revenues the principal of, interest on, and premium, if any, with respect to, each Bond on the dates and at the places and manner prescribed in each Bond; and the Cities will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by the Controlling Ordinances and this Ordinance.

(b) The Cities are duly authorized by Applicable Law to issue the Bonds; all action on their part for the issuance of the Bonds has been duly and effectively taken; and the Bonds in the hands of the

Holders are and will be valid and enforceable special obligations of the Cities and the Board in accordance with their terms.

(c) The Board, the officers, employees and agents are hereby directed to observe, comply with and carry out the terms and provisions of this Ordinance.

Section 8.4. Covenants Regarding Tax-Exemption. The Cities and the Board covenant to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Bonds as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Cities and the Board covenant as follows:

(a) to take such action or refrain from such action which would result in the Bonds not being "exempt facility bonds" as the term is defined in section 142 of the Code; in particular, which would result in less than 95 percent of the net proceeds being used to provide an "airport" within the meaning of section 142(a)(1) of the Code;

(b) to take such action to assure at all times while the Bonds remain outstanding, the facilities, directly or indirectly, financed with the proceeds thereof will be owned by a governmental unit;

(c) that no part of the facilities, directly or indirectly, financed with the proceeds of the Bonds will constitute (i) any lodging facility, (ii) any retail facility (including food or beverage facilities) in excess of a size necessary to serve passengers and employees at the exempt facility, (iii) any retail facility (other than parking) for passengers or the general public located outside the exempt facility terminal, (iv) any office building for individuals who are not employees of a governmental unit or of the operating authority for the exempt facility, or (v) any industrial park or manufacturing facility;

(d) that the maturity of the Bonds does not exceed 120 percent of the economic life of the facilities, directly or indirectly, financed with the proceeds of the Bonds, as more specifically set forth in section 147(b) of the Code;

(e) that fewer than 25 percent of the proceeds of the Bonds will be used for the acquisition of land or an interest therein, unless such land is acquired for noise abatement or wetland preservation or the future use of the Airport, and there is no other significant use of such land;

(f) that any property acquired, directly or indirectly, with the proceeds of the Bonds was not placed-in-service prior to such acquisition unless the provisions of section 147(d) of the Code, relating to rehabilitation, are satisfied;

(g) that the costs of issuance to be financed with the proceeds of the Bonds do not exceed two (2) percent of the proceeds of the Bonds;

(h) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(i) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Bonds, other than investment property acquired with --

- (i) proceeds of the Bonds invested for a reasonable temporary period, within the meaning of Section 148 of the Code, of 90 days or less until such proceeds are needed for the purpose for which the bonds are issued,
 - (ii) proceeds or amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and
 - (iii) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the stated principal amount (or, in the case of a discount, the issue price) of the Bonds;
- (j) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, to satisfy the requirements of section 148 of the Code (relating to arbitrage);
- (k) to create and maintain a Rebate Fund, as required below, to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code; and
- (l) to maintain such records as will enable the Cities and the Board to fulfill their responsibilities under this section and section 148 of the Code and to retain such records for at least six years following the final payment of principal and interest on the Bonds.

In order to facilitate the requirements of subsection (k) of this Section, the Rebate Fund shall be established and maintained by the Board, on behalf of itself and the Cities, for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other Person, including Holders and Credit Providers. Amounts on deposit in the Rebate Fund in accordance with section 148 of the Code shall be paid periodically to the United States of America in such amounts and at such times as are required by said section.

The Cities and the Board understand that the term "proceeds" includes "disposition proceeds," as defined in the Treasury Regulations, and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Bonds. It is the understanding of the Cities and the Board that the covenants contained in this Ordinance are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify, or expand provisions of the Code, as applicable to the Bonds, the Cities and the Board will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Bonds, the Cities and the Board agree to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code.

Section 8.5. Disposition of Project. The Cities and the Board covenant that the property constituting the projects financed or refinanced with the proceeds of the Bonds will not be sold or otherwise disposed in a transaction resulting in the receipt by the Cities or the Board of cash or other

compensation, unless the Cities and the Board obtain an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the Cities and the Board shall not be obligated to comply with this covenant if they obtain an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest on the Bonds.

Section 8.6. Bond Insurance. The Bonds may be offered with one or more commitments for bond insurance provided by the Insurer or Insurers, with the bond insurance to be evidenced by one or more of the then current legal forms of the Policy or Policies. The Cities may sell one or more maturities of the Bonds based on such insurance but are not required to obtain bond insurance from another source if the Insurer does not honor or is unable to honor its obligations to deliver the Policy or Policies on the Closing Date. In the event such insurance is not issued as to one or more maturities on the Closing Date, this Section shall be of no force and effect. In accordance with the terms and conditions imposed by the Insurer or Insurers, and subject to the preceding sentence, the Cities covenant and agree that:

(a) Upon the occurrence of an Event of Default which would require any Insurer to make payments under a Policy, each obligated Insurer and its designated agent shall be provided with access to the registration books relating to the Bonds. In addition, each obligated Insurer shall be deemed the sole Holder of the Bonds that it has insured with respect to any action taken pursuant to Article VII of the Thirtieth Ordinance. In determining whether a payment default relating to the Bonds has occurred pursuant to Section 7.1(i) and (ii) of the Thirtieth Ordinance, no effect shall be given to payments made under any Policy. Furthermore, notice of any payment default with respect to the Bonds shall be given immediately by the Board to each Insurer.

(b) Notwithstanding any other provision of this Ordinance, no resignation or removal of the Paying Agent/Registrar shall become effective until a successor has been appointed and has accepted the duties of the Paying Agent/Registrar. Each Insurer shall be furnished with written notice of the resignation or removal of the Paying Agent/Registrar and the appointment of any successor thereto.

(c) The following information and data shall be provided to each Insurer by the Board periodically as follows:

- (i) Annually, when available, the Airport budget as approved by the Cities and the annual audited financial statements.
- (ii) An official statement or offering document, if any, prepared in connection with the issuance of any Obligations.
- (iii) Notice of any draw upon the Debt Service Reserve Fund.
- (iv) Simultaneously with the delivery of the annual audited financial statements such other statistical data concerning passenger statistics, landing weights and aircraft operations as are compiled and made generally available by the Airport.

ARTICLE IX

REPEAL, SEVERABILITY, AND EFFECTIVE DATE

Section 9.1. Ordinance Irrepealable. After any of the Bonds shall be issued, this Ordinance shall constitute a contract between the Cities, the Holders, and each Insurer, and this Ordinance shall be and remain irrepealable until the Bonds and the interest thereon shall be fully paid, canceled, refunded or discharged or provision for the payment thereof shall be made.

Section 9.2. Severability. If any Section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or lack of enforceability of such Section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. If any Section, paragraph, clause or provision of the Contract and Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or lack of enforceability of such Section, paragraph, clause or provision shall not affect any of the remaining provisions of the Contract and Agreement, or of any other provisions of this Ordinance not dependent directly for effectiveness upon the provision of the Contract and Agreement thus declared to be invalid and unenforceable.

Section 9.3. Effective Date. This Ordinance, when duly passed by both Cities, shall be in full force and effect.

(Execution Pages Follow)

APPROVED AND ADOPTED BY THE DALLAS CITY COUNCIL THIS JUNE 27, 2007

APPROVED AS TO FORM:

City Attorney,
City of Dallas, Texas

PASSED BY THE FORT WORTH CITY COUNCIL THIS JUNE 26, 2007

Mayor, City of Fort Worth, Texas

ATTEST:

City Secretary,
City of Fort Worth, Texas

APPROVED AS TO FORM AND LEGALITY:

City Attorney,
City of Fort Worth, Texas

SCHEDULE I

SCHEDULE OF REFUNDED OBLIGATIONS

<u>Series</u>	<u>Original Issue Date</u>	<u>Original Issue Amount</u>	<u>Amount to be Refunded</u>	<u>Maturities to be Refunded</u>	<u>Redemption Date</u>	<u>Redemption Price</u>
Dallas-Fort Worth Regional Airport Joint Revenue Construction and Refunding Bonds, Series 1997	07/03/1997	\$142,070,000	\$ 840,000 880,000 925,000 975,000 1,030,000 1,085,000 2,565,000 2,670,000 17,610,000 31,105,000 41,400,000	2008 2009 2010 2011 2012 2013 2014 2015 2017 2020 2023	November 1, 2007*	100%

*Or such other date as shall be specified in the Officers Pricing Certificate.

EXHIBIT A
FORM OF UNDERWRITING AGREEMENT

EXHIBIT B

NOTICE OF REDEMPTION

[Attached to Escrow Agreement]

EXHIBIT C

FORM OF PRELIMINARY OFFICIAL STATEMENT

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Financial Services

CMO: Dave Cook, 670-7804

MAPSCO: N/A

SUBJECT

An ordinance denying Atmos Energy Corp., Mid-Tex Division's proposed new Gas Reliability Infrastructure Program Rate Adjustment and setting Gas Reliability Infrastructure Program Rates to be charged by Atmos Energy Corp. Mid-Tex Division - Financing: No cost consideration to the City

BACKGROUND

Atmos (successor to TXU Gas Distribution Company) provides natural gas utility service in Dallas in accordance with City Franchise Ordinance No. 16240, as amended, and the Texas Gas Utilities Regulatory Act (GURA). Texas Utilities Code, §104.301, enacted by Senate Bill 1271, 78th Legislature (2003), Regular Session, as implemented by new Railroad Commission ("RRC") Rules, establishes an incentive for gas utilities to invest in new infrastructure. The amendment and new rule allow a gas utility to file annually a tariff or rate schedule reflecting an adjustment to its base rates to recover the cost of new investment in its infrastructure made since the Commission's most recent order setting rates. Through the GRIP interim rate adjustment, a utility may immediately recover its return on investment, depreciation expense, and related taxes without having to wait for the results of a formal gas rate case. Costs included are return on investment, depreciation expense, and certain taxes.

Atmos filed for its 2006 GRIP rate adjustment on May, 31, 2007. Under Texas Utilities Code, §104.301 this rate adjustment automatically goes into effect 60 days after the date of filing (July 30, 2007) unless the City Council extends the decision deadline by official action. Atmos requests that the City not suspend consideration of this rate filing. Further, Atmos in its rate filing, urges the City to "deny the filing by July 30, 2007 in order to allow coordinated handling at the Railroad Commission of any appeals."

Staff has investigated the request and based on the limited information provided by Atmos determined that the requested rate adjustment has not been adequately supported, is not reasonable and should be denied.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City

June 27, 2007

ORDINANCE # _____

WHEREAS, on or about May 31, 2007, Atmos Energy Corp., Mid-Tex Division, (the “Company”) filed with the City of Dallas (“City”), a request for an annual gas reliability infrastructure program (GRIP) rate increase for customers on the Company’s statewide gas utility system to be effective July 30, 2007; and

WHEREAS, the City has exclusive original jurisdiction to evaluate the Company’s request as it pertains to the distribution facilities located within the City, pursuant to Texas Utilities Code §§ 102.001(b) and 103.001; and

WHEREAS, the Gas Utility Regulatory Act grants local regulatory authorities the right to intervene in rate proceedings filed at the Railroad Commission of Texas (the “Commission”); and

WHEREAS, the Texas Utilities Code § 103.022 provides that costs incurred by the City in ratemaking activities are to be reimbursed by the regulated utility; and

WHEREAS, upon review of the Company’s filing and upon consultation with various consultants, staff recommends findings that the Company’s proposal is unjustified and unreasonable; and

WHEREAS, the Company’s GRIP request fails to account for growth in numbers of customers, thereby undercounting the revenues it will receive from its proposed GRIP rate increase; and

WHEREAS, the Company has already requested recovery of incremental investments in its prior GRIP filing approved by the Railroad Commission; and

WHEREAS, the Company appealed the final order in GUD No. 9670 and that appeal is still pending in District Court; and

WHEREAS, due to the pending appeals, the decision rendered by the Railroad Commission of Texas in GUD No. 9670 is not a “final order” as contemplated by the GRIP Statute;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Dallas, TEXAS:

SECTION 1. That the Company's GRIP rate increase request is found to be unreasonable and is therefore denied in all respects. The unreasonableness of the request includes the following: (a) the Company has not filed a rate case qualifying it to receive a GRIP adjustment; and (b) has not supported the request.

SECTION 2. That the costs incurred by the City in reviewing the Company's GRIP request shall be promptly reimbursed by the Company.

SECTION 3. That the City is authorized to intervene in any appeal of the city's action filed at the Commission, and to participate in any such appeal.

SECTION 4. This Ordinance shall become effective immediately from and after its passage, as the law and charter in such cases provide.

SECTION 5. That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

DULY PASSED and approved by the City Council of the City of Dallas, Texas, on this the 27th day of June 2007.

RECOMMENDED BY:

Chief Financial Officer

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

By _____
Assistant City Attorney

Passed and correctly enrolled

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Financial Services

CMO: Dave Cook, 670-7804

MAPSCO: N/A

SUBJECT

Authorize **(1)** adoption of the final FY 2007-08 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$33,311,765 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$19,821,070; **(b)** HOME Investment Partnerships Program in the amount of \$8,298,971; **(c)** American Dream Down-Payment Initiative in the amount of \$179,338; **(d)** Housing Opportunities for Persons with AIDS in the amount of \$3,134,000; and **(e)** Emergency Shelter Grant in the amount of \$775,725; **(2)** amendments to the Citizen Participation Plan to change **(a)** the required minimum number of neighborhood public hearings during the 3-year or 5-year Consolidated Plan Budget development from fourteen meetings to six meetings; **(b)** the required number of days between calling a public hearing and holding a public hearing from no less than 15 days to no less than 14 days; and **(3)** adoption of the final FY 2006-07 Reprogramming Budget in the amount of \$1,102,661 - Financing: No cost consideration to the City

BACKGROUND

The Community Development Commission (CDC) and City staff conducted seven (7) neighborhood public hearings that provided the public opportunities to participate in identifying needs and to comment on the potential uses of U. S. Department of Housing and Urban Development (HUD) Grant Funds. The Proposed FY 2006-07 Reprogramming Budget was briefed to and discussed by the City Council's Economic Development and Housing Committee (EDHC) on February 7, 2007 and approved by the City Council on February 21, 2007. The Proposed FY 2007-08 Consolidated Plan Budget was presented to the CDC on March 15, 2007. On April 5, 2007, the CDC made budget amendment recommendations. The Proposed FY 2007-08 Consolidated Plan Budget was briefed to and discussed by the City Council on April 18, 2007.

On May 16, 2007, the City Council expressed initial preferences on amendments to the Proposed FY 2007-08 Consolidated Plan Budget, FY 2006-07 Reprogramming budget and the City's Citizen Participation Plan.

BACKGROUND (Continued)

The City Council adopted the Preliminary FY 2007-08 Consolidated Plan Budget and the Proposed FY 2006-07 Reprogramming Budget on May 23, 2007.

Federal regulations require a public hearing be held before the City Council on the City's final Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds. This includes the following grants: Community Development Block Grant (CDBG), HOME Investment Partnerships Program, American Dream Down–Payment Initiative (ADDI), Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Shelter Grant (ESG). Federal regulations also require a public hearing on the City's final Reprogramming Budget. The public hearing will provide citizens an opportunity to comment on the potential use of these funds.

Additionally, Federal regulations require that an effective Citizen Participation Plan be in place to ensure that citizens have opportunities to participate in developing the Consolidated Plan budget. The current Citizen Participation Plan was adopted by the City Council on January 11, 1995. Federal regulations require a minimum of one (1) public hearing be held during development of the Consolidated Plan. The City's current Citizen Participation Plan states a minimum of 14 public hearings should be held. Reducing the required number of public hearings for development of the Consolidated Plan from 14 meetings to 6 meetings allows this process to be consistent with the number of public hearings required for development of the annual budget as revised and approved by Council on August 10, 2005. Additionally, the current Citizen Participation Plan requires that a public hearing be held no less than 15 days after the public hearing is called. By reducing the required number of days between calling a public hearing and holding a public hearing from no less than 15 days to no less than 14 days, allows the public hearing to be held on the next Council agenda action day, thereby expediting the substantial amendment process. The CDC recommended these amendments during their March 1, 2007 monthly meeting.

The Preliminary FY 2007-08 Consolidated Plan Budget and the Proposed FY 2006-07 Reprogramming Budget were made available for public review and comment from May 24, 2007 – June 25, 2007. A public hearing before the City Council was held on June 13, 2007.

This action includes the City Council's final adoption of the FY 2007-08 Consolidated Plan Budget, FY 2006-07 Reprogramming Budget and amendments to the City's Citizen Participation Plan.

Neighborhood public hearings were held as follows:

January 4, 2007 - Dallas City Hall

January 8, 2007 – Willie B. Johnson Recreation Center

BACKGROUND (Continued)

January 9, 2007 - Cummings Recreation Center

January 10, 2007 - West Dallas Multipurpose Center

January 10, 2007 - Tommie Allen Recreation Center

January 11, 2007 – Renner Frankford Library

January 11, 2007 - Martin Luther King, Jr. Recreation Center

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 15, 2007, the Community Development Commission was briefed on the City Manager's proposed FY 2007-08 Consolidated Plan budget and FY 2006-07 Reprogramming budget.

On April 5, 2007, the Community Development Commission reviewed the City Manager's proposed FY2007-08 Consolidated Plan budget and FY 2006-07 Reprogramming budget and made recommendations.

On April 18, 2007, the City Council was briefed on the City Manager's proposed FY 2007-08 Consolidated Plan budget and FY 2006-07 Reprogramming budget and made recommendations.

On May 16, 2007, the City Council expressed initial preferences on amendments to the proposed FY 2007-08 Consolidated Plan budget, FY 2006-07 Reprogramming budget and the City's Citizen Participation Plan and made recommendations.

City Council approved preliminary adoption of the proposed FY 2007-08 Consolidated Plan budget, FY 2006-07 Reprogramming budget, amendments to the City's Citizen Participation Plan and authorized the public hearing on May 23, 2007, by Resolution No. 07-1610

City Council held a public hearing to receive comments on the proposed FY 2007-08 Consolidated Plan budget, FY 2006-07 Reprogramming budget and amendments to the City's Citizen Participation Plan on June 13, 2007.

FISCAL INFORMATION

Estimated FY 2007-08 Consolidated Plan

CDBG	\$18,304,796	2007-08 Entitlement
	\$ 376,929	HUD Reallocation
	\$ 400,000	Program Income (est.)
	\$ 600,000	Program Income (est.) Sub-Recipient Retained (SDDC)
	<u>\$ 139,345</u>	Section 108 Intown Housing Program Income
	\$19,821,070	

HOME	\$ 7,898,971	2007-08 Entitlement
	<u>400,000</u>	Program Income (est.)
	\$ 8,298, 971	

ADDI	\$ 179,338	2007-08 American Dream Down-Payment Initiative Entitlement
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HOPWA	\$ 3,134,000	2007-08 Entitlement
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ESG	\$ 775,725	2007-08 Entitlement
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Total FY 2007-08 Consolidated Plan - \$32,209,104

FY 2006-07 Reprogramming Budget

Unobligated funds in FY 2005-06 and prior years - \$1,102,661

June 27, 2007

WHEREAS, the Community Development Commission (CDC) and City staff conducted seven (7) neighborhood public hearings during January 2007 to allow the public opportunities to participate in identifying needs and to comment on potential uses of FY 2007-08 U. S. Department of Housing and Urban Development (HUD) grant funds; and

WHEREAS, on April 5, 2007, the Community Development Commission reviewed the City Manager's Proposed FY 2007-08 Consolidated Plan budget and FY 2006-07 Reprogramming budget and made its recommendations to the budget; and

WHEREAS, on April 18, 2007, the City Council was briefed on the City Manager's Proposed FY 2007-08 Consolidated Plan budget, Proposed FY 2006-07 Reprogramming budget and the Community Development Commission's recommendations; and

WHEREAS, on May 16, 2007, the City Council expressed initial preferences on amendments to the FY 2007-08 Consolidated Plan budget, FY 2006-07 Reprogramming budget and the City's Citizen Participation Plan; and

WHEREAS, on May 23, 2007, the City Council authorized a Public Hearing to be held on June 13, 2007 to receive comments on the preliminary FY 2007-08 Consolidated Plan budget, the preliminary FY 2006-07 Reprogramming budget, and amendments to the City's Citizen Participation Plan; and

WHEREAS, the City Council by Resolution No. 07-1610 adopted the preliminary FY 2007-08 Consolidated Plan budget, the preliminary FY 2006-07 Reprogramming budget, and amendments to the City's Citizen Participation Plan; and

WHEREAS, the City Council held a public hearing on June 13, 2007 to receive comments on the preliminary FY 2007-08 Consolidated Plan budget, the preliminary FY 2006-07 Reprogramming budget and amendments to the City's Citizen Participation Plan; and

WHEREAS, a summary of the preliminary FY 2007-08 Consolidated Plan budget, preliminary FY 2006-07 Reprogramming budget, and amendments to the City's Citizen Participation Plan was published in the Dallas Morning News on May 24, 2007 to provide citizens an opportunity to submit written comments through June 25, 2007;

NOW, THEREFORE,

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

Section 1. That the final FY 2007-08 Consolidated Plan budget and final FY 2006-07 Reprogramming budget be adopted per Schedule A.

June 27, 2007

Section 2. That the City Manager be authorized to apply for, accept, and take actions to implement HUD grant numbers B-07-MC-48-0009 (CDBG - \$19,821,070, which includes \$1,139,345 in program income), M-07-MC-48-0203 (HOME - \$8,298,971, which includes \$400,000 program income), A-07-MC-48-20 (ADDI - \$179,338), TXH07-F001 (HOPWA - \$3,134,000), and S-07-MC-48-0001 (ESG - \$775,725) in the amount of \$32,209,104 and be authorized to execute the contracts and grant agreements with HUD and all documents related to the execution of the grants upon approval as to form by the City Attorney.

Section 3. That amendments to the City's Citizen Participation Plan to reduce the required number of public hearings for development of the Consolidated Plan from 14 meetings to 6 meetings and reduce the required number of days between calling a public hearing and holding a public hearing from no less than 15 days to no less than 14 days be adopted.

Section 4. That the City Manager be authorized to establish FY 2007-08 appropriations as follows:

- Community Development Block Grant Program in Fund CD07 up to the amount of \$19,221,070 consisting of the entitlement grant of \$18,304,796, reallocated funds from HUD of \$376,929, Section 108 Intown Housing program income of \$139,345 and estimated program income of \$400,000 to be returned to the City as set forth in the attached Schedule B, effective October 1, 2007.
- HOME Investment Partnerships Program in Fund HM07 up to the amount of \$8,298,971 consisting of the entitlement grant of \$7,898,971 and estimated program income of \$400,000 as set forth in the attached Schedule B, effective October 1, 2007.
- American Dream Down-Payment Initiative in Fund AD07 up to the amount of \$179,338 as set forth in the attached Schedule B, effective October 1, 2007.
- Housing Opportunities for Persons with AIDS in Fund HW07 up to the amount of \$3,134,000 as set forth in the attached Schedule B, effective October 1, 2007.
- Emergency Shelter Grant in Fund ES07 up to the amount of \$775,725 as set forth in the attached Schedule B, effective October 1, 2007.

Section 5. That the program income generated by sub-recipients and contractors, estimated to be \$600,000 for FY 2007-08 be retained by the agencies to carry out Community Development eligible activities in accordance with HUD requirements and upon written approval by the responsible City of Dallas departments.

June 27, 2007

Section 6. That the City Controller be authorized to receive funds up to the amounts set forth in the attached Schedule C.

Section 7. That the City Controller be authorized to disburse funds up to the amounts set forth in the attached Schedule B.

Section 8. That the City Manager be authorized to transfer HUD grant funds between projects and individual object codes and/or categories in accordance with HUD regulations and Citizen Participation Plan.

Section 9. That the City Manager be authorized to release funds in the amount of \$1,102,661 as shown in the attached Schedule D from their originally budgeted purposes, schedule them for reprogramming in accordance with required rules and procedures, and establish FY 2006-07 reprogramming appropriations in Fund 06RP in the amount of \$1,102,661 as set forth in the attached Schedule B, effective June 27, 2007.

Section 10. That the City Manager is hereby authorized to reimburse to HUD any expenditures identified as ineligible.

Section 11. That the City Manager be authorized to provide additional information and make adjustments to take other actions relating to these budgets as may be necessary in order to satisfy HUD requirements.

Section 12. 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:

City Attorney's Office
Environmental and Health Services
Housing Department
Office of Economic Development
Office of Financial Services/Community Development, 4FS

SCHEDULE A
FY 2007-08 CONSOLIDATED PLAN BUDGET
U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT FUNDS

	Project Name	FY 2007-08 Adopted Budget
1	Adolescent Health Services Program	60,000
2	African-American Museum Youth Enrichment Program	50,000
3	After-School/Summer Outreach Program	561,792
4	Child Care Services Program	228,000
5	Youth Development	347,142
6	City Child Care Services	459,091
7	Fine Arts Education and Training Summer Camp	20,000
8	Arts Education Program	21,000
9	Summer Youth Program	56,131
	Youth Programs Sub-Total	1,803,156
10	Adolescent Substance Abuse - Inpatient	65,000
11	Clinical Dental Care Program	200,000
	Clinical Health Services (Youth) Sub-Total	265,000
12	Adult Substance Abuse	50,000
13	City Minority Diabetes Program	81,698
14	AIDS Early Intervention and Education	75,000
15	Low Birth Weight Program	25,000
	Clinical Health Services (Non-Youth) Sub-Total	231,698
16	City Geriatric Health	116,114
17	City Crisis Intervention	124,897
18	City Office of Senior Affairs	156,317
19	Senior Services Program	85,000
	Senior Services Sub-Total	482,328
20	Temporary Emergency Housing	50,000
	Homeless/Temporary Housing Sub-Total	50,000
21	Teen Violence - Victim Outreach	35,000
22	Youth Related Social Services	30,000
	Other Public Services (Youth) Sub-Total	65,000

SCHEDULE A
FY 2007-08 CONSOLIDATED PLAN BUDGET
U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT FUNDS

	Project Name	FY 2007-08 Adopted Budget
23	Dedicated SAFE II Expansion Inspection Support - Police	60,158
24	Domestic Violence	46,000
25	Homeless Outreach	123,743
26	Offender Re-entry Program (ATT)	93,276
27	Offender Re-entry Program (EHS)	114,225
28	Parenting and Early Childhood Development	25,000
29	South Dallas / Fair Park Community Court	325,113
30	Social Services and Outreach Program	34,000
31	Child Care Development Training Program	30,000
32	Recruitment and Job Training Program	25,000
33	Community Youth and Senior Program (West Oak Cliff)	16,000
	Other Public Services (Non-Youth) Sub-Total	892,515
	Total CDBG - Public Services	3,789,697
<u>CDBG - Housing Activities</u>		
34	Relocation Assistance	627,283
	Legal Commitment/Mandates- Sub-Total	627,283
35	Housing Development Support	1,186,981
36	Mortgage Assistance Program (Minor Repair)	300,000
37	Residential Development Acquisition Loan Program	825,000
	Homeownership Opportunities Sub-Total	2,311,981
38	Housing Assistance Support	2,052,836
39	Basic Home Repair Program	3,991,125
40	South Dallas/Fair Park- Minor Home Repair Program	100,000
41	Minor Plumbing Repair/Replacement Program	20,000
42	Minor Home Repair	500,000
43	Replacement Housing/SHARE	1,125,655
	Homeowner Repair Sub-Total	7,789,616
44	Dedicated SAFE II Expansion Code Inspection - Code Compliance	104,000
45	Dedicated SAFE II Expansion Code Inspection - Fire Department	134,170
46	Dedicated SAFE II Expansion Code Inspection - Police Department	114,486
47	Neighborhood Investment Program - Code Compliance	223,324
48	Neighborhood Investment Program - Community Prosecutor	366,494
49	Community Prosecution Program - North Oak Cliff	119,883
50	Community Prosecution Program - Oak Lawn	115,410
51	Community Prosecution Program - Old East Dallas	119,431
52	Community Prosecution Program - Pleasant Grove	116,828
	Other Housing/Neighborhood Revitalization Sub-Total	1,414,026
	Total CDBG - Housing Activities	12,142,906

SCHEDULE A
FY 2007-08 CONSOLIDATED PLAN BUDGET
U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT FUNDS

Project Name		FY 2007-08 Adopted Budget
<u>CDBG - Economic Development</u>		
53	Business Loan Program (Program Income)	600,000
	Business Loan Sub-Total	600,000
54	Business AssistanceCenter Program	622,300
	Technical/Professional Assistance Sub-Total	622,300
	Total CDBG - Economic Development	1,222,300
<u>CDBG - Fair Housing</u>		
55	Fair Housing Enforcement	577,192
	Total CDBG - Fair Housing	577,192
<u>CDBG - Planning & Program Oversight</u>		
56	Consolidated Plan Oversight, Citizen Participation, & CDC Support	680,712
57	Grant Compliance	717,805
58	Health Contract Monitoring	453,482
59	Housing Management Support	840,831
60	Code Compliance	77,563
61	Economic Development	192,056
62	Historic Preservation Reviews/Mitigation	0
63	Parks and Recreation	62,671
64	City Attorney's Office Community Prosecution	156,516
65	Neighborhood Investment Program - Support	10,000
	Total CDBG - Planning & Program Oversight	3,191,636
	Total CDBG - Fair Housing and Planning & Prog. Oversight	3,768,828
TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT		20,923,731

SCHEDULE A
FY 2007-08 CONSOLIDATED PLAN BUDGET
U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT FUNDS

Project Name		FY 2007-08 Adopted Budget
<u>HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)</u>		
66	CHDO Development Loans	1,302,849
67	CHDO Operating Assistance	398,042
68	HOME Program Administration	316,803
69	MAP Administration	265,000
70	MAP Program Cost	235,000
71	Mortgage Assistance Program	4,262,803
72	Replacement Housing/SHARE	492,378
Home Ownership Opportunities Sub-Total		7,272,875
73	Tenant Based Rental Assistance	853,704
74	Tenant Based Rental Assistance (Admin)	172,392
Other Housing Sub-Total		1,026,096
TOTAL HOME INVESTMENT PARTNERSHIPS PROGRAM		8,298,971
<u>AMERICAN DREAM DOWN-PAYMENT INITIATIVE</u>		
75	American Dream Down-Payment Initiative	179,338
Total ADDI		179,338
TOTAL AMERICAN DREAM DOWN-PAYMENT INITIATIVE		179,338

SCHEDULE A
FY 2007-08 CONSOLIDATED PLAN BUDGET
U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT FUNDS

		FY 2007-08 Adopted Budget
Project Name		
<u>EMERGENCY SHELTER GRANT (ESG)</u>		
76	Contracts - Essential Services	87,351
77	Contracts - Operations	142,200
78	Contracts - Prevention	151,000
79	Day Resource Center Services - Essential Services	118,916
80	Day Resource Center Services - Operations	157,472
81	MLK Community Center - Prevention	40,000
82	West Dallas Community Center - Prevention	40,000
Homeless/Temporary Housing Sub-Total		736,939
83	ESG Administration	38,786
Program Administration Sub-Total		38,786
TOTAL EMERGENCY SHELTER GRANT		775,725
<u>HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)</u>		
84	Tenant Based Rental Assistance	863,560
85	Emergency Assistance	75,000
86	Housing Facilities Operations	700,000
87	Supportive Services	1,205,000
Other Public Services Sub-Total		2,843,560
88	Housing Facilities Rehab/Repair	36,440
HOPWA Public Improvement/Rehab Sub-Total		36,440
89	Program Administration	94,000
90	Program Administration/Project Sponsors	160,000
Program Administration Sub-Total		254,000
TOTAL HOUSING OPPORTUNITIES FOR PERSONS W/ AIDS		3,134,000
GRAND TOTAL CONSOLIDATED PLAN BUDGET		33,311,765

SCHEDULE B
FY 2007-08 CONSOLIDATED PLAN BUDGET
APPROPRIATIONS AND ORGANIZATIONAL HIERARCHY

FUND	DEPT.		FY 2007-08 ADOPTED BUDGET	UNIT 1	UNIT 2
CD07		COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)	19,821,070	CDBG	
		<u>City Attorney's Office</u>	1,412,951	CDAT	
1	ATT	South Dallas / Fair Park Community Court	325,113		2832
2	ATT	Neighborhood Investment Program - Community Prosecutor	366,494		2833
3	ATT	Offender Re-entry Program	93,276		2834
4	ATT	Community Prosecution Program - North Oak Cliff	119,883		2835
5	ATT	Community Prosecution Program - Old East Dallas	119,431		2836
6	ATT	Community Prosecution Program - Oak Lawn	115,410		2837
7	ATT	Community Prosecution Program - Pleasant Grove	116,828		2838
8	ATT	City Attorney Community Prosecution Management/Oversight/Support	156,516		2839
		<u>City Auditor's Office</u>	717,805	CDAU	
9	AUD	Grant Compliance	717,805		2840
		<u>Code Compliance Services</u>	1,032,170	CDCS	
10	CCS	Dedicated SAFE II Expansion Code Inspection	104,000		2841
11	CCS	Neighborhood Investment Program - Code Compliance	223,324		2842
12	CCS	Relocation Assistance	627,283		2843
13	CCS	Code Compliance Services (P/PO)	77,563		2844
		<u>Dallas Fire and Rescue</u>	134,170	CDFP	
14	DFD	Dedicated SAFE II Expansion Fire Department	134,170		2845
		<u>Dallas Police Department</u>	174,644	CDDP	
15	DPD	Dedicated SAFE II Expansion Code Inspection - Police Department	114,486		2846
16	DPD	Dedicated SAFE II Expansion Inspection Support - Police	60,158		2847
		<u>Dallas Water Utilities</u>	20,000	CDDW	
17	DWU	Minor Plumbing Repair/Replacement Program	20,000		2848
		<u>Economic Development</u>	1,414,356	CDEC	
18	ECO	Business Assistance Center - Program Delivery	142,300		2849
19	ECO	BAC#1- Greater Dallas Hispanic Chamber (Maple)	80,000		2850
20	ECO	BAC#2- Inncity Community Development Corporation	80,000		2851
21	ECO	BAC#3- Greater Dallas Hispanic Chamber (West Dallas)	80,000		2852
22	ECO	BAC#4- Greater Dallas Hispanic Chamber (Sunset)	80,000		2853
23	ECO	BAC#5- MBA Consultants, Inc.	80,000		2854
24	ECO	BAC#6- Mutli-Ethnic & Economic Development	80,000		2855
25	ECO	Economic Development (P/PO)	192,056		2856
26	ECO	Business Loan Program (Sub-recipient Retained Program Income)	600,000		N/A
		<u>Environmental and Health Services</u>	2,708,567	CDEH	
27	EHS	Adolescent Health Services Program	60,000		2858
28	EHS	Adolescent Substance Abuse - Inpatient	65,000		2859
29	EHS	Adult Substance Abuse	50,000		2860
30	EHS	AIDS Early Intervention and Education	75,000		2861
31	EHS	Child Care Services Program	228,000		2862
32	EHS	City Child Care Services	459,091		2863
33	EHS	City Geriatric Health	116,114		2864
34	EHS	City Crisis Intervention	124,897		2865
35	EHS	City Office of Senior Affairs	156,317		2866
36	EHS	City Minority Diabetes Program	81,698		2867
37	EHS	Clinical Dental Care Program	200,000		2868
38	EHS	Community Youth and Senior Program (West Oak Cliff)	16,000		2869
39	EHS	Domestic Violence	46,000		2870

SCHEDULE B
FY 2007-08 CONSOLIDATED PLAN BUDGET
APPROPRIATIONS AND ORGANIZATIONAL HIERARCHY

FUND	DEPT.		FY 2007-08 ADOPTED BUDGET	UNIT 1	UNIT 2
		<u>Environmental and Health Services (Continued)</u>			
40	EHS	Offender Re-entry Program	114,225		2871
41	EHS	Health Contract Monitoring	453,482		2872
42	EHS	Homeless Outreach	123,743		2873
43	EHS	Parenting and Early Childhood Development	25,000		2874
44	EHS	Senior Services Program	85,000		2875
45	EHS	Teen Violence - Victim Outreach	35,000		2876
46	EHS	Temporary Emergency Housing	50,000		2877
47	EHS	Youth-Related Social Services	30,000		2878
48	EHS	Social Services and Outreach Program	34,000		2879
49	EHS	Recruitment and Job Training Program	25,000		2880
50	EHS	Low Birth Weight Program	25,000		2881
51	EHS	Child Care Development Training Program	30,000		2884
		<u>Office of Financial Services</u>	1,257,904	CDBM	
52	BMS	Citizen Participation/CDC Support/HUD Oversight	680,712		2885
53	BMS	Fair Housing Enforcement	577,192		2886
		<u>Housing Department</u>	9,829,767	CDHO	
54	HOU	South Dallas/Fair Park - Minor Home Repair Program	100,000		2887
55	HOU	Residential Development Acquisition Loan Program	825,000		2888
56	HOU	Housing Assistance Support	2,052,836		2889
57	HOU	Housing Development Support	1,186,981		2890
58	HOU	Housing Management Support (P/PO)	840,831		2891
59	HOU	Mortgage Assistance Program (Minor Repair)	300,000		2892
60	HOU	Basic Home Repair Program	2,888,464		2893
61	HOU	Minor Home Repair	500,000		2894
62	HOU	Replacement Housing/SHARE	1,125,655		2895
63	HOU	Neighborhood Investment Public - Support (P/PO)	10,000		2896
		<u>Office of Cultural Affairs</u>	91,000	CDCA	
64	OCA	African-American Museum Youth Enrichment Program	50,000		2897
65	OCA	Fine Arts Education and Training Summer Camp	20,000		2882
66	OCA	Arts Education Program	21,000		2883
		<u>Park and Recreation</u>	1,027,736	CDPK	
67	PKR	After-School/Summer Programs - School Sites	456,963		2898
68	PKR	After-School/Summer Programs - Community Centers	104,829		2899
69	PKR	Parks and Recreation (P/PO)	62,671		2900
70	PKR	Youth Development Program	347,142		2901
71	PKR	Summer Youth Program	56,131		2902

SCHEDULE B
FY 2007-08 CONSOLIDATED PLAN BUDGET
APPROPRIATIONS AND ORGANIZATIONAL HIERARCHY

FUND	DEPT.		FY 2007-08 ADOPTED BUDGET	UNIT 1	UNIT 2
HM07		<u>HOME INVESTMENT PARTNERSHIPS (HOME)</u>	<u>8,298,971</u>	HMHO	
		<u>Housing Department</u>			
72	HOU	CHDO Development Loans	1,302,849		3205
73	HOU	CHDO Operating Assistance	398,042		3206
74	HOU	MAP Program Administration	265,000		3207
75	HOU	MAP Program Cost	235,000		3208
76	HOU	Mortgage Assistance Program	4,262,803		3209
77	HOU	HOME Program Administration	316,803		3210
78	HOU	Replacement Housing/SHARE	492,378		3211
		<u>Environmental and Health Services</u>		HMEH	
79	EHS	Tenant Based Rental Assistance	853,704		3212
80	EHS	Tenant Based Rental Assistance - Program Administration	172,392		3213
AD07		<u>AMERICAN DREAM DOWN-PAYMENT INITIATIVE</u>	<u>179,338</u>	ADHO	
		<u>Housing Department</u>			
81	HOU	American Dream Down-Payment Initiative Program	179,338		3214
ES07		<u>EMERGENCY SHELTER GRANT (ESG)</u>	<u>775,725</u>	ESEH	
		<u>Environmental and Health Services</u>			
82	EHS	Contracts - Essential Services	87,351		3215
83	EHS	Contracts - Operations	142,200		3216
84	EHS	Contracts - Prevention	151,000		3217
85	EHS	Day Resource Center Services - Essential Services	118,916		3218
86	EHS	Day Resource Center Services - Operations	157,472		3219
87	EHS	MLK Community Center - Prevention	40,000		3220
88	EHS	West Dallas Community Center - Prevention	40,000		3221
89	EHS	ESG Administration	38,786		3222
HW07		<u>HOUSING OPPORTUNITIES FOR PERSONS W/AIDS (HOPWA)</u>	<u>3,134,000</u>	HWEH	
		<u>Environmental and Health Services</u>			
90	EHS	Tenant Based Rental Assistance	863,560		3223
91	EHS	Emergency Assistance	75,000		3224
92	EHS	Housing Facilities Operation	700,000		3225
93	EHS	Housing Facilities Rehab/Repair	36,440		3226
94	EHS	Supportive Services	1,205,000		3227
95	EHS	Program Administration	94,000		3228
96	EHS	Program Administration/Project Sponsors	160,000		3229
06RP		<u>FY 2006-2007 CDBG REPROGRAMMING</u>	<u>1,102,661</u>	CDRP	
97	HOU	Basic Home Repair Program	1,102,661		3230

SCHEDULE C
FY 2007-08 CONSOLIDATED PLAN BUDGET
SOURCE OF FUNDS

SOURCE OF FUNDS	FY 2007-08 City Council Final Adoption
Community Development Block Grant (CDBG)	18,304,796
HUD Reallocated Funds	376,929
Program Income - Housing Activities	400,000
Program Income - Section 108 Intown Housing	139,345
Program Income - Sub-recipient Retained (SDDC)	600,000
Community Development - Reprogramming	1,102,661
Home Investment Partnerships (HOME)	7,898,971
Program Income	400,000
American Dream Down-Payment Initiative (ADDI)	179,338
Emergency Shelter Grant (ESG)	775,725
Housing Opportunities for Persons With AIDS (HOPWA)	<u>3,134,000</u>
GRAND TOTAL HUD GRANT FUNDS	33,311,765

Schedule D	
Source of Funds for FY 2006-07 Reprogramming	
Home Repair Program - South Dallas/Fair Park	\$171
Total FY 1999-00	\$171
Volunteers in Plumbing-Minor Plumbing	\$5
Total FY 2002-03	\$5
Community Court Pilot Program	\$1,478
Community Prosecution Program - Community Prosecutor	\$18
Neighborhood Investment Program- Code Compliance	\$16,853
BAC #4 - Greater Dallas Hispanic Chamber (Sunset)	\$83
BAC#3- Gtr Hisp Chamber West DIs (formerly W-DLS-NDC)	\$27,018
Adolescent Health Services Program	\$230
Domestic Violence	\$2,598
Housing Assistance Support	\$29,472
Housing Assistance Support Staff	\$2,046
Neighborhood Investment Prog - Replacement Housing	\$1
Total FY 2003-04	\$79,797
South Dallas/Fair Park Community Court	\$64,013
Grant Compliance	\$2,356
Code Compliance	\$677
Neighborhood Investment Prog-Code Comp.	\$16,044
Dedicated SAFE II Expansion Police Dept	\$13,280
BAC #4 - Greater Dallas Hispanic Chamber (Sunset)	\$445
Adolescent Health Services Program	\$14,332
Adult Substance Abuse	\$8,505
Child Care Services Program	\$13,223
City Adolescent & Youth Services	\$3,646
City Child Care Services	\$1,749
Health Contract Monitoring	\$317
Housing Assistance Support	\$690
Housing Development Support	\$43
Neighborhood Street Improvement Petition Grants	\$29,533
After-School Programs-Elementary Sites	\$2,668
Summer Youth Program	\$688
Total FY 2004-05	\$172,209

Schedule D	
Source of Funds for FY 2006-07 Reprogramming	
Community Prosecution Program -Oak Lawn	\$21,106
Community Prosecution Program-North Oak Cliff	\$8,663
Community Prosecution Program-Old East Dallas	\$275
Ex-Offender Program/CAO	\$47,378
Neighborhood Investment Program-Community Prosecutor	\$79,639
Grant Compliance	\$67,410
Fair Housing Enforcement	\$69,295
Section 108 Debt Service -Intown Housing	\$155,818
Section 108 Debt Service -NRP	\$52,275
Code Compliance Relocation Assistance -Staff	\$6,063
Dedicated SAFE II Expansion Code Inspection-Code	\$1,104
Neighborhood Investment Program - Code Compliance	\$3,644
Relocation Assistance	\$44,631
Dedicated SAFE II Expansion Code Inspection-Fire	\$2,115
Dedicated SAFE II Expansion Code Inspection - Police	\$42,953
Business Assistance Program	\$13,325
Development Services	\$1,832
Child Care Services Program	\$1
City Child Care Services	\$109,993
Health Contact Monitoring	\$5,155
Housing Assistance Support	\$33,284
Housing Development Support	\$7,164
Housing Management Support	\$60,068
Neighborhood Investment Prog - Marketing	\$1,885
After-School/Summer Program- Community Centers Sites	\$8,240
After-School/Summer Programs-Elementary Schools Sites	\$4,861
Summer Youth Program	\$2,302
Total FY 2005-06	\$850,479
Total CDBG Reprogramming	\$1,102,661

KEY FOCUS AREA: Public Safety & Homeland Security

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Police

CMO: Ryan S. Evans, 670-3314

MAPSCO: N/A

SUBJECT

Authorize a revised application for the Commercial Auto Theft Interdiction Squad grant to include funding for a Police Research Specialist position to track burglary of motor vehicle trends and a Senior Corporal position to increase public awareness of auto burglary through crime prevention activities from the Texas Automobile Theft Prevention Authority in an amount not to exceed \$164,432 for the period September 1, 2007 through August 31, 2008 - Financing: This action has no cost consideration to the City

BACKGROUND

The Police Department applied for funding from the Automobile Theft Prevention Authority (ATPA) for a continuation of the Commercial Auto Theft Interdiction Squad grant, approved by Resolution No. 07-1293. The ATPA recently provided information that the Texas legislature has included auto burglary within the scope of the Automobile Theft Prevention Authority. This new legislation requires the City to submit a revision to the pending grant application for any additional funding for the 2007-08 fiscal year.

In the revised application, the Dallas Police Department is requesting 100% funding for two new positions that will include salary, benefits, pension and F.I.C.A. One position, a Senior Corporal, will be added to the Auto Theft Unit's Salvage Squad and be responsible for all crime prevention aspects of auto theft and burglary of motor vehicles. The other position, a Police Research Specialist, will track burglary of motor vehicle offenses and suspects and will be assigned to the Fusion Center at the Jack Evans Police Headquarters. If approved, funding for these positions will be available September 1, 2007.

Should the grant be awarded, the City Council's approval will be requested for acceptance and execution of the grant.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Authorized application for Commercial Auto Theft Interdiction Squad/10 grant on May 22, 2002, by Resolution No. 02-1623.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/10 grant on August 14, 2002, by Resolution No. 02-2247.

Authorized application for Commercial Auto Theft Interdiction Squad/11 grant on May 14, 2003, by Resolution No. 03-1381.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/11 grant on August 27, 2003, by Resolution No. 03-2316.

Authorized application for Commercial Auto Theft Interdiction Squad/12 grant on May 26, 2004, by Resolution No. 04-1731.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/12 grant on August 25, 2004, by Resolution No. 04-2438.

Authorized application for Commercial Auto Theft Interdiction Squad/13 grant on May 26, 2005, by Resolution No. 05-1476.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/13 grant on August 25, 2005, by Resolution No. 05-2209.

Authorized application for Commercial Auto Theft Interdiction Squad/14 grant on April 26, 2006, by Resolution No. 06-1218.

Authorized acceptance of Commercial Auto Theft Interdiction Squad/14 grant on August 23, 2006, by Resolution No. 06-2235.

On April 2, 2007, the Public Safety Committee was briefed.

Authorized application for Commercial Auto Theft Interdiction Squad/15 grant on April 25, 2007, by Resolution No. 07-1293.

On June 4, 2007, the Public Safety Committee was briefed.

FISCAL INFORMATION

No cost consideration to the City

June 27, 2007

WHEREAS, the Automobile Theft Prevention Authority has made additional funds available for law enforcement projects for the 2007-08 fiscal year; and

WHEREAS, the increased program and funding source would benefit the City of Dallas in its endeavor to reduce crime and improve public safety; and

WHEREAS, it is in the best interest of the City of Dallas to apply for such funding;

Now, Therefore,

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

Section 1. That the City Manager be and is hereby authorized to submit a revised grant application for the Commercial Auto Theft Interdiction Squad/15 continuation grant in the amount of \$164,432 for the addition of two new positions funded by the Automobile Theft Prevention Authority.

Section 2. That in the event that the revised grant is awarded, that the City Manager be authorized to accept an amount not to exceed \$164,432. City Council approval for acceptance of the grant and execution of the grant agreement will be requested upon grant award.

Section 3. That in the event that the grant is awarded, the City of Dallas assures that the funds will be returned to the Automobile Theft Prevention Authority in full in the event of loss or misuse of Automobile Theft Prevention Authority funds.

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

Schedule A

**Six City Anti-Gang Initiative Grant
Fund F151
Unit 0276**

<u>Object</u>	<u>Description</u>	<u>Grant Amount</u>	<u>City</u>	<u>Total</u>
1202	Salaries Uniform (Overtime)	96,000.00	0.00	\$96,000.00
1302	Uniform Pension	0.00	26,400.00	\$26,400.00
1306	Uniform Fica	<u>0.00</u>	<u>1,392.00</u>	<u>\$1,392.00</u>
	Salary Expense	<u>\$96,000.00</u>	<u>\$27,792.00</u>	<u>\$123,792.00</u>
	Total	<u>\$96,000.00</u>	<u>\$27,792.00</u>	<u>\$123,792.00</u>

KEY FOCUS AREA: Public Safety & Homeland Security

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Police

CMO: Ryan S. Evans, 670-3314

MAPSCO: N/A

SUBJECT

Authorize **(1)** the application for and acceptance of the Six City Anti-Gang Grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to participate in a targeted gang prevention initiative and for the operation of a regional gang database for local, state, and federal law enforcement agencies in the amount of \$96,000 for the period of June 1, 2006 through May 31, 2009, **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$27,792, and **(3)** execution of the grant agreement – Total not to exceed \$123,792 – Financing: U.S. Department of Justice Grant Funds (\$96,000) and Current Funds (\$27,792) (subject to annual appropriations)

BACKGROUND

The Six Cities Anti-Gang Initiative grant will pay for officers overtime that participate in the Dallas/Fort Worth Fugitive Apprehension Strike Team (DFW/F.A.S.T.) This grant will be used to target and reduce gang related crime, particularly violent crime, in specified target areas through directed enforcement. It was determined that two major metropolitan areas - Dallas and Fort Worth can benefit from the Six Cities Anti-Gang Initiative, which seeks to address gang activity through a three-pronged approach - prevention/intervention, law enforcement and re-entry (parole.)

The Six City Anti-Gang Grant will be administered by the North Texas Crime Commission (NTCC) and as a participant in the project, the primary role of the Dallas Police Department is to act as a lead agency in the cooperative effort. In addition to conducting law enforcement operations in the Dallas target areas, the Dallas Police Department will become the host agency for a regional gang database that includes constituent law enforcement agencies within Dallas County (Plano and McKinney are also included) as well as state and federal law enforcement agencies.

The NTCC will reimburse the City for \$96,000 for officer overtime pay. The City is required to provide a contribution in the amount of \$27,792 for labor costs, which consists of pension and FICA.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On June 4, 2007, the Public Safety Committee was briefed.

FISCAL INFORMATION

\$96,000 - U.S. Department of Justice Grant Funds

\$27,792 - Current Funds (subject to annual appropriations)

June 27, 2007

WHEREAS, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance has made the Six City Anti-Gang Grant funds available to participate in a targeted gang prevention initiative and for the operation of a regional gang database for local, state, and federal law enforcement agencies, for the period June 1, 2006 through May 31, 2009; and

WHEREAS, the Six City Anti-Gang Grant will provide \$96,000; and

WHEREAS, the City of Dallas contributes a cash match of \$27,792 for labor costs; and

WHEREAS, it is in the best interest of the City of Dallas to apply for and accept such funding;

Now, Therefore,

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

Section 1. That the City Manager be and is hereby authorized to apply for and accept the Six City Anti-Gang Grant No. 2006-MU-MU-0003 in the amount of \$96,000 and execute the grant agreement.

Section 2. That the City Manager be authorized to establish appropriations in the Six City Anti-Gang Grant in the amount of \$96,000, in Fund F151, Department DPD, Unit 0276, Object 3899.

Section 3. That the City Controller be authorized to deposit grant funds in the amount of \$96,000 into Fund F151, Department DPD, Unit 0276, Revenue Source 6506.

Section 4. That the City Controller be and is hereby authorized to disburse funds for Fund F151, Department DPD, Unit 0276, Object 3899, not to exceed \$96,000.

Section 5. That the City Controller be and is hereby authorized to transfer funds in an amount not to exceed \$96,000 from Fund F151, Department DPD, Unit 0276, Object 3899 to Fund 0001, Department DPD, Unit 2126, Object 5110 after the expenditure of overtime in Fund 0001, Department DPD, Unit 2126, Object 1202. (subject to annual appropriations)

Section 6. That in the event of the loss or misuse of funds, the grantee will return all funds to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, in full.

Section 7. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 9
DEPARTMENT: Public Works & Transportation
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: 28W 39J

SUBJECT

Authorize a contract for the reconstruction of alley paving, storm drainage, and wastewater main improvements for Project Group 03-3005 (list attached) - Meztec Contractors, Inc., lowest responsible bidder of four - \$769,579 - Financing: 2003 Bond Funds (\$572,359), Water Utilities Capital Improvement Funds (\$192,000), and Water Utilities Capital Construction Funds (\$5,220)

BACKGROUND

The reconstruction of Project Group 03-3005, which consists of the alley between Lochspring Drive and Yorksprings Drive from Valley Spring Drive to Meadow Spring Lane, and the alley between Mayhew Drive and Ruth Ann Drive from Maylee Boulevard to "T" alley and Shiloh Road are specific alley reconstruction items in the 2003 Bond Program. These projects consist of the reconstruction of the existing concrete/asphalt pavement with a 10 foot wide, 6 inch thick reinforced concrete pavement, drive approaches, storm drainage, and wastewater main improvements.

Meztec Contractors, Inc. has no completed contractual activities with the City of Dallas for the past three years.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2006
Completed Design	April 2007
Begin Construction	August 2007
Complete Construction	February 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract on April 12, 2006, by Resolution No. 06-1036.

FISCAL INFORMATION

2003 Bond Funds - \$572,359

Water Utilities Capital Improvement Funds - \$192,000

Water Utilities Capital Construction Funds - \$5,220

Design	\$ 50,413
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Construction	
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Paving & Drainage - (PBW)	\$572,359
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Wastewater - (DWU)	<u>\$ 97,220</u>
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Total Project Cost	\$819,992
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M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Meztec Contractors, Inc.

Hispanic Female	0	Hispanic Male	14
African-American Female	4	African-American Male	1
Other Female	0	Other Male	0
White Female	1	White Male	0

BID INFORMATION

The following bids with quotes were received and opened on May 3, 2007:

*Denotes successful bidder(s)

<u>BIDDERS</u>	<u>BID AMOUNT</u>
*Meztec Contractors, Inc. 5130 Saddleridge Court Garland, TX 75043	\$769,579.00
P E Contractors, Inc.	\$822,473.00
PAEE Engineering Company	\$824,136.00
Jeske Construction Company	\$852,378.00
Original estimate: PWT - \$562,309 DWU - <u>\$232,455</u>	
Total	\$794,764

OWNER(S)

Mezttec Contractors, Inc.

Emmanuel Onyia, President

MAP

Attached.

Project Group 03-3005

<u>Project</u>	<u>Limits</u>	<u>Council District</u>
Lochspring Drive and Yorksprings Drive	Valley Spring Drive to Meadow Spring Lane	9
Mayhew Drive and Ruth Ann Drive	Maylee Boulevard to "T" alley and Shiloh Road	9

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the reconstruction of alley paving, storm drainage, and wastewater main improvements for Project Group 03-3005 (list attached) - Meztec Contractors, Inc., lowest responsible bidder of four - \$769,579 - Financing: 2003 Bond Funds (\$572,359), Water Utilities Capital Improvement Funds (\$192,000), and Water Utilities Capital Construction Funds (\$5,220)

Meztec Contractors, Inc. is a local, 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$517,438.00	67.24%
Total non-local contracts	\$252,141.00	32.76%
TOTAL CONTRACT	\$769,579.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Meztec Contractors, Inc.	BMDB33943Y0508	\$287,050.00	55.48%
Contreras Trucking	HMDB31000Y0607	\$65,771.00	12.71%
Total Minority - Local		\$352,821.00	68.19%

Non-Local Contractors / Sub-Contractors

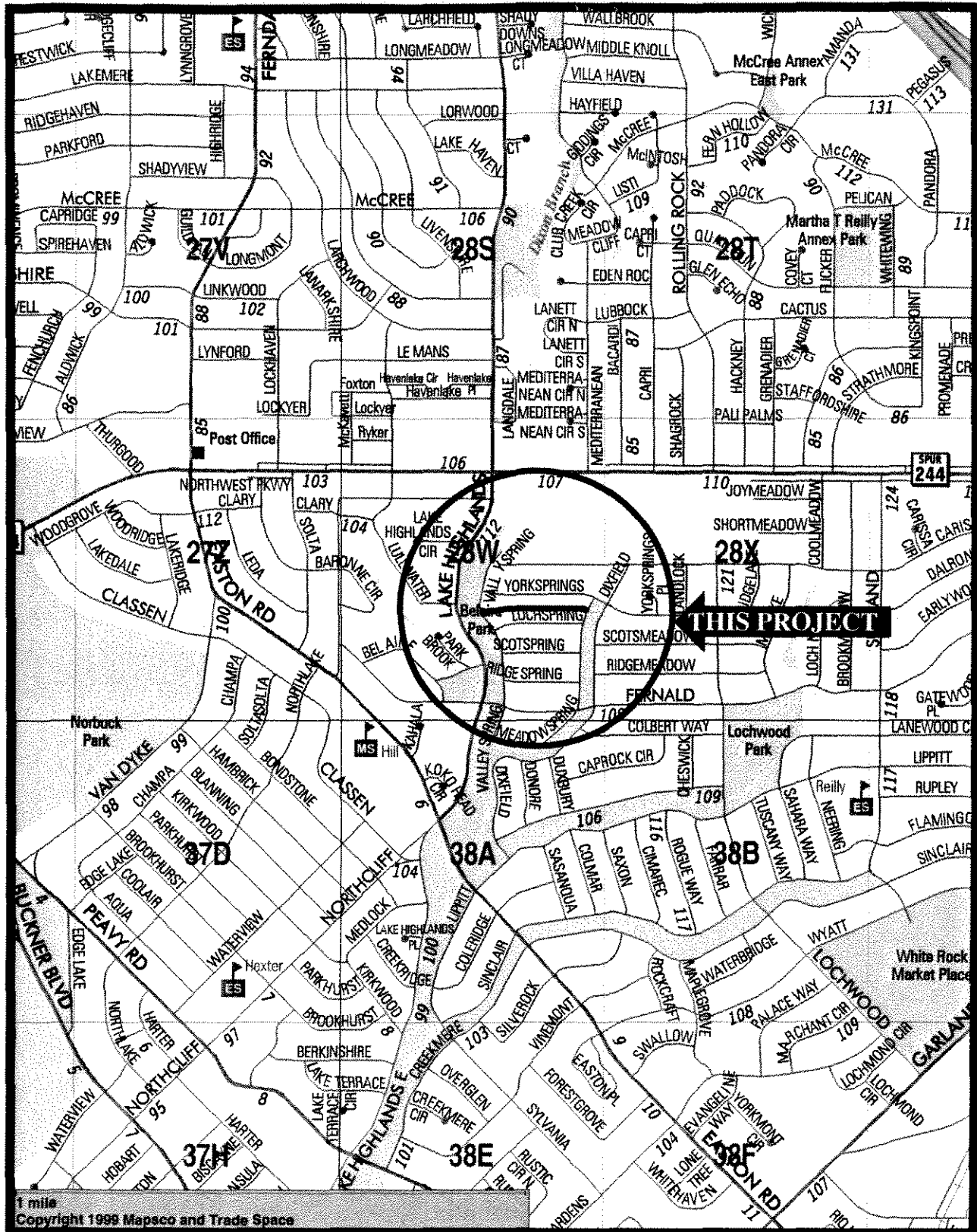
None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$287,050.00	55.48%	\$287,050.00	37.30%
Hispanic American	\$65,771.00	12.71%	\$65,771.00	8.55%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$352,821.00	68.19%	\$352,821.00	45.85%

PROJECT GROUP 03-3005

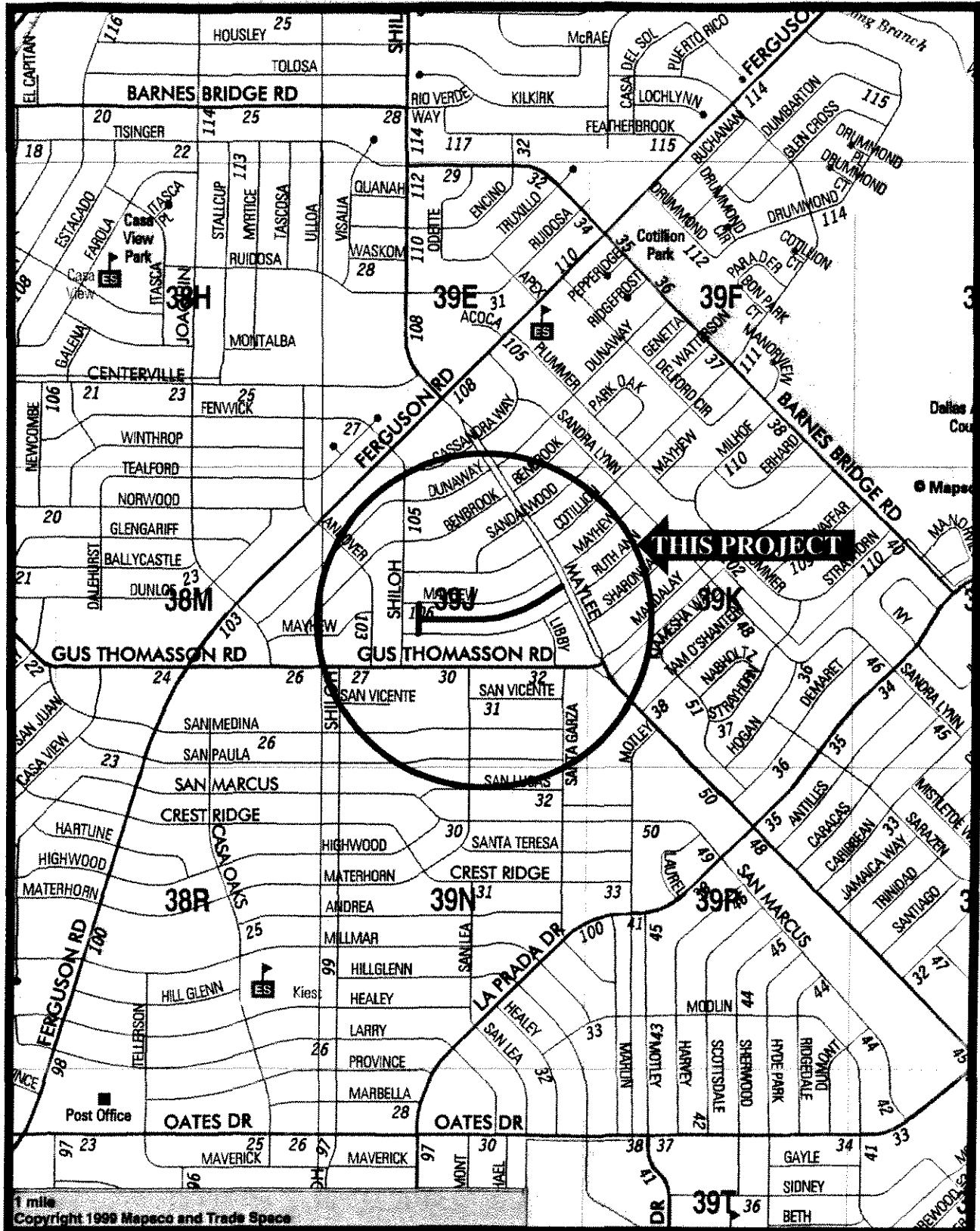
Alley between Lochspring Drive and Yorksprings Drive From Valley Spring Drive to Meadow Spring Lane



MAPSCO 28W

PROJECT GROUP 03-3005

Alley between Mayhew Drive and Ruth Ann Drive From Maylee
Boulevard to "T" and Shiloh Road



MAPSCO 39J

June 27, 2007

WHEREAS, on April 12, 2006, Resolution No. 06-1036 authorized a professional services contract; and,

WHEREAS, bids were received on May 3, 2007, for the reconstruction of alley paving, storm drainage, and wastewater main improvements for Project Group 03-3005, as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
Meztec Contractors, Inc.	\$769,579.00
P E Contractors, Inc.	\$822,473.00
PAEE Engineering Company	\$824,136.00
Jeske Construction Company	\$852,378.00

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Meztec Contractors, Inc. for the reconstruction of alley paving, storm drainage, and wastewater main improvements for Project Group 03-3005 in an amount not to exceed \$769,579.00, this being the lowest responsive bid received as indicated by the tabulation of bids.

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:

Street and Transportation Improvements Fund Fund 6R22, Department PBW, Unit R327, Act. AREC Obj. 4510, Program #PB03R327, CT PBW03R327I1-01 Vendor #339602, in an amount not to exceed	\$146,174
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Street and Transportation Improvements Fund Fund 6R22, Department PBW, Unit R348, Act. AREC Obj. 4510, Program #PB03R348, CT PBW03R327I1-02 Vendor #339602, in an amount not to exceed	\$144,442
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Street and Transportation Improvements Fund Fund 6R22, Department PBW, Unit R348, Act. AREC Obj. 4510, Program #PB03R348, CT PBW03R327I1-03 Vendor #339602, in an amount not to exceed	\$281,743
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June 27, 2007

Wastewater Capital Improvement Fund
Fund 0116, Department DWU, Unit PS42, Act. RELP
Obj. 4560, Program #707160, Reporting TL92, CT PBW707160CP
Vendor #339602, in an amount not to exceed \$192,000

Wastewater Construction Fund
Fund 0103, Department DWU, Unit CS42, Act. RELP
Obj. 3222, Program #707160X, Reporting TL92, CT PBW707160EN
Vendor #339602, in an amount not to exceed \$ 5,220

Total in an amount not to exceed \$769,579

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, Dell Cole, OCMC, Room 307

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 5, 7
DEPARTMENT: Public Works & Transportation
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: 56C 64W

SUBJECT

Authorize a professional services contract with ANA Consultants, L.L.C. for the engineering design of alley paving and drainage improvements on the alley between Bexar Street and Ideal Avenue from C.F. Hawn (U.S. 175) to Macon Street and erosion control improvements on the alley at Altadena Lane - \$35,801 - Financing: 2006-07 Community Development Grant Funds (\$21,527) and 2003 Bond Funds (\$14,274)

BACKGROUND

This item provides for engineering design contracts for the following two projects.

A new development along Bexar Street will begin construction in October 2007. It involves the construction of new town homes and retail offices on Bexar Street. This item will provide the engineering design for a new 10-foot wide concrete alley to provide access to the properties.

A project for the repair of the creek bank supporting the Altadena Lane alley pavement that has eroded at two locations is necessary. The item will provide the engineering design for erosion control improvements needed to stabilize the creek bank and support the alley.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	October 2007
Complete Design	April 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2003 Bond Funds - \$14,273.90

2006-07 Community Development Grant Funds - \$21,526.40

Design	\$ 35,800.30
Construction	
Paving & Drainage (Bexar Street)	\$134,704.90 (est.)
Erosion Control (Altadena Lane)	<u>\$ 85,514.00 (est.)</u>
Total Project Cost	\$256,019.20 (est.)

<u>Council District</u>	<u>Amount</u>
5	\$14,273.90
7	<u>\$21,526.40</u>
Total	\$35,800.30

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

ANA Consultants, L.L.C

Hispanic Female	2	Hispanic Male	3
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	2	White Male	21

OWNER(S)

ANA Consultants, L.L.C

Mark N. Assaad, P.E., Vice President

MAP

Attached.

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with ANA Consultants, L.L.C. for the engineering design of alley paving and drainage improvements on the alley between Bexar Street and Ideal Avenue from C.F. Hawn (U.S. 175) to Macon Street and erosion control improvements on the alley at Altadena Lane - \$35,801 - Financing: 2006-07 Community Development Grant Funds (\$21,527) and 2003 Bond Funds (\$14,274)

ANA Consultants, L.L.C. 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$35,800.30	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$35,800.30	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Lim & Associates	PMDB32433Y1007	\$9,200.00	25.70%
Total Minority - Local		\$9,200.00	25.70%

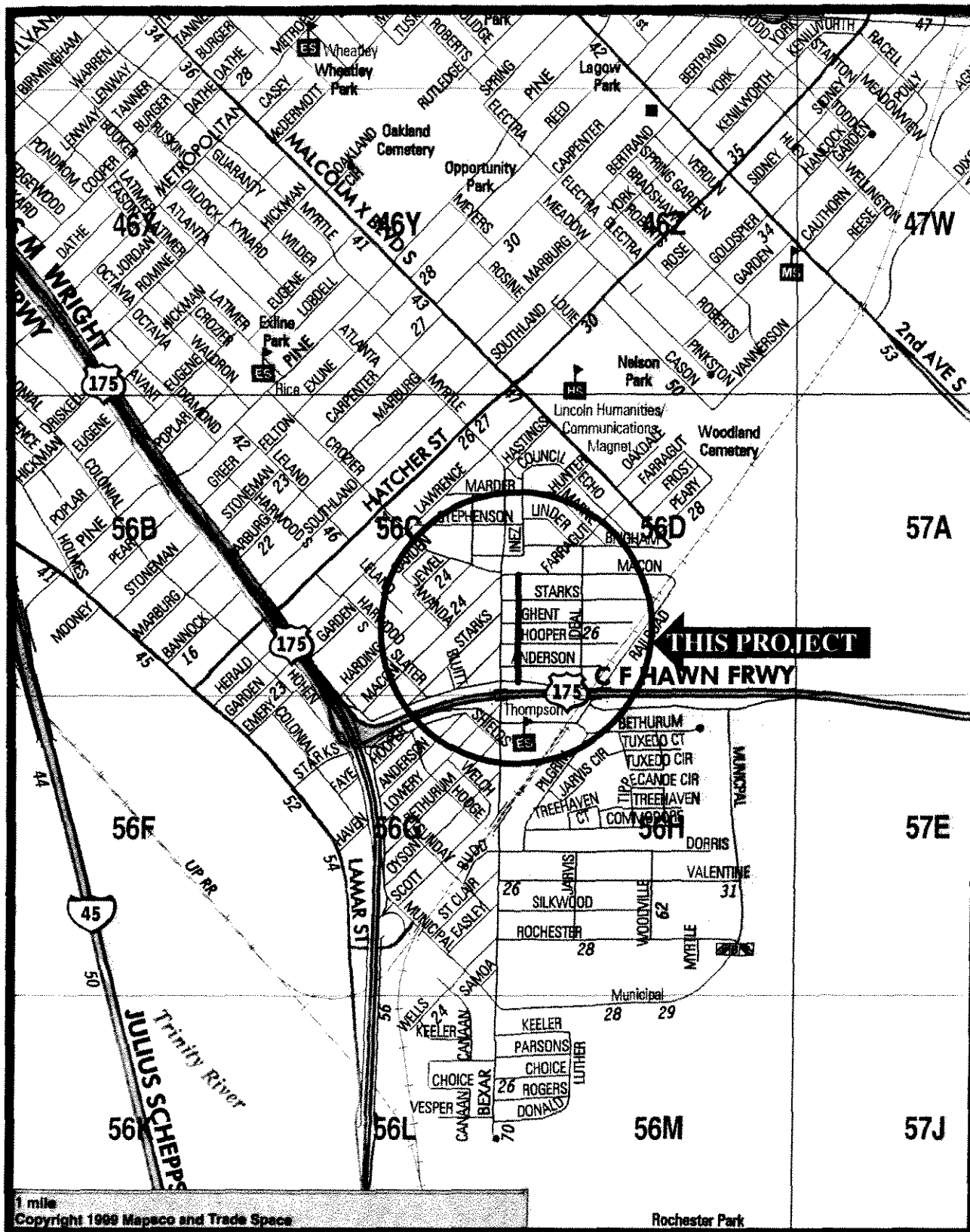
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

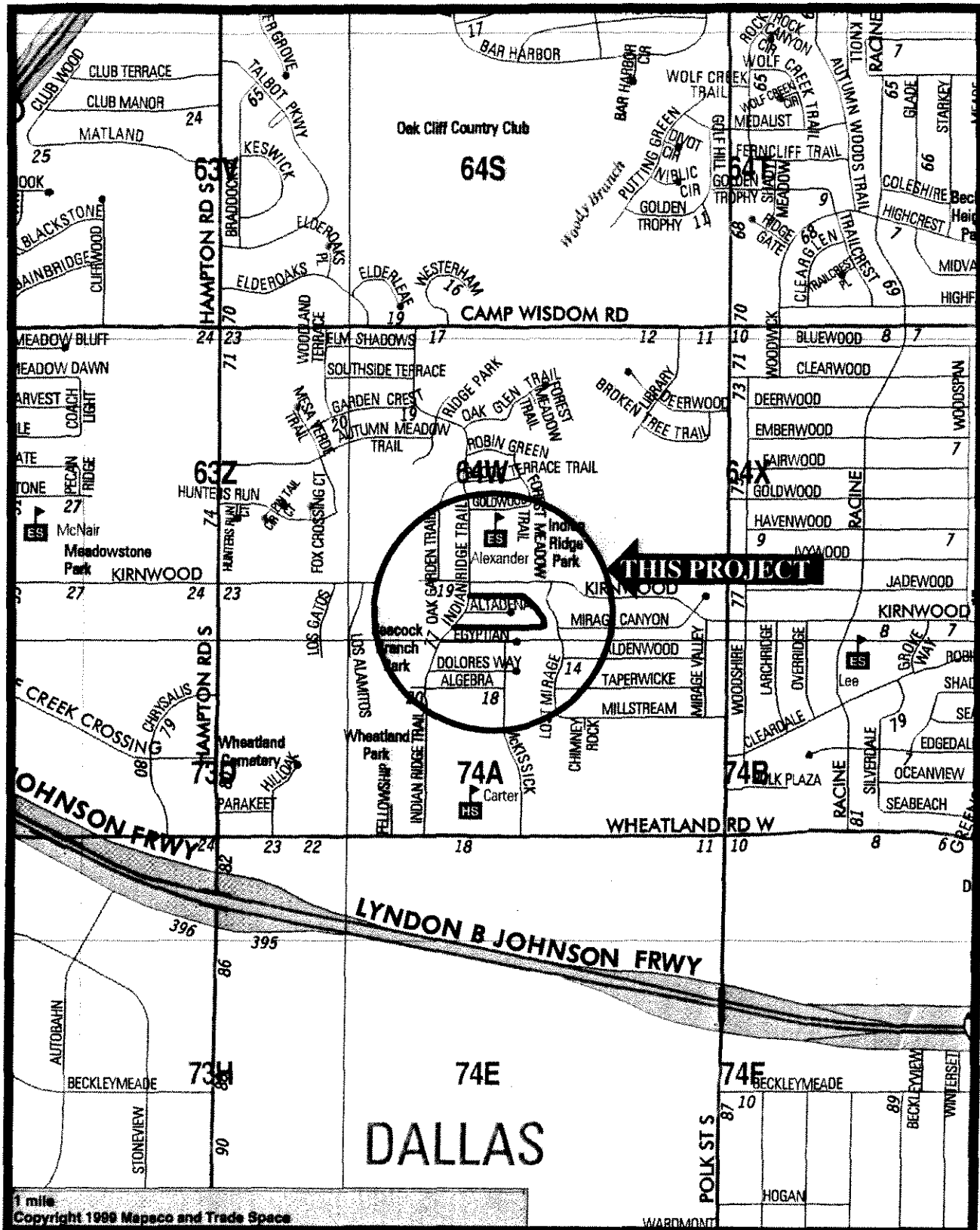
	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$9,200.00	25.70%	\$9,200.00	25.70%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$9,200.00	25.70%	\$9,200.00	25.70%

Alley between Bexar Street and Ideal Avenue From C. F. Hawn (U.S. 175) To Macon Street



MAPSCO 56C

Altadena Alley –Erosion Control Improvement



MAPSCO 64W

June 27, 2007

WHEREAS, it is desirable to enter into a professional services contract with ANA Consultants, L.L.C for the engineering design of alley paving and drainage improvements on the alley between Bexar Street and Ideal Avenue from C.F. Hawn (U.S. 175) to Macon Street and erosion control improvements on the alley at Altadena Lane, in an amount not to exceed \$35,800.30.

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 professional services contract with ANA Consultants, L.L.C for the engineering design of alley paving and drainage improvements on the alley between Bexar Street and Ideal Avenue from C.F. Hawn (U.S. 175) to Macon Street and erosion control improvements on the alley at Altadena Lane, in an amount not to exceed \$35,800.30.

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:

2006-07 Community Development Grant Funds	
Fund CD06, Department HOU, Unit 3963, Act. ECBD	
Obj. 4111, Program #PBCD0001, CT PBW03R690I1-02	
Vendor #341551, in an amount not to exceed	\$21,526.40

Flood Protection and Storm Drainage Facilities Funds	
Fund 3R23, Department PBW, Unit R690, Act. ERCT	
Obj. 4111, Program #PB03R690, CT PBW03R690I1-01	
Vendor #341551, in an amount not to exceed	<u>\$14,273.90</u>

Total in an amount not to exceed	\$35,800.30
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Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

Distribution: Public Works and Transportation, Cheryl Nichols, OCMC, Room 101
Public Works and Transportation, Dell Cole, OCMC, Room 307
Office of Financial Services/Community Development, 4FS

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 11
DEPARTMENT: Public Works & Transportation
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: 16F K

SUBJECT

Authorize a professional services contract with Huitt-Zollars, Inc. for the design of the Spring Valley/Coit Road intersection enhancements and sidewalks along the west side of Coit Road from Spring Valley to Haymeadow Drive - \$51,545 - Financing: 2003 Bond Funds

BACKGROUND

The engineering design for this project will consist of sidewalks from the intersection of Coit Road and Spring Valley Road, north along the west side of Coit Road from Spring Valley Road to Haymeadow Drive, and barrier free ramps at both intersections. Also, the design will include Spring Valley Road and Coit Road intersection enhancement, landscaping, irrigation and median enhancement.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	July 2007
Complete Design	January 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2003 Bond Funds - \$51,545

Design	\$ 51,545
Construction	
Sidewalk & Intersection Enhancement	\$199,798 (est.)
Landscaping & Irrigation	<u>\$ 61,051 (est.)</u>
Total Project Cost	\$312,394 (est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Huitt-Zollars, Inc.

Hispanic Female	5	Hispanic Male	11
African-American Female	3	African-American Male	6
Other Female	2	Other Male	6
White Female	35	White Male	66

OWNER(S)

Huitt-Zollars, Inc.

Kenneth A. Roberts, P.E., Vice President

MAP

Attached.

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Huitt-Zollars, Inc. for the design of the Spring Valley/Coit Road intersection enhancements and sidewalks along the west side of Coit Road from Spring Valley to Haymeadow Drive - \$51,545 - Financing: 2003 Bond Funds

Huitt-Zollars, 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$51,545.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$51,545.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Salcedo Group, Inc.	HMDB32556Y1007	\$12,560.00	24.37%
Berkenbile Craig, Inc.	WMDB33213Y0108	\$13,125.00	25.46%
Total Minority - Local		\$25,685.00	49.83%

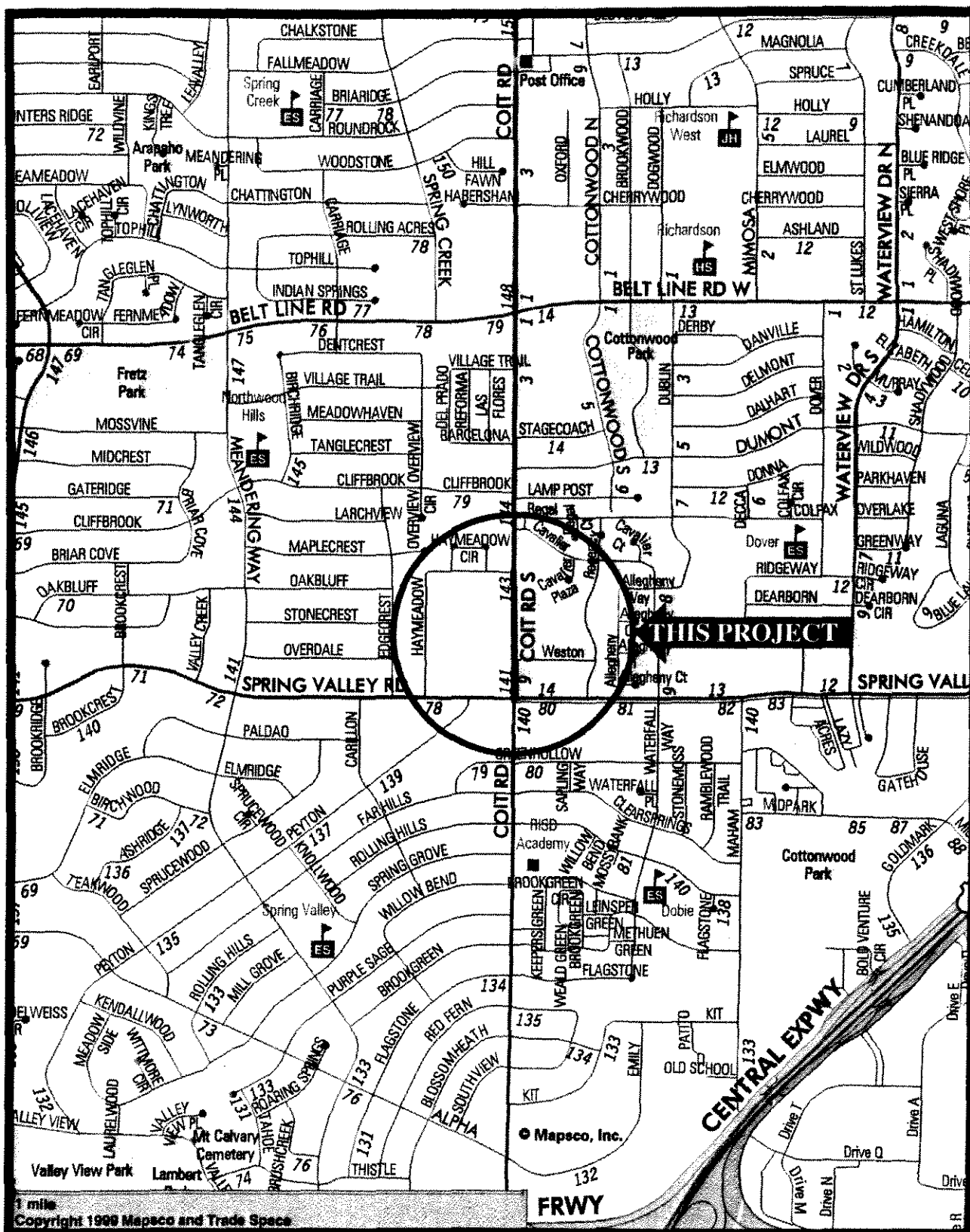
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$12,560.00	24.37%	\$12,560.00	24.37%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$13,125.00	25.46%	\$13,125.00	25.46%
Total	\$25,685.00	49.83%	\$25,685.00	49.83%

Spring Valley/ Coit Road Intersection Enhancement



MAPSCO 16K

June 27, 2007

WHEREAS, it is desirable to enter into a professional services contract with Huitt-Zollars, Inc. for the design of the Spring Valley/Coit Road intersection enhancements and sidewalks along the west side of Coit Road from Spring Valley Road to Haymeadow Drive, in an amount not to exceed \$51,545.00.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a professional services contract with Huitt-Zollars, Inc. for the design of the Spring Valley/Coit Road intersection enhancements and sidewalks along the west side of Coit Road from Spring Valley Road to Haymeadow Drive, in an amount not to exceed \$51,545.00.

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

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

Street and Transportation Improvements Fund	
Fund 6R22, Department PBW, Unit P374, Act. INGV	
Obj. 4111, Program #PB03P374, CT PBW03P374I1	
Vendor #090025, in an amount not to exceed	\$51,545.00

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, Dell Cole, OCMC, Room 307

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 8
DEPARTMENT: Public Works & Transportation
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: 76C, D

SUBJECT

Authorize an increase in the contract with Gin-Spen, Inc. to provide additional storm drainage improvements along Port Boulevard - \$40,832, from \$342,430 to \$383,262 - Financing: 2003 Bond Funds

BACKGROUND

On February 14, 2007, Council authorized a contract for construction of a storm drainage system in Port Boulevard. A modification to the original storm drainage design is needed to accommodate a new development next to the Port Boulevard drainage system.

This action, Change Order No. 1, will provide funding for the additional work.

ESTIMATED SCHEDULE OF PROJECT

Began Design	August 2006
Completed Design	December 2006
Began Revised Design	March 2007
Completed Revised Design	May 2007
Begin Construction	July 2007
Complete Construction	August 2007

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized a contract for construction on February 14, 2007, by Resolution No. 07-0646.

FISCAL INFORMATION

2003 Bond Funds - \$40,831.50

Design	\$ 0.00
Construction	\$342,430.00
Change Order No. 1 (this action)	<u>\$ 40,831.50</u>

Total Project Cost	\$383,261.50
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M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Gin-Spen, Inc.

Hispanic Female	0	Hispanic male	38
African-American Female	0	African American Male	0
Other Female	0	Other Male	0
White Female	3	White Male	5

OWNER(S)

Gin-Spen, Inc.

Virginia Rash, President

MAP

Attached.

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Gin-Spen, Inc. to provide additional storm drainage improvements along Port Boulevard - \$40,832, from \$342,430 to \$383,262 - Financing: 2003 Bond Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$22,718.30	55.64%
Non-local contracts	\$18,113.20	44.36%
TOTAL THIS ACTION	<u>\$40,831.50</u>	<u>100.00%</u>

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
LKT & Associates	WFDB31902Y0907	\$22,624.80	99.59%
Total Minority - Local		<u>\$22,624.80</u>	<u>99.59%</u>

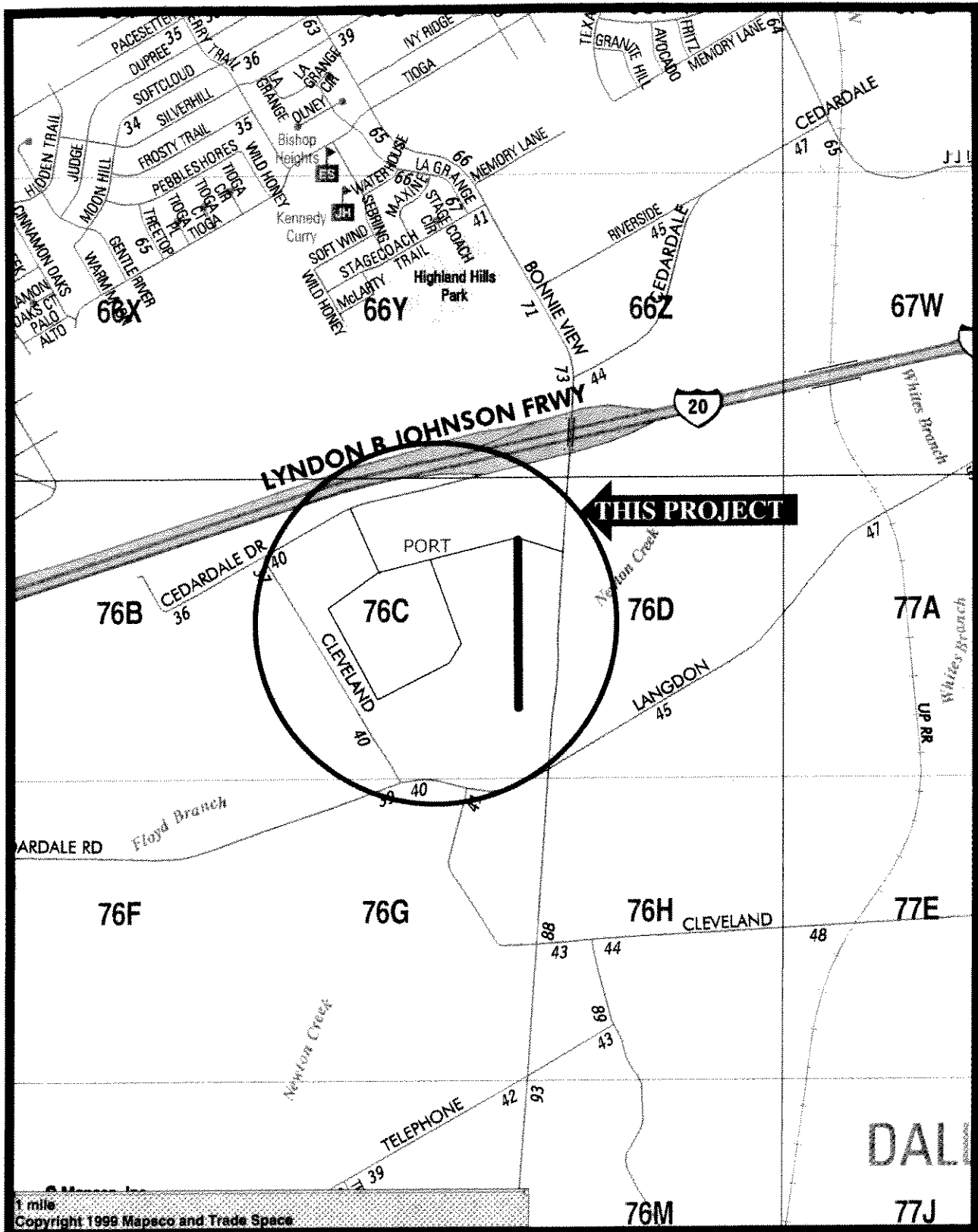
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$22,624.80	55.41%	\$163,133.90	42.56%
Total	<u>\$22,624.80</u>	<u>55.41%</u>	<u>\$163,133.90</u>	<u>42.56%</u>

PORT BOULEVARD STORM SEWER EXTENSION



MAPSCO 76C-D

June 27, 2007

WHEREAS, on February 28, 2007, Resolution No. 07-0646 authorized a contract for the construction of storm sewer improvements for Port Boulevard; and,

WHEREAS, it is now necessary to authorize Change Order No. 1 to the contract with Gin-Spen Inc., to provide additional storm drainage improvements along Port Boulevard, in the amount of \$40,831.50, from \$342,430.00 to \$383,261.50.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Change Order No. 1 to the contract with Gin-Spen, Inc., to provide additional storm drainage improvements along Port Boulevard, in the amount of \$40,831.50, from \$342,430.00 to \$383,261.50.

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:

Street and Transportation Improvements Fund
Fund 3R22, Department PBW, Unit P358, Act. ECBD
Obj. 4599, Program # PB03P358, CT PBW03P358E1
Vendor # VS0000017040, in an amount not to exceed \$40,831.50

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, Modesta Pena, OCMC, Room 307

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 13
DEPARTMENT: Public Works & Transportation
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: 23C K L P B R

SUBJECT

Authorize the rejection of bids received for the reconstruction of Alley Reconstruction Group 03-2021; and, the re-advertisement for new bids (list attached) - Financing: No cost consideration to the City

BACKGROUND

Bids for the reconstruction of Alley Reconstruction Group 03-2021, which consist of the alley between Dartmoor Drive and Cromwell Circle, the alley between Merrell Road and Carry Back Circle, the alley between Plaudit Place and Venetian Way, the alley between Satsuma Drive and Silverton Drive, and the alley between Seguin Drive and Valley Ridge Road were received on May 3, 2007.

Four bids were received, including Meztec Contractors, Inc., which was the low bidder. An incorrect proposal format was submitted by the low bidder, which included incorrect bid proposal quantities. The proposal is deemed as irregular and the bid is non-responsive. The second bidder's proposal was deemed irregular due to errors as well, and, the third bidder was higher than the engineer's estimate. Therefore, it is necessary to reject the bids and re-advertise for new bids.

This action will authorize the rejection of bids for the reconstruction of Alley Reconstruction Group 03-2021 and the re-advertisement for new bids.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract on April 12, 2006, by Resolution No. 06-1036.

FISCAL INFORMATION

No cost consideration to the City

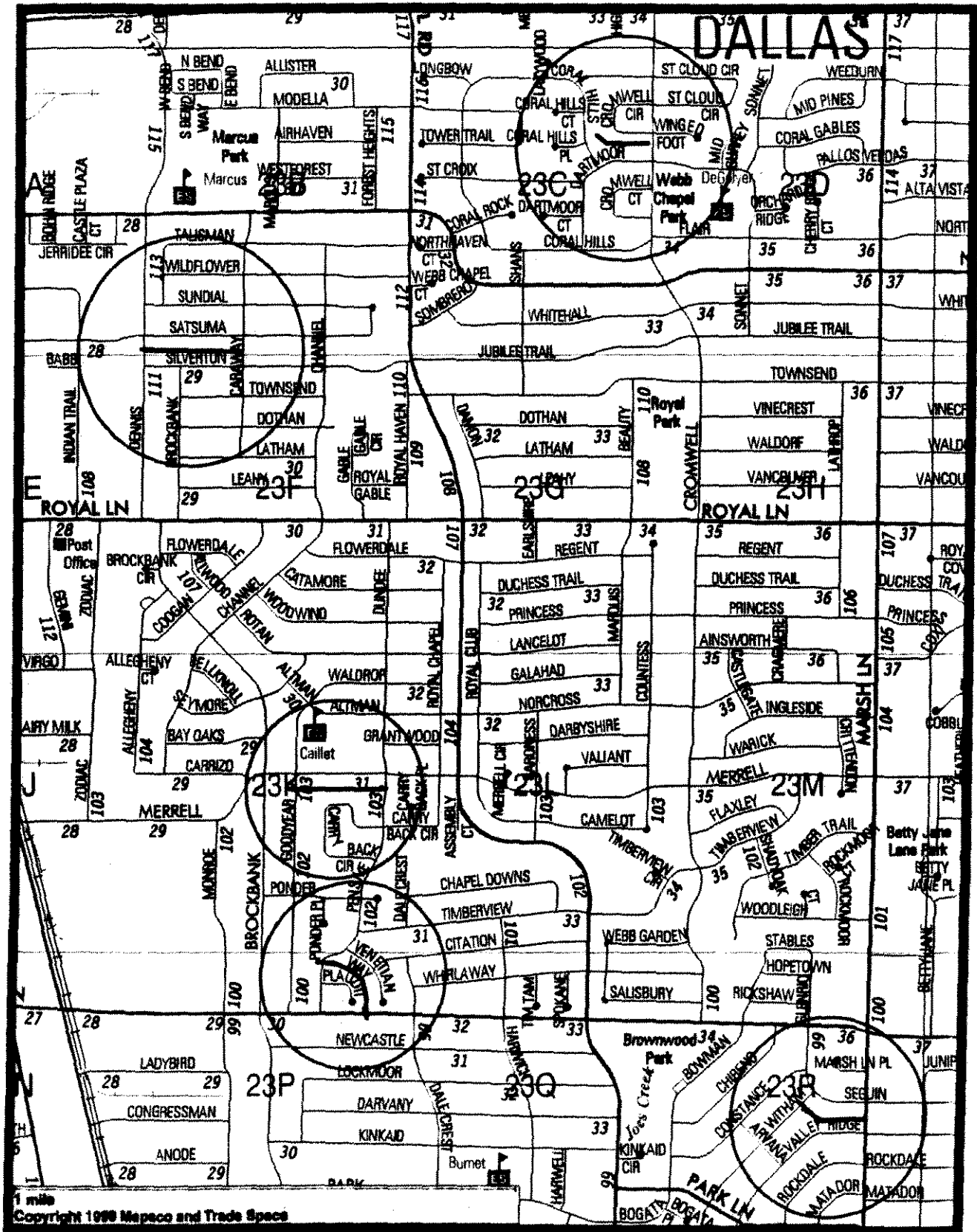
MAP

Attached.

Alley Group 03-2021

<u>Location</u>	<u>Council District</u>
Alley between Dartmoor Drive and Cromwell Circle	13
Alley between Merrell Road and Carry Back Circle	13
Alley between Plaudit Place and Venetian Way	13
Alley between Satsuma Drive and Silverton Drive	13
Alley between Seguin Drive and Valley Ridge Road	13

Alley Reconstruction Group 03-2021

**MAPSCO 23B,C,K,P&R**

June 27, 2007

WHEREAS, on April 12, 2006, Resolution No. 06-1036 authorized a professional services contract with HDR Engineering, Inc. for alley reconstruction for Alley Reconstruction Group 03-2021 in an amount not to exceed \$92,918.54; and,

WHEREAS, on May 3, 2007, bids were received for the reconstruction of Alley Reconstruction Group 03-2021; and,

WHEREAS, four bids were received for the reconstruction of Alley Reconstruction Group 03-2021; and,

WHEREAS, the bids received were irregular proposals for this construction; and,

WHEREAS, it is now desirable to reject the bids received for the reconstruction of Alley Reconstruction Group 03-2021; and, the re-advertisement for new bids.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to reject the bids received for the reconstruction of Alley Reconstruction Group 03-2021; and, the re-advertisement for new bids.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Distribution: Public Works and Transportation, Cheryl Nichols, OCMC, Room 101
Public Works and Transportation, Dell Cole, OCMC, Room 307
City Attorney

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 5, 8
DEPARTMENT: Public Works & Transportation
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: 59B P

SUBJECT

Authorize the rejection of bids received for the reconstruction of Street Reconstruction Group 03-606; and, the re-advertisement for new bids (list attached) - Financing: No cost consideration to the City

BACKGROUND

Bids for the reconstruction of Street Reconstruction Group 03-606, which consist of St. Augustine Road from Silvermeadow Drive to Kittyhawk Avenue, St. Augustine Road from Laneyvale to Angelus Road, St. Augustine Road from Bruton Road to Prairie Creek Branch and the intersection improvements on Bruton Road at St. Augustine Road were received on April 19, 2007.

Four bids were received, including Tiseo Paving, Inc., which was the low bidder. An incorrect proposal format was submitted by the low bidder, which included incorrect bid proposal quantities. Therefore, the bid is non-responsive. The second bidder is higher than the engineer's estimate. Therefore, it is necessary to reject the bids and re-advertise for new bids.

This action will authorize the rejection of bids for the reconstruction of Street Reconstruction Group 03-606 and the re-advertisement for new bids.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract on March 9, 2005, by Resolution No. 05-0907.

FISCAL INFORMATION

No cost consideration to the City

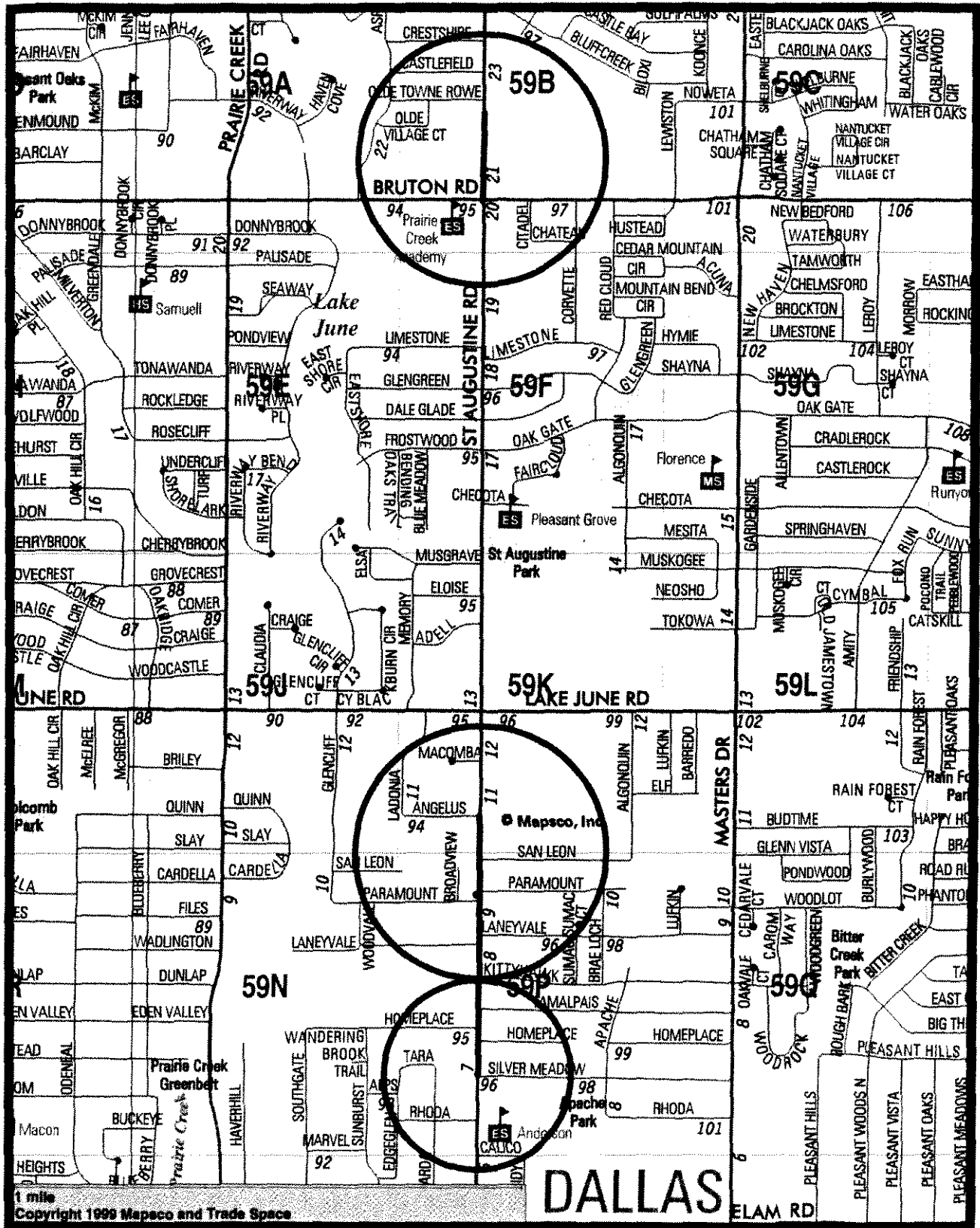
MAP

Attached.

Street Reconstruction Group 03-606

<u>Location</u>	<u>Limits</u>	<u>Council District</u>
St. Augustine Road	from Silvermeadow Drive to Kittyhawk Avenue	5, 8
St. Augustine Road	from Laneyvale Road to Angelus Road	5, 8
St. Augustine Road	from Bruton Road to Prairie Creek Branch	5, 8
Bruton Road	at St. Augustine Road	5

- St. Augustine Road from Silver Meadow Drive to Kittyhawk Road-PB03R498
- St. Augustine Road from Kittyhawk Road to Angelus Road -PB03R497
- St. Augustine Road from Bruton Road to Prairie Creek Branch, intersection
- Improvement of Bruton Road St. Augustine Road-PB03R496



MAPSCO 59B,P

June 27, 2007

WHEREAS, on March 9, 2005, Resolution No. 05-0907 authorized a professional services contract with Lina T. Ramey & Associates, Inc. for street reconstruction design for Street Reconstruction Group 03-606 in an amount not to exceed \$153,705; and,

WHEREAS, on April 19, 2007, bids were received for the reconstruction of Street Reconstruction Group 03-606; and,

WHEREAS, four bids were received for the reconstruction of Street Reconstruction Group 03-606; and,

WHEREAS, the bids received were irregular proposals; and,

WHEREAS, it is now desirable to reject the bids received for the reconstruction of Street Reconstruction Group 03-606; and the re-advertisement for new bids.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to reject the bids received for the reconstruction of Street Reconstruction Group 03-606; and, the re-advertisement for new bids.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Distribution: Public Works and Transportation, Cheryl Nichols, OCMC, Room 101
Public Works and Transportation, Dell Cole, OCMC, Room 307
City Attorney

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 1, 3, 4, 7

DEPARTMENT: Public Works & Transportation

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

MAPSCO: 38U 53H 53V 54E 54L 56B 64M

SUBJECT

Authorize **(1)** sidewalk and barrier free ramp paving improvements on Sidewalk Group 03-131 to provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on August 22, 2007, to receive comments (list attached) - Financing: No cost consideration to the City

BACKGROUND

The sidewalk projects were approved by the Citizen Safety Advisory Committee (CSAC). Franklin Avenue (S) from Gladstone Street to W. 10th Street was approved on June 11, 2003, to serve students attending Lida Hooe Elementary School. Hampton Road (S) from Perryton Drive to W. Illinois Avenue was approved on September 14, 2005 to serve students attending Brashear Elementary School and the Hampton-Illinois Library. Ledbetter Drive (E) (north side only) from Rocky Ridge Road to S. Marsalis Avenue was approved on April 14, 2004, to serve students attending Marsalis Elementary School. This project will also include the installation of barrier free ramps at Colonial Avenue at Eugene Street; Lindaro Lane at Inadale Avenue; Suffolk Avenue (W) at S. Bishop Avenue and 301 S. Brighton Avenue. The improvements will consist of 4-foot and 5-foot wide reinforced concrete sidewalks and barrier free ramps in compliance with Americans with Disabilities Act (ADA)

The paving assessment process requires the following three steps:

- Authorize paving improvements.
- Authorize a benefit assessment hearing.
- Benefit assessment hearing, ordinance levying assessments and authorize contract for construction.

These actions are the 1st and 2nd steps in the process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2007
Completed Design	May 2007
Begin Construction	October 2007
Complete Construction	March 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Design (city staff)	\$ 0
Construction	
Paving - (PWT)	<u>\$276,143</u> (est.)
Total Project Cost	\$276,143 (est.)

This project does involve assessments.

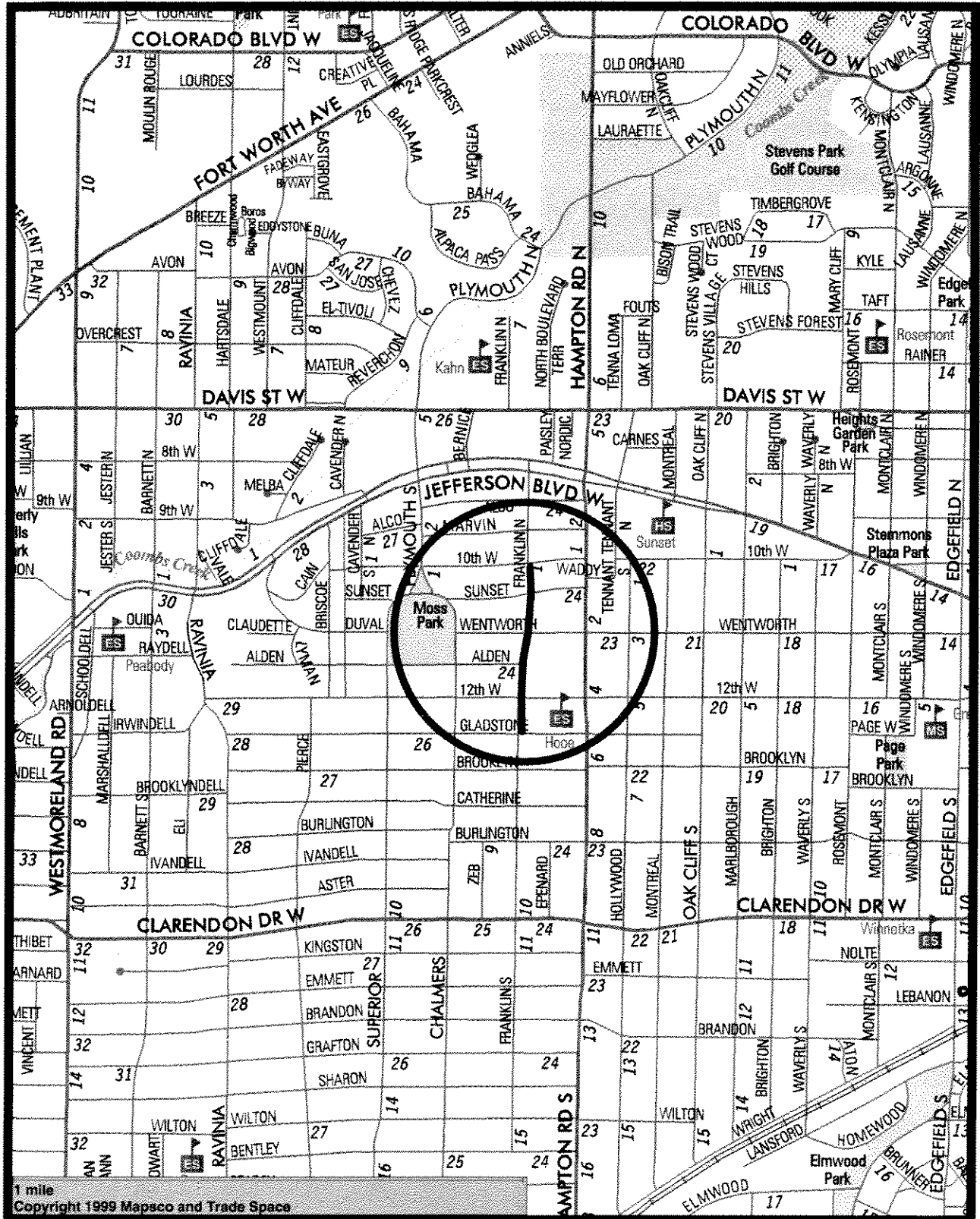
MAPS

Attached.

Sidewalk Group 03-131

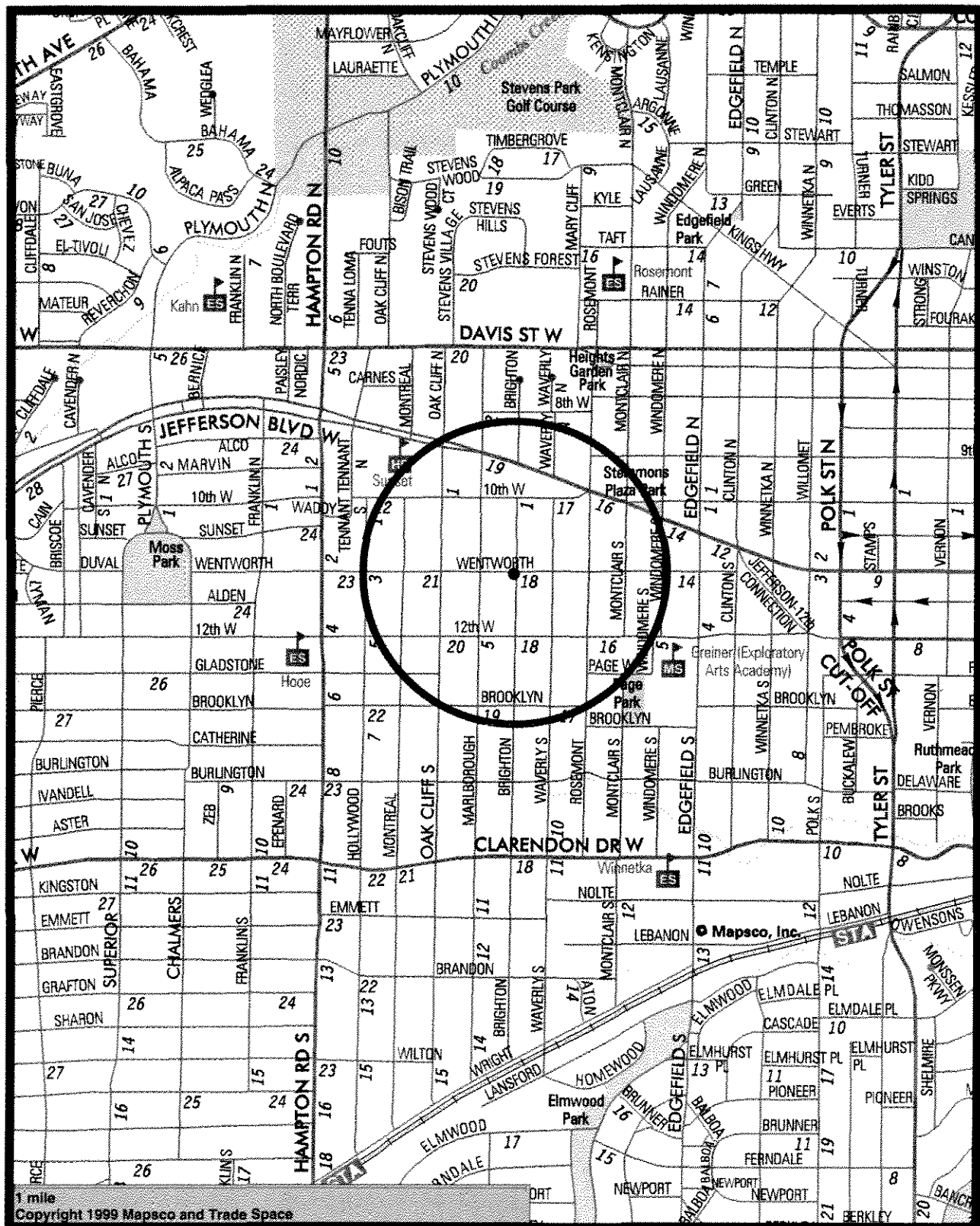
<u>Project</u>	<u>Limits</u>	<u>Council District</u>
Franklin Avenue (S)	Gladstone Street to W. 10th Street	1
S. Brighton Avenue	at Wentworth Street	1
Suffolk Avenue (W)	at S. Bishop Avenue	1
Hampton Road (S)	Perryton Drive to W. Illinois Avenue	3
Ledbetter Drive (E) (north side only)	Rocky Ridge Road to S. Marsalis Avenue	4
Colonial Avenue	at Eugene Street	7
Lindaro Lane	at Inadale Avenue	7

Sidewalk Group 03-131



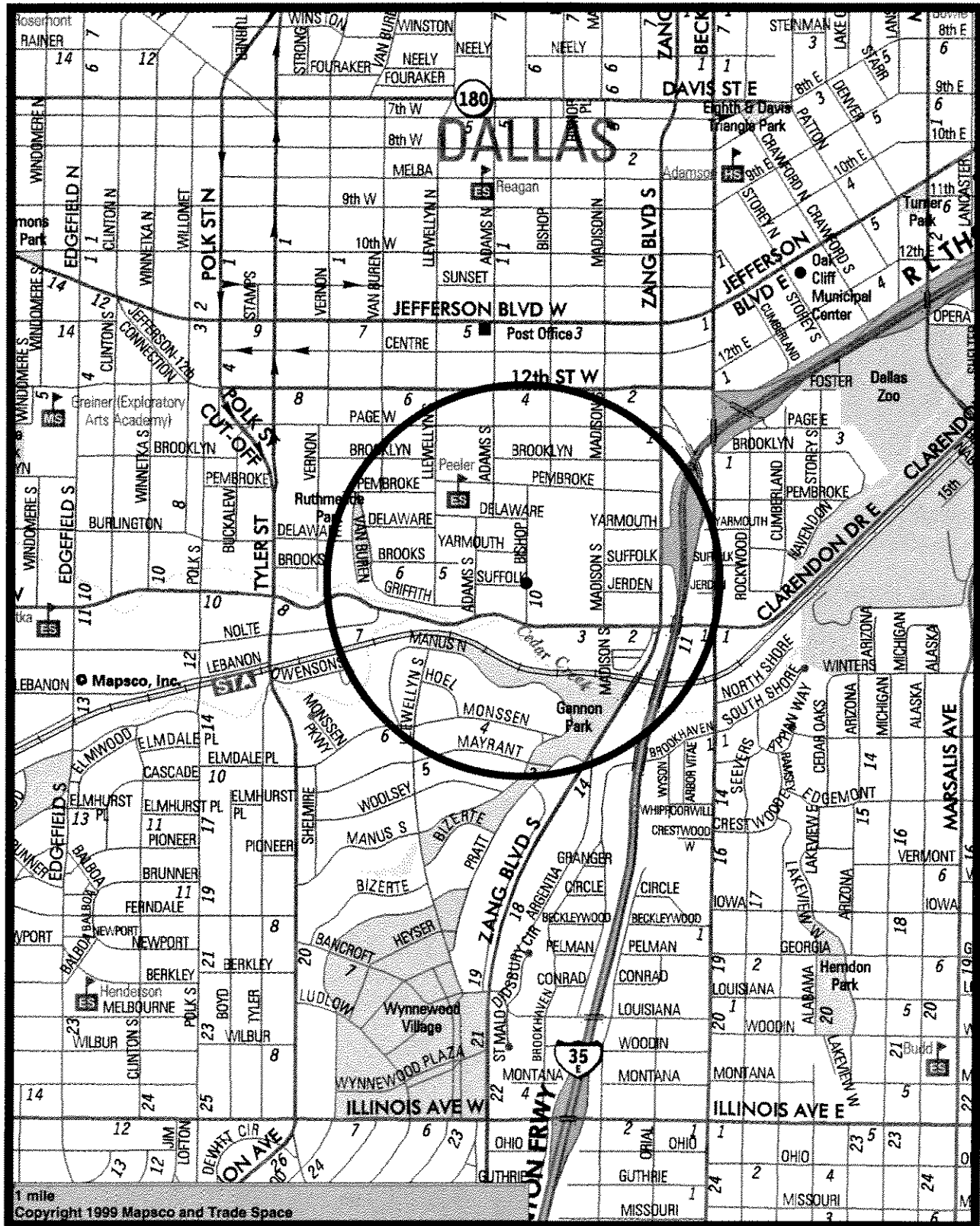
Mapsco 53H

Sidewalk Group 03-131

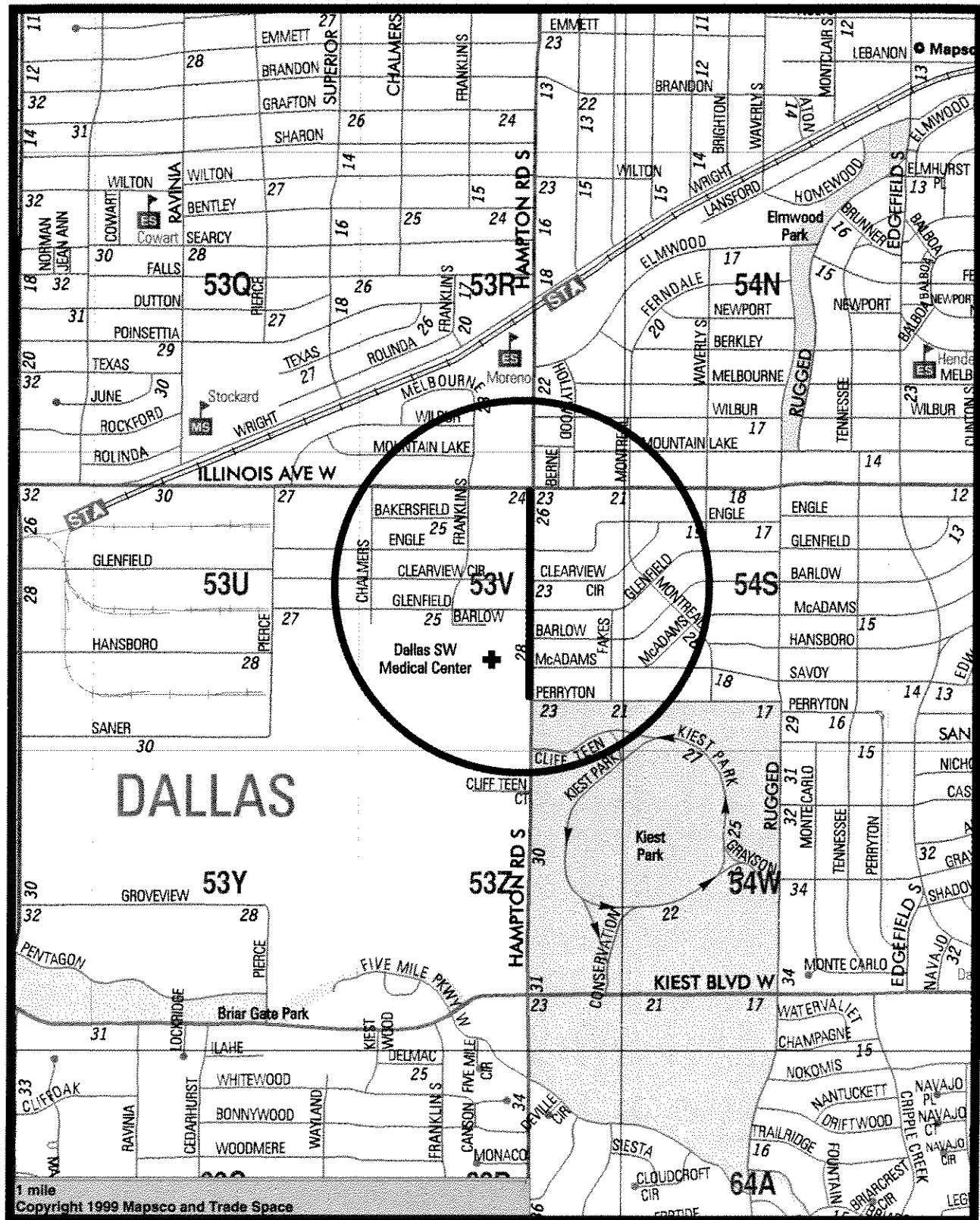


MapscO 54E

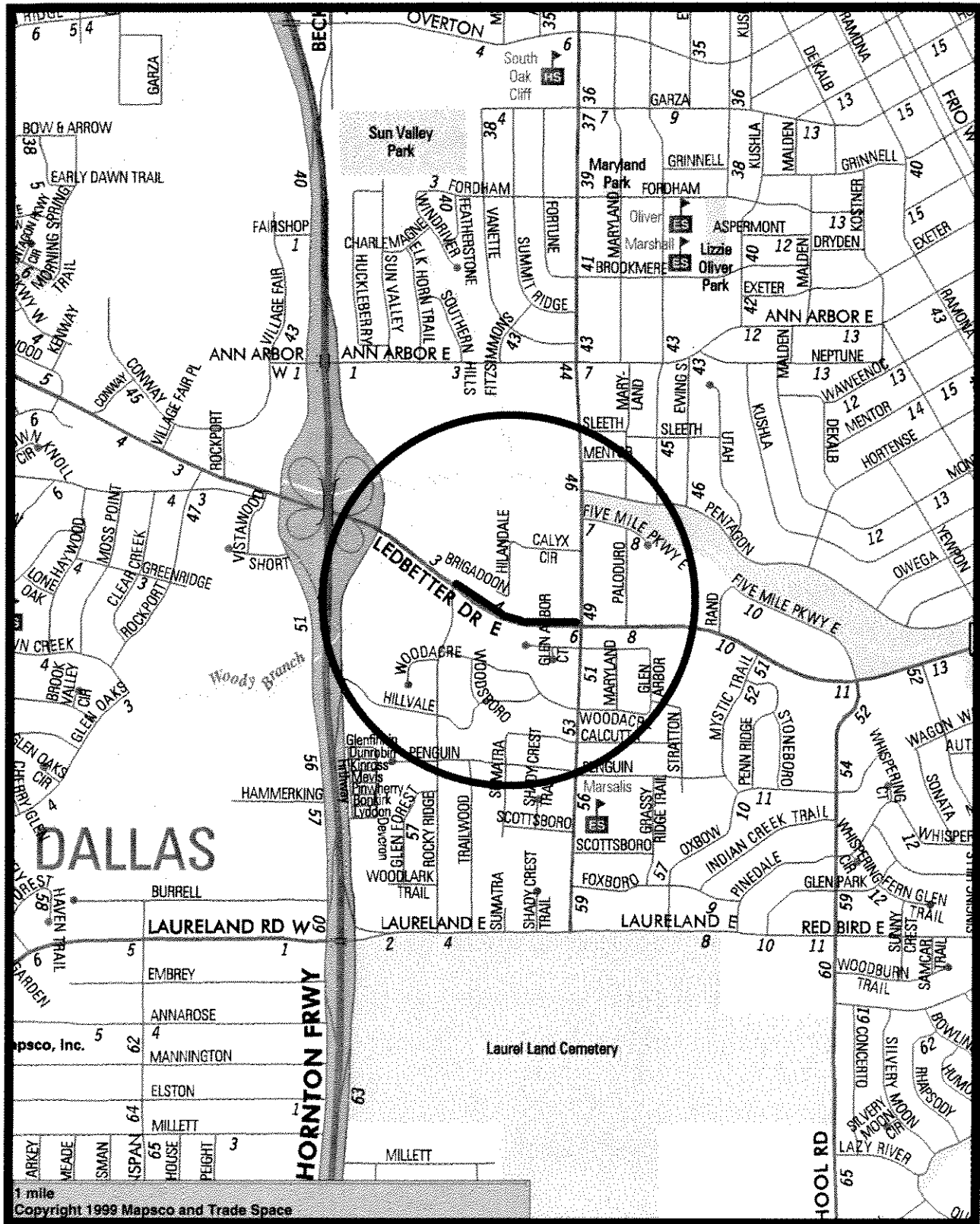
Sidewalk Group 03-131



Sidewalk Group 03-131

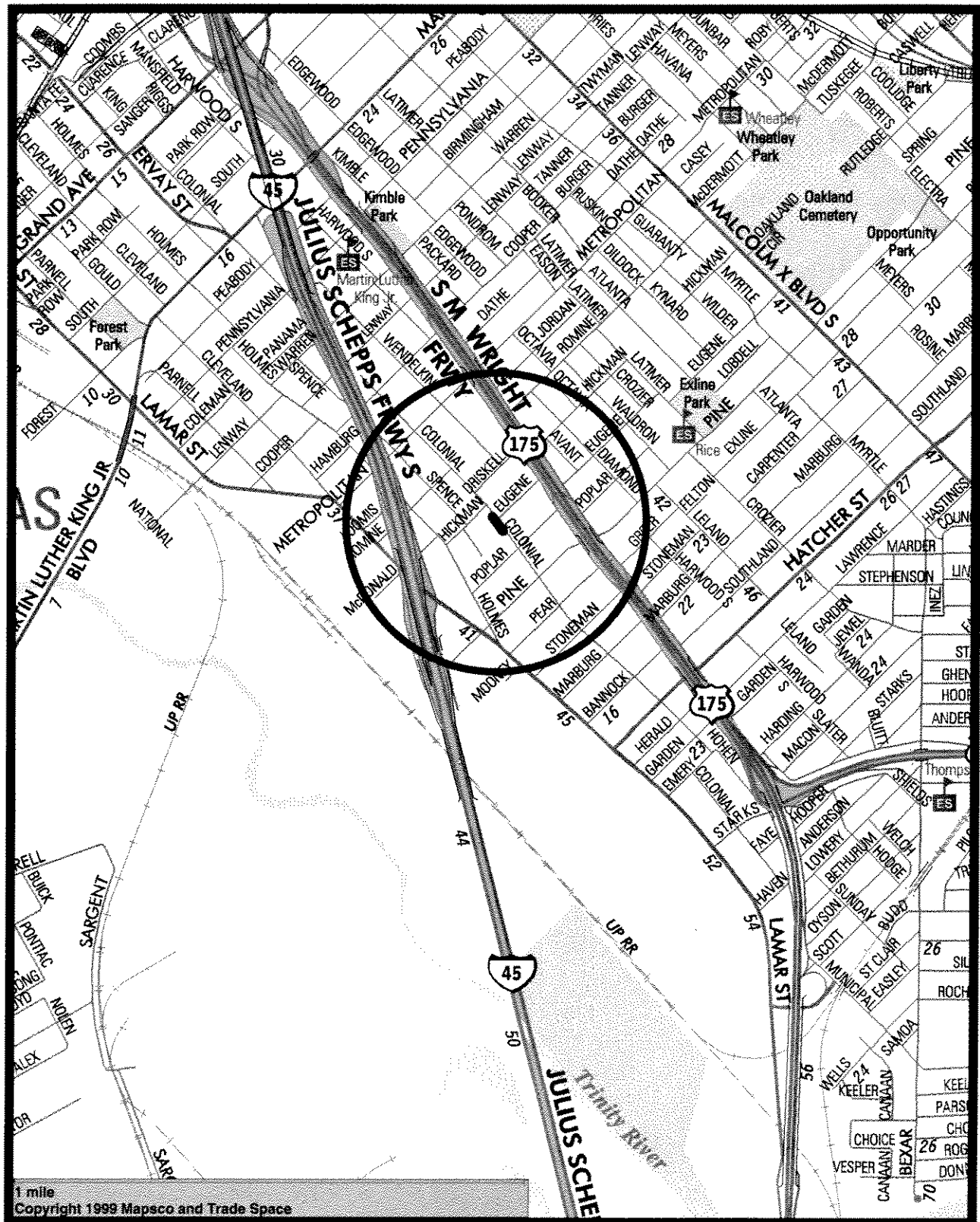


Sidewalk Group 03-131

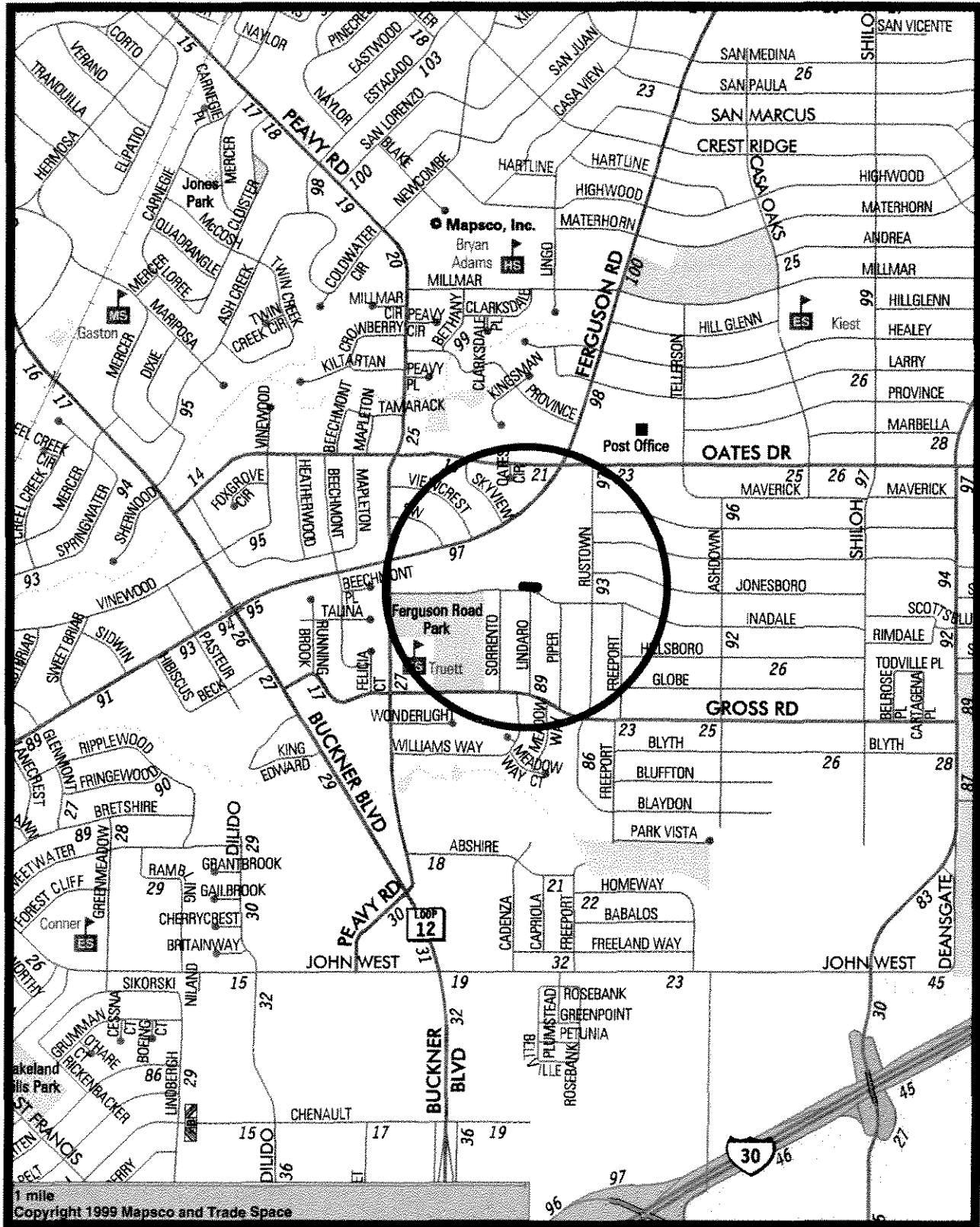


Mapscoc 64M

Sidewalk Group 03-131



Sidewalk Group 03-131



June 27, 2007

WHEREAS, the City of Dallas deems it necessary to permanently improve the hereinafter named streets within the City of Dallas;

Now, Therefore,

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

SECTION 1. That the following streets

Sidewalk Group 03-131

- 1. Franklin Avenue (S) from Gladstone Street to W. 12th Street to Alden Avenue to Wentworth Street to Sunset Avenue to W. 10th Street**
- 2. Hampton Road (S) from Perryton Drive to McAdams Avenue to Barlow Avenue to Glenfield Avenue to Clearview Circle to Engle Avenue to W. Illinois Avenue**
- 3. Ledbetter Drive (E) (north side only) from Rocky Ridge Road to S. Marsalis Avenue**

shall be improved in the following manner, to wit:

(1) That said streets shall be filled so as to bring same to grade.

(2) That said streets shall be improved with 4-inch thickness 3000 pounds per square inch reinforced concrete sidewalks 4 or 5 feet wide; and,

any permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

That the cost of said improvements shall be paid for as follows, to wit:

(a) The cost of improving so much of said streets and their intersections with other streets and alleys as is occupied by the rails and tracks of street railways and steam railway, if any occupying said streets, and between the same and two (2) feet on the outside thereof, shall be paid by the owners of said railways respectively.

June 27, 2007

(b) The City of Dallas shall pay only an amount equal to the cost of storm sewers, and also all the cost of improving intersections of said streets with other street and alleys, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets railways and steam railways, as provided in Subsection (a).

(c) That after deducting the proportion of the cost provided for in said Subsections (a) and (b) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, and sidewalks shall be paid by the owners of property abutting on said street named to be paved, in the following manner, to wit:

The cost shall be assessed against said owners and their property respectively, in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable in monthly installments not to exceed one hundred twenty (120) in number, the first of which shall be payable within thirty (30) days from the date of the completion of said improvements and their acceptance by the City of Dallas, and one installment each month thereafter until paid, together with interest thereon at the current rate established and adopted by the City Council applicable to Public Improvement Assessment Accounts being paid by installments and not to exceed the statutory rate, with the provision that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property an assessment has been levied may pay the whole assessment chargeable to him without interest within thirty (30) days after the acceptance and completion of said improvements.

Provided that, if the application of the above mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property, or of a street railway or steam railway, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

June 27, 2007

That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Interim Director of Public Works and Transportation. That there shall be deducted as a retainage fee, ten (10%) percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Interim Director of Public Works and Transportation. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Interim Director of Public Works and Transportation is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

SECTION 2. That the City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

June 27, 2007

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, Athan Thompson, OCMC, Room 307
 City Attorney
 Office of Financial Services 4FS

I-SP-4

NOTICE OF ASSESSMENT PROCEEDINGS AND LIEN UPON ABUTTING PROPERTY

NOTICE is hereby given that the Governing Body of the City of Dallas, in the County of Dallas, in the State of Texas, by Resolution No. _____ dated _____

has ordered and directed that the following street in said City be improved, to wit:

Sidewalk Group 03-131

1. Franklin Avenue (S) from Gladstone Street to W. 12th Street to Alden Avenue to Wentworth Street to Sunset Avenue to W 10th Street

West Side of Street

<u>Subdivision</u>	<u>Block</u>	<u>Lot(s)</u>
Kessler Plaza	A/4567	1
	12/4566	9
Cain	9/4562	10
Kessler Plaza 3	9/4562	9
Cain	8/4561	10

East Side of Street

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
Cain	10/4563	1
Kessler Plaza	10/4563	24

2. Hampton Road (S) from Perryton Drive to McAdams Avenue to Barlow Avenue to Glenfield Avenue to Clearview Circle to Engle Avenue to W. Illinois Avenue

West Side of Street

<u>Subdivision</u>	<u>Block</u>	<u>Lot(s)</u>
	5/6028	13,14 & 17.58x64 of Lot 15
	5/6028	10A .9859 ACS

East Side of Street

<u>Subdivision</u>	<u>Block</u>	<u>Lot</u>
	20/6026	1 & 37
	19/6026	1 & 36
	17/6026	1 & 25
	18/6026	1 & 25
	13/6026	1 & 25

3. Ledbetter Drive (E) (north side only) from Rocky Ridge Road to S. Marsalis Avenue

North Side of Street

<u>Subdivision</u>	<u>Block</u>	<u>Lot(s)</u>
Hilandale Rev	6012	Tr 4, 3.7912 Acres, Ledbetter Dr 249.3ft FR S. Marsalis Ave.

In case of conflict between numbers and street names and limits, street names will govern. A portion of the cost of such improvements is to be specially assessed as a lien upon property abutting thereon.

City of Dallas, Texas

By _____
City Secretary

(File in Deed of Trust Records)

June 27, 2007

WHEREAS, the City Council of the City of Dallas is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

Sidewalk Group 03-131

- 1. Franklin Avenue (S) from Gladstone Street to W. 12th Street to Alden Avenue to Wentworth Street to Sunset Avenue to W. 10th Street**
- 2. Hampton Road (S) from Perryton Drive to McAdams Avenue to Barlow Avenue to Glenfield Avenue to Clearview Circle to Engle Avenue to W. Illinois Avenue**
- 3. Ledbetter Drive (E) (north side only) from Rocky Ridge Road to S. Marsalis Avenue**

and against street and steam railway companies whose tracks occupy said streets, if any, for a part of the cost of improving said streets, fixing a time for the hearing of the owners of said property, and the said steam railway companies and street railway companies, concerning the same, and directing the City Secretary to give notice of said hearing, as required by law; and,

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the streets enumerated above, by paving said streets with 4-inch thickness 300 pounds per square inch reinforced concrete sidewalks 4 or 5-feet wide; and,

Any existing permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and,

WHEREAS, the Interim Director of Public Works and Transportation of the City of Dallas has, in accordance with the law, filed her report with the City Council, setting forth the participation by the steam railway companies and street railway companies, if any and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

Now, Therefore,

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

SECTION 1. That the report or statement filed by the Interim Director of Public Works and Transportation having been duly examined is hereby approved.

June 27, 2007

SECTION 2. That it is hereby found and determined that the cost of improvements on the hereinafter described streets, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, and against street and steam railway companies whose tracks occupy said streets, if any, are as follows, to wit:

Sidewalk Group 03-131

- 1. Franklin Avenue (S) from Gladstone Street to W. 12th Street to Alden Avenue to Wentworth Street to Sunset Avenue to W. 10th Street**
- 2. Hampton Road (S) from Perryton Drive to McAdams Avenue to Barlow Avenue to Glenfield Avenue to Clearview Circle to Engle Avenue to W. Illinois Avenue**
- 3. Ledbetter Drive (E) (north side only) from Rocky Ridge Road to S. Marsalis Avenue**

shall be improved with 4-inch thickness 300 pounds per square inch reinforced concrete sidewalks 4 or 5-feet wide; and,

The estimated cost of the improvements is **\$260,100.00 (est)**

b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for sidewalks is as follows:

Where Property Classification is WSR-I (Residential R-7.5 (A))

The front rate for 4-inch reinforced concrete sidewalk is: **\$8.49/L. F.**

The side rate for 4-inch reinforced concrete sidewalk is: **\$4.24/L. F.**

Where Property Classification is WSR-II (Town House-3 (A))

The front rate for 4-inch reinforced concrete sidewalk is: **\$8.49/L. F.**

The side rate for 4-inch reinforced concrete sidewalk is: **\$4.24/L. F.**

Where Property Classification is WSR-III (Commercial)

The front rate for 4-inch reinforced concrete sidewalk is: **\$8.49/L. F.**

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

June 27, 2007

SECTION 3. That a hearing shall be given to said owners of abutting property, and of railways and of street railways, if any, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the 22nd day of August A.D. 2007, at 1:00 o'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished

The City Secretary of the City of Dallas is hereby directed to give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First called session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, Texas, the first publication to be made at least twenty-one (21) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act.

The City Secretary is hereby further directed to give additional written notice of said hearing by mailing to said owners and to said railway companies and street railway companies, if any, a copy of said notice deposited in the Post Office at Dallas, Texas, at least fourteen (14) days prior to the date of said hearing, provided however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

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, Athan Thompson, OCMC, Room 307
 City Attorney
 Office of Financial Services 4FS

June 27, 2007

TO THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS

As requested by your Honorable Body, the undersigned has prepared plans and specifications for the improvements of **Sidewalk Group 03-131** with 4-inch thickness 3000 pounds per square inch reinforced concrete sidewalks 4 or 5 feet wide where specified; with estimates of the cost of improving the streets as listed thereon, together with the proposed assessment, a part of the cost to be made against the abutting properties and the property owners, and part of the cost to be paid by the City. The report of these improvements is as follows:

Sidewalk Group 03-131

1. Franklin Avenue (S) from Gladstone Street to W. 12th Street to Alden Avenue to Wentworth Street to Sunset Avenue to W. 10th Street

Total Property Owners' Cost - Assessments \$3,544.64

Total Estimated City of Dallas' Cost - Paving \$32,555.36

Total Estimated City of Dallas' Cost \$36,100.00

Total Estimated Cost of Improvements \$36,100.00

2. Hampton Road (S) from Perryton Drive to McAdams Avenue to Barlow Avenue to Glenfield Avenue to Clearview Circle to Engle Avenue to W. Illinois Avenue

Total Property Owners' Cost - Assessments \$5,886.71

Total Estimated City of Dallas' Cost - Paving \$96,113.29

Total Estimated City of Dallas' Cost \$102,000.00

Total Estimated Cost of Improvements \$102,000.00

3. Ledbetter Drive (E) (north side only) from Rocky Ridge Road to S. Marsalis Avenue

Total Property Owners' Cost - Assessments \$2,453.61

Total Estimated City of Dallas' Cost - Paving \$119,546.39

Total Estimated City of Dallas' Cost \$122,000.00

Total Estimated Cost of Improvements \$122,000.00

Sidewalk Group 03-131

- 1. Franklin Avenue (S) from Gladstone Street to W. 12th Street to Alden Avenue to Wentworth Street to Sunset Avenue to W. 10th Street**
- 2. Hampton Road (S) from Perryton Drive to McAdams Avenue to Barlow Avenue to Glenfield Avenue to Clearview Circle to Engle Avenue to W. Illinois Avenue**
- 3. Ledbetter Drive (E) (north side only) from Rocky Ridge Road to S. Marsalis Avenue**

Grand Total Property Owners' Cost - Assessments \$11,884.96

Estimated Grand Total City of Dallas' Cost - Paving \$248,215.04

Estimated Grand Total City of Dallas' Cost \$248,215.04

Estimated Grand Total Cost of Improvements \$260,100.00

The Interim Director of Public Works and Transportation reports that representatives of this Department have studied the actual conditions existing on the ground on these particular streets and find that the existing improved streets have unimproved or partially unimproved grass parkways; that in times of wet weather the parkways become muddy, that water stands in times of wet weather; that pedestrians have worn paths along the parkways; and taking all of this and other factors locally existing into consideration, the plans and specifications having been prepared for this improvement, we believe that this paving will improve the properties abutting on said streets and the proposed assessment is equitable for the enhancement value achieved on the abutting properties. Final determination of assessments will be made based on analysis of enhancement.

Respectfully submitted,

Interim Director
Public Works and Transportation

SIDEWALK GROUP 03-131

**1. FRANKLIN AVENUE (S) FROM GLADSTONE STREET TO W. 12TH STREET TO ALDEN AVENUE TO
WENTWORTH STREET TO SUNSET AVENUE TO W. 10TH STREET
SHALL BE IMPROVED WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS
4 OR 5 FEET WIDE.**

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET						
SUNSET SUMMIT						
4 G HOLDINGS LTD 1519 SAN BERNARDO AVE. LOREDO, TX 78040-3753	13 2503 GLADSTONE DR.	D/3480		NO ASSESSMENT PAVEMENT IN PLACE		
VINCENT GONZALES 2500 12TH ST. DALLAS, TX 75211-2701	12	D/3480		NO ASSESSMENT PAVEMENT IN PLACE		
12TH STREET INTERSECTS						
KESSLER PLAZA						
BETSY A. TAYLOR 4571 RHEIMS PL DALLAS, TX 75205-3628	1 2501 W. 12TH ST.	A/4567	117.0 FT WALK	\$4.24	\$496.08	\$496.08
JANE ELLEN SILVEN 2504 ALDEN AVE. DALLAS, TX 75211-2713	6 ALDEN & FRANKLIN	A/4567		NO ASSESSMENT PAVEMENT IN PLACE		
ALDEN AVE. INTERSECTS						
RICARDO DAVILA 2501 ALDEN AVE. DALLAS, TX 75211-2714	9 ALDEN & FRANKLIN 2503 ALDEN AVE.	12/4566	110.0 FT	\$4.24	\$466.40	\$466.40
LYNN B. IRVIN 2504 WENTWORTH ST. DALLAS, TX 75211-2727	8	12/4566		NO ASSESSMENT PAVEMENT IN PLACE		

SIDEWALK GROUP 03-131

**1. FRANKLIN AVENUE (S) FROM GLADSTONE STREET TO W. 12TH STREET TO ALDEN AVENUE TO
WENTWORTH STREET TO SUNSET AVENUE TO W. 10TH STREET
SHALL BE IMPROVED WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS
4 OR 5 FEET WIDE.**

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WENTWORTH STREET INTERSECTS						
	CAIN					
MARTIN & DORA PUENTE 2501 WENTWORTH ST. DALLAS, TX 75211-2728	10	9/4562	156.0 FT	WALK	\$4.24	\$661.44
	WENTWORTH & FRANKLIN					\$661.44
KESSLER PLAZA 3						
CHRISTOPHER GOGGIN & TOD P. PRICE 2502 SUNSET AVE. DALLAS, TX 7211-2657	9	9/4562	134.0 FT	WALK	\$4.24	\$568.16
						\$568.16
SUNSET AVENUE INTERSECTS						
	CAIN					
RICHARD SEPULVEDA 2503 SUNSET AVE. DALLAS, TX 75211-2658	10	8/4561	97.0 FT	WALK	\$4.24	\$411.28
	SUNSET & FRANKLIN					\$411.28
TOMMY L. JONES 2502 W. 10TH ST. DALLAS, TX 75211-2652	9	8/4561		NO ASSESSMENT PAVEMENT IN PLACE		
	10TH & FRANKLIN					
EAST SIDE OF STREET						
	CAIN					
SIDNEY H. WOMACK 2442 W. 10TH ST. DALLAS, TX 7511-2650	1	7/4560		NO ASSESSMENT PAVEMENT IN PLACE		
	10TH & FRANKLIN					
CHARLES K.P. & NORA A. MERCADO 2443 SUNSET AVE. DALLAS, TX 75211-2656	20	7/4560		NO ASSESSMENT PAVEMENT IN PLACE		

SIDEWALK GROUP 03-131

**1. FRANKLIN AVENUE (S) FROM GLADSTONE STREET TO W. 12TH STREET TO ALDEN AVENUE TO
WENTWORTH STREET TO SUNSET AVENUE TO W. 10TH STREET
SHALL BE IMPROVED WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS
4 OR 5 FEET WIDE.**

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
SUNSET STREET INTERSECTS						
CAIN						
FERDINAND TAN 2442 SUNSET AVE. DALLAS, TX 75211-2655	1	10/4563	58.0 FT	WALK	\$4.24	\$245.92
						\$245.92
KESSLER PLAZA						
EMILIO & NORMA E. RODRIGUEZ 2445 WENTWORTH ST. DALLAS, TX 75211-2726	24	10/4563	164.0 FT	WALK	\$4.24	\$695.36
						\$695.36
HAMPTON PLACE 2A						
RANDALLS PROPERTIES INC. 3663 BRIARPARK DR. HOUSTON, TX 77042-5205	1A 4.442 ACRES 315 S. HAMPTON RD.	11/4565		NO ASSESSMENT PAVEMENT IN PLACE		
KESSLER PLAZA ADDN.						
DALLAS ISD BOARD OF EDUCATION LIDA HOPE PUBLIC SCHOOL 1500 MARILLA DR. DALLAS, TX 75201-6318	W. 50' LT 7 & 8, ALL LTS. 1 THRU 6 & 9 THRU 14 2429 W. 12TH ST.	E/3481		NO ASSESSMENT PAVEMENT IN PLACE		
12TH STREET INTERSECTS						
LIDA HOPE ELEMENTARY SCHOOL						
DALLAS ISD LIDA HOPE PUBLIC SCHOOL 1500 MARILLA DR. DALLAS, TX 75201-6318	ALL BLK LESS LT. 25 GLADSTONE TO 12TH 2419 GLADSTONE DR.	E/3431		NO ASSESSMENT PAVEMENT IN PLACE		

SIDEWALK GROUP 03-131

**1. FRANKLIN AVENUE (S) FROM GLADSTONE STREET W. 12TH STREET TO ALDEN AVENUE TO
WENTWORTH STREET TO SUNSET AVENUE TO W. 10TH STREET**

TOTAL PROPERTY OWNERS' COST - ASSESSMENTS		\$3,544.64
TOTAL ESTIMATED CITY OF DALLAS' COST - PAVING	\$32,555.36	
TOTAL ESTIMATED CITY OF DALLAS' COST		\$36,100.00
TOTAL ESTIMATED COST OF IMPROVEMENTS		\$36,100.00

SIDEWALK GROUP 03-131

**2. HAMPTON ROAD (S) FROM PERRYTON DRIVE TO MCADAMS AVENUE TO BARLOW AVENUE TO GLENFIELD AVENUE
TO CLEARVIEW CIRCLE TO ENGLE AVENUE TO W. ILLINOIS AVENUE
SHALL BE IMPROVED WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WHERE SPECIFIED.**

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET						
DALLAS FAMILY HOSPITAL						
RENAISSANCE HOSPITAL DALLAS C/O DAN DELA GARZA 427 W. 20TH ST., SUITE 300 HOUSTON, TX 77008-2429	PT. 1 12.894 ACS. 2949 S. HAMPTON	A/6030				NO ASSESSMENT PAVEMENT IN PLACE
DALLAS SOUTHWEST MEDICAL OFFICE BLDG. 2909 S.HAMPTON RD. DALLAS, TX	PT. 1 4 ACS.	A/6030				NO ASSESSMENT PAVEMENT IN PLACE
HEAD'S ADDN.						
DALLAS MEDICAL HOLDINGS LTD 2815 S. HAMPTON RD. DALLAS, TX 75224-2329	8 & 9 2815 S. HAMPTON	8/6029				NO ASSESSMENT PAVEMENT IN PLACE
ACREAGE ESTATES ADDN.						
DALLAS MEDICAL HOLDINGS LTD 2815 S. HAMPTON RD. DALLAS, TX 75224-2329	6 & 7 2811 S. HAMPTON	8/6029				NO ASSESSMENT PAVEMENT IN PLACE
GLENFIELD AVE. INTERSECTS						
GERALD CAMPBELL 2743 S.HAMPTON RD. DALLAS, TX 75224-2365	S. 64 FT. LOT 18 HAMPTON & GLENFIELD	5/6028				NO ASSESSMENT PAVEMENT IN PLACE
JOYCE FLORIST OF DALLAS INC. 2729 S. HAMPTON RD. DALLAS, TX 75224-2327	16 & 17 & 1 FT. OF LOT 18	5/6028				NO ASSESSMENT PAVEMENT IN PLACE

SIDEWALK GROUP 03-131

**2. HAMPTON ROAD (S) FROM PERRYTON DRIVE TO MCADAMS AVENUE TO BARLOW AVENUE TO GLENFIELD AVENUE
TO CLEARVIEW CIRCLE TO ENGLE AVENUE TO W. ILLINOIS AVENUE**

SHALL BE IMPROVED WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WHERE SPECIFIED.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
MANUEL SARMIENTO 2727 S. HAMPTON RD. DALLAS, TX 75224-2327	PT. 15 63X160X 45.42X54X 17.58X96	5/6028		NO ASSESSMENT PAVEMENT IN PLACE		
GRACE BIBLE CHURCH 2719 S. HAMPTON RD. DALLAS, TX 75224-2327	13, 14 & 17.58 X 64 OF LOT 15	5/6028	94 FT WALK	\$8.49	\$798.06	\$798.06
D & M ADDITION						
D & M PROPERTY CO. P. O. BOX 670782 DALLAS, TX 75367-0782	10A.1 0.0735 ACS. 2707 S. HAMPTON	5/6028		NO ASSESSMENT PAVEMENT IN PLACE		
GREIGO PROPERTY LPPS P. O. BOX 87564 SAN DIEGO, CA 92138-7564	10A .9859 ACS. 2701 S. HAMPTON	5/6028	22.5 FT WALK	\$8.49	\$191.03	\$191.03
ENGLE AVE. INTERSECTS						
WIRT DAVIS TRUST NCNB PLAZA BLGG. 901 MAIN ST., FLOOR 20 DALLAS, TX 75202-3707	94 X 144 S. HAMPTON & ENGLE 2649 S. HAMPTON	6027		NO ASSESSMENT PAVEMENT IN PLACE		
WIRT DAVIS TRUST NCNB PLAZA BLGG. 901 MAIN ST., FLOOR 20 DALLAS, TX 75202-3707	6.7312 ACS. 2631 S. HAMPTON	6027		NO ASSESSMENT PAVEMENT IN PLACE		

SIDEWALK GROUP 03-131

**2. HAMPTON ROAD (S) FROM PERRYTON DRIVE TO MCADAMS AVENUE TO BARLOW AVENUE TO GLENFIELD AVENUE
TO CLEARVIEW CIRCLE TO ENGLE AVENUE TO W. ILLINOIS AVENUE
SHALL BE IMPROVED WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WHERE SPECIFIED.**

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WIRT DAVIS TRUST	88 X 160	6027		NO ASSESSMENT		
NCNB PLAZA BLGG.	S. HAMPTON			PAVEMENT IN PLACE		
901 MAIN ST., FLOOR 20	125 FR.					
DALLAS, TX 75202-3707	ILLINOIS					
	2611					
	S. HAMPTON					
WIRT DAVIS TRUST	100X90X	6027		NO ASSESSMENT		
NCNB PLAZA BLGG.	10X10X			PAVEMENT IN PLACE		
901 MAIN ST., FLOOR 20	55.7X63					
DALLAS, TX 75202-3707	X34.3X					
	37					
	2601					
	S. HAMPTON					
EAST SIDE OF STREET						
	CLEARVIEW					
HAMPTON ILLINOIS SHOP JV	0.4029 ACS.	21/6026		NO ASSESSMENT		
C/O FELLMAN REALTY MGMT.	130 X 135			PAVEMENT IN PLACE		
11225 PARK CENTRAL PL.	2328					
DALLAS, TX 75230-3353	W. ILLINOIS					
	AVE.					
HAMPTON ILLINOIS SHOP JV	3.3971 ACS.	21/6026		NO ASSESSMENT		
C/O FELLAN REALTY MGMT.	2300			PAVEMENT IN PLACE		
11225 PARK CENTRAL PL.	W. ILLINOIS					
DALLAS, TX 75230-3353	AVE.					
JAVIER G. DAVILA	26	21/6026		NO ASSESSMENT		
2329 ENGLE AVE.				PAVEMENT IN PLACE		
DALLAS, TX 75224-2317						
ENGLE AVE. INTERSECTS						
HERBERT S. & JOAN C. PICOU	1	20/6026	116.1 FT WALK	\$4.24	\$492.26	
2330 ENGLE AVE.						\$492.26
DALLAS, TX 75224-2318						

SIDEWALK GROUP 03-131

**2. HAMPTON ROAD (S) FROM PERRYTON DRIVE TO MCADAMS AVENUE TO BARLOW AVENUE TO GLENFIELD AVENUE
TO CLEARVIEW CIRCLE TO ENGLE AVENUE TO W. ILLINOIS AVENUE**

SHALL BE IMPROVED WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WHERE SPECIFIED.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
PRECILIANO GOMEZ & MARIA ISABEL GOMEZ 2329 CLEARVIEW CIR. DALLAS, TX 75224-2311	37	20/6026	116.6 FT WALK	\$4.24	\$494.38	\$494.38
CLEARVIEW CIR. INTERSECTS						
PIOQUINTO & LETICIA MARTINEZ SALAS 2330 CLEARVIEW CIR. DALLAS, TX 75224-2312	1 CLEARVIEW & HAMPTON	19/6026	117.7 FT WALK	\$4.24	\$499.05	\$499.05
JOSE A. LEYVA 2335 GLENFIELD AVE. DALLAS, TX 75224-2323	36	19/6026	108.8 FT WALK	\$4.24	\$461.31	\$461.31
GLENFIELD AVE. INTERSECTS						
LEODEGARIO & AURELIA ALVARADO 2334 GLENFIELD AVE. DALLAS, TX 75224-2324	1	17/6026	107.8 FT WALK	\$4.24	\$457.07	\$457.07
FILIBERTO PEREZ & FILIBERTO PEREZ RICO 2335 BARLOW AVE. DALLAS, TX 75224-2305	25	17/6026	108.9 FT WALK	\$4.24	\$461.74	\$461.74
BARLOW AVE. INTERSECTS						
EARL D. MARTIN 2334 BARLOW AVE. DALLAS, TX 75224-2306	1 BARLOW & HAMPTON RD.	18/6026	106.9 FT WALK	\$4.24	\$453.26	\$453.26
ANGELINO ALCANTAR & MARIA ROSARIO 2335 MCADAMS AVE. DALLAS, TX 75224-2333	25	18/6026	107.5 FT WALK	\$4.24	\$455.80	\$455.80

SIDEWALK GROUP 03-131

**2. HAMPTON ROAD (S) FROM PERRYTON DRIVE TO MCADAMS AVENUE TO BARLOW AVENUE TO GLENFIELD AVENUE
TO CLEARVIEW CIRCLE TO ENGLE AVENUE TO W. ILLINOIS AVENUE**

SHALL BE IMPROVED WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WHERE SPECIFIED.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
MCADAMS AVE. INTERSECTS						
EDUARDO HERNANDEZ 2334 MCADAMS AVE. DALLAS, TX 75224-2334	1	13/6026	109.2 FT WALK	\$4.24	\$463.01	\$463.01
EMILIANO & YADIRA ALMANZA 3722 SHADY HOLLOW LN. DALLAS, TX 75233-3708	25 2335 PERRYTON DR.	13/6026	155.6 FT WALK	\$4.24	\$659.74	\$659.74

SIDEWALK GROUP 03-131

**2. HAMPTON ROAD (S) FROM PERRYTON DRIVE TO MCADAMS AVENUE TO BARLOW AVENUE TO GLENFIELD AVENUE
TO CLEARVIEW CIRCLE TO ENGLE AVENUE TO W. ILLINOIS AVENUE**

TOTAL PROPERTY OWNERS' COST ASSESSMENTS	\$5,886.71
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TOTAL ESTIMATED CITY OF DALLAS' COST PAVING	\$96,113.29
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TOTAL ESTIMATED CITY OF DALLAS' COST	\$102,000.00
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TOTAL ESTIMATED COST OF IMPROVEMENTS	\$102,000.00
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SIDEWALK GROUP 03-131

**3. LEDBETTER DRIVE (E) (NORTH SIDE ONLY) FROM ROCKY RIDGE ROAD TO S. MARSALIS AVENUE
SHALL BE IMPROVED WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS
4 OR 5 FEET WIDE.**

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
NORTH SIDE OF STREET						
	HILANDALE REV					
ARCHIE JOHNSIN 4971 BRAGADOON LN. DALLAS, TX 75216-6719	13	2/6012	NO ASSESSMENT REAR FRONTAGE			
RICHARD A. PFEIL 707 SHADY LN. DALLAS, TX 75208-2538	12	2/6012	NO ASSESSMENT REAR FRONTAGE			
AUTHERINE HUBBARD P. O. BOX 571312 DALLAS, TX 75357-1312	11 4958	2/6012	NO ASSESSMENT REAR FRONTAGE			
	HILANDALE DR.					
JOE & JOYCE HARRIS 4952 HILANDALE ST. DALLAS, TX 75216-6726	10	2/6012	NO ASSESSMENT REAR FRONTAGE			
DANIEL VILLANUEVA 531 E. LEDBETTER DR. DALLAS, TX 75216-6731	TR. 4 3.7912 ACRES LEDBETTER DR. 249.3' FR. MARSALIS	6012	289 FT WALK	\$8.49	\$2,453.61	\$2,453.61
DALLAS CITY OF ETAL PPTY MGMT, ROOM 203 320 E. JEFFERSON BLVD. DALLAS, TX 75203-2632	TR. 7 1.856 ACS. 4915 S. MARSALIS AVE.	6012	NO ASSESSMENT CITY PROPERTY			

SIDEWALK BROUP 03-131

3. LEDBETTER DRIVE (E) (NORTH SIDE ONLY) FROM ROCKY RIDGE DRIVE TO S. MARSALIS AVENUE

TOTAL PROPERTY OWNERS' COST - ASSESSMENTS		\$2,453.61
TOTAL ESTIMATED CITY OF DALLAS' COST - PAVING	\$119,546.39	
TOTAL ESTIMATED CITY OF DALLAS' COST		\$122,000.00
TOTAL ESTIMATED COST OF IMPROVEMENTS		\$122,000.00

KEY FOCUS AREA: Public Safety & Homeland Security

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 2
DEPARTMENT: Public Works & Transportation
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: 55H

SUBJECT

Authorize a professional services contract with Perkins + Will, LP for programming and schematic design services for the new Dallas Police Academy to be located in Cadillac Heights - \$689,117 - Financing: 2003 Bond Funds

BACKGROUND

The Dallas Police Academy will consist of a new facility to provide training and education for the estimated 2,800 uniformed officers of the Dallas Police Department and future trainees. The new Academy will be located on approximately 25 acres in Cadillac Heights, near the intersection of Cedar Crest Boulevard and Kiest Boulevard.

Following a consultant selection process, Perkins + Will, LP was chosen as the most qualified firm to provide the required services for the New Police Academy. Perkins + Will, LP will identify, evaluate and make recommendations for the programmatic requirements of the police Academy and develop schematic design solutions and cost estimates for the future facility. Services to be provided include: site analysis, environmental study, utility requirements for site, spatial analysis, design solutions, life-cycle cost analysis, energy model study, and conceptual drawings.

This action will authorize a professional services contract with Perkins + Will, LP, for programming and schematic design for the new Dallas Police Academy to be located in Cadillac Heights, in an amount not to exceed \$689,117.00.

Site acquisition is ongoing.

ESTIMATED SCHEDULE OF PROJECT

Begin Schematic Design	July 2007
Complete Schematic Design	July 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2003 Bond Funds - \$ 689,117

Programming/Schematic Design	\$689,117.00
Geotechnical/Environmental Testing	\$ 85,000.00 (est.)
Survey	\$ 40,000.00 (est.)
Miscellaneous Expenses	<u>\$ 25,700.00 (est.)</u>
Total Project Cost	\$839,817.00 (est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Perkins + Will, LP

Hispanic Female	2	Hispanic Male	2
African American Female	4	African-American Male	1
Other Female	5	Other Male	2
White Female	30	White Male	64

OWNER(S)

Perkins + Will, LP

Phil Harrison
David Collins
Tom Reisenbichler

MAPS

Attached.

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Perkins + Will, LP for programming and schematic design services for the new Dallas Police Academy to be located in Cadillac Heights - \$689,117 - Financing: 2003 Bond Funds

Perkins + Will, 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$570,383.00	82.77%
Total non-local contracts	\$118,734.00	17.23%
TOTAL CONTRACT	\$689,117.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Lopez Garcia Group, Inc.	HFDB30364Y0407	\$30,777.00	5.40%
Meza/Piazza	HMMB17373N0508	\$57,167.00	10.02%
Jaster Quintanilla Dallas, LLP	HMMB3278N1107	\$17,722.00	3.11%
Needham McCaffrey	WFWB28599N0907	\$30,500.00	5.35%
KJM & Associates	WFWB32044Y0907	\$15,750.00	2.76%
Linda Tycher & Associates, Inc.	WFWB32869N1207	\$9,600.00	1.68%
Total Minority - Local		\$161,516.00	28.32%

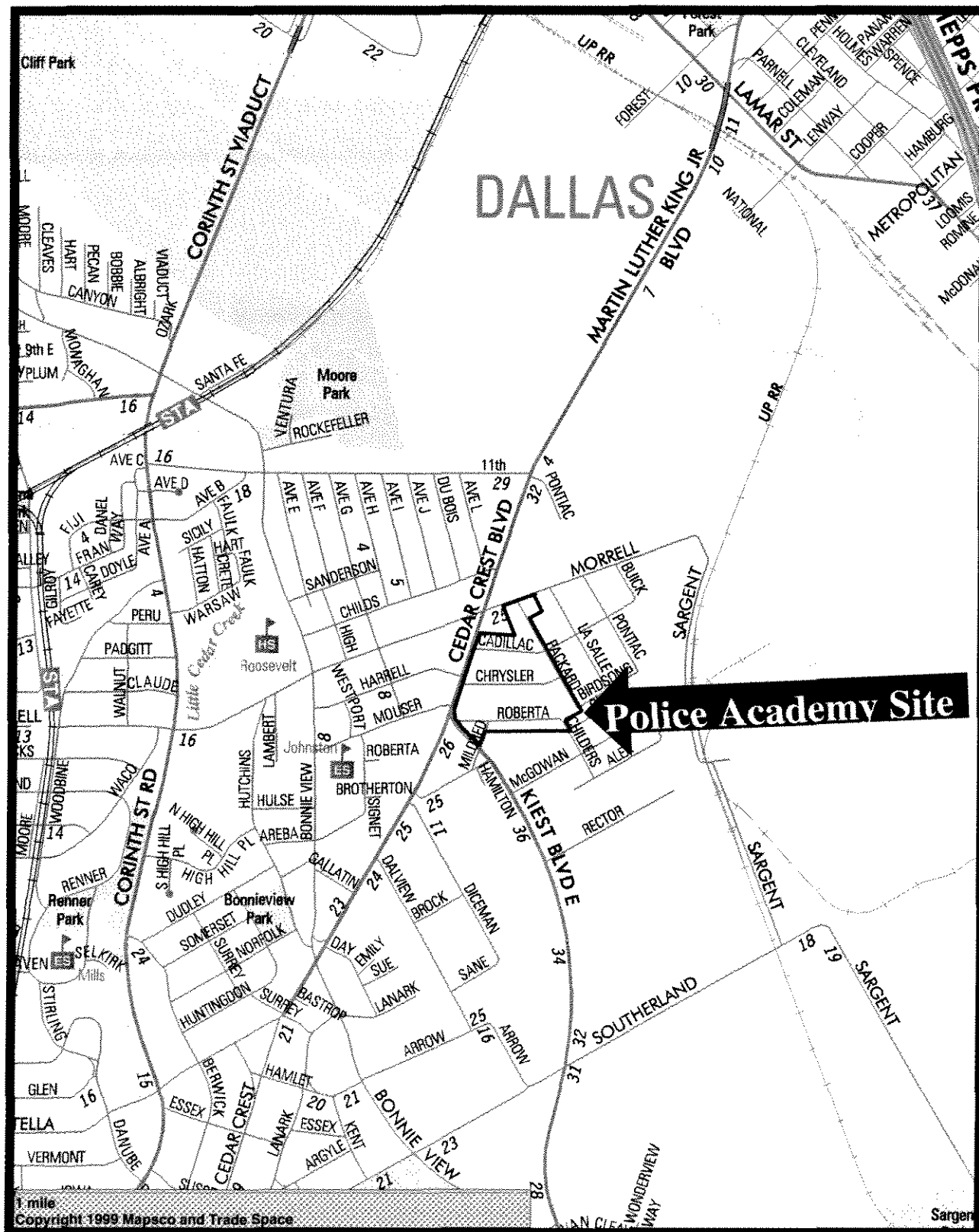
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$105,666.00	18.53%	\$105,666.00	15.33%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$55,850.00	9.79%	\$55,850.00	8.10%
Total	\$161,516.00	28.32%	\$161,516.00	23.44%

Police Academy Site

**Mapsc0 55H**

June 27, 2007

WHEREAS, it has been determined that the City of Dallas' New Police Academy will be located in Cadillac Heights; and,

WHEREAS, following a selection process conducted by City staff, Perkins + Will, LP was determined to be the most qualified firm to provide professional services for the New Police Academy; and,

WHEREAS, it is now desirable to authorize a contract with Perkins + Will, LP to provide programming and schematic design services for the new Dallas Police Academy to be located in Cadillac Heights, in the amount of \$689,117.00.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Perkins + Will, LP to provide programming and schematic design services for the new Dallas Police Academy to be located in Cadillac Heights, in the amount of \$689,117.00 after it has been approved as to form by the City Attorney.

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

Police Facilities Fund	
Fund 6R44, Department PBW, Unit R961, Act. POFA	
Obj. 4112, Program PB03R961, CT PBW03R961I1	
Vendor #503372, in an amount not to exceed	\$689,117.00

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: Public Works and Transportation, Cheryl Nichols, OCMC, Room 101
 Public Works and Transportation, Bob Durham, OCMC, Room 321
 City Attorney
 Police Department

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

Authorize ordinances granting 42 franchises for solid waste collection and hauling, pursuant to Chapter XIV, City Charter, and Chapter 18, Article IV, of the Dallas City Code (list attached) - Estimated Annual Revenue: \$8,898

BACKGROUND

A Charter Amendment (Proposition 9) approved by voters in November 2005 allowed Dallas City Code (Chapter 18) to be changed in September 2006 for the purpose of allowing franchises for solid waste haulers. Previously, all solid waste haulers were issued permits by the City based on quantity of solid waste containers and quantity of hauling vehicles. The new ordinance allows for a switch from the current permit system to a franchise system, in which the City collects 4% of a hauler's gross revenues rather than "per vehicle / per container" permit fees. Council passed the ordinance changes on the September 27, 2006, agenda, switching the means of regulating solid waste haulers from a permit system to a franchise system.

Therefore, in accordance with the new ordinance, each solid waste hauler must apply for and receive a franchise to collect and haul solid waste in Dallas. In addition to the eighty solid waste haulers that have been awarded a franchise with Council's approval of the March 28, 2007, ordinances, forty-two additional solid waste haulers have applied for and are prepared to receive the franchise agreement. This action awards a 20-year franchise to the applicant with 5-year extensions, up to a total period of 40 years. The combined 122 applicants (80 from previous Council action, and 42 from current recommendation) represent 45% of the total number of anticipated franchisees, but also account for 92% of the anticipated revenues. Additional franchise applications will be received periodically and will come before Council for consideration to award.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On March 28, 2007, Council authorized ordinances granting 80 franchises for solid waste collection and hauling, pursuant to Chapter XIV, City Charter, and Chapter 18, Article IV, of the Dallas City Code, by Ordinance Nos. 26609 - 26688.

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

On September 27, 2006, Council authorized an amendment to the Dallas City Code to include a franchise fee method for regulating solid waste haulers, by Ordinance No. 26478.

FISCAL INFORMATION

Estimated Annual Revenue: \$8,898.00

42 Franchises for Solid Waste Collection and Hauling

Franchise Haulers

Estimated Annual Revenue

A. C. Cleanup Construction	\$180.00
Aqua Pool Company	\$90.00
B & B Waste Transit, Inc.	\$696.00
Big "C" Demo and Hauling	\$100.00
Bishop International, Inc.	\$174.00
Boone Construction, Co., Inc.	\$90.00
CEI Roofing	\$180.00
CMC Recycling	\$100.00
Corrugated Recycling American	\$100.00
Dallas Waste Disposal & Recycling, Inc.	\$2,610.00
DHW Services, L.P.	\$360.00
Elroy Rivas	\$90.00
Falkenberg Construction Company, Inc.	\$180.00
Faz Roofing, Inc.	\$90.00
Fidel Ramirez	\$90.00
Gallagher's, Inc.	\$100.00
Gibson & Associates, Inc.	\$270.00
Hunker Renovations	\$90.00
HZH, Inc.	\$348.00
IJR, Inc.	\$540.00
I.S.L. Roofing	\$100.00
Junk Busters of America	\$90.00
Kenneth Kovacs	\$180.00
KKS Waste & Disposal Service -DBA- Karol Krolik	\$90.00
Lane & McClain Distributors, Inc.	\$90.00
Leonardo Bravo	\$100.00
Mister Sweeper	\$90.00
Rafael Gonzales	\$90.00
Rain or Shine	\$100.00
Richard Carranza	\$100.00
Rockwall Gutters and Skylights	\$100.00
Solution Recycling & Containers, Inc.	\$90.00
Sully's Tractor Service, Inc.	\$100.00
Texas Moving Co., Inc.	\$180.00
Tsing Construction & Remodeling	\$90.00
Vista Fibers of Dallas	\$270.00
Vital Roofing	\$100.00
Wes Lochridge & Associates	\$90.00
William Keene	\$90.00
William Stephens	\$90.00

42 Franchises for Solid Waste Collection and Hauling

Franchise Haulers

Estimated Annual Revenue

Zapata Construction	\$100.00
Zenith Roofing Services, Inc.	<u>\$90.00</u>
Total	\$8,898.00

ORDINANCE NO. _____

An ordinance granting a franchise to _____, pursuant to Chapter XIV, City Charter and Chapter 18, Article IV, Dallas City Code, to own, operate and maintain a solid waste collection service within the City of Dallas; providing for its terms and conditions; providing for civil penalties for failure to adhere to the terms and conditions in the franchise ordinance; providing for payment of a franchise fee; providing for the payment of the publication fee; providing for the filing of an acceptance by Franchisee; and providing an effective date.

ooo0ooo

WHEREAS, the City of Dallas is authorized to grant one or more non-exclusive franchises for the provision of solid waste collection service to premises within the City of Dallas; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the granting of the franchise on the terms and conditions set forth in this ordinance is in the public interest and in the interest of the City of Dallas and its residents. **Now, Therefore,**

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

SECTION 1. Preamble

That the declarations contained in the preambles to this ordinance are material and are hereby repeated and incorporated herein as a part of this ordinance as though they were fully set forth in this Section 1.

SECTION 2. Definitions

That for the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given in this Ordinance. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; words in the singular number include the plural number; and the use of any gender shall be applicable to all genders whenever the tense requires. The word "shall" is mandatory and not merely directory.

The word "may" is not mandatory and is merely permissive. Words defined elsewhere in this ordinance shall be accorded that meaning throughout this ordinance. Words not defined shall be given their common and ordinary meaning.

- a. **Affiliate and Affiliated** means any entity controlling, controlled by or under common control with the Franchisee.
- b. **Authorized Area** means the entire area from time to time within the corporate limits of the City of Dallas.
- c. **City** means the City of Dallas, a municipal corporation, a political subdivision of the State of Texas.
- d. **City Charter** means the City's organic law, equivalent to a constitution, which defines the City's existence and prescribes the powers, duties, and organization of the City's governmental structure.
- e. **City Code** shall mean the ordinances of the City codified into the Dallas City Code, The Revised Code of Civil and Criminal Ordinances of the City of Dallas, Texas (1960 Edition, 1997 Printing), as amended from time to time.
- f. **City Manager** shall mean the City Manager or the City Manager's designated assistant or representative.
- g. **Control** (and its variants) shall mean actual working control, by whatever means exercised. Without limiting the generality of the foregoing, for the purposes hereof, a change in control shall be deemed to have occurred at any point in time when there is: (i) a change in working or effective voting control, in whatever manner effectuated, of the Franchisee; (ii) an agreement of the holders of voting stock or rights of the Franchisee which effectively vests or assigns policy decision-making in any person or entity other than the Franchisee; (iii) a sale, assignment or transfer of any shares or interest in the Franchisee which results in a change in the Control of the Franchisee.
- h. **Council** shall mean the governing body of the City of Dallas. This section does not authorize delegation of any decision or function that is required by the City Charter or State law to be made by the Council. In any case in which a hearing is held pursuant to this Ordinance, the Council may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the Council or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution.
Unless otherwise stated in this Ordinance or prohibited by the City Charter or State law, the Council may delegate to the City Manager or the Director the exercise of any and all of the powers conferred upon the City by its Charter or by general law relating to the administration and enforcement of this Ordinance and to the Franchisee's exercise of the rights and privileges conferred in this Ordinance.
- i. **Director** means the Director of the Sanitation Services Department of the City, or the Director's designated representative.

- j. **Franchise** means the grant of the non-exclusive permission and privilege to use Public Ways under this Ordinance, and all of the incidental rights and obligations as described by this Ordinance.
- k. **Franchisee** shall mean _____, a _____, the grantee of rights under this Ordinance; or the successor, transferee, or assignee of this Ordinance.
- l. **Ordinance** shall mean this document.
- m. **Public Ways** shall mean all dedicated rights-of-way, streets, highways, and alleys for use by the general public and easements dedicated for the benefit of all utilities. "Public Ways" shall not include property of the City which is not a dedicated public way, street, highway, or alley or available for use by the general public or easements not dedicated for the benefit of all utilities.
- n. **Solid Waste Collection Service** shall mean the term as defined in Section 18-29(5) of the City Code.

SECTION 3. Granting of Franchise

That subject to all the terms and conditions contained in this Ordinance, the Texas Constitution, the City Charter, the City Code, other City ordinances as from time to time may be in effect, and applicable federal law, the City hereby grants the Franchisee non-exclusive permission and privilege solely for the purpose of operating and maintaining a Solid Waste Collection Service in, over, along and across the Public Ways in the Authorized Area. this grant is subject to the following additional conditions:

- a. **Franchisee purpose.**
The Franchisee accepts the grant set forth above and agrees to operate and maintain the Solid Waste Collection Service in the Authorized Area in accordance with the terms and provisions of this Ordinance.
- b. **Other Services.**
By granting this Ordinance, the City is not authorizing any non-Solid Waste Collection Service to be provided and does not waive and specifically retains any right to regulate and receive compensation as allowed by law for services offered by Franchisee which are not Solid Waste Collection Services. The Franchisee shall immediately notify the City if it provides any non-Solid Waste Collection Services within the Authorized Area.
- c. **No Priority.**
This Ordinance does not establish any priority for the use of the Public Ways by the Franchisee or by any present or future recipients of franchise agreements, franchisees, permit holders, or other users of the Public Ways.

In the event of any dispute as to the priority of use of the Public Ways, the first priority shall be to the public generally, the second priority to City, the third priority to the State of Texas and its political subdivisions in the performance of their various functions, and thereafter, as between recipients of franchise agreements, franchisees and other state or local permit holders, as determined by the City Manager in the exercise of the City's powers, including the police power and other powers reserved to and conferred on it by the State of Texas.

d. City's Use of Public Ways.

The Franchisee acknowledges that by this Ordinance it obtains no rights to use or further use of the Public Ways other than those expressly granted in this Ordinance. The Franchisee acknowledges and accepts at its own risk, provided that the City has the legal authority for the use or uses in question, that the City may make use in the future of the Public Ways in which the Solid Waste Collection Service is located in a manner inconsistent with the Franchisee's use of such Public Ways for the Solid Waste Collection Service, and in that event the Franchisee shall not be entitled to compensation from the City unless compensation is available to all users of the Public Ways which are affected in a similar manner.

e. Emergencies.

The City may temporarily suspend the operation of the Solid Waste Collection Service of Franchisee in the event of a public emergency or calamity as determined by the City. In such event neither the City nor any agent, contractor, or employee of the City shall be liable to the Franchisee or its customers or third parties for any damages caused them or the Solid Waste Collection System. Where possible, prior notice shall be given to the Franchisee. In any event notice of such action shall be given to the Franchisee after such action is taken.

g. Compliance with Law and Standards of Operation.

The Franchisee shall be subject to and comply with all applicable local, state, and federal laws, including the rules and regulations of any and all agencies thereof, whether presently in force or whether enacted or adopted at any time in the future.

h. Other Approvals and Authorizations.

This Ordinance does not relieve and the Franchisee shall comply with any obligation to obtain permits, licenses and other approvals from the City or other units of government, which are required for the operation and maintenance of the Solid Waste Collection Service.

i. City's Right of Eminent Domain Reserved.

Nothing in this Ordinance shall limit any right the City may have to acquire by eminent domain any property of the Franchisee.

j. Taxes, Fees and Other Assessments.

Nothing in this Ordinance shall be construed to limit the authority of the City to impose a tax, fee, or other assessment of any kind on any person.

The Franchisee shall pay all fees necessary to obtain and maintain all applicable federal, state, and local licenses, permits, and authorizations required for the construction, installation, upgrading, maintenance, or operation of its Solid Waste Collection Service.

k. Disputes Among Public Ways Users.

The Franchisee shall respect the rights and property of the City and other authorized users of the Public Ways. Disputes between the Franchisee and other similar Franchisees over use of Public Ways shall be submitted to the Director for resolution; provided, however, that the Franchisee reserves its rights to submit such disputes directly to a court of competent jurisdiction.

SECTION 4. Service Requirements

- a. It is expressly understood and agreed that the Franchisee may collect and deliver for disposal all solid waste accumulated on premises within the Authorized Area where the individuals or companies contract with the Franchisee for those services, excluding residential service (other than apartment complexes and motels). The Franchisee shall, at its own expense, furnish personnel and equipment to collect solid waste and shall establish and maintain the contracted Solid Waste Collection service in an efficient and businesslike manner.
- b. All vehicles used by the Franchisee for the collection and transportation of solid waste shall display a decal issued by the Director in or upon a conspicuous place on the vehicle, in accordance with the applicable requirements of the City Code. All vehicles shall be covered at all times while loaded and in transit to prevent the spillage of solid waste onto the public Ways or properties adjacent to the Public Ways. Any spillage will be promptly recovered by the Franchisee. All vehicles owned by the Franchisee shall be clearly marked with the Franchisee's name in letters not less than four (4) inches in height. All vehicles shall be cleaned and maintained by the Franchisee so as to be in good repair, of good appearance and, when idle, free of solid waste residue as may cause odor, provide a breeding place for vectors, or otherwise create a nuisance. In addition, the Franchisee shall comply with the requirements for solid waste collection vehicles contained in Section 18-45 of the City Code.
- c. The Franchisee expressly agrees to assume liability and responsibility for all costs of repair to the Public Ways and other facilities that are damaged as a result of the negligence of the Franchisee, its officers, agents, or employees, during the Franchisee's operations pursuant to this Ordinance.
- d. The Franchisee will comply with all rules, regulations, laws and ordinances pertaining to the disposal of solid waste as directed by responsible governmental agencies having jurisdiction. Disposal of all solid waste collected by the Franchisee from premises within the Authorized Area must be made at an authorized solid waste disposal, collection, or processing facility.

SECTION 5. Indemnity and Insurance

a. Indemnification of City.

The Franchisee shall, at its sole cost and expense, defend, indemnify, and hold harmless the City and its respective officers, boards, commissions, employees, agents, attorneys, and contractors (hereinafter referred to as "Indemnitees"), from and against:

1. any and all claims, lawsuits, judgments, costs, and expenses for personal injury (including death), property damage, or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by Franchisee's breach of any of the terms or provisions of this Franchise, or by any negligent or strictly liable act or omission of Franchisee, its officers, agents, employees, contractors, or subcontractors, in the operation or maintenance of the Solid Waste Collection SERVICE, OR IN THE DISPOSAL, HANDLING, OR TRANSFER OF ANY SOLID WASTE COLLECTED THROUGH THE SOLID WASTE COLLECTION SERVICE; THE FRANCHISEE'S OBLIGATION TO DEFEND AND INDEMNIFY INDEMNITEES UNDER THIS SUBPARAGRAPH SHALL EXTEND TO CLAIMS, LOSSES, AND OTHER MATTERS COVERED UNDER THIS SUBPARAGRAPH THAT ARE CONTRIBUTED TO BY THE NEGLIGENCE OF ONE OR MORE INDEMNITEES, PROVIDED, HOWEVER, THAT INDEMNITY WILL BE REDUCED BY THE PROPORTIONATE AMOUNT THROUGH WHICH THE INDEMNITEE CONTRIBUTED TO THE LIABILITY, AS PROVIDED UNDER TEXAS LAW, without waiving any governmental immunity available to City under Texas law and without waiving any defenses of either the Franchisee or the City under Texas law; THE ABOVE INDEMNIFICATION SHALL NOT, HOWEVER, APPLY TO ANY JUDGMENT OF LIABILITY RESULTING FROM THE SOLE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CITY; AND
2. any and all liability, obligation, damages, fines, penalties, claims, suits, judgments, actions, liens, and losses, which may be imposed upon or asserted against the Indemnitees because of any violation of any state or federal law or regulation governing the Solid Waste Collection Service or related to the collection, disposal, transfer, or handling by the Franchisee, its officers, employees, agents, or subcontractors, of solid waste collected through the Solid Waste Collection SERVICE REGARDLESS OF WHETHER OR NOT THE NEGLIGENCE, FAULT, OR OTHER WRONGFUL CONDUCT OF THE INDEMNITEES CONTRIBUTED TO ANY VIOLATION; and the Franchisee shall pay all judgments, with costs, attorney's fees, and expenses awarded in such judgment which may be obtained against the City related to any such claim. upon the written request of the City, the Franchisee shall immediately, at its sole cost and expense, cause any lien covering the City's property as described in this subparagraph to be discharged or bonded.

3. THIS SUBSECTION SHALL NOT BE CONSTRUED TO WAIVE ANY GOVERNMENTAL IMMUNITY FROM SUIT OR LIABILITY AVAILABLE TO CITY UNDER TEXAS OR FEDERAL LAW. the provisions of this SUBSECTION are solely for the benefit of the City and the Franchisee and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

b. Franchisee's Assumption of Risk.

The Franchisee undertakes and assumes for its officers, employees, agents, contractors, and subcontractors (collectively "Franchisee" for the purpose of this subsection), all risk of dangerous conditions, if any, on or about any City-owned or controlled property, including the Public Ways, and the Franchisee hereby agrees to indemnify and hold harmless the Indemnitees against and from any claim asserted or liability imposed upon the Indemnitees for personal injury or property damage to any person (other than from an Indemnitee's negligence or willful misconduct) arising out of the Franchisee's operation, maintenance, or condition of the Solid Waste Collection SERVICE or the Franchisee's failure to comply with any federal, state or local statute, ordinance or regulation.

c. Defense of City.

In the event any action or proceeding shall be brought against the Indemnitees by reason of any matter for which the Indemnitees are indemnified hereunder, the Franchisee shall, upon notice from any of the Indemnitees, at the Franchisee's sole cost and expense, (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses, and consultants), resist and defend the same with legal counsel selected by the Franchisee and consented to by the City, such consent not to be unreasonably withheld; provided, however, that the Franchisee shall not admit liability in any such matter on behalf of the Indemnitees without the City's written consent and provided further that the Indemnitees shall not admit liability for, nor enter into any compromise or settlement of, any claim for which they are indemnified hereunder, without the prior written consent of the Franchisee and execution of any settlement agreement on behalf of the City by the City Attorney.

d. Expenses.

The Indemnitees shall give the Franchisee prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this Section 5. Nothing herein shall be deemed to prevent the Indemnitees from participating in the defense of any litigation by their own counsel at their own expense. The Franchisee shall pay all expenses incurred by the Indemnitees in participating in the defense, provided that the participation has been requested or required by the Franchisee in conducting the defense.

These expenses may include out-of-pocket expenses reasonably and necessarily incurred, such as attorney fees and the reasonable value of any services rendered by the City's counsel and the actual expenses of the Indemnitees' agents, employees or expert witnesses, and disbursements and liabilities assumed by the Indemnitees in connection with such suits, actions or proceedings but shall not include attorneys fees for services that are unnecessarily duplicative of services provided the Indemnitees by the Franchisee.

e. Insurance Required.

Not later than the Effective Date of this Ordinance, the Franchisee shall procure, pay for, and maintain insurance coverage in at least the minimum amounts and coverages described in Exhibit A, attached to and made a part of this Ordinance. The insurance shall be written by companies approved by the State of Texas and acceptable to the City. The insurance shall be evidenced by delivery to the City of certificates of insurance executed by the insurer or its authorized agent stating coverages, limits, expiration dates and compliance with all applicable required provisions. Upon request, the City shall be entitled to review copies of the policies and all endorsements at a site determined mutually by the City and the Franchisee.

THIS ORDINANCE SHALL NOT TAKE EFFECT UNTIL SUCH CERTIFICATE HAS BEEN DELIVERED TO THE CITY and no officer or employee shall have authority to waive this requirement. If satisfactory evidence of the required insurance is not submitted within thirty (30) days after the date the Council approves this Ordinance, then this Ordinance shall be considered null and void and shall have no force or effect. The Director may prevent the Franchisee from operating a Solid Waste Collection Service under this Franchise until satisfactory evidence of insurance coverage required under this subsection is presented to the Director. Evidence of insurance coverage shall be updated by the Franchisee and delivered in writing to the Director on an annual basis, no later than the anniversary date of this Ordinance.

f. Adjustments to Insurance Requirements.

The City reserves the right to review the insurance requirements stated in Exhibit A during the effective period of this Ordinance and to recommend to the Council reasonable adjustments in the insurance requirements contained in the City Code prior to the anniversary renewal of the insurance when deemed necessary and prudent by City's Risk Management Division of the Human Resources Department. Any adjustments shall be mutually agreeable to the City and the Franchisee, and based upon changes in statutory law, court decisions, or the claims history of the industry as well as the Franchisee. When any insurance coverage limit changes are agreed, the Franchisee shall pay any resulting increase in cost due to the changes.

g. Liability of Franchisee.

Approval, disapproval, or failure to act by the City regarding any insurance supplied or not supplied by the Franchisee shall not relieve the Franchisee of full responsibility or liability for damages and accidents as set forth in the Ordinance. The bankruptcy, insolvency, or denial of liability by any insurer of Franchisee shall not exonerate the Franchisee from the liability obligations of the Franchisee provided for under this Ordinance.

SECTION 6. Fees, Payments and Compensation.

a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to four percent (4%) of the Franchisee's gross receipts (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.
2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.
3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.
4. The following are excluded from gross receipts under this Section:
 - (i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;
 - (ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; and
 - (iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts;
 - (iv) revenues directly received or generated from the processing of

recyclable materials.

b. Payment Procedures.

The Franchisee shall pay the Franchise Fee to the City each month during the term of this Ordinance. The monthly payment required by this Ordinance shall be due and payable by certified check, electronic funds transfer, or other means that provide immediately available funds on the day the payment is due not later than 3:00 p.m. of the thirtieth calendar (30th) day following the end of each calendar month. If the thirtieth (30th) calendar day following the end of a calendar month falls on a Saturday, Sunday, or official City holiday, then the payment is due on the business day prior to the due date. Subject to applicable law, the compensation set forth in this Section 6 shall be exclusive of and in addition to all special assessments and taxes of whatever nature, including, but not limited to, ad valorem taxes.

In the event any monthly payment or partial payment is made after 3:00 p.m. on the due date, the Franchisee shall pay simple interest at the annual percentage rate of ten percent (10%) on the total amount past due. Payment shall be accompanied by a monthly report certified by an officer of the Franchisee showing the total Gross Receipts of the preceding calendar month. The monthly report shall also include a detailed breakdown of Gross Receipts and the computation of the payment amount.

c. Annual Report.

The Franchisee shall file with the City by the end of each calendar year an annual report, prepared and audited by an independent certified public accounting firm acceptable to the City, whose work papers will be made available to the City on request, showing the total Gross Receipts of the preceding calendar year along with the information required under Section 18-41 of the Dallas City Code. Such annual report shall include a detailed breakdown of Gross Receipts and the computation of the payment amount. Bad debt write-offs taken for the year in question shall also be included and summarized in the annual report, along with supporting documentation in a form satisfactory to the Director.

d. City Audit.

The City may audit the Franchisee (or any Affiliate of the Franchisee who has information directly pertaining to Gross Receipts) as often as is reasonably necessary to verify the accuracy of the Franchise Fees paid to the City. All books, records, accounts, or other documents in paper or electronic form, necessary for the audit shall be made available by the Franchisee at a location in the City, or the Franchisee shall pay the City's expenses in traveling to any other location necessary to conduct the audit. Any net undisputed amount due to the City, plus interest at the rate of ten percent (10%) per annum, compounded monthly, calculated from the date each portion of the underpayment was originally due until the date the Franchisee remits the underpayment to the City, shall be paid by the Franchisee within forty-five (45) days after the City's submitting an invoice for the underpayment to the Franchisee with reasonable detail supporting the amount claimed. If the amount of the underpayment exceeds five percent (5%) of the total Franchise Fee owed for the audit period, the Franchisee shall pay the City's audit costs as well. The City's right to audit and the Franchisee's obligation to retain records related to the Franchise Fee shall be limited to the previous two (2) calendar years.

SECTION 7. Term; Performance Evaluation

a. Term and Extensions.

The term of this Ordinance shall be twenty (20) years from the Effective Date of this Ordinance plus any extensions mutually agreed to by the City and the Franchisee; provided that the term, including extensions, shall not be longer than forty (40) years.

b. Franchisee Rights Upon Termination.

Subject to applicable law, this Ordinance and all rights, permissions, and privileges of the Franchisee under this Ordinance shall automatically terminate on the expiration of the term of this Ordinance, unless extended by mutual agreement, court order, or applicable law.

c. Performance Evaluation

In order to: (i) assure that the Franchisee is complying with the terms of this Ordinance, as it may be from time to time amended, and (ii) promote a sharing of information between the City and the Franchisee, the City may schedule a performance evaluation no more often than every five (5) years during the term of the Ordinance, subject to subsection d. of this Section, in accordance with the following process:

1. At least ninety (90) days prior to each performance evaluation, the City shall notify the Franchisee of the date, time and location of the evaluation. Such notice shall include specification of any additional information to be provided by the Franchisee pursuant to subsection c.2.(iv) below. Unless specifically waived by the Council, attendance of the Franchisee's duly authorized representative at these meetings shall be mandatory.

2. Within sixty (60) days from receipt of such notification, the Franchisee shall file a report with the City that is certified by a representative of the Franchisee knowledgeable of the operations of the Franchisee within the Authorized Area, in reasonable detail, specifically addressing, at a minimum, the following areas:
 - (i) compliance of the Franchisee's vehicles with solid waste and air quality requirements;
 - (ii) customer service, including but not limited to a listing of customer complaints and their resolution;
 - (iii) history in regard to prompt and accurate payment of franchise fees;
 - (iv) any other topic deemed material or relevant by the City for its enforcement of this Ordinance.
 3. All reports to be prepared under this subsection and submitted by the Franchisee shall be based upon information for at least the most recent five (5) year period, inclusive of the most current quarter available. No report under this subsection shall be based upon data that ends more than six (6) months before the time of the performance evaluation.
 4. Following receipt of the report, but not less than thirty (30) days prior to the performance evaluation, the City may request additional information, clarification or detailed documentation concerning those topics identified for inclusion in the performance evaluation.

The Franchisee shall make reasonable effort to provide such additional information to the City prior to the meeting. In the event that the information cannot be made available prior to the performance evaluation, the Franchisee shall notify the City in writing explaining the reasons for any delay.
 5. The Council shall hear any interested persons during such performance evaluation. The Franchisee shall be entitled to all the rights of due process consistent with the City proceedings, including but not limited to, the right to present evidence and the right to be represented by counsel.
 6. Upon request of the City, the Franchisee shall assist the City in notifying customers of the evaluation session. Nominal costs associated with the notification, in an amount not to exceed one thousand and no/100 dollars (\$1,000.00), shall be borne by the Franchisee.
- d. Additional Performance Evaluations.
- Notwithstanding subsection c., the Council may initiate and conduct such additional performance evaluations regarding the Franchisee's performance under this Ordinance as the Council, in its sole discretion, may deem justified or necessary under the circumstances. The Franchisee shall be given reasonable notice of the date, time, and location of any such additional performance evaluations.

SECTION 8. Transfers of Ownership and Control

a. Franchisee Ownership, Management and Operation.

1. Only the Franchisee and its Affiliates, if any, shall operate, manage, and maintain the Solid Waste Collection Service. The Franchisee shall not otherwise directly or indirectly transfer or assign, in whole or in part, the operation, management, or maintenance of the Solid Waste Collection Service without the prior written consent of the Council as provided in subsections 8.b and 8.c below.
2. This Section shall not apply to the Franchisee's employment contracts and other personnel decisions, nor shall it prohibit the Franchisee from contracting for or subcontracting, in whole or in part, any operational, management or maintenance functions in connection with the Solid Waste Collection Service, so long as the Franchisee does not relinquish its decision making authority over or its responsibilities under this Ordinance for any particular function; nor shall it prohibit the Franchisee from complying with this Ordinance or other requirements of federal, state, or local laws and regulations.
3. The Franchisee shall provide the Director written notice, within five (5) calendar days after its occurrence, of any change in the corporate or business structure, change in the chief executive or the top executive structure, change in the board of directors, or other change in the corporate or business method of governance of the Franchisee, regardless of whether or not it results in a transfer or assignment of the Franchise or a transfer of control or ownership of the Franchisee.

b. Transfer and Assignment Procedures.

This Ordinance or the Solid Waste Collection Service shall not be transferred or assigned, by operation of law or otherwise, nor shall title to the Franchisee's rights and obligations under this Ordinance or to the Solid Waste Collection Service pass to or vest in any person, other than for mortgaging or financing of solid waste collection operations or to an Affiliate of the Franchisee under the conditions described below, without the prior written consent of the Council. This Ordinance shall not be leased or subleased without the prior written consent of the Council. The procedures related to transfer or assignment are as follows:

1. The Council's written consent shall not be required for a transfer solely for security purposes (such as the grant of a mortgage or security interest), but shall be required for any realization on the security by the recipient, such as a foreclosure on a mortgage or security interest. The Director shall be advised in writing of a transfer solely for security purposes at least sixty (60) days before such transfer occurs.

2. The Franchisee may, without additional approval by the Council, transfer or assign this Ordinance to an Affiliate provided that the Affiliate: (i) assumes all of Franchisee's obligations and liabilities under this Ordinance occurring both before and after the transfer or assignment; (ii) agrees to comply with all provisions of this Ordinance; and (iii) has the legal, technical and financial ability to properly perform and discharge such obligations and liabilities, which abilities are each at least as great as those of the Franchisee.

The Director shall be advised in writing of such transfer and of the Affiliate's qualifications at least sixty (60) days before such transfer occurs. The City shall be reimbursed any reasonable, documented costs it incurs in connection with such transfer up to a maximum of ten thousand and no/100 dollars (\$10,000.00).

c. Transfer of Control.

There shall be no transfer of or acquisition of control of the Franchisee without the prior written consent of the Council.

d. Schedule of Ownership.

The Franchisee represents and warrants that its current ownership is as set forth on Exhibit C, attached to and made a part of this Ordinance, and that it has full legal and equitable title to the Solid Waste Collection Service as of the Effective Date of this Ordinance.

e. Applications for Consent/Procedure/Restrictions.

If the Franchisee seeks to obtain the consent of the Council to any transactions or matters described in this Section, the Franchisee shall submit an application for such consent to the City and shall submit or cause to be submitted to the City such additional documents and information as the Director may request that are reasonably related to the transaction, including the purchase price of the Solid Waste Collection Service, and the legal, financial, and technical qualifications of the proposed transferee or new controlling entity.

1. The Council shall have one hundred twenty (120) days from the date of submission of a complete and accurate application to act upon the application for consent. If the Council fails to act upon such application for consent within one hundred twenty (120) days, such application shall be deemed as consented to unless the City and the Franchisee otherwise agree to an extension of time.
2. The Council shall not unreasonably withhold its consent to any proposed transaction. The Council may: (i) grant its consent outright, (ii) grant such consent with conditions, which conditions it finds are necessary to ensure performance of the Franchisee or its successor under the Ordinance, or (iii) deny consent.
3. Nothing in any approval by the City under this Section shall be construed to waive or release any rights of the City in and to the Public Ways, public places of the City or property owned by the City.
4. Nothing in any approval by the City under this Section shall be construed as a waiver or release of any of the City's police powers, or as an exercise of eminent domain.

5. The City's granting of consent in any one instance shall not require it to grant consent in other instances.
 6. The Franchisee shall reimburse the City for the incidental costs incurred by the City in considering any request of the Franchisee under this Section . Such reimbursement shall not exceed ten thousand and no/100 dollars (\$10,000.00), shall be supported by invoices, and shall not include any costs or expenses incurred by the City in defending any denial of the request; provided, however, that the City does not waive its right to request that its attorney's fees and expenses be reimbursed in any claim or defense related to denial of a request under this Section.
- f. City Approval Requirements.
Before any transfer, assignment, sale, foreclosure, or other change of control described under this Section becomes effective and before the Council shall consider giving its consent, the proposed transferee, assignee, purchaser, buyer, foreclosing party, or other person or entity seeking to obtain the rights and obligations under this Ordinance through a change of control shall provide the Director: (i) an agreement and acceptance in writing to comply with all terms of this Ordinance, as amended, (ii) all evidence of insurance required under this Ordinance, as amended, (iii) the legal name and address of the transferee, as well as the name of the person to be contacted for notices, (iv) payment of outstanding Franchise Fees due, and (iv) the legal, technical, and financial ability of the transferee to properly perform and discharge all obligations and liabilities of this Ordinance.
- g. Transfer of Control Requirements.
In the event of a transfer of control, before such transfer becomes effective and before the Council shall consider giving its consent, the proposed transferee shall agree in writing to not take any action that will keep the Franchisee from complying with this Ordinance.

SECTION 9. Defaults

- a. Events of Default.
The occurrence of any one or more of the following events at any time during the term of this Ordinance shall constitute an Event of Default by the Franchisee under this Ordinance:
1. The failure or refusal by the Franchisee to pay the Franchise Fee when due as prescribed by this Ordinance.
 2. The Franchisee's material violation of or failure to comply with any provision or condition of Chapter 18, Article IV of the City Code relating to solid waste collection service franchisees or any other applicable provision or condition of the City Code.
 3. The Franchisee's material violation of or failure to comply with any of the other terms, covenants, representations, or warranties contained in this Ordinance, or the Franchisee's failure or refusal to perform any obligation contained in this Ordinance.

4. The Franchisee's failure or refusal to pay or cause to be paid any of the City's governmentally-imposed taxes of any kind whatsoever, including but not limited to real estate taxes, sales taxes, and personal property taxes on or before the due date for same; provided, however, Franchisee shall not be in default under this subsection with respect to the non-payment of taxes which are being disputed in good faith in accordance with applicable law.
5. The entry of any judgment against the Franchisee in which another party becomes entitled to possession of any of the Franchisee's assets of the Solid Waste Collection Service, for which change in possession the consent of the Council has not been obtained, and such judgment is not stayed pending rehearing or appeal for forty-five (45) or more days following entry of the judgment.
6. The dissolution or termination, as a matter of law, of the Franchisee without the prior consent or approval of the City, which approval, if formally requested, shall not unreasonably be withheld.
7. The Franchisee's filing of a voluntary petition in bankruptcy; being adjudicated insolvent; obtaining an order for relief under Section 301 of the Bankruptcy Code (11 U.S.C. §301); filing any petition or failing to contest any petition filed against it seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief for itself under any laws relating to bankruptcy, insolvency or other relief for debtors; seeking or consenting to or acquiescing in the appointment of any bankruptcy trustee, receiver, master, custodian or liquidator of the Franchisee, or any of Franchisee's property or this Ordinance or of any and all of the revenues, issues, earnings, profits or income thereof; making an assignment for the benefit of creditors (except secured creditors); or failing to pay Franchisee's debts as they become due such that the Franchisee is unable to meet its obligations under this Ordinance.
8. The Franchisee attempts to dispose of any of the facilities or property of its Solid Waste Collection Service with the intent of preventing the City from purchasing it as provided for in this Ordinance.
9. The Franchisee engages in any fraudulent or deceitful conduct with the City or its customers.
10. The Franchisee knowingly or intentionally makes a false statement or a misrepresentation as to a material matter in the application for or in the negotiation of this Ordinance.
11. Any director, officer, employee, or agent of the Franchisee is convicted of the offense of bribery or fraud connected with or resulting from the granting, term extension, or renewal of this Ordinance.
12. The Franchisee's failure or refusal to comply with or a violation of any applicable local, state, or federal law or regulation.

b. Default Procedures.

Upon the occurrence of an Event of Default which can be cured by the immediate payment of money to the City or a third party, the Franchisee shall have thirty (30) days from written notice of the occurrence of the Event of Default from the Director to cure the default before the City may exercise any of the default remedies provided for in Section 10. Upon the occurrence of an Event of Default by the Franchisee which cannot be cured by the immediate payment of money to the City or a third party, the Franchisee shall have sixty (60) days from the date of written notice from the City to the Franchisee of the occurrence of the Event of Default to cure the Event of Default before the City may exercise any of its rights or remedies provided for in Section 10, unless the Director, the City Manager, or the Council authorizes a longer cure period upon a showing of good cause to extend the cure period. If an Event of Default is not cured within the time period allowed for curing the Event of Default, as provided above, the Event of Default becomes, without additional notice, an Uncured Event of Default, which shall entitle the City to exercise the remedies provided for in Section 10.

SECTION 10. Remedies

a. Default Remedies.

Upon the occurrence of any Uncured Event of Default as described in Section 9, the Director shall report the occurrence of same to the City Manager and the Council. The Council shall be entitled in its sole discretion and upon recommendation of the Director and the City Manager to exercise any or all of the following cumulative remedies:

1. Exercise its rights to impose civil penalties as described in subsection d.
2. Authorize the City Attorney to commence an action against the Franchisee at law for monetary damages.
3. Authorize the City Attorney to commence an action in equity seeking injunctive relief or the specific performance of any of the provisions of this Ordinance which, as a matter of equity, are specifically enforceable.
4. Revoke the Franchise granted under this Ordinance.

b. Revocation Procedure.

Upon the occurrence of an uncured event of default, the Council shall have the right to revoke the Ordinance. upon revocation, the rights, permissions, and privileges comprising the Franchise granted under this Ordinance shall be automatically deemed null and void and shall have no further force or effect and the provisions that are contractual in nature which are also included as a part of this Ordinance are hereby automatically terminated. Upon revocation, the City shall retain any portion of the Franchise Fee and other fees or payments paid to it, or which are due and payable to it, to the date of the revocation. Notwithstanding the above, prior to any Council hearing to formally consider revocation of the Franchise granted under this Ordinance, the Director shall notify the Franchisee in writing at least ten (10) days in advance of the Council hearing at which the issue of revocation shall be considered and decided. The Franchisee shall have the right to appear before the Council in person or by legal counsel and raise any objections or defenses the Franchisee may have that are relevant to the proposed revocation. In addition, the following procedures shall apply in regard to the revocation hearing:

1. The Council shall hear and consider the issue of revocation, shall hear any person interested in the issue, and shall determine, in its sole discretion, whether or not any violation by the Franchisee has occurred justifying a revocation of the Franchise.
2. At such hearing, the Franchisee shall be provided due process, including the opportunity to be heard.
3. Upon completion of the hearing described above, the Council shall render a decision and shall transmit a copy of the decision to the Franchisee. The Franchisee shall be bound by the Council's decision, unless it appeals the decision to a court of competent jurisdiction within fifteen (15) days after the date of the decision. The Franchisee reserves the right to challenge both the decision itself and the fairness of the process followed by the City in the proceeding.
4. The Council reserves the right, in its sole discretion, to impose a civil penalty or to pursue other remedies as provided in this Article 10 in lieu of a revocation.

c. Letter of Credit.

As security for the faithful performance by the Franchisee of the provisions of this Ordinance and compliance with all orders, permits, and directions of the City and the payment of all claims, liens, fees, civil penalties, and taxes to the City, the Franchisee shall deposit with the City, no later than the Effective Date of this Ordinance, an unconditional and irrevocable letter of credit issued by a bank in an amount equal to one month's franchise fee payment. The initial value of the letter of credit shall be established on the basis of the monthly franchise fee that would have been paid on the previous calendar year's monthly average gross receipts. The letter of credit shall be updated annually in January of each calendar year during the term of this Ordinance. The value of the annually updated letter of credit will be fixed on the basis of the average monthly franchise fee payment submitted by the Franchisee as required in this Ordinance. The letter of credit must be issued by a federally-chartered or state-chartered financial institution with a principal office or branch located in Dallas County and otherwise acceptable to the Council, on terms acceptable to the Council and approved by the City Attorney.

The letter of credit must be honored upon presentation to the issuing financial institution at a principal office or branch located within Dallas County by presentation of a letter of demand from the City delivered in person or by courier delivery. Failure to deposit the letter of credit in a timely fashion, or the failure to maintain the letter of credit in the full amount required under this subsection and in effect during the entire term of this Ordinance, or any renewal or extension of this Ordinance, shall constitute a material breach of the terms this Ordinance.

1. If the Franchisee fails to make timely payment to the City or its designee of any amount due as a result of this Ordinance or fails to make timely payment to the City of any taxes due; or fails to repay City for damages and costs; or fails to comply with any provision of this Ordinance which the City reasonably determines can be remedied by an expenditure of monies, the City may draw upon the letter of credit an amount sufficient to repay the City with interest as set forth in this Ordinance, if not otherwise specified by law. If the interest rate is not set forth in this Ordinance or set by federal, state or local law, then the interest rate shall be the prime rate as established in the Wall Street Journal on the day before the City sends notice to the Franchisee of its intent to draw on the letter of credit.
2. Within three (3) days after a drawing upon the letter of credit, the City shall send written notification of the amount, date, and purpose of the drawing to the Franchisee by certified mail, return receipt requested.
3. If, at the time of a drawing by the City, the aggregate amount realized from the letter of credit is insufficient to provide the total payment toward which the drawing is directed, the balance of such payment shall constitute an obligation of the Franchisee to the City until paid, including interest.

If the interest rate is not set forth in this Ordinance or set by laws, then

interest shall be the prime rate as established in the Wall Street Journal on the day before the City sends notice to the Franchisee of its intent to drawn the letter of credit.

4. No later than thirty (30) days after mailing of notification to the Franchisee of a drawing pursuant to subsection c.2. above, the Franchisee shall cause the letter of credit to be restored to the full amount required under this Ordinance. Failure to timely restore the letter of credit shall constitute a material breach of the terms of this Ordinance.
5. The rights reserved to the City with respect to this letter of credit are in addition to all other rights and remedies of the City, whether reserved by this Ordinance or authorized by law, and no action, proceeding or exercise of a right with respect to such letter of credit shall affect any other rights the City may have.

d. Civil Penalties.

In addition to the other remedies provided for in this Section 10, civil penalties in the amounts set forth below may be assessed by the Council to the Franchisee, following the notice and opportunity to cure procedures in subsection e. below, for failure or refusal to comply with any material term or condition of this Ordinance or for any other Uncured Event of Default. In the event the Council determines that the Franchisee has committed, continued, or permitted a material failure or refusal of compliance or other Uncured Event of Default that has not been cured as provided in this Ordinance, the Franchisee shall pay Two Thousand Dollars (\$2,000) per day for each day or part of a day that the material failure or refusal or other Uncured Event of Default is committed, continued, or permitted, unless the Council at the time of imposition of the civil penalty determines that good cause justifies a lesser penalty, based upon the surrounding circumstances, frequency, number, and seriousness of the material violations or Uncured Events of Default in question and the public interest served by imposing a lesser civil penalty.

e. Civil Penalties Procedure.

Civil penalties may be assessed by the Council in accordance with the following procedure:

1. Following notice from the Director, which notice, at the Director's election, may be combined with the notice described in subsection 9.b., the Franchisee shall meet with the Director to attempt to resolve any disagreements on whether civil penalties should be assessed or what civil penalties should be recommended to the Council. If there is no resolution of the issue within fifteen (15) days after the mailing of the notice, then the Director shall present the Director's recommendation regarding civil penalties to the City Manager for review and concurrence. If the City Manager concurs in the Director's recommendation that civil penalties should be assessed, the matter shall be presented to the Council.

The Director shall notify the Franchisee of the recommendation of the City

Manager to the Council, the time and date of the proposed hearing concerning the issue of civil penalties, and a statement that the Franchisee has a right to appear and be heard before the Council on the matter.

2. Upon presentation of the recommendations of the Director and the City Manager, the Council may decide on one of the following courses of action:
 - (i) to authorize the City Attorney to proceed against the Franchisee under Section 10.a.2 or 10.a.3;
 - (ii) to assess a civil penalty in the amount provided above for the applicable material violation or Uncured Event of Default;
 - (iii) to determine that a civil penalty is not justified under the circumstances and assess no penalty; or
 - (iv) to remand the matter to the City Manager or the Director for further investigation, consideration, and recommendation to the Council.
3. assessment of civil penalties by the Council shall be a monetary obligation of the Franchisee to the City in the amount determined by the Council and shall be paid in full by the Franchisee within fifteen (15) business days after the date of assessment by the Council.
4. The procedures stated in this subsection e. do not apply to the Council's determination to impose civil penalties in lieu of a proposed revocation of the Franchise under subsection b.4.

f. Remedies Cumulative.

Subject to applicable law, the rights and remedies of the City set forth in this Section 10 shall be in addition to and not in limitation of, any other rights and remedies provided by law or in equity. If the Council determines that a violation by the Franchisee was the Franchisee's fault and within its control, the Council may pursue any or all of the remedies provided in Section 10. The remedies of the City created under this Ordinance shall be cumulative to the maximum extent permitted by law. The exercise by the City of any one or more remedies under this Ordinance shall not preclude the exercise by the City, at the same or different times, of any other remedies for the same material Uncured Event of Default. Notwithstanding any provision of this Ordinance, however, the City shall not recover both civil penalties and actual damages for the same violation, breach, non-compliance, or material Uncured Event of Default.

g. Curable Violations.

The Franchisee shall not be found in violation of this Ordinance or any other applicable law or regulation, and shall suffer no penalties or damages as a result, if the violation occurs without fault of the Franchisee or occurs as a result of circumstances beyond its control, and, if curable, is promptly cured.

The Franchisee shall not be excused by mere economic hardship nor by the negligence or malfeasance of its directors, officers or employees.

h. City Right to Purchase.

In the event the City revokes the Franchise granted under this Ordinance for cause, terminates the Franchise as provided in subsection i. below, or denies renewal of the Franchise granted under this Ordinance, the City shall have the right (but not the obligation) subject to the applicable provisions of the City Charter, directly or as an intermediary, to purchase the assets of the Solid Waste Collection System.

i. Termination in the Public Interest.

Nothing in this Section shall be construed as affecting the right of the Council under the City Charter to terminate this Ordinance without cause in the public interest when it is deemed inconsistent with the public use of the City's Public Ways or is deemed to cause or constitute a nuisance.

SECTION 11. Providing Information

a. Complete and Accurate Books Required.

The Franchisee shall keep complete and accurate books of account and records of its Solid Waste Collection Service business and operations under and in connection with this Ordinance in accordance with generally accepted accounting principles and generally accepted government auditing standards.

b. City Review of Documentation.

The City may fully review such of the Franchisee's books, accounts, documents, and other records of the Franchisee or the Franchisee's Affiliates during normal business hours on a non-disruptive basis and with such advance notice as is reasonably necessary to monitor compliance with the terms of this Ordinance.

All books, accounts, documents, and other records shall be made available at a location in the Authorized Area, or the Franchisee shall pay the City's expenses in traveling to any other location necessary to review the books, accounts, documents, or other records. Books, accounts, documents, and other records that are kept on an electronic basis shall also be made available on the same basis as the paper books, accounts, documents, and other records; where possible, such items shall be made available in a CD-Rom disk or other similar format that is readable by the City's computers. The reviewable items shall include, but shall not be limited to, records required to be kept by the Franchisee pursuant to law and the financial information underlying the written report accompanying the Franchise Fee. To the extent permitted by law, the City agrees to treat any information disclosed by the Franchisee under this Section as confidential, if the Franchisee provides prior written notice that the information is confidential.

c. Additional Reports.

The Franchisee shall, when required by the Council, the City Manager, or the Director, report to the City any reasonably requested information relating to the Franchisee or the Affiliates or necessary for the administration of this Ordinance. The Director shall have the right to establish formats for all reports, determine the time for reports and the frequency with which any reports are to be made, and require that any reports be made under oath.

SECTION 12. General

a. Entire Agreement.

This Ordinance (with all referenced Exhibits, attachments, and provisions incorporated by reference) embodies the entire agreement and the rights, privileges, and permissions between the City and the Franchisee, superseding all oral or written previous negotiations or agreements between the City and the Franchisee relating to matters set forth in this Ordinance. this Ordinance can only be modified by an ordinance amendment approved by Council.

b. Notices.

Except as otherwise provided in subsection 12.c of this Ordinance, any notice, payment, statement, or demand required or permitted to be given under this Ordinance by either party to the other may be effected by any of the means described in subsection 12.d of this Ordinance. Mailed notices shall be addressed to the parties at the addresses appearing below, but each party may change its address by written notice in accordance with this section. Mailed notices shall be deemed communicated as of three (3) days after mailing.

If to the City:

City Manager
City of Dallas
Dallas City Hall
1500 Marilla – Room 4/f/North
Dallas, Texas 75201

With a copy to:

Director
Department of Sanitation Services
3112 Canton Street
Dallas, Texas 75226

If to the Franchisee:

Either the City or the Franchisee may change its address or personnel for the receipt of notices at any time by giving notice of the change to the other party as provided in this subsection 12.b. Any notice given by either the City or the Franchisee must be signed by an authorized representative.

c. Notice of Claim.

This Ordinance is subject to the provisions of Section 2-86 of the Dallas City Code, as amended, relating to requirements for filing a notice of a breach of contract claim against the City. Section 2-86 of the Dallas City Code, as amended, is expressly incorporated by reference and made a part of this Ordinance as if written word for word in this Ordinance. Contractor shall comply with the requirements of Section 2-86 as a precondition of any claim against the City relating to or arising out of this Ordinance.

d. Delivery of Notices.

Notices required to be given under this Ordinance may be transmitted in any of the following four ways:

1. By personal delivery, in which case they are deemed given when delivered.
2. By delivery to Federal Express, United Parcel Service, or other nationally recognized overnight courier service, in which case they shall be deemed given when received for such service.
3. By being deposited in the U.S. Mail, by registered or certified mail, return receipt requested, postage prepaid, in which case notice shall be deemed given three (3) calendar days after having been deposited in the U.S. Mail.
4. By facsimile or electronic mail transmission where the sender's transmittal log shows successful transmission to all the recipients (with any replacement transmission as a recipient shall request) and with a hard copy on the same date or the next day mailed to all by first class mail, postage prepaid, in which case notice shall be deemed given on the date of facsimile or electronic mail transmission.

e. City/Franchisee Meetings.

The Franchisee shall meet with the Director, the City Manager or the Council at reasonable times to discuss any aspect of this Ordinance or the services or facilities of the Franchisee. At all meetings Franchisee shall make available personnel qualified for the issues to be discussed and such meetings shall be at City's offices unless otherwise agreed.

f. Legal Construction.

This Ordinance shall be governed by and construed in accordance with the laws and court decisions of the State of Texas, without regard to conflict of law or choice of law principles of Texas or of any other state.

g. No Inducement.

The Franchisee, by accepting this Ordinance, acknowledges that it has not been induced to accept this Ordinance by any promise, oral or written, by or on behalf of the City or by any third person regarding any term or condition not expressed in this Ordinance.

The Franchisee further pledges that no promise or inducement, oral or written, has been made to any City employee or official regarding the grant, receipt or award of this Ordinance.

h. Franchisee Acknowledgement.

The Franchisee further acknowledges by acceptance of this Ordinance that it has carefully read the terms and conditions of this Ordinance and accepts the obligations imposed by the terms and conditions herein.

i. No Waiver by City.

No failure by the City to insist upon the strict performance of any covenant, provision, term or condition of this Ordinance, or to exercise any right, term or remedy upon a breach thereof shall constitute a waiver of any such breach of such covenant, agreement, term, or condition.

No waiver of any breach shall affect or alter this Ordinance, but each and every covenant, provision, term or condition of this Ordinance shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

j. Governmental Licenses.

The Franchisee shall, at its expense, obtain and maintain all additional governmental regulatory licenses necessary to operate the Solid Waste Collection Service in accordance with this Ordinance.

k. Severability.

If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

l. City Retained Powers.

In addition to all rights provided in this Ordinance, the City reserves all rights and powers conferred by federal law, the Texas Constitution, Texas statutes and decisions, the City Charter, City Code, and City ordinances which City is allowed to exercise.

m. Material Misinformation.

The provision of information by the Franchisee or any of its Affiliates to the City in connection with any matters under this Ordinance which contains an untrue statement of a material fact or omits a material fact necessary to make the information not misleading shall constitute a violation of this Ordinance and shall be subject to the remedies provided in Section 10. Each day that the Franchisee or an Affiliate fails to correct an untrue statement of a material fact or the omission of a material fact necessary to make the information not misleading shall constitute a separate violation of this Ordinance.

n. Hearing Procedures.

The following additional procedures shall apply to any hearing held in connection with any action taken by the Council in connection with this Ordinance:

1. The Council may conduct the hearing or, in its sole discretion, may by resolution appoint a committee or subcommittee of the Council or a hearing officer to conduct the hearing and submit a proposal for decision to it, pursuant to procedures established by resolution.
2. The hearing shall afford the Franchisee rudimentary due process. The Council may by resolution establish other procedural matters in

connection with the hearing.

o. Acceptance.

Upon adoption of this Ordinance, the Franchisee agrees to be bound by all the terms and conditions contained herein, as evidenced by filing with the City Secretary, in writing, within thirty (30) days after the date the Council approves this Ordinance, an unconditional acceptance of the Ordinance and promise to comply with and abide by all its provisions, terms, and conditions. The form of unconditional acceptance and promise, attached to and made a part of this Ordinance as Exhibit B, shall be sworn to, by, or on behalf of the Franchisee before a notary public. If the acceptance required by this Ordinance is not properly executed and filed within thirty (30) days after the date the Council approves this Ordinance, then this Ordinance and the rights, permissions, and privileges granted under this Ordinance shall be considered null and void and shall have no force or effect, unless the Franchisee evidences such failure was due to clerical error by someone other than the Franchisee or its Affiliates and then acts promptly to remedy the third party's clerical error. The Director may prevent the Franchisee from operating a Solid Waste Collection Service under this Franchise or reapplying for a new Franchise until the acceptance required by this subsection is filed as provided herein.

p. Time is of the Essence.

Whenever this Ordinance shall set forth any time for an act to be performed by or on behalf of the Franchisee, such time shall be deemed of the essence and any failure of the Franchisee to perform within time allotted shall always be sufficient grounds for the City to invoke an appropriate remedy, including possible revocation of the Ordinance.

q. Force Majeure.

The time within which Franchisee shall be required to perform any act under this Ordinance shall be extended by a period of time equal to the number of days due to a force majeure. The term "force majeure" shall mean delays due to acts of God, inability to obtain governmental approvals, governmental restrictions, war, act of terrorism, civil disturbances, fire, unavoidable casualty, or other similar causes beyond the control of Franchisee. Notwithstanding anything contained anywhere else in this Ordinance, Franchisee shall not be excused from performance of any of its obligations under this Ordinance by the negligence or malfeasance of its directors, officers, or employees or by mere economic hardship.

r. Recognition of Rights.

The Franchisee agrees that by adopting this Ordinance, neither the City nor the Franchisee have waived any rights, claims, or defenses they may have with respect to the City's rights to impose the requirements contained in this Ordinance in whole or in part upon the Franchisee.

s. Police Powers.

1. In accepting this Ordinance, the Franchisee acknowledges that its rights

under this Ordinance are subject to the police power of the City to adopt and enforce general ordinances necessary to the health, safety, and welfare of the public. Franchisee shall comply with all applicable general laws and ordinances enacted by the City pursuant to such powers. Any conflict between the provisions of this Ordinance and any other present or future lawful exercise of the City's police powers shall be resolved in favor of the latter.

2. The Franchisee recognizes the right of the City to make reasonable amendments to this Ordinance; except that City shall not make amendments materially adversely affecting the Franchisee except under a proper exercise of City's police powers, with notice to the Franchisee and an opportunity to be heard.
 3. The Franchisee also recognizes City's right to impose such other regulations of general applicability as shall be determined by the City to be conducive to the safety, welfare, and accommodation of the public.
- t. No Presumption of Renewal
This Ordinance and the grant contained herein do not imply, grant, or infer any renewal rights in favor of the Franchisee or its Affiliates.
- u. Recognition of City Charter.
The Franchisee recognizes, accepts and agrees that the terms, conditions and provisions of this Ordinance are subject to the applicable provisions of Chapter XIV of the Dallas City Charter. Any request by the Franchisee for an amendment to this Ordinance shall be subject to review by the City Attorney for compliance with the applicable provisions of the City Charter.

SECTION 13. Outstanding License Fees

This Ordinance shall not take effect until all fees still owed to the City from the existing license previously issued to the Franchisee for solid waste collection, hauling, and disposal service under provisions of the City Code applicable to solid waste collection, hauling, and disposal licenses are paid in full. If the previous license fees owed to the City are not paid by the Franchisee within thirty (30) days after the date the Council approves this Ordinance, then this Ordinance shall be considered null and void and shall have no force or effect. The Director may prevent the Franchisee from operating a Solid Waste Collection Service under this Franchise or reapplying for a new Franchise until the previous license fees have been paid in full.

SECTION 14. Ordinance Effective Date

Subject to the provisions of Subsections 5.e, 12.o, and Section 13, this Ordinance shall

take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas (the "Effective Date"), and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

BY _____

Assistant City Attorney

Passed _____

Exhibit B

Acceptance

_____, unconditionally accepts and agrees to be bound by all the terms, covenants, and conditions contained in the Solid Waste Collection Service franchise ordinance, Ordinance No. _____, adopted on _____.

Dated: _____ day of _____, 20__.

FRANCHISEE:

By: _____

President

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Water Utilities

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

MAPSCO: Outside City Limits

SUBJECT

Authorize a contract for the construction of a 108-inch raw water transmission line and junction structure near County Road 3818 in Van Zandt County to the Iron Bridge Pump Station site in Hunt County from Lake Fork to Lake Tawakoni - Oscar Renda Contracting, Inc., lowest responsible bidder of four - \$28,746,600 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This contract consists of approximately 10,516 feet of raw water transmission pipeline ranging from 72-inch in diameter to 108-inches. The pipeline will start at the end of section four along the alignment near County Road 3818 in Van Zandt County to the Iron Bridge Pump Station site in Hunt County. A junction structure will be constructed near the Iron Bridge Pump Station to incorporate the new 108-inch pipeline with the existing yard piping at the Iron Bridge Pump Station. Also, a data communications infrastructure will be installed which will link all of the water facilities in the Dallas Water Utilities eastern system to the East Side Water Treatment Plant. This project represents the fifth and final section of a new 28-mile pipeline connecting the Lake Fork reservoir to the Dallas raw water supply system.

The connection of Lake Fork to the Dallas Water Utilities system to meet future demands by 2008 is part of the requirements recommended in the Dallas Long Range Water Supply Plan adopted in 2005.

Oscar Renda Contracting, Inc. contractual activities for the past three years:

	<u>PWT</u>	<u>DWU</u>	<u>PKR</u>
Projects Authorized	0	3	0
Change Orders	0	1	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Begin Construction July 2007
Complete Construction November 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized a contract for the construction of a 108-inch water transmission line from Lake Fork to Lake Tawakoni - Section One, to Pate & Pate Enterprises, Inc., on October 25, 2000 by Resolution No. 00-3276.

Council authorized the rejection of bids for the construction of the 108-inch water transmission line from the Lake Fork to Lake Tawakoni - Section Two, on February 27, 2002 by Resolution No. 02-0791.

Council authorized a contract for the construction of a 108-inch water transmission line from the Lake Fork to Lake Tawakoni - Section Two, with Rockdale Pipeline, Inc., on January 22, 2003 by Resolution No. 03-0357.

Council authorized a contract for the construction of a 108-inch water transmission line from Lake Fork to Lake Tawakoni - Section Three, with Oscar Renda Contracting, Inc., on May 12, 2004 by Resolution No. 04-1534.

Council authorized a contract for the construction of a 108-inch raw water transmission line near County Road 1395 in Van Zandt County to the Iron Bridge Pump Station site in Hunt County from Lake Fork to Lake Tawakoni - Section Four, with Oscar Renda Contracting, Inc., on August 23, 2006 by Resolution No. 06-2188.

FISCAL INFORMATION

\$28,746,600.00 - Water Utilities Capital Improvement Funds

M/WBE INFORMATION

Attached

ETHNIC COMPOSITION

Oscar Renda Contracting, Inc.

Hispanic female	6	Hispanic male	130
Black female	0	Black male	2
Other female	0	Other male	2
White female	5	White male	45

BID INFORMATION

The following bids with quotes were opened on March 15, 2007:

<u>Bidders</u>	<u>Amount</u>
Oscar Renda Contracting, Inc. 522 Benson Lane Roanoke, Texas 76262	\$28,746,600.00
BAR Constructors, Inc.	\$33,842,384.00
Archer Western Contractors, Ltd.	\$35,011,500.00
S. J. Louis Construction of Texas, Ltd.	\$37,422,843.00

OWNER

Oscar Renda Contracting, Inc.

Oscar Renda, President

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of a 108-inch raw water transmission line and junction structure near County Road 3818 in Van Zandt County to the Iron Bridge Pump Station site in Hunt County from Lake Fork to Lake Tawakoni - Oscar Renda Contracting, Inc., lowest responsible bidder of four - \$28,746,600 - Financing: Water Utilities Capital Improvement Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$6,242,500.00	21.72%
Total non-local contracts	\$22,504,100.00	78.28%
TOTAL CONTRACT	\$28,746,600.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Soto's Rebar Construction	HMDB31427Y0707	\$167,000.00	2.68%
Garland Heating and A/C Company, Inc.	HMMB33702Y1107	\$60,000.00	0.96%
Father & Sons Masonry & Stucco, Inc.	HMMB31239N0607	\$15,500.00	0.25%
Total Minority - Local		\$242,500.00	3.88%

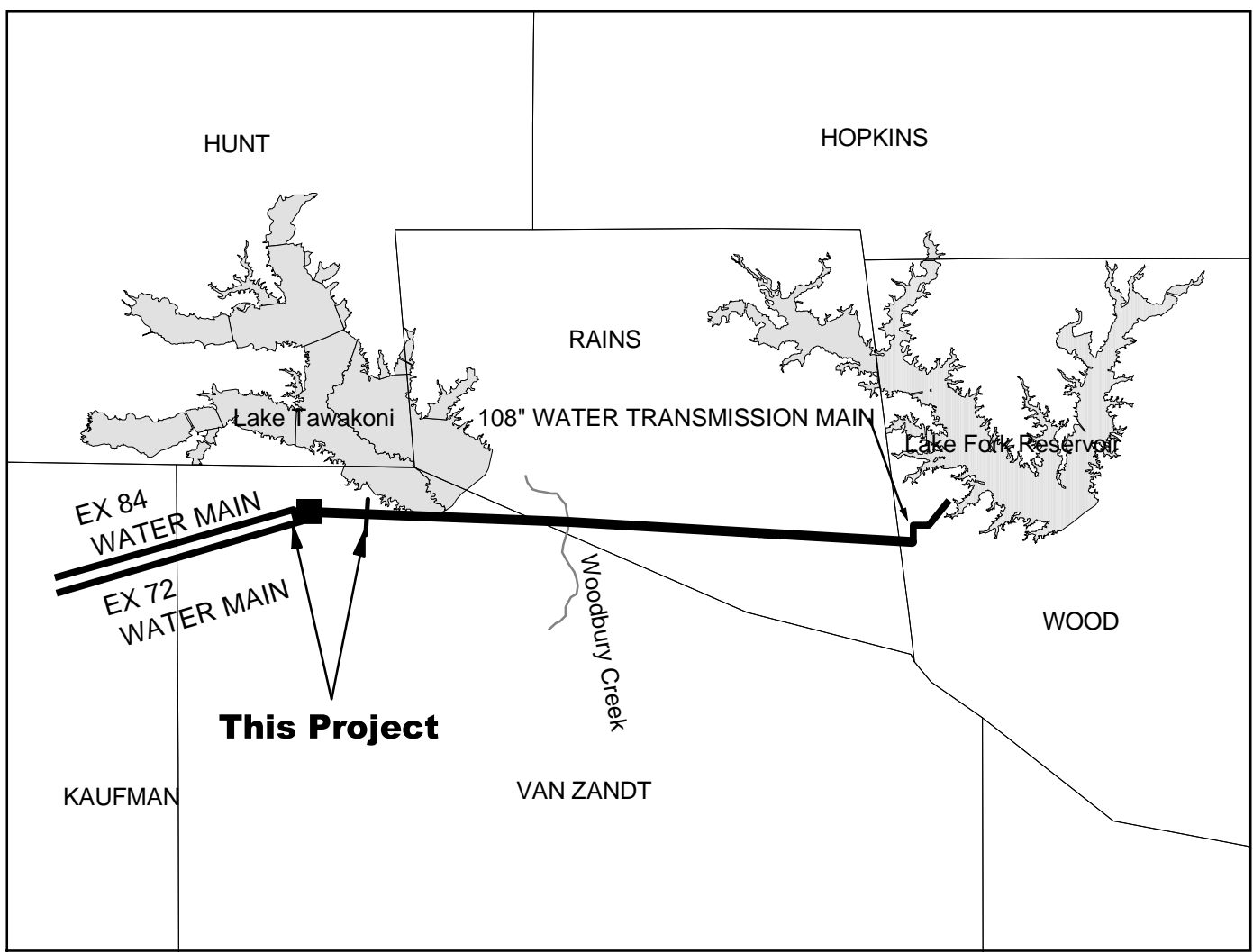
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Ted Cantu Construction Company	HMDB31654Y0807	\$100,000.00	0.44%
Wesco Trucking, Inc.	WFWB32333Y1007	\$240,000.00	1.07%
Ricochet Fuel Distributors, Inc.	WFDB31818Y0807	\$160,000.00	0.71%
Total Minority - Non-local		\$500,000.00	2.22%

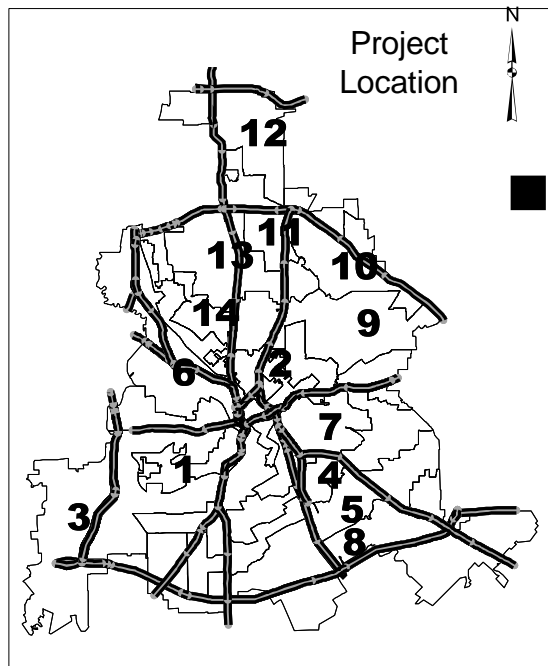
GOOD FAITH EFFORT SUMMARY
Page 2

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$242,500.00	3.88%	\$342,500.00	1.19%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$400,000.00	1.39%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$242,500.00	3.88%	\$742,500.00	2.58%



MAPSCO: N/A



**Dallas Water
Utilities**

Contract No. 07-037
108 Inch Water Transmission Line and Junction Structure
Lake Fork to Lake Tawakoni Section Five

June 27, 2007

WHEREAS, bids were received on March 15, 2007 for construction of a 108-inch raw water transmission line and junction structure near County Road 3818 in Van Zandt County, to the Iron Bridge Pump Station site in Hunt County from Lake Fork to Lake Tawakoni, Section 5, Contract No. 07-037, listed as follows:

<u>Bidders</u>	<u>Amount</u>
Oscar Renda Contracting, Inc.	\$28,746,600.00
BAR Constructors, Inc.	\$33,842,384.00
Archer Western Contractors, Ltd.	\$35,011,500.00
S. J. Louis Construction of Texas, Ltd.	\$37,422,843.00

and,

WHEREAS, the bid submitted by Oscar Renda Contracting, Inc., 522 Benson Lane, Roanoke, Texas 76262, in the amount of \$28,746,600.00 is the lowest and best of all bids received; **Now, Therefore**,

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

Section 1. That the bid of Oscar Renda Contracting, Inc. in the amount of \$28,746,600.00, for doing the work covered by the plans, specifications and contract documents, Contract No. 07-037, be accepted.

Section 2. That the City Manager be and is hereby authorized to enter into a contract with Oscar Renda Contracting, Inc., for the construction of a 108-inch raw water transmission line and junction structure near County Road 3818 in Van Zandt County to the Iron Bridge Pump Station site in Hunt County from Lake Fork to Lake Tawakoni, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of \$28,746,600.00 from the Water Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>PRO</u>	<u>REP</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0115	DWU	PW20	RWPT	4550	707037	WT88	CTDWU707037CP	244607

Oscar Renda Contracting, Inc. - (Contract No. 07-037) - \$28,746,600.00

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: Water Administration, 4AN, Cheryl Glenn
 Water Contracts, 2121 Main Street, Suite 400, Karen Harbin
 Water Accounting, 5AN, Esther Darden
 Office of Financial Services, 4FN, Jeanne Chipperfield

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 1, 2, 3, 4, 5, 7, 14

DEPARTMENT: Water Utilities

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

MAPSCO: Various

SUBJECT

Authorize a contract for the installation of water and wastewater mains at 33 locations (list attached) - Barson Utilities, Inc., lowest responsible bidder of four - \$6,876,493 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This project consists of the installation of approximately 35,150 feet of water and wastewater mains. This includes the installation of approximately 850 feet of 6-inch, 19,300 feet of 8-inch, 3,400 feet of 12-inch water mains, and 9,050 feet of 8-inch, 2,000 feet of 8-inch, and 550 feet of 10-inch wastewater mains. Approximately 2,000 feet of wastewater mains will be installed utilizing trenchless technologies which require less excavation, thereby minimizing disturbance to the existing pavement as well as inconvenience to the public.

The majority of the mains targeted for renewal were built between 1921 and 1972. This project will yield the benefits of reducing escalating maintenance cost associated with water main deterioration, service interruptions, water quality complaints, and help meet the Texas Commission on Environmental Quality water and wastewater main regulatory requirements.

Barson Utilities, Inc. contractual activities for the past three years:

	<u>PWT</u>	<u>DWU</u>	<u>PKR</u>
Projects Authorized	1	1	0
Change Orders	0	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Begin Construction August 2007
Complete Construction August 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized an engineering services contract for the replacement or rehabilitation of water and wastewater mains at various locations with RJN Group, Inc., on March 28, 2001 by Resolution No. 01-0957.

Council authorized the rejection of bids received for the construction of water and wastewater main replacements and rehabilitation at various locations, and the re-advertisement of new bids, on August 23, 2006 by Resolution No. 06-2195.

FISCAL INFORMATION

\$6,876,492.50 - Water Utilities Capital Improvement Funds

<u>District</u>	<u>Amount</u>
1	\$1,458,682.56
2	\$ 777,212.28
3	\$ 547,431.48
4	\$2,631,628.44
5	\$1,139,755.32
7	\$ 239,355.00
14	<u>\$ 82,427.42</u>
	\$6,876,492.50

M/WBE INFORMATION

Attached

ETHNIC COMPOSITION

Barson Utilities, Inc.

Hispanic female	0	Hispanic male	58
Black female	0	Black male	2
Other female	0	Other male	0
White female	1	White male	11

BID INFORMATION

The following bids with quotes were opened on April 12, 2007:

<u>Bidders</u>	<u>Amount</u>
Barson Utilities, Inc. 5326 West Ledbetter Drive Dallas, Texas 75236	\$ 6,876,492.50
SYB Construction Co., Inc.	\$ 6,980,192.50
John Burns Construction Co. of Texas, Inc.	\$ 7,420,420.00
Atkins Brothers Equipment Company, Inc.	\$25,407,310.00

OWNER

Barson Utilities, Inc.

Ron Barson, President

MAP

Attached

Installation of Water and Wastewater Mains at 33 Locations

District 1

Alley between Rockwood Street and Cumberland Street from Jerden Lane to Suffolk Avenue
Alley between Rockwood Street and Cumberland Street from Pembroke Avenue to Suffolk Avenue
Beckley Avenue from Sunset Avenue to R. L. Thornton Freeway (I.H. 35)
Cumberland Street from Jerden Lane to Pembroke Avenue
Jerden Lane from Rockwood Street to Cumberland Street
Rockwood Street from Jerden Lane to Suffolk Avenue
Suffolk Avenue from Cumberland Street to Rockwood Street

District 2

Alton Avenue from south of St. Mary Avenue to Henderson Avenue
Santa Fe Avenue from St. Mary Avenue to Henderson Avenue
St. Mary Avenue from Santa Fe Avenue to Columbia Avenue
St. Mary Avenue from Terry Street to Santa Fe Avenue

District 3

Alley between Beckleywood Boulevard and Pelman Street from Brookhaven Drive to R. L. Thornton Freeway (I.H. 35)
French Settlement Road from La Reunion Parkway north

District 4

Alley between Loris Lane and Southerland Avenue from Belknap Avenue to Ozona Street
Alley between Beckley Avenue and Seevers Avenue from Louisiana Avenue to Georgia Avenue
Alley between Maryland Avenue and Idaho Avenue from Vermont Avenue to Iowa Avenue
Alley between Michigan Avenue and Arizona Avenue from Woodin Boulevard north
Alley between Woodin Boulevard and Louisiana Avenue from Beckley Avenue to Seevers Avenue
Craddock Street from Elmore Avenue to Alameda Drive

Installation of Water and Wastewater Mains at 33 Locations

District 4 (Continued)

Denley Drive from Genoa Avenue to Forester Drive
Ewing Avenue from Morrell Avenue to Galloway Avenue
Georgia Avenue from Beckley Avenue to Seevers Avenue
Georgia Avenue from Marsalis Avenue to Alaska Avenue
Iowa Avenue from Denley Drive to Bruck Avenue
Ozona Street from Belknap Avenue to Loris Lane
Woodview Lane from Waco Avenue south
Galloway Avenue from Fernwood Avenue to Moore Street*

District 5

Hawley Lane from Holcomb Road to Lake June Road
Alto Garden Drive from Pleasant Drive to Holcomb Road*
Jennie Lee Lane from Sandstone Drive to Cypress Avenue*

District 7

Upton Street from Twelfth Street to Clarendon Drive
Viola Street from Clarendon Drive to Ewing Avenue*

District 14

Morningside Avenue from Skillman Street to Clements Street

*Trenchless Installation

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PROJECT: Authorize a contract for the installation of water and wastewater mains at 33 locations (list attached) - Barson Utilities, Inc., lowest responsible bidder of four - \$6,876,493 - Financing: Water Utilities Capital Improvement Funds

Barson Utilities, 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$5,393,466.50	78.43%
Total non-local contracts	\$1,483,026.00	21.57%
TOTAL CONTRACT	\$6,876,492.50	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

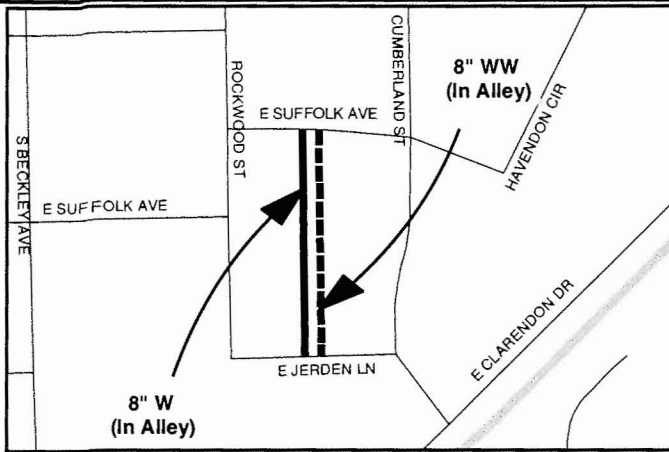
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Gonzales & Schneeberg Engineering	HMDB30703Y0507	\$48,250.00	0.89%
Andrews Paving	WFDB32461Y1007	\$341,576.00	6.33%
Magnum Manhole & Underground Co.	WFDB31900Y0907	\$76,785.00	1.42%
Partnering for Success, Inc.	WFWB31780Y0807	\$20,230.00	0.38%
Total Minority - Local		\$486,841.00	9.03%

Non-Local Contractors / Sub-Contractors

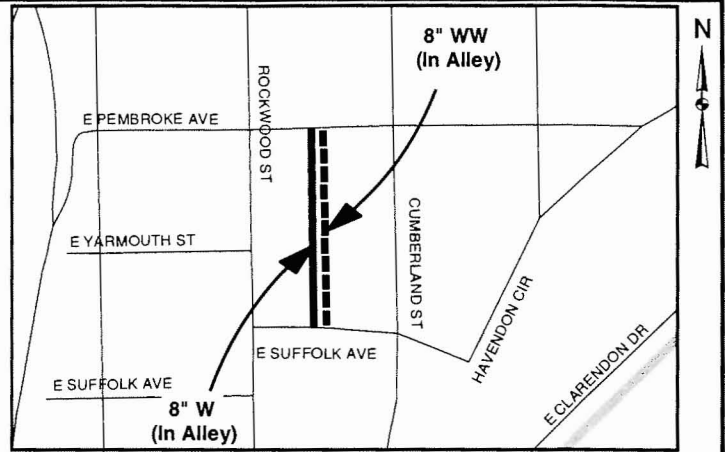
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Choctaw Pipe & Equipment, Inc.	WFWB31051Y0607	\$1,276,521.00	86.08%
Total Minority - Non-local		\$1,276,521.00	86.08%

TOTAL M/WBE CONTRACT PARTICIPATION

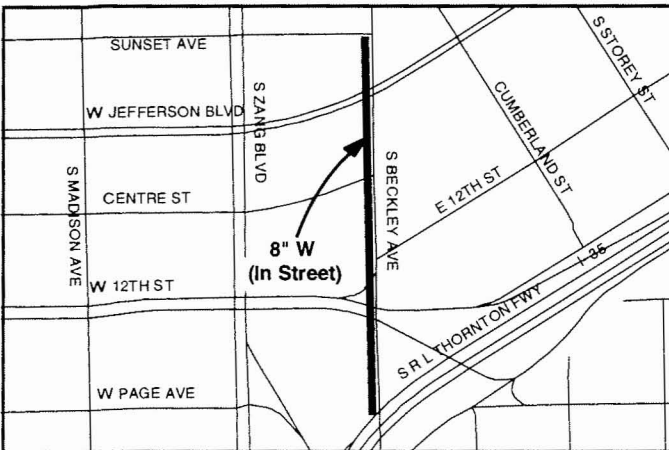
	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$48,250.00	0.89%	\$48,250.00	0.70%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$438,591.00	8.13%	\$1,715,112.00	24.94%
Total	\$486,841.00	9.03%	\$1,763,362.00	25.64%



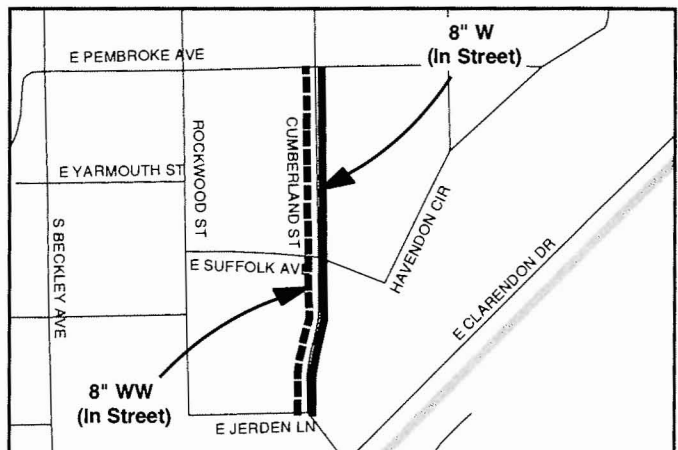
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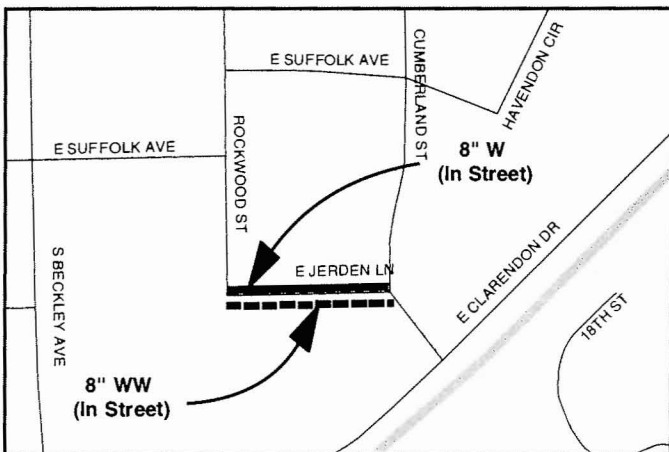
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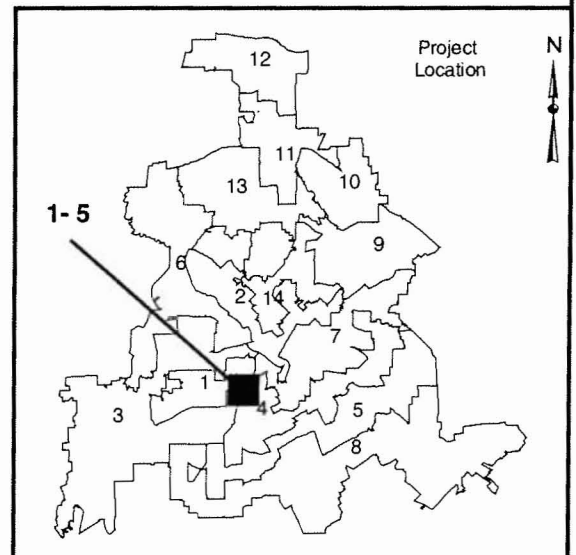
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Council District: 1



4: Mapsco: 54M
Council District: 1

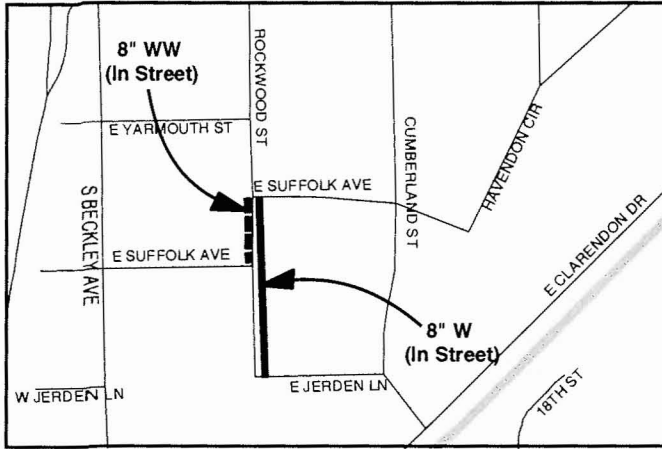


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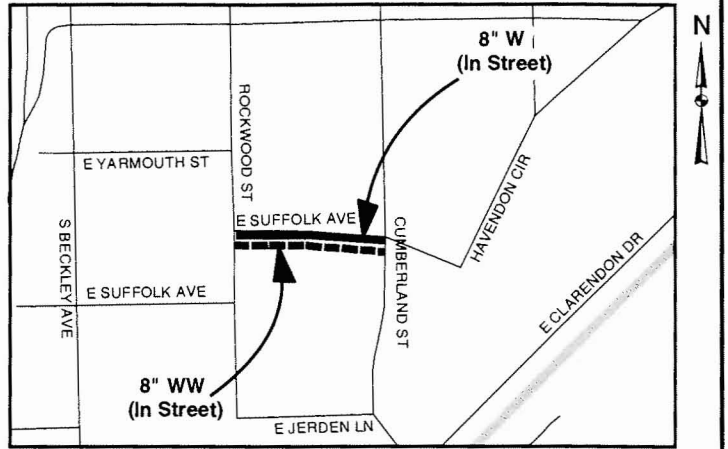


Dallas Water Utilities

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations



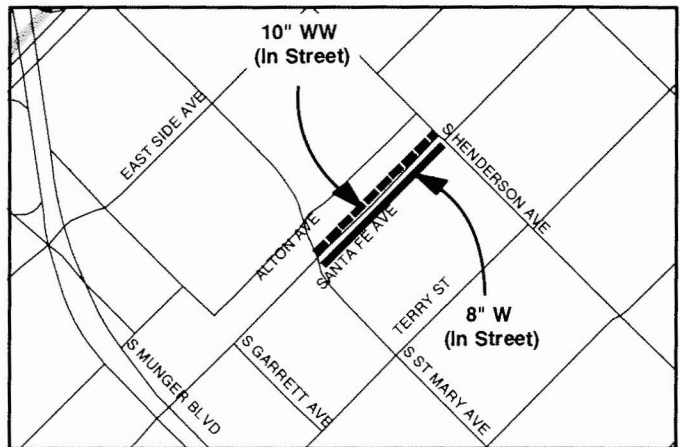
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Council District: 1



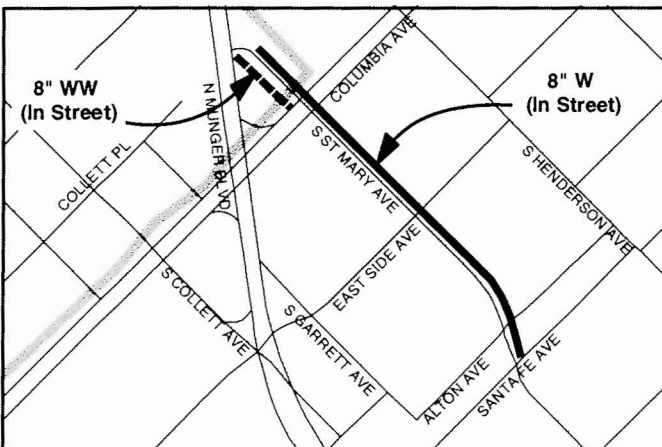
7: Mapsco: 54M
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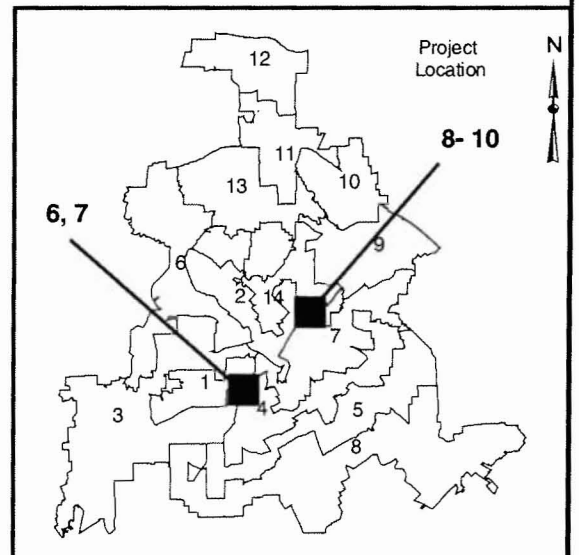
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Council District: 2



9: Mapsco: 46G
Council District: 2

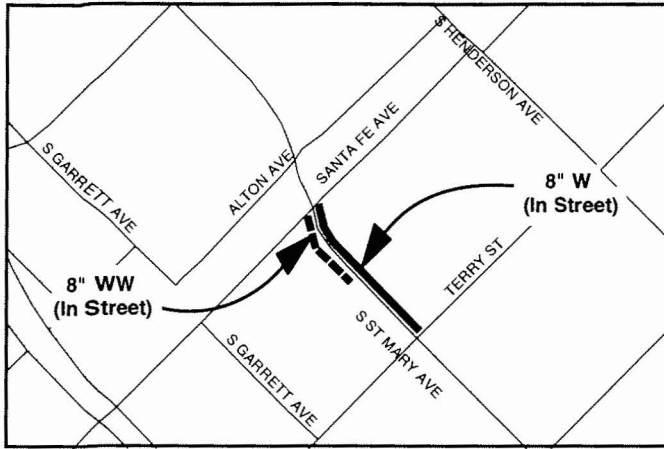


10: Mapsco: 46C, 46G
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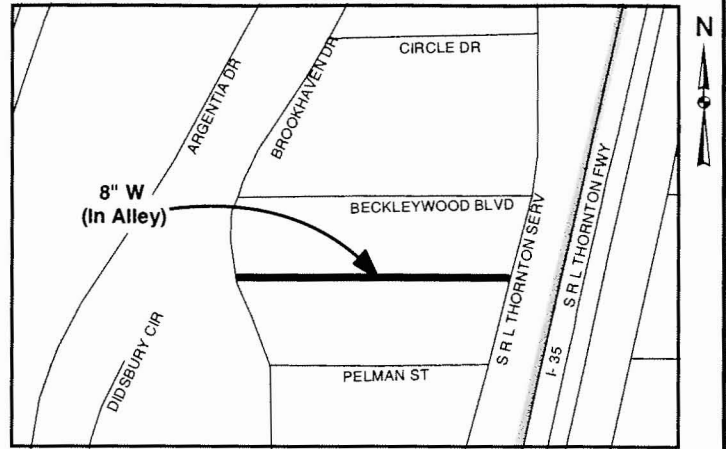


Dallas Water Utilities

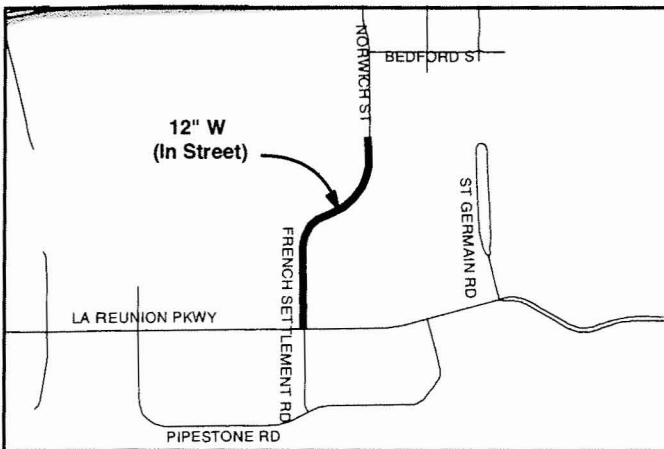
Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations



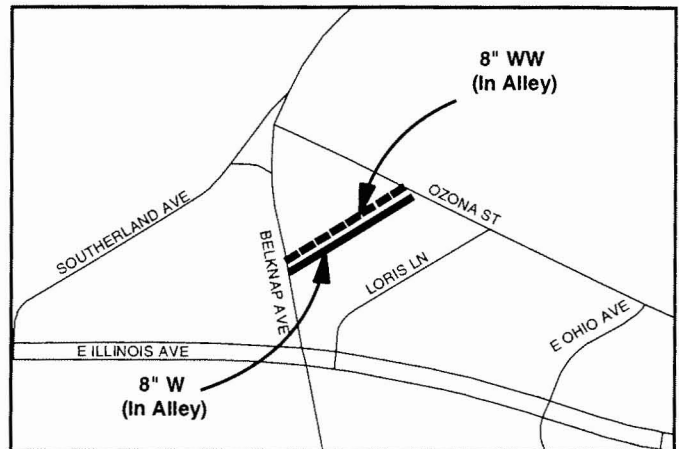
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Council District: 2



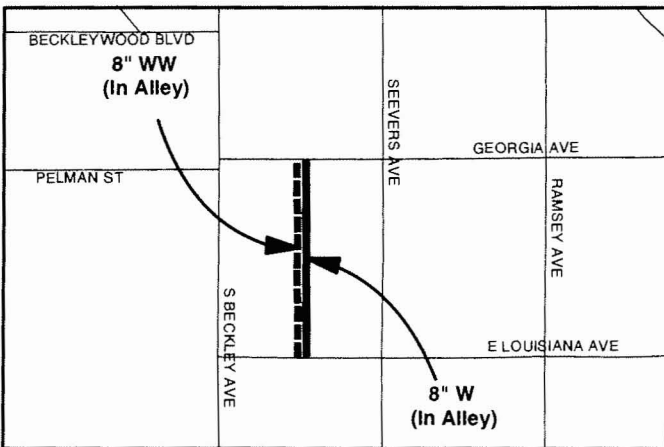
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Council District: 3



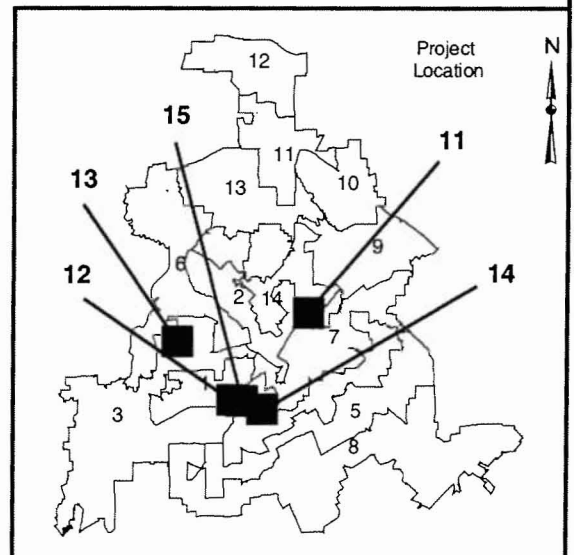
13: Mapsco: 43N, 43S
Council District: 3



14: Mapsco: 55T
Council District: 4

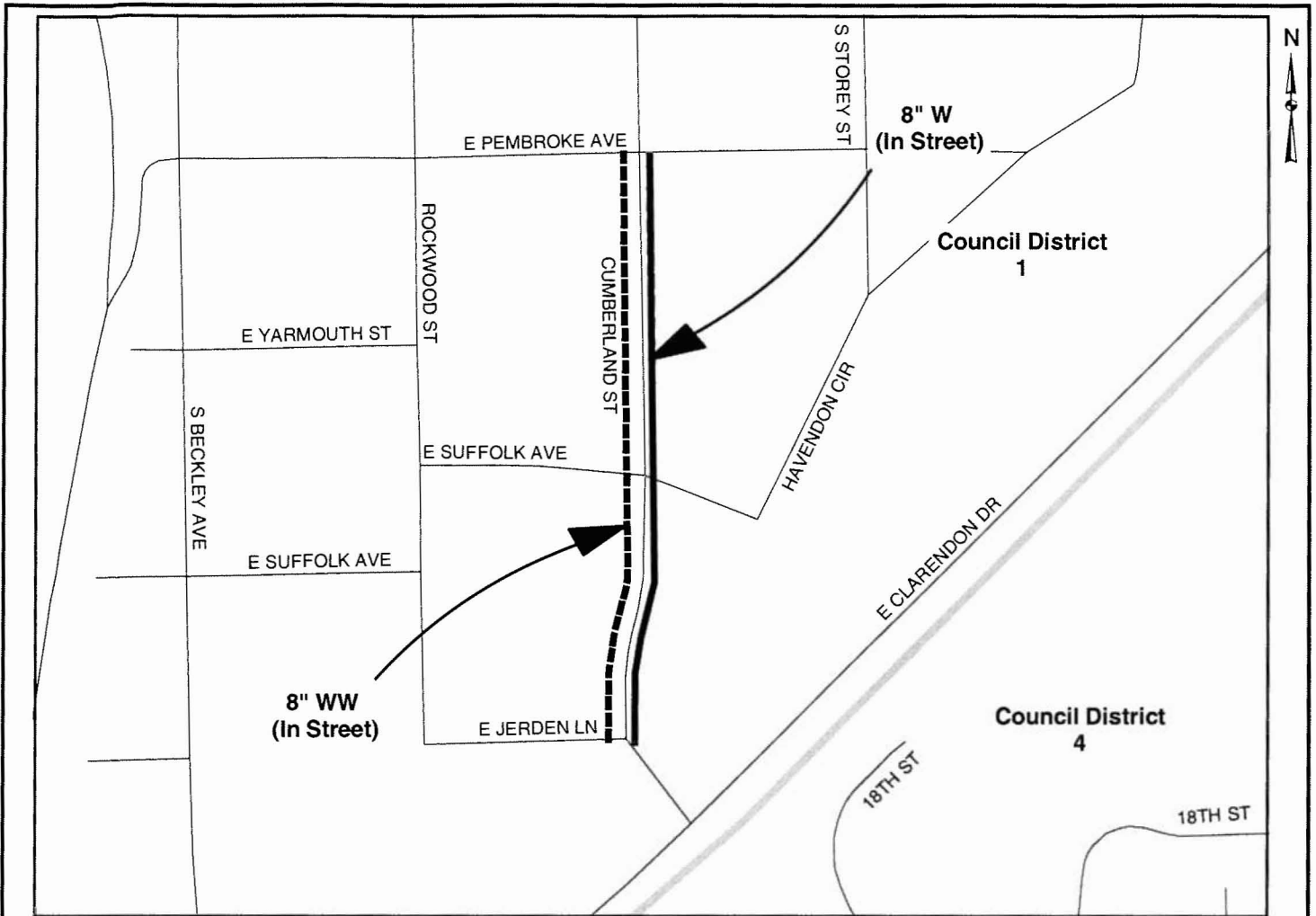


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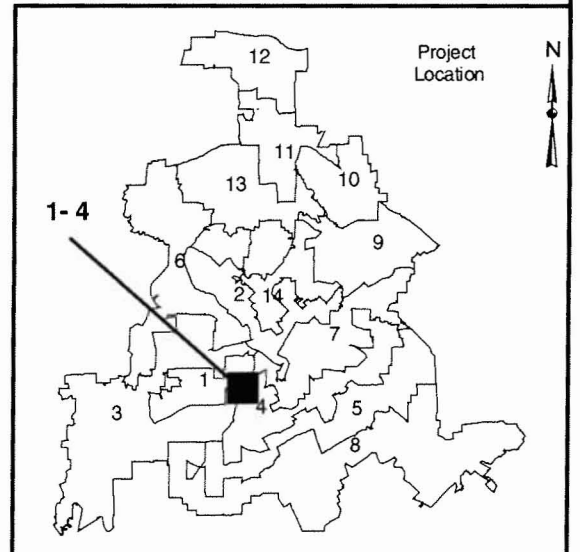


Dallas Water Utilities

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

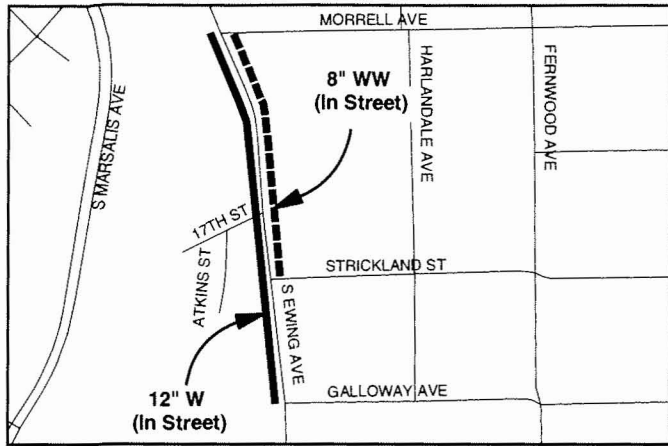


4: Mapsco: 54M
Council District: 1

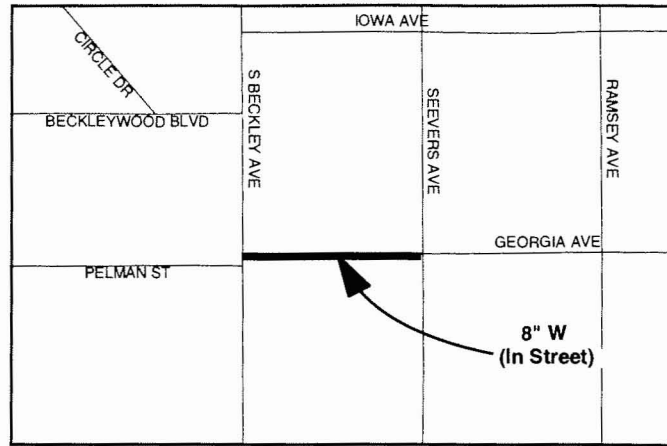


**Dallas Water
Utilities**

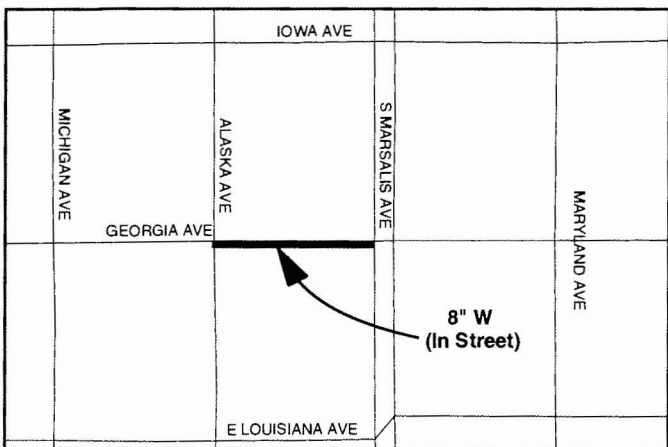
Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations



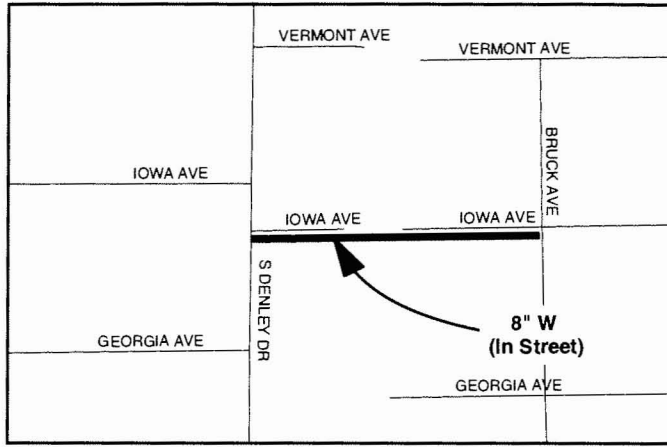
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Council District: 4



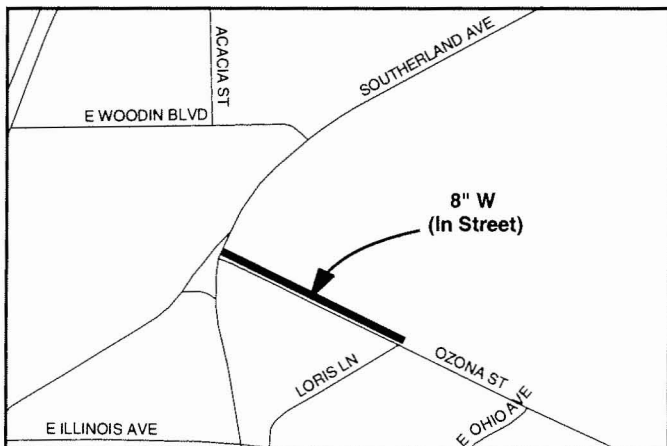
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Council District: 4



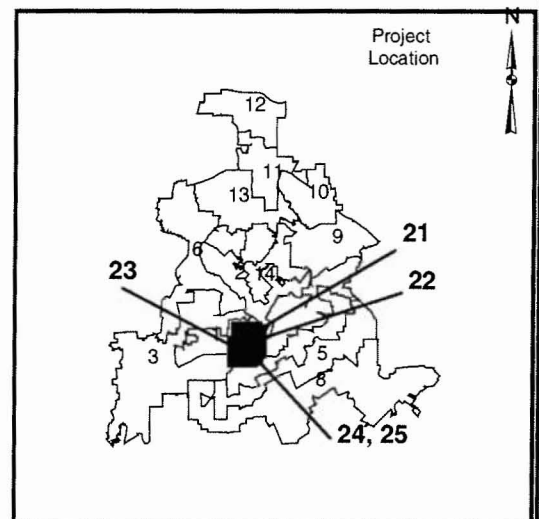
23: Mapsco: 55N
Council District: 4



24: Mapsco: 55P
Council District: 4

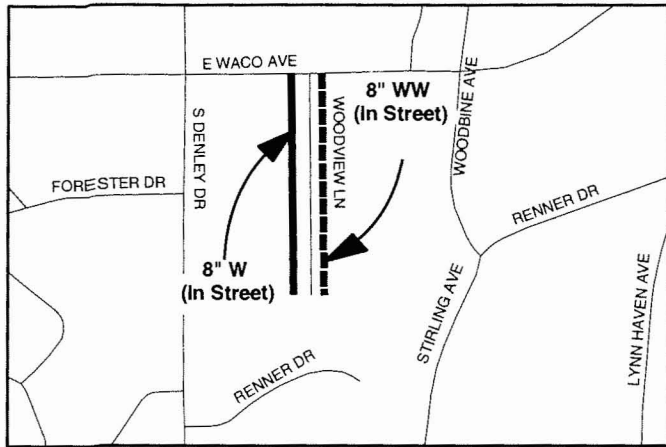


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Council District: 4

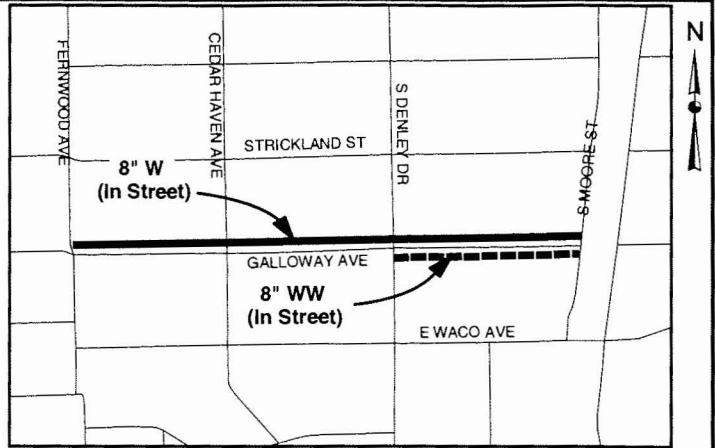


Dallas Water Utilities

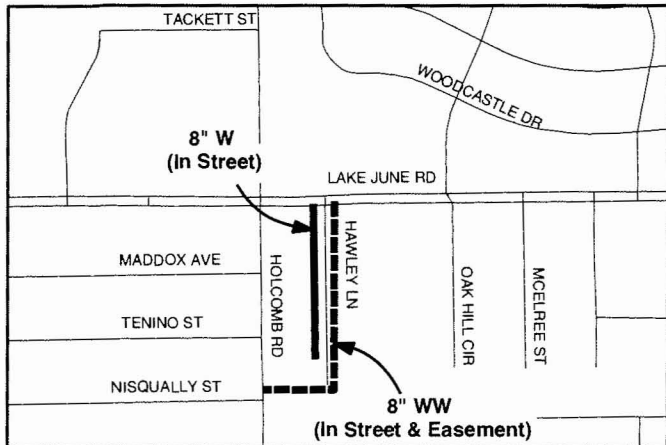
Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations



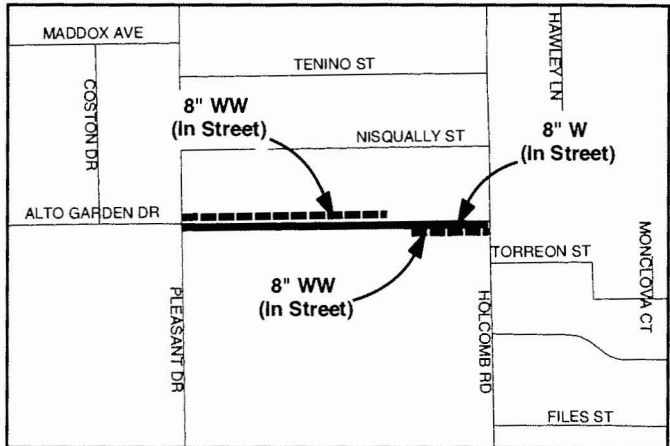
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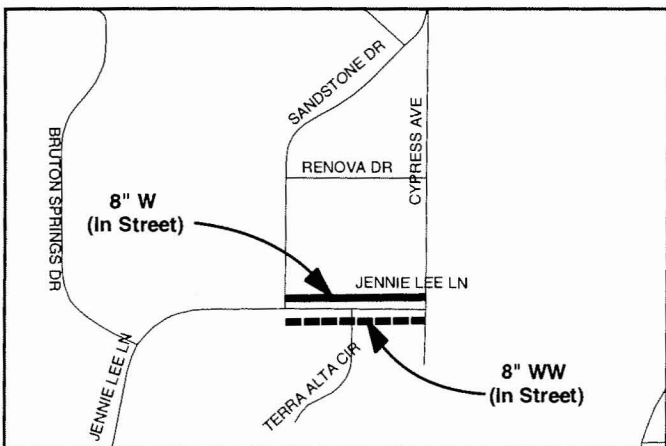
27: Mapsco: 55J, 55K
Council District: 4



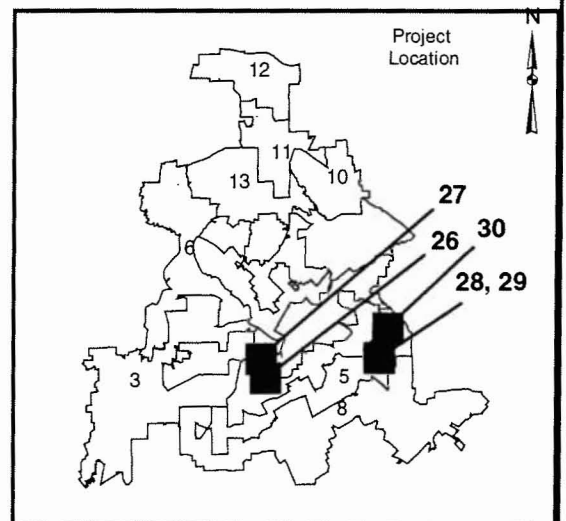
28: Mapsco: 58M
Council District: 5



29: Mapsco: 58M
Council District: 5

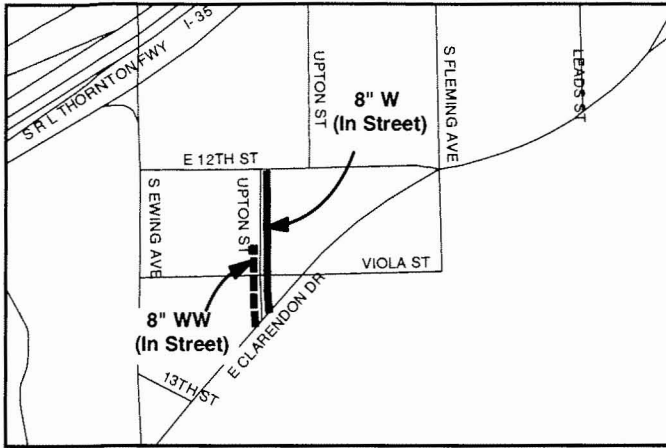


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Council District: 5

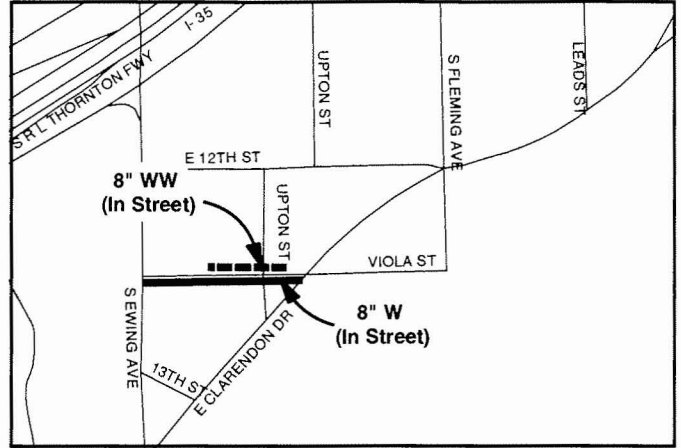


Dallas Water Utilities

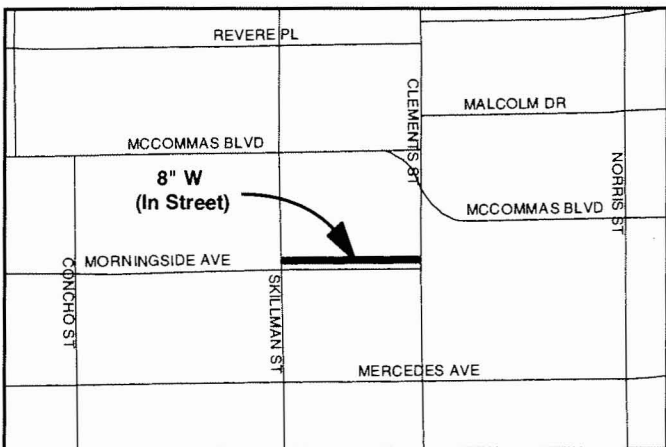
Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations



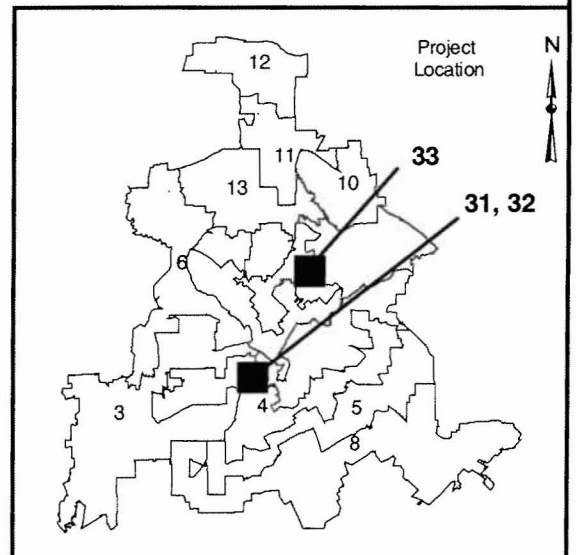
31: Mapsco: 55E
Council District: 7



32: Mapsco: 55E
Council District: 7

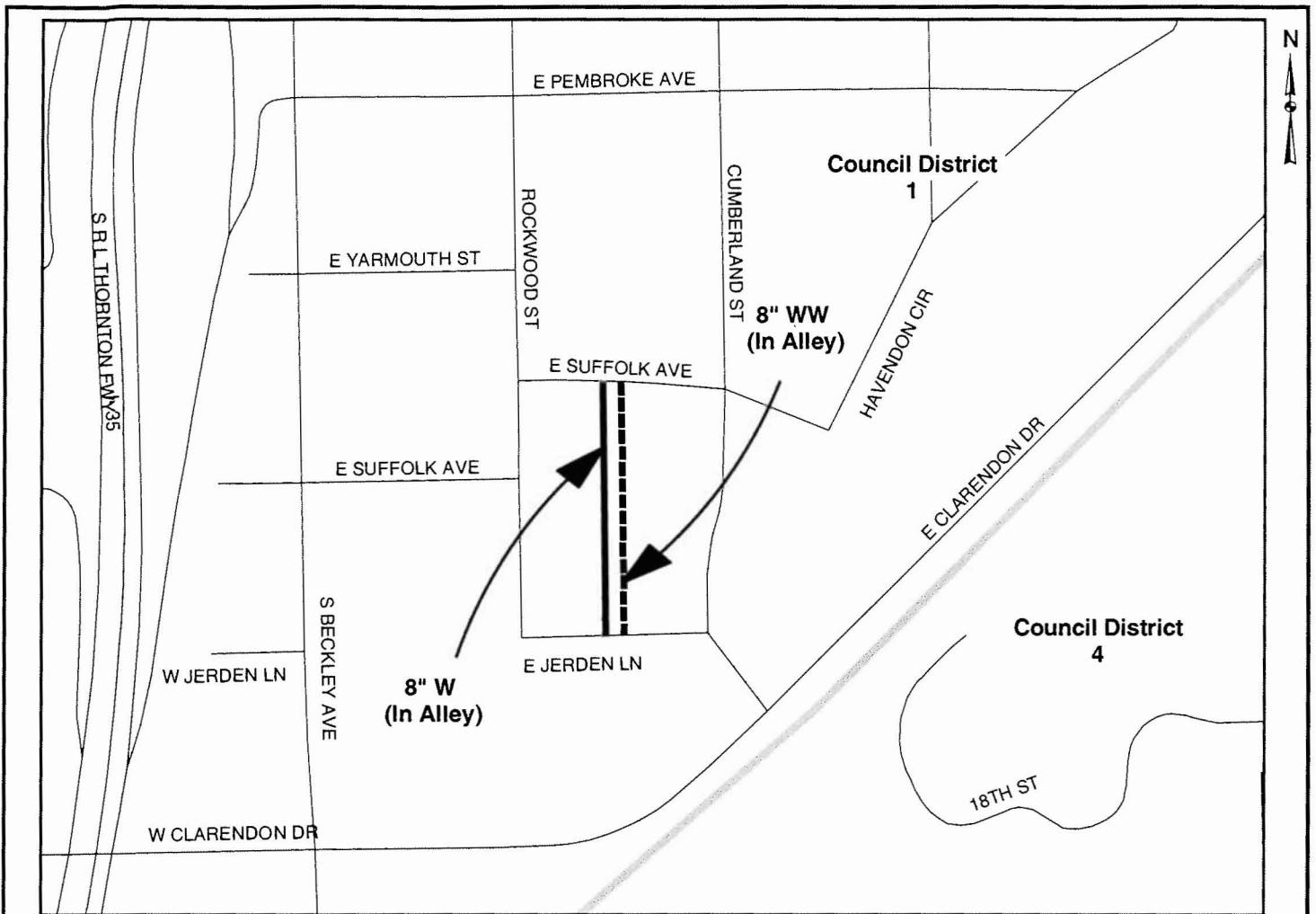


33: Mapsco: 36Q
Council District: 14

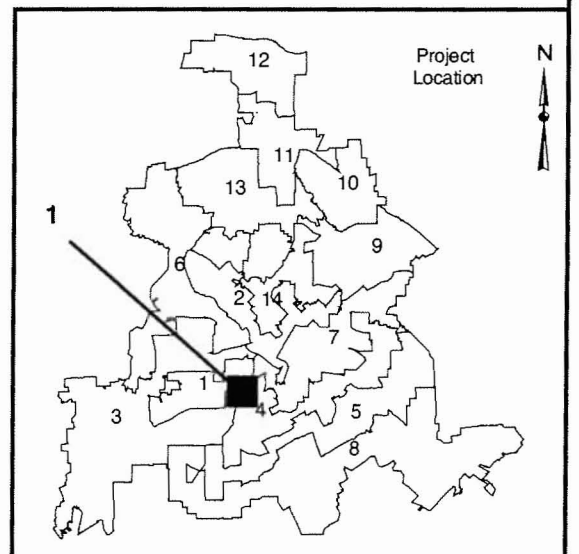


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

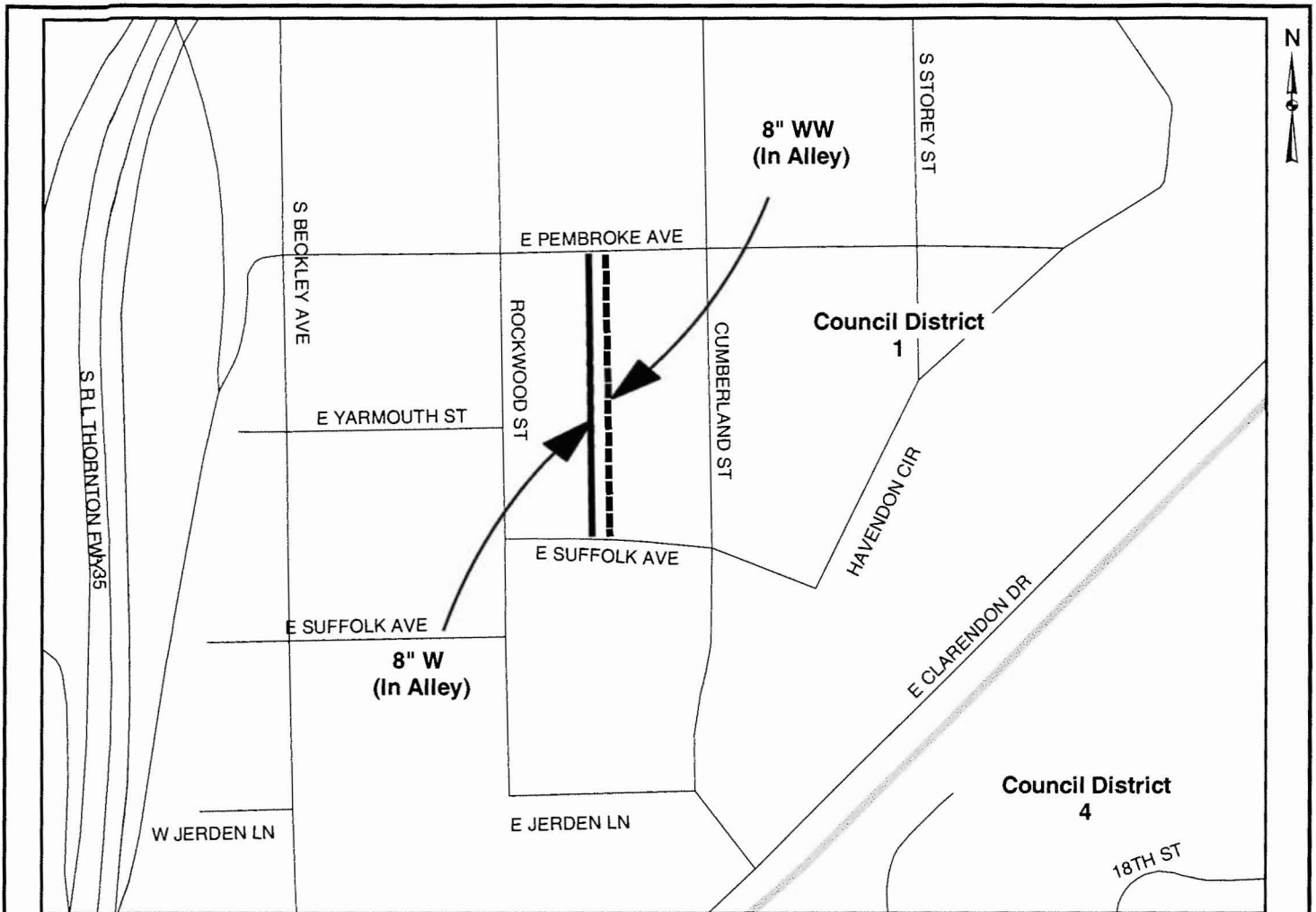


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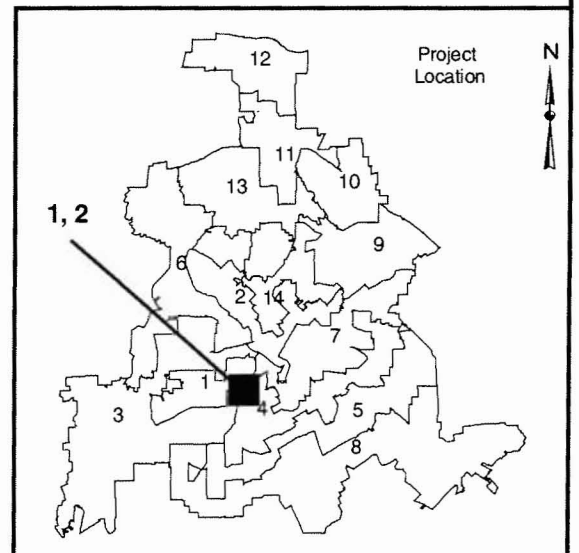


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

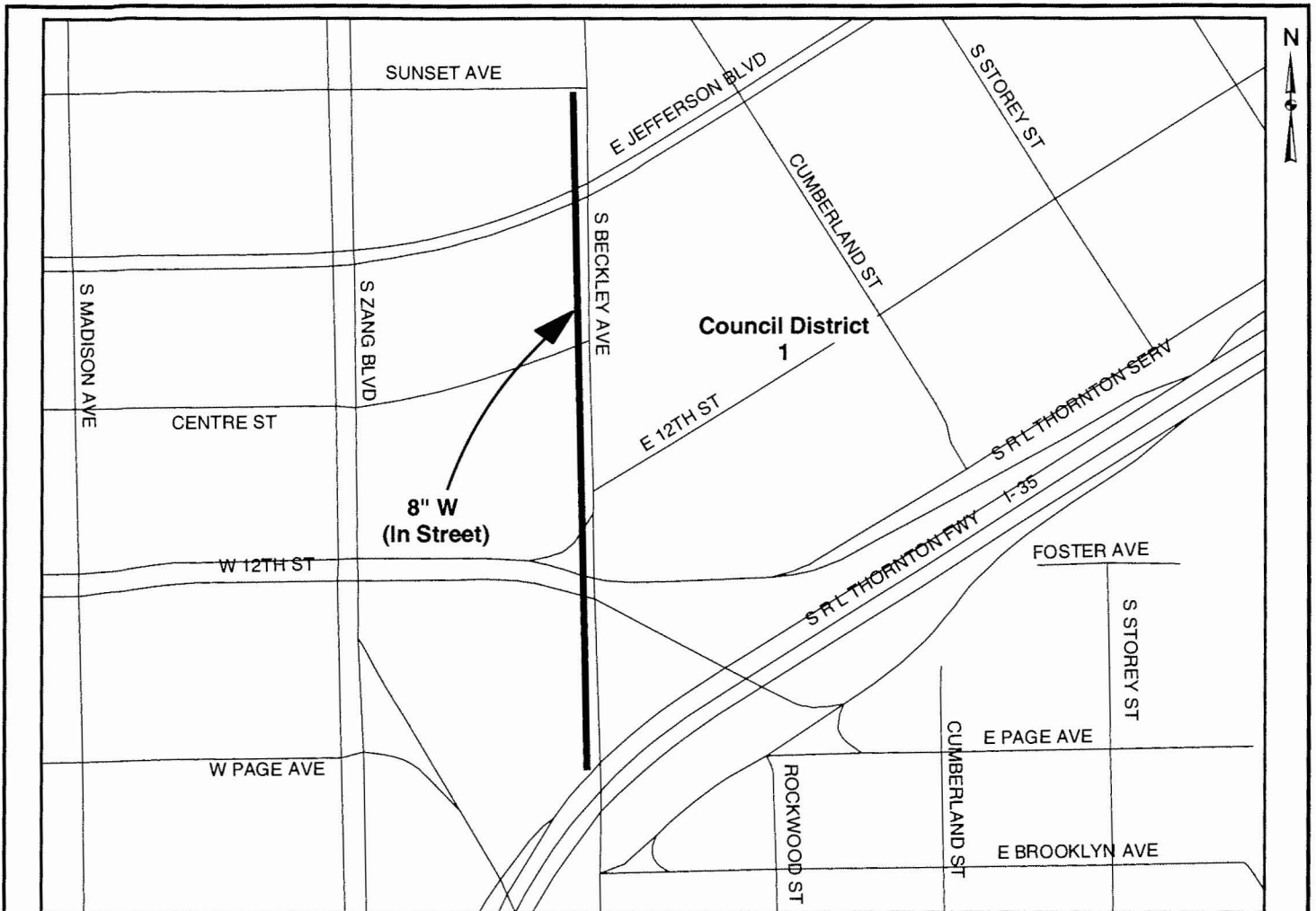


2: Mapsco: 54M
Council District: 1

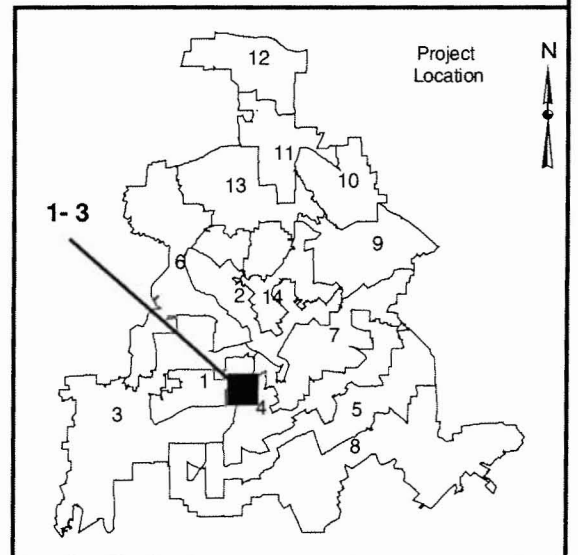


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

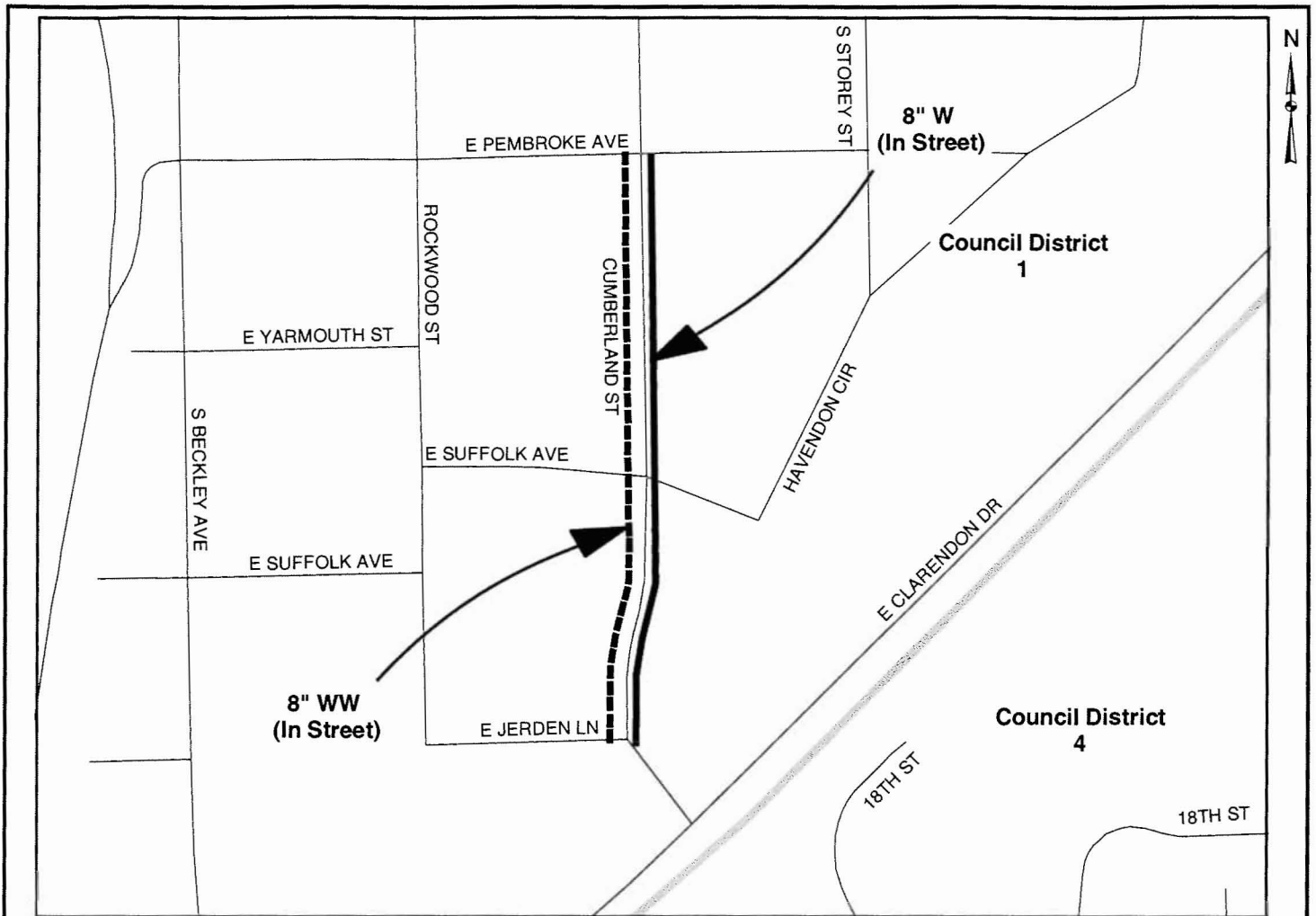


3: Mapsco: 54H
Council District: 1

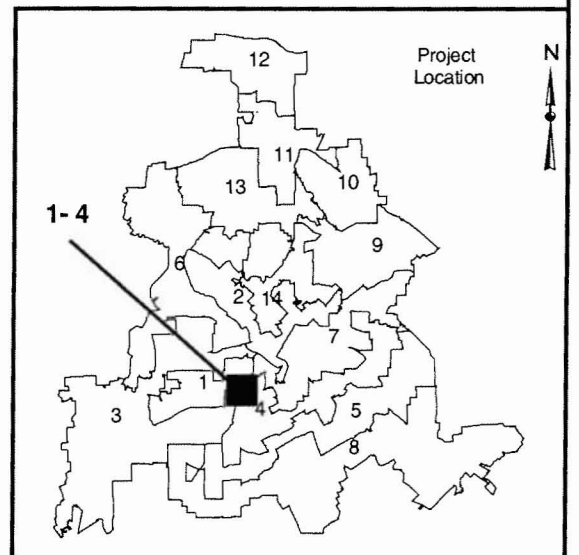


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

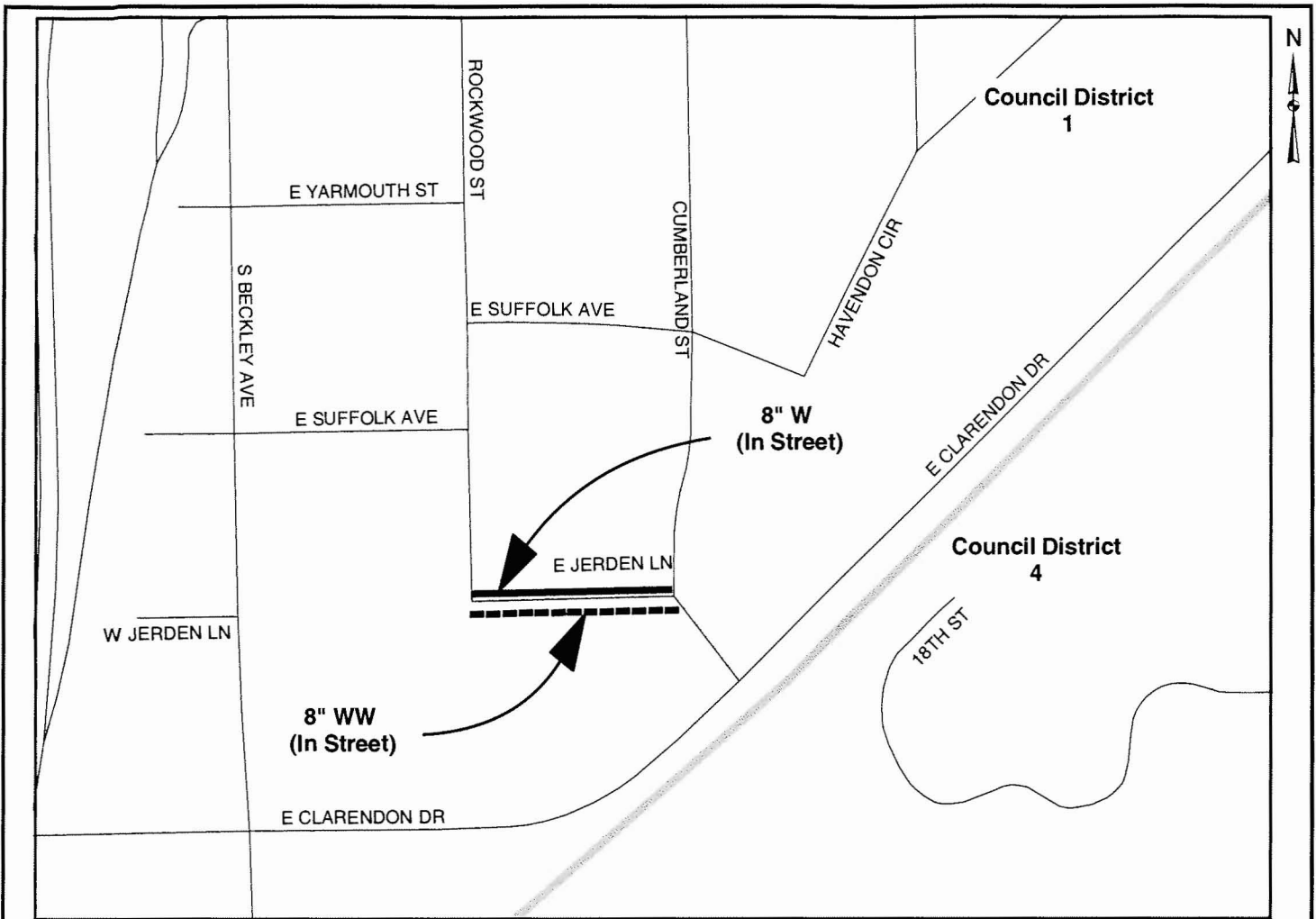


4: Mapsco: 54M
Council District: 1

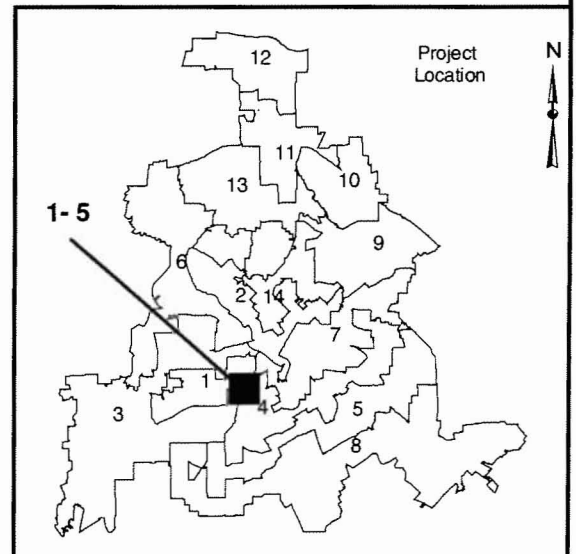


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

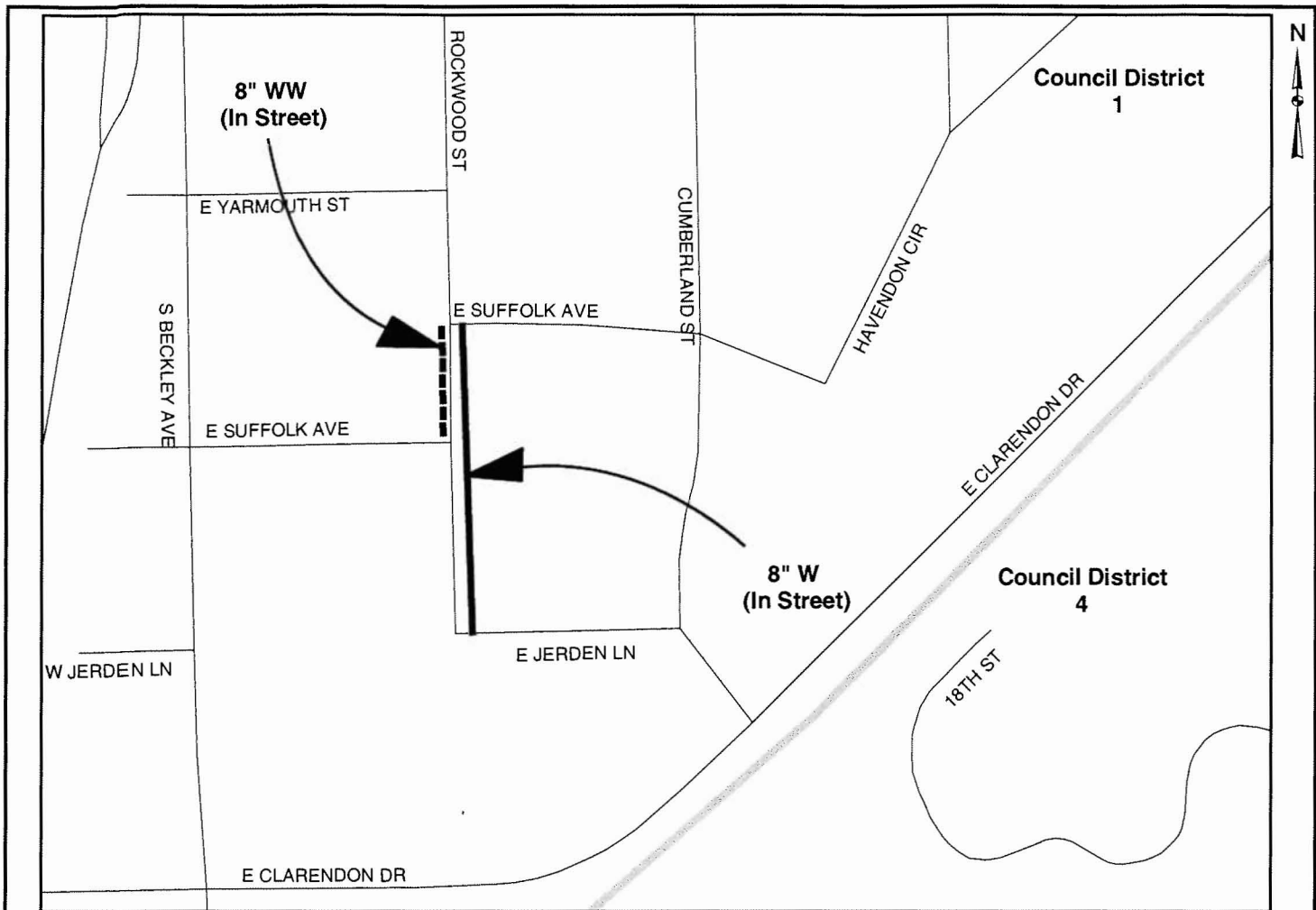


5: Mapsco: 54M
Council District: 1

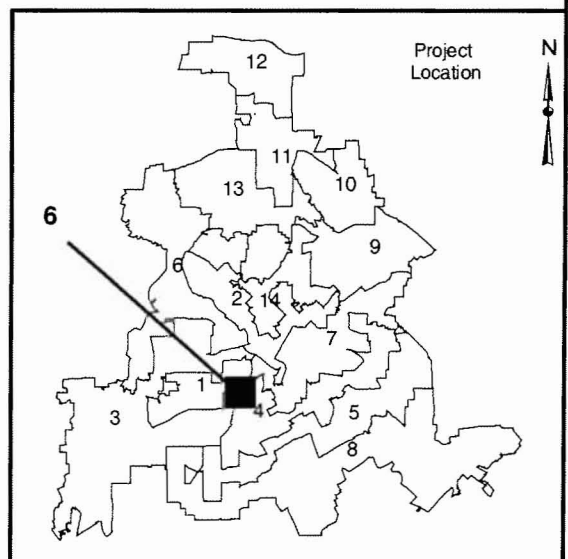


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

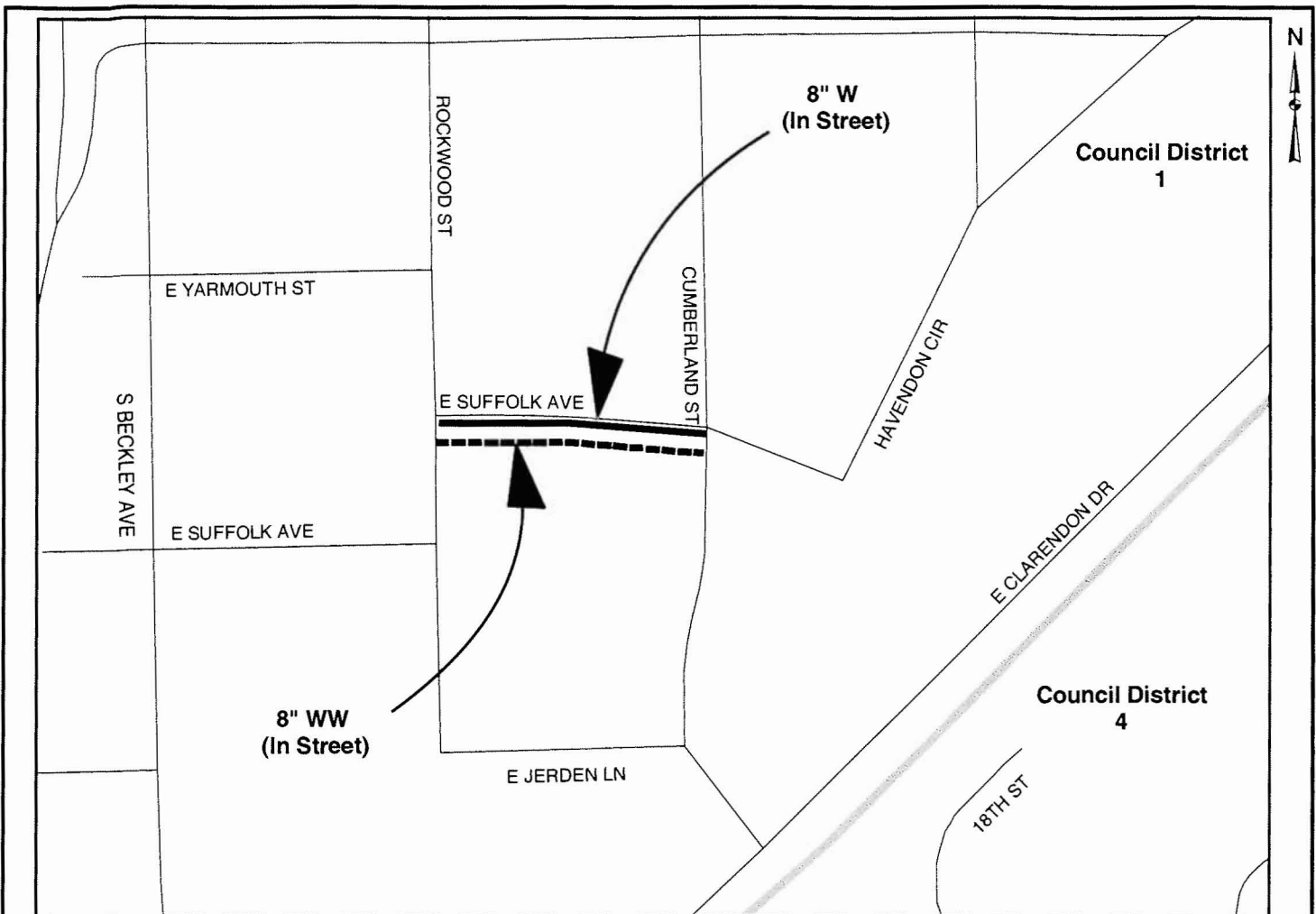


6: Mapsco: 54M
Council District: 1

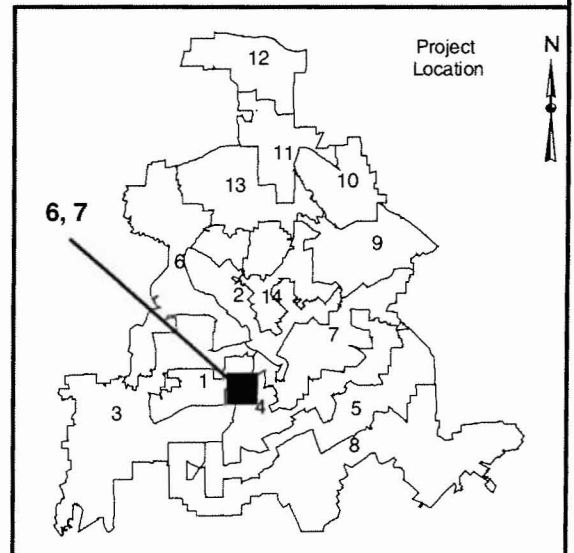


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

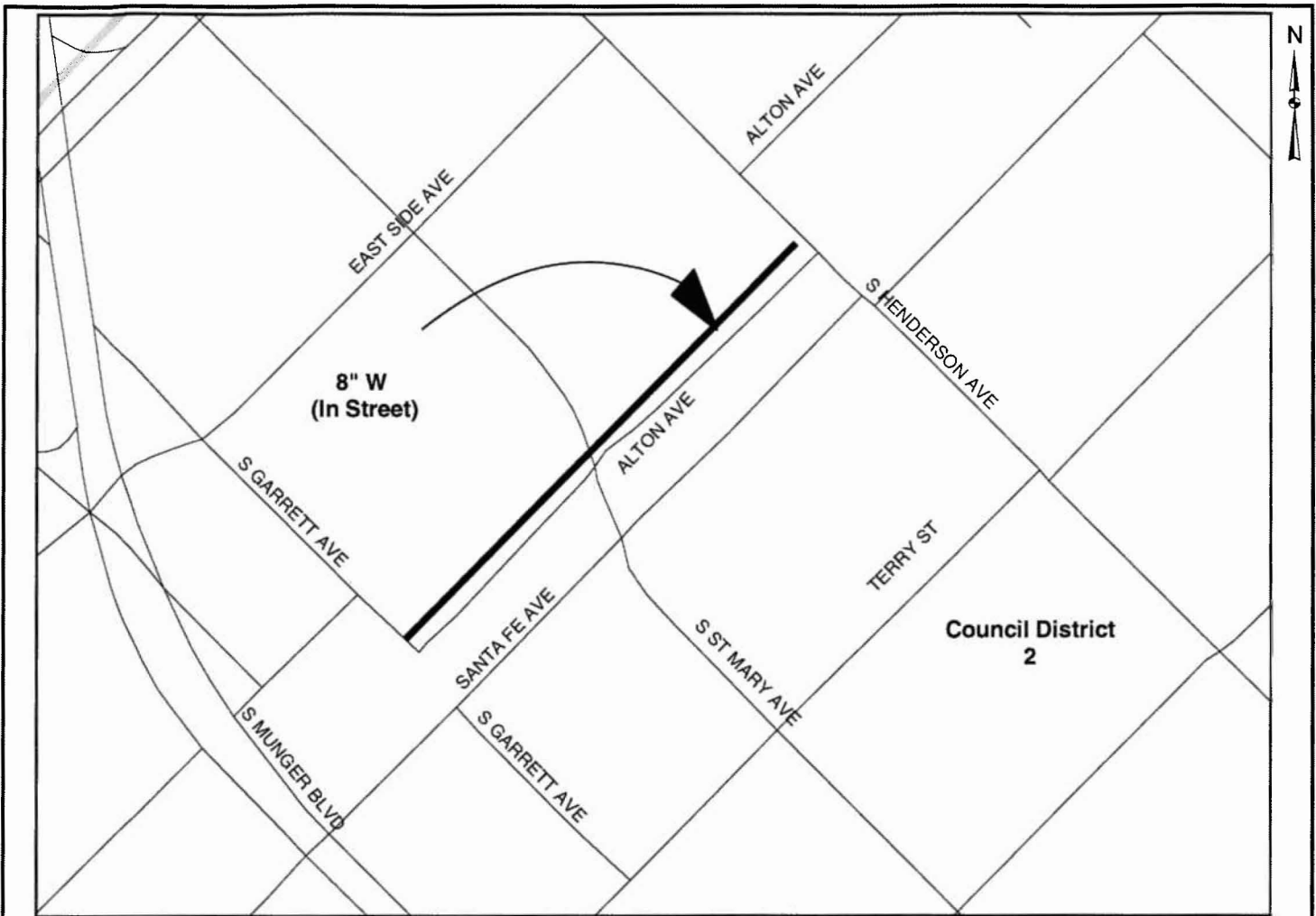


7: Mapsco: 54M
Council District: 1

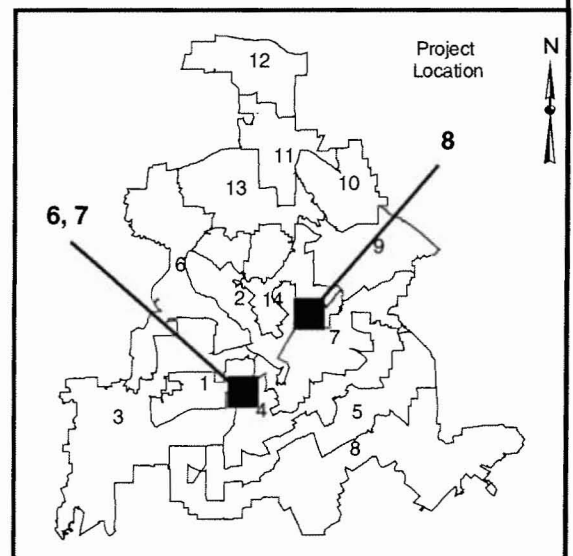


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

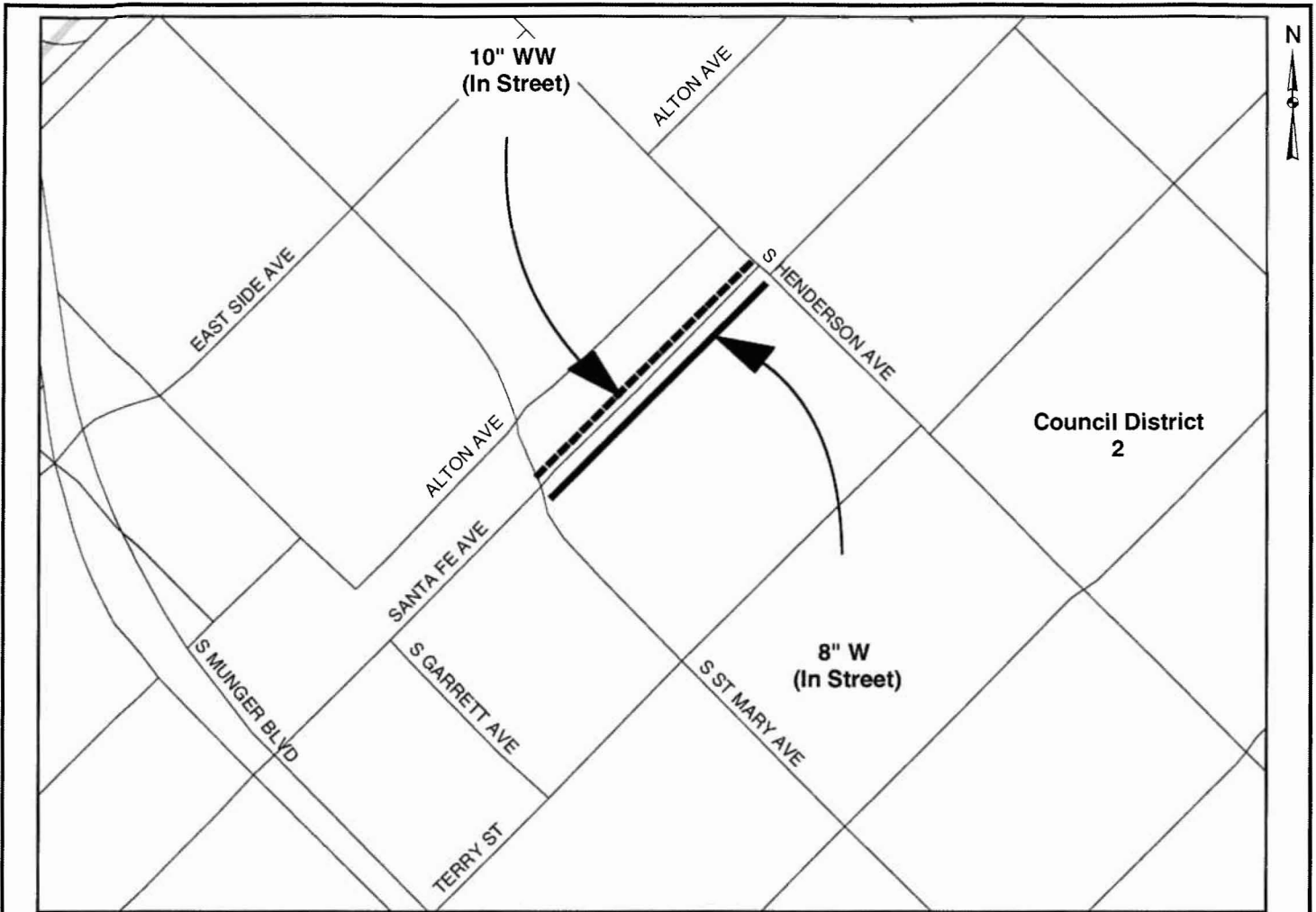


8: Mapsco: 46G
Council District: 2

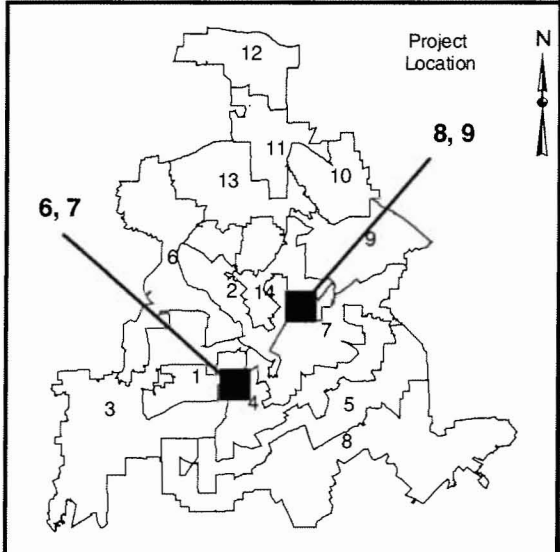


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

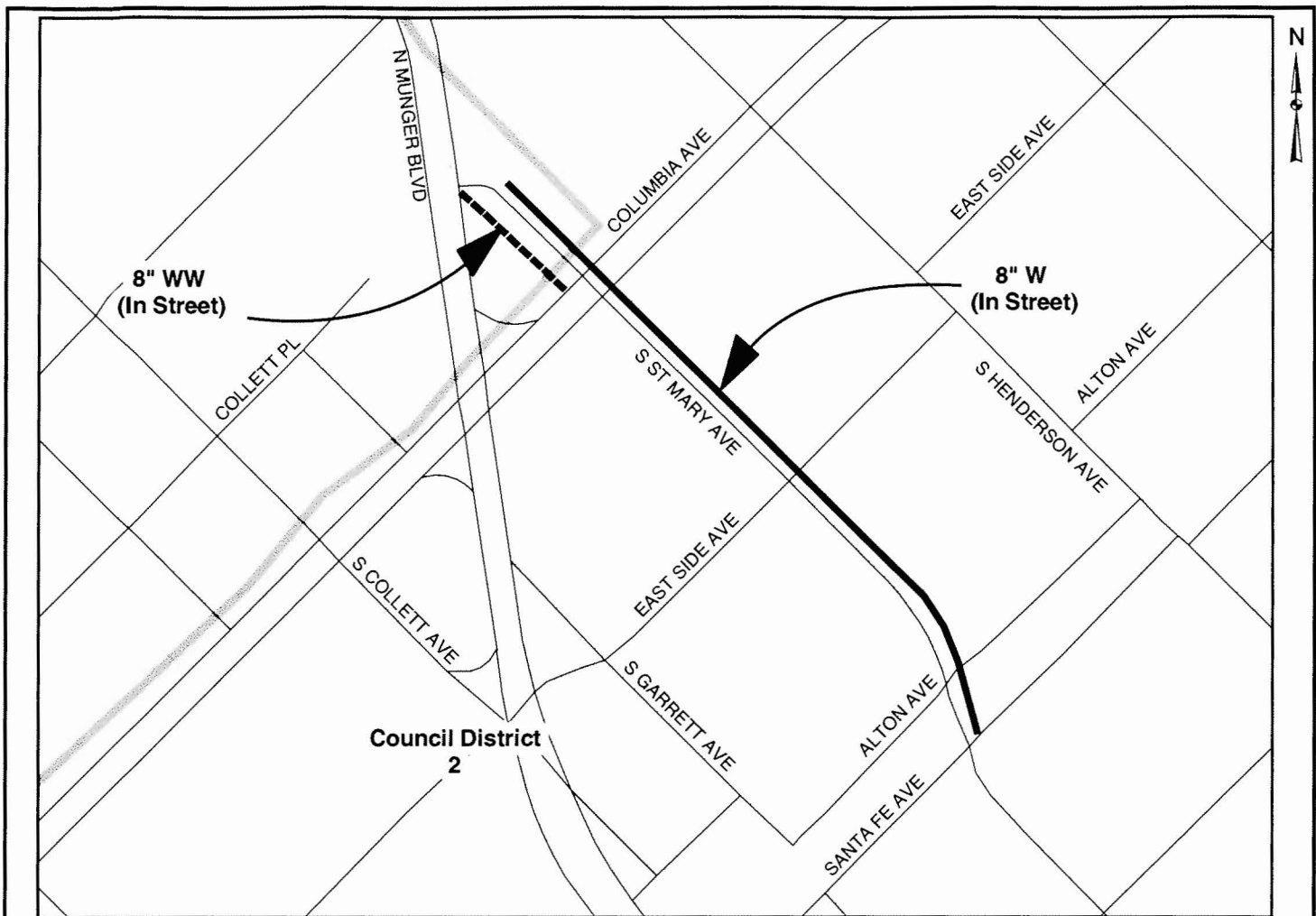


9: Mapsco: 46G
 Council District: 2

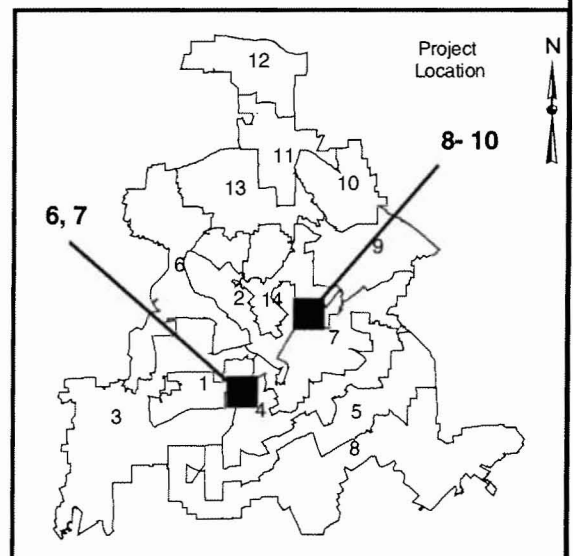


**Dallas Water
 Utilities**

Contract Nos. 07-137 and 07-138
 Water and Wastewater Main Replacement
 and Rehabilitation at 33 Locations

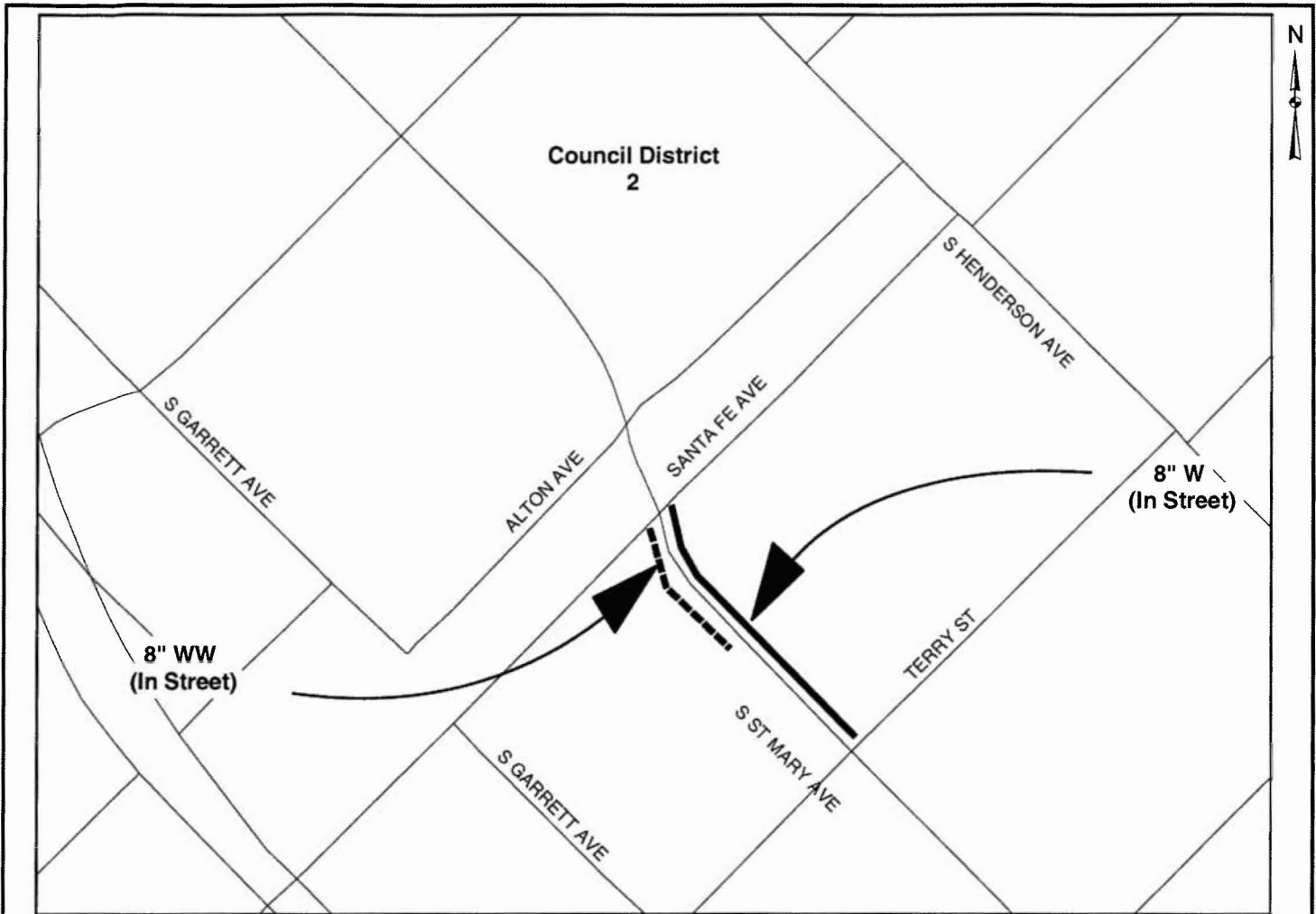


10: Mapsco: 46C, 46G
Council District: 2

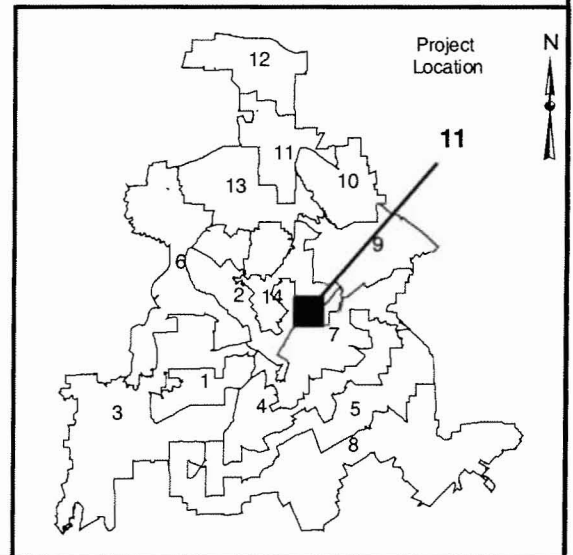


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

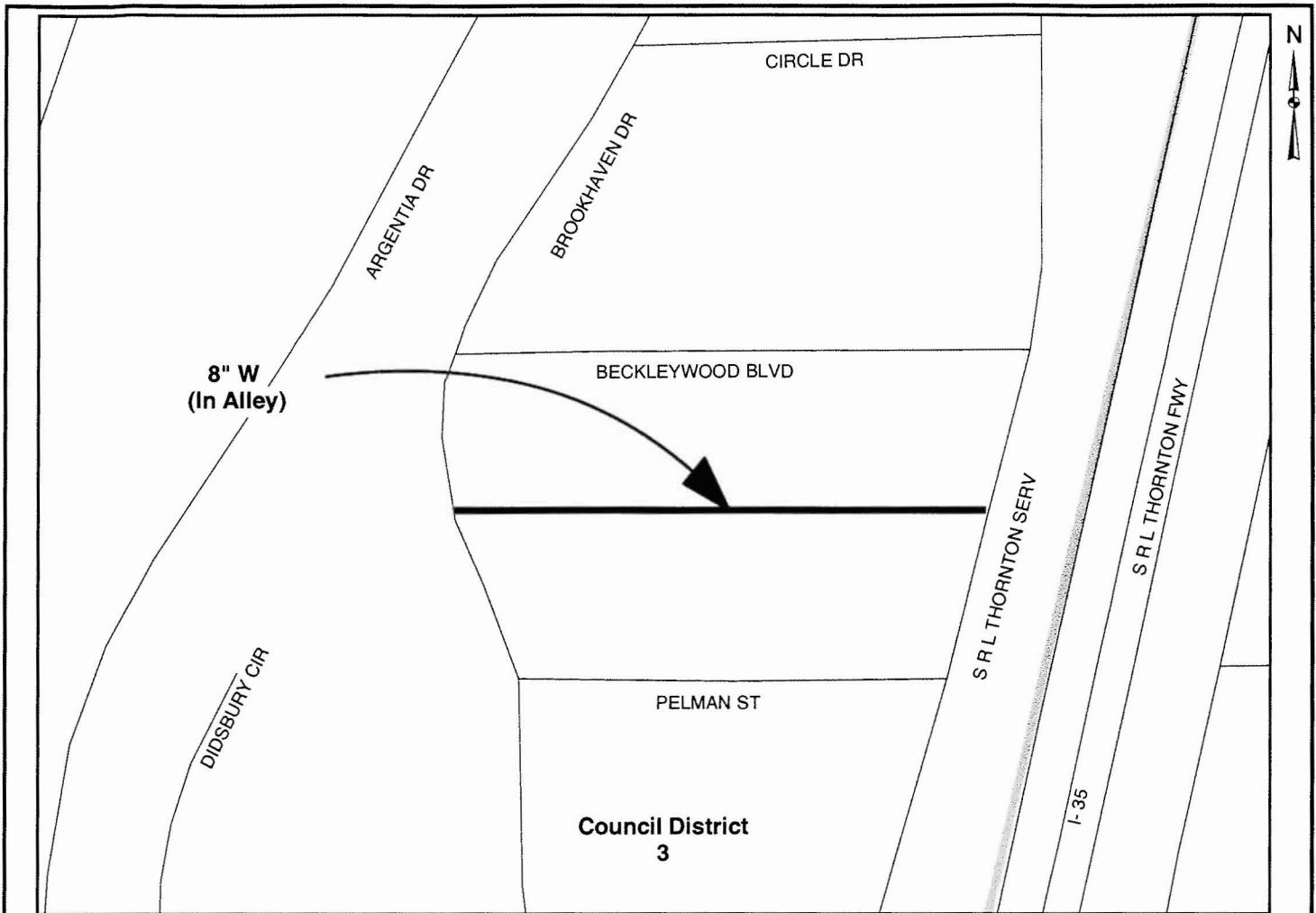


11: Mapsco: 46G
Council District: 2

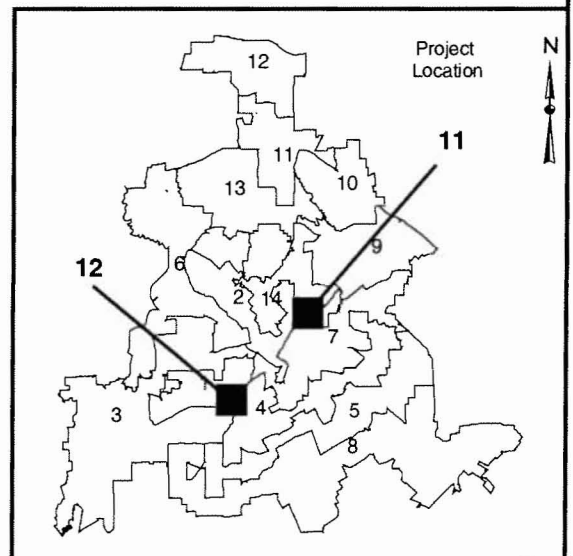


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

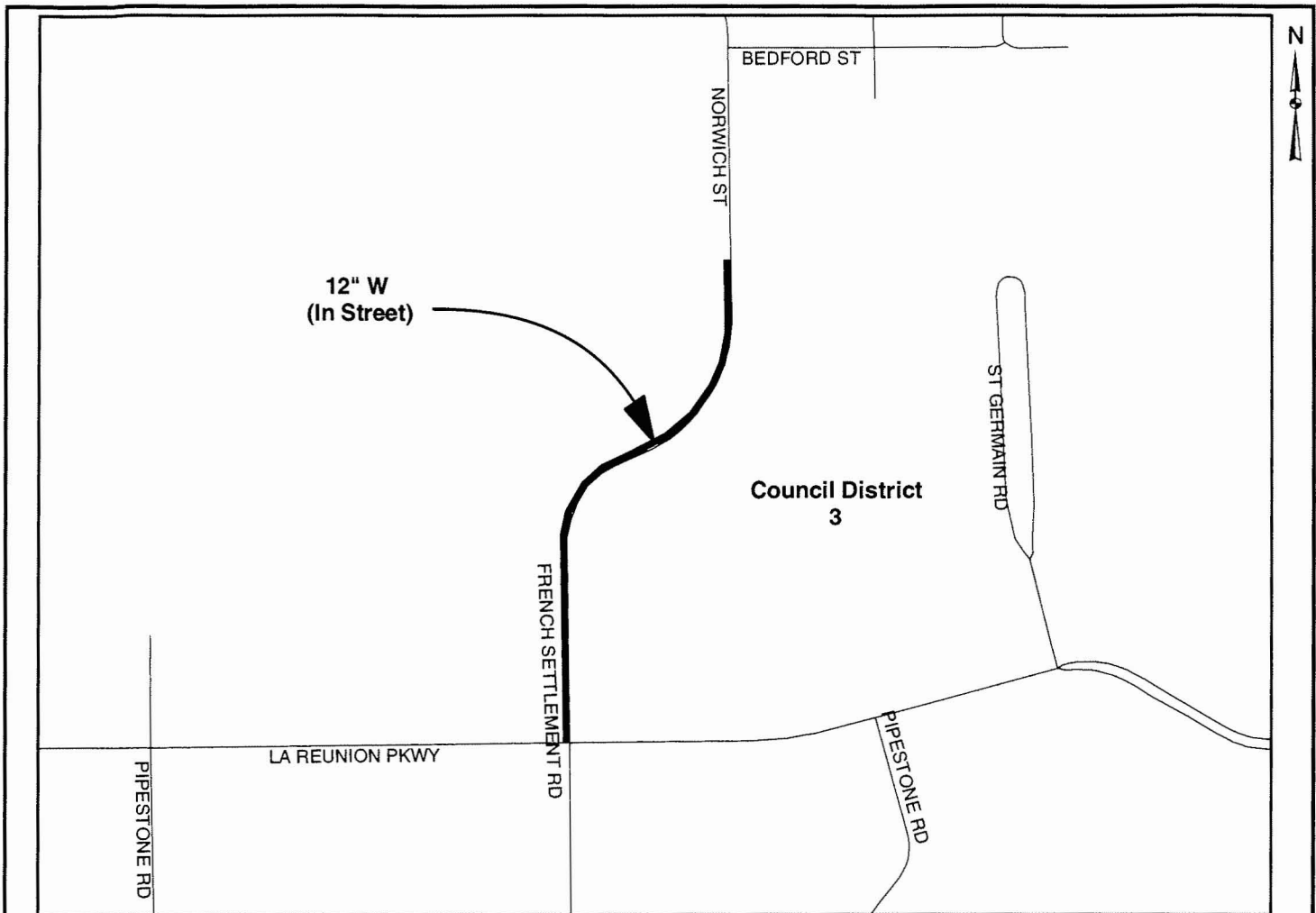


12: Mapsco: 54Q
Council District: 3

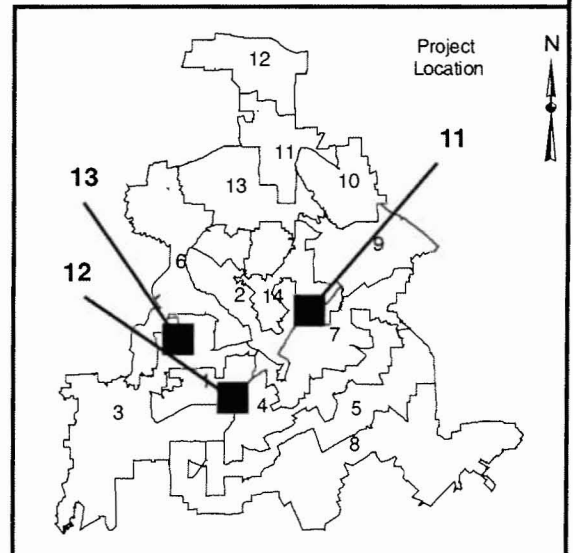


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

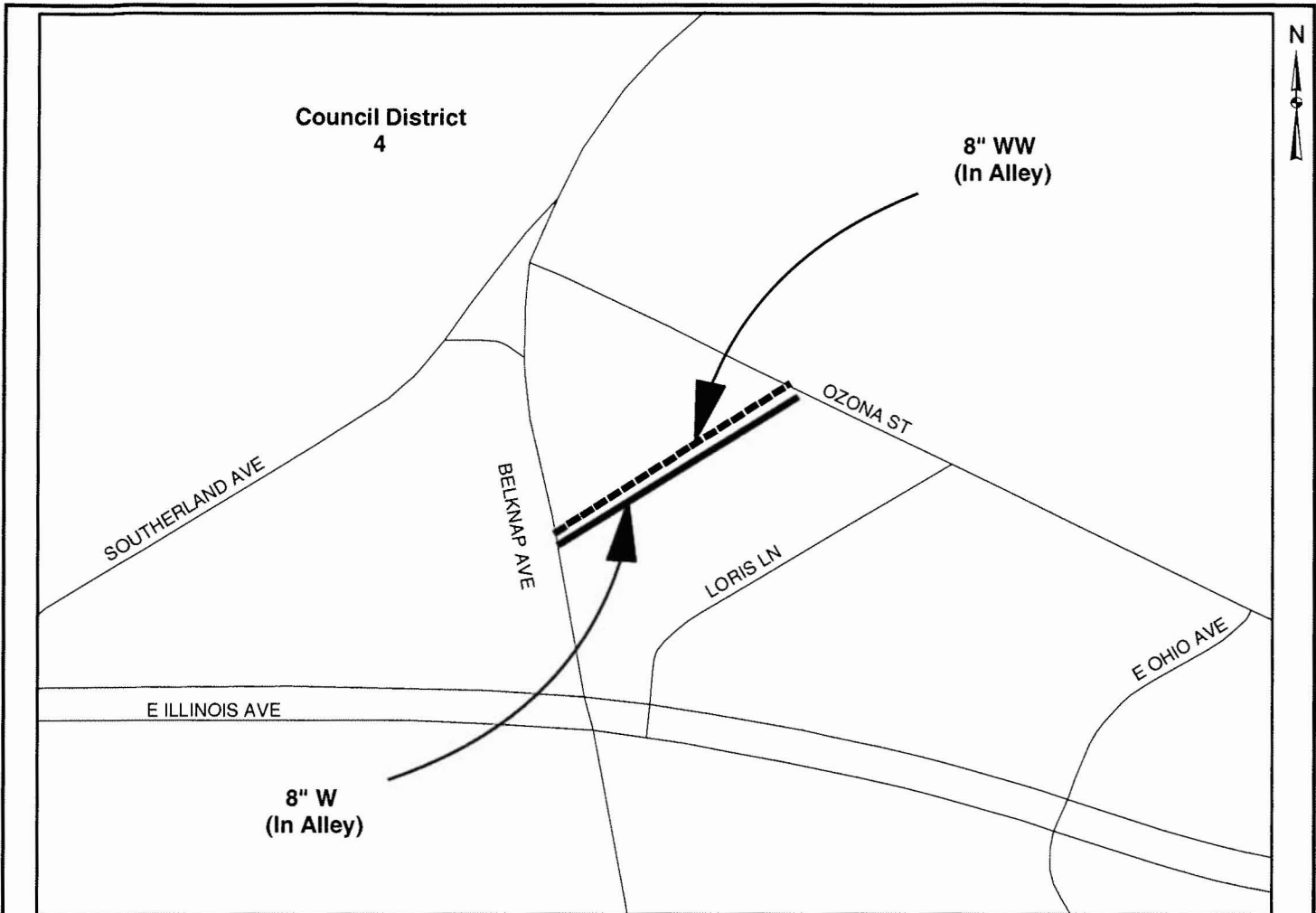


13: Mapsco: 43N, 43S
Council District: 3

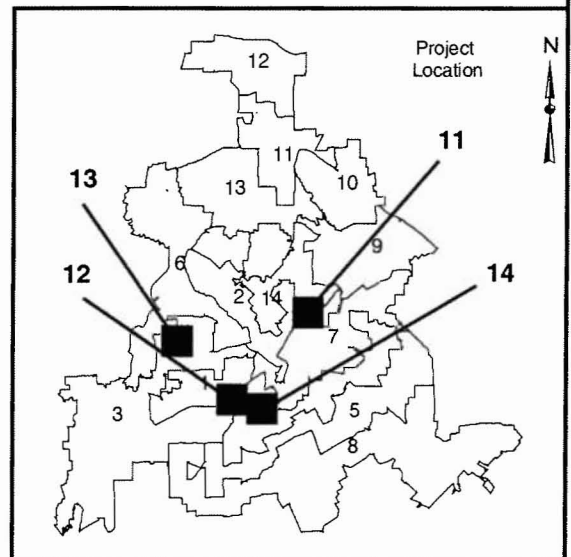


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

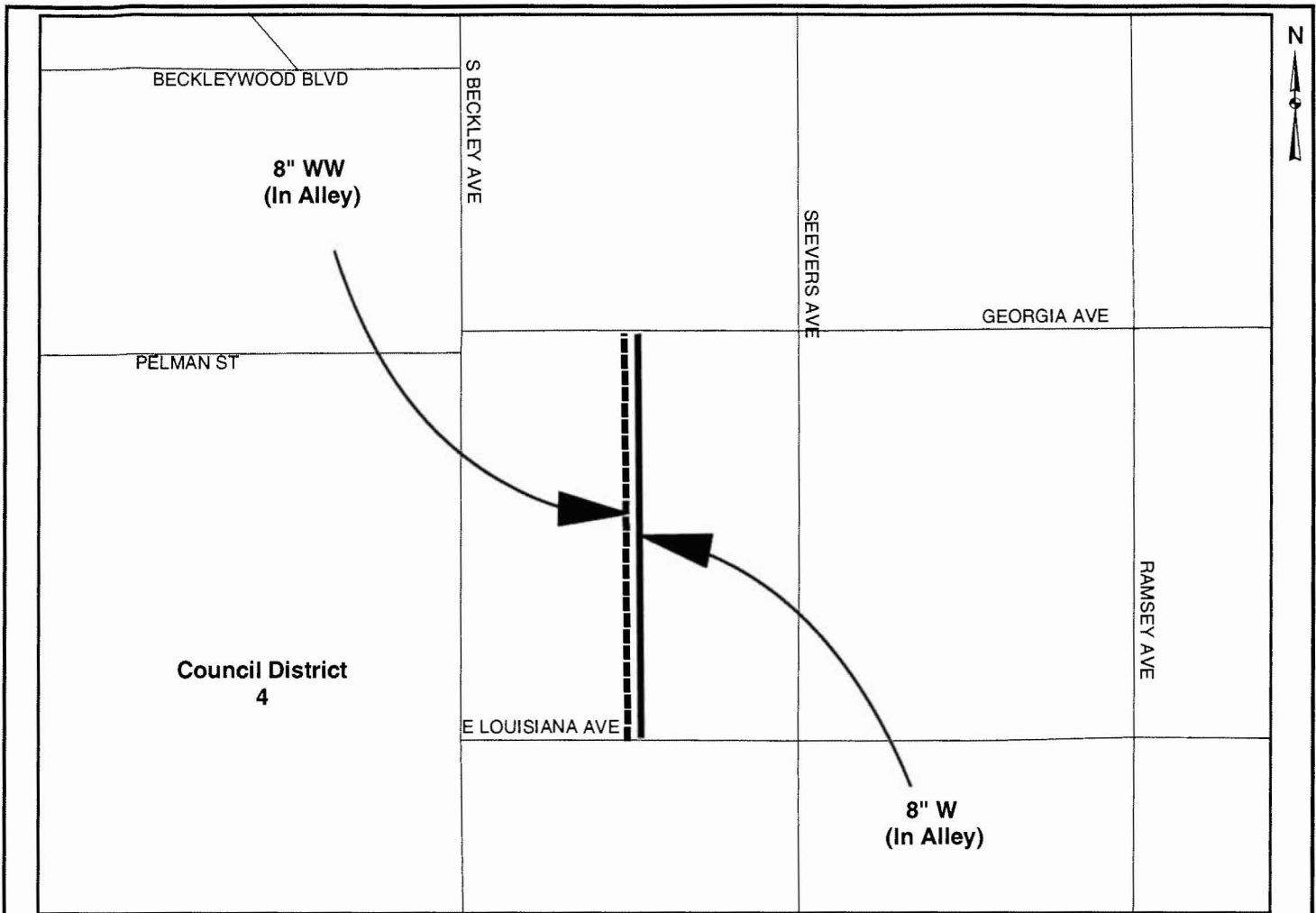


14: Mapsco: 55T
Council District: 4

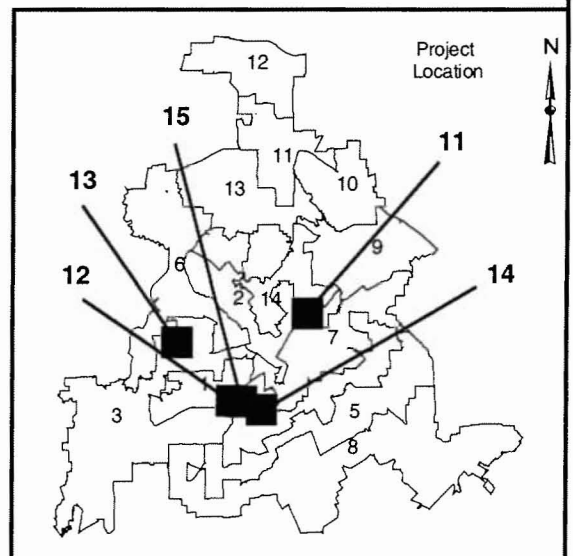


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

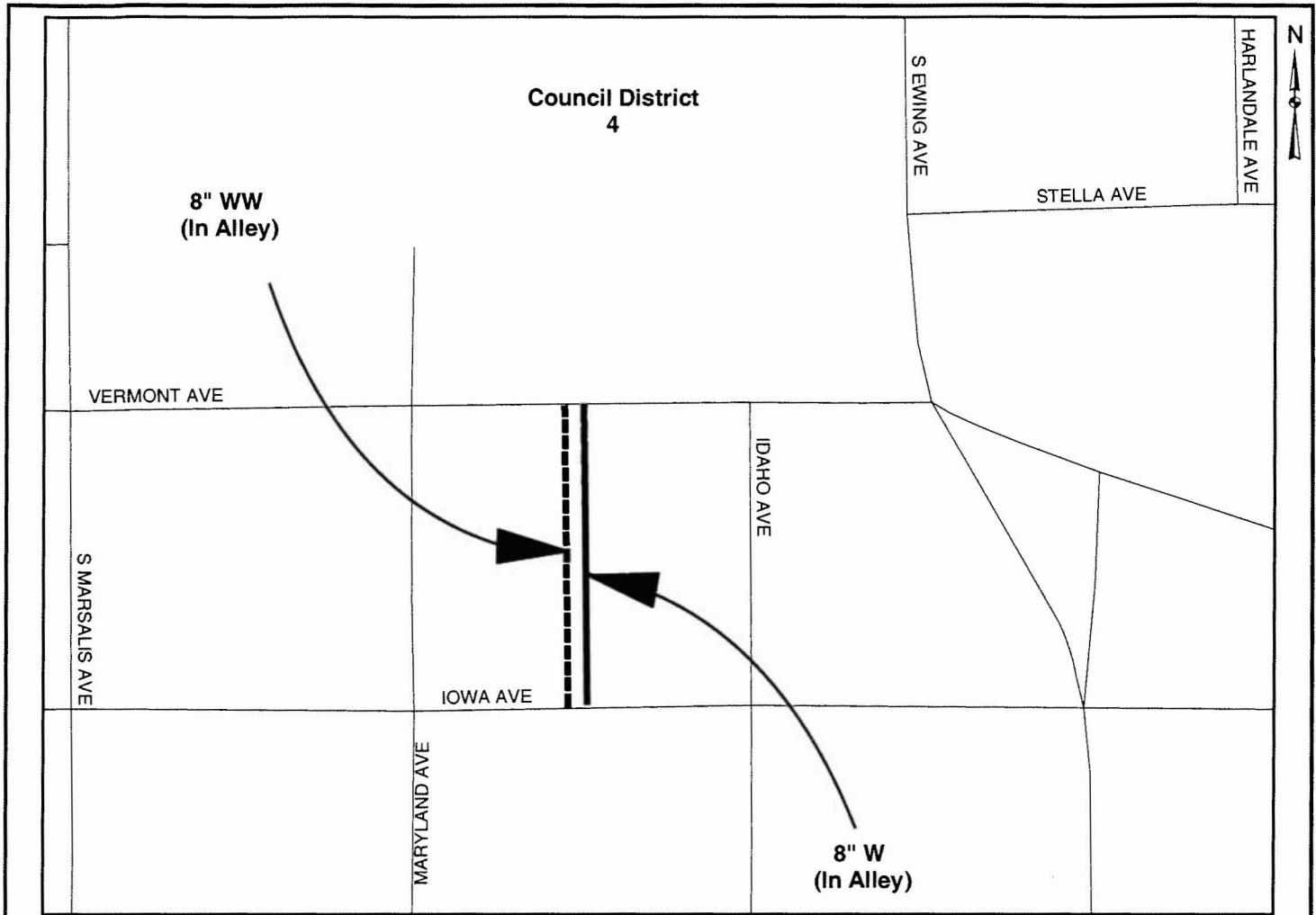


15: Mapsco: 55R
Council District: 4

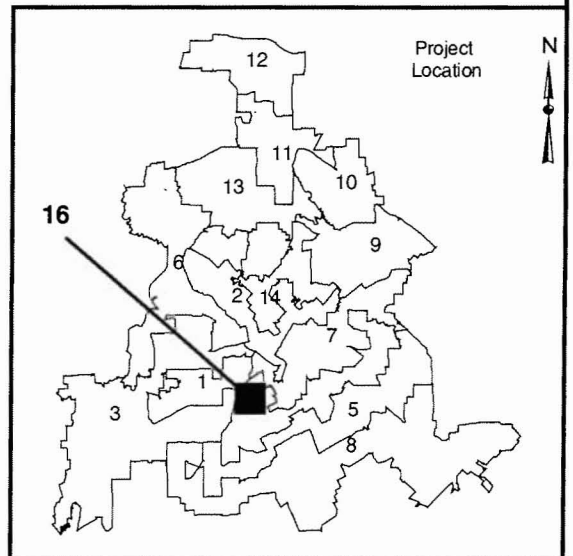


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

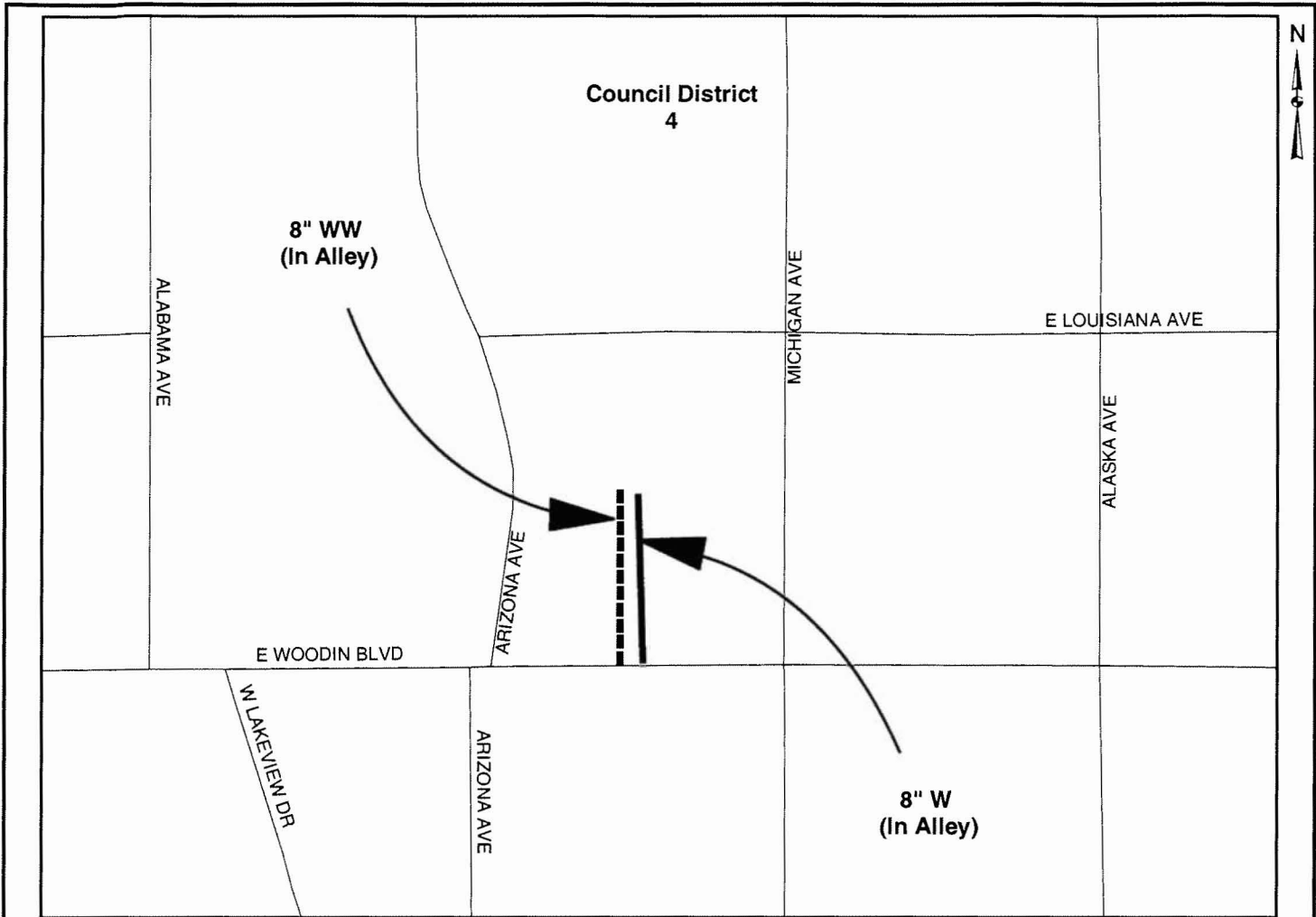


16: Mapsco: 55N
Council District: 4

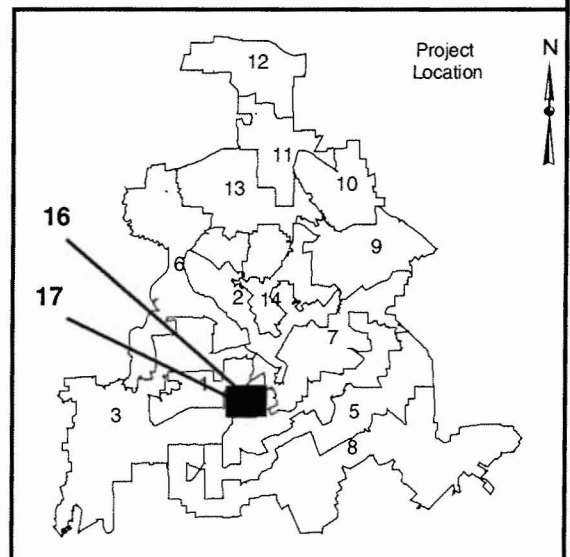


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

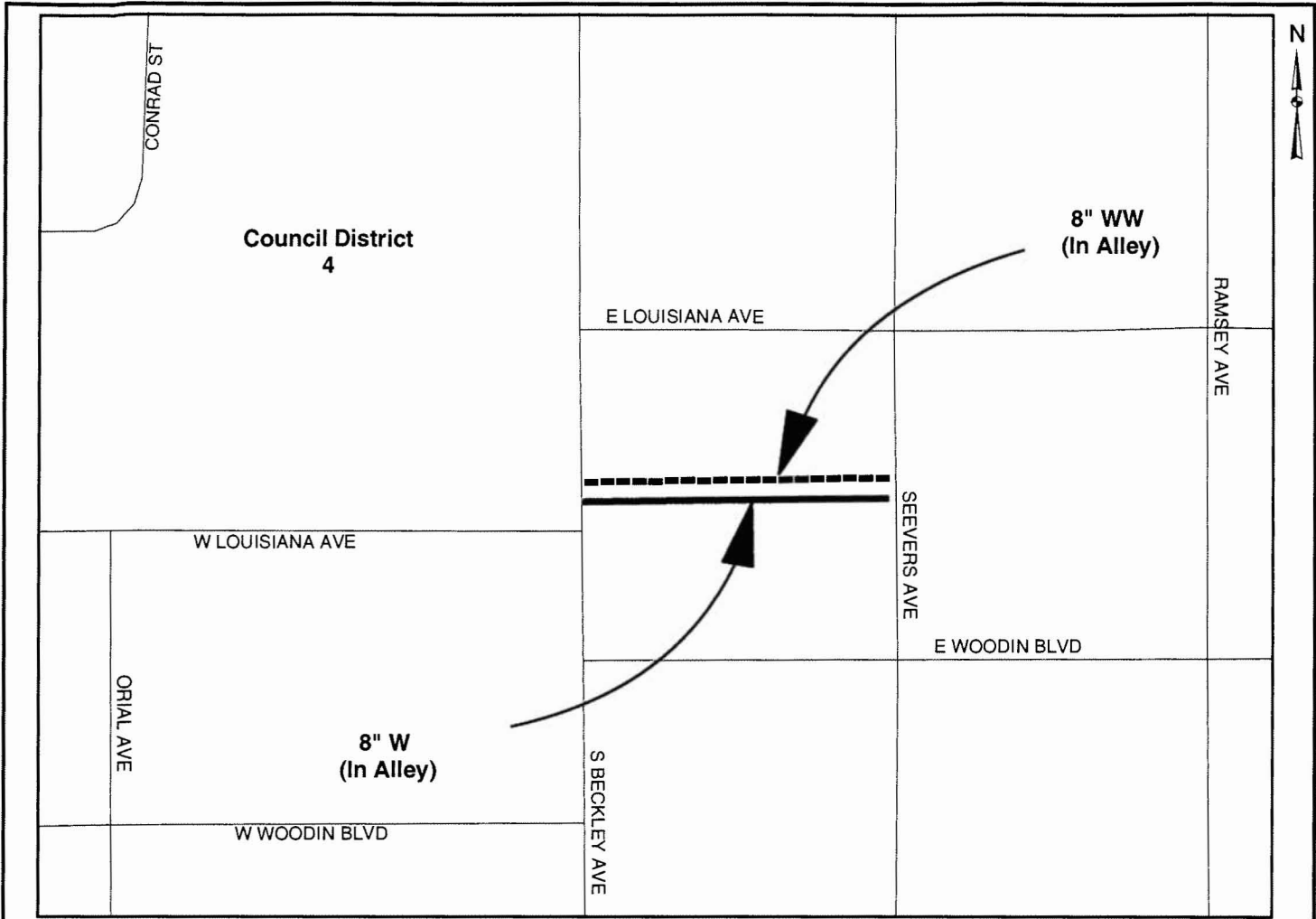


17: Mapsco: 55R
Council District: 4

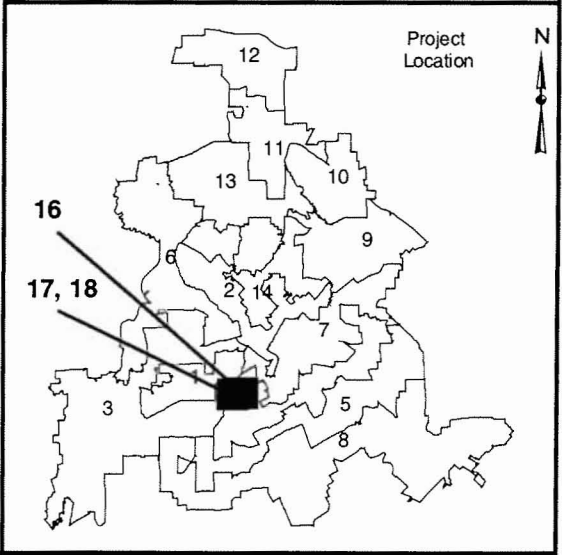


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

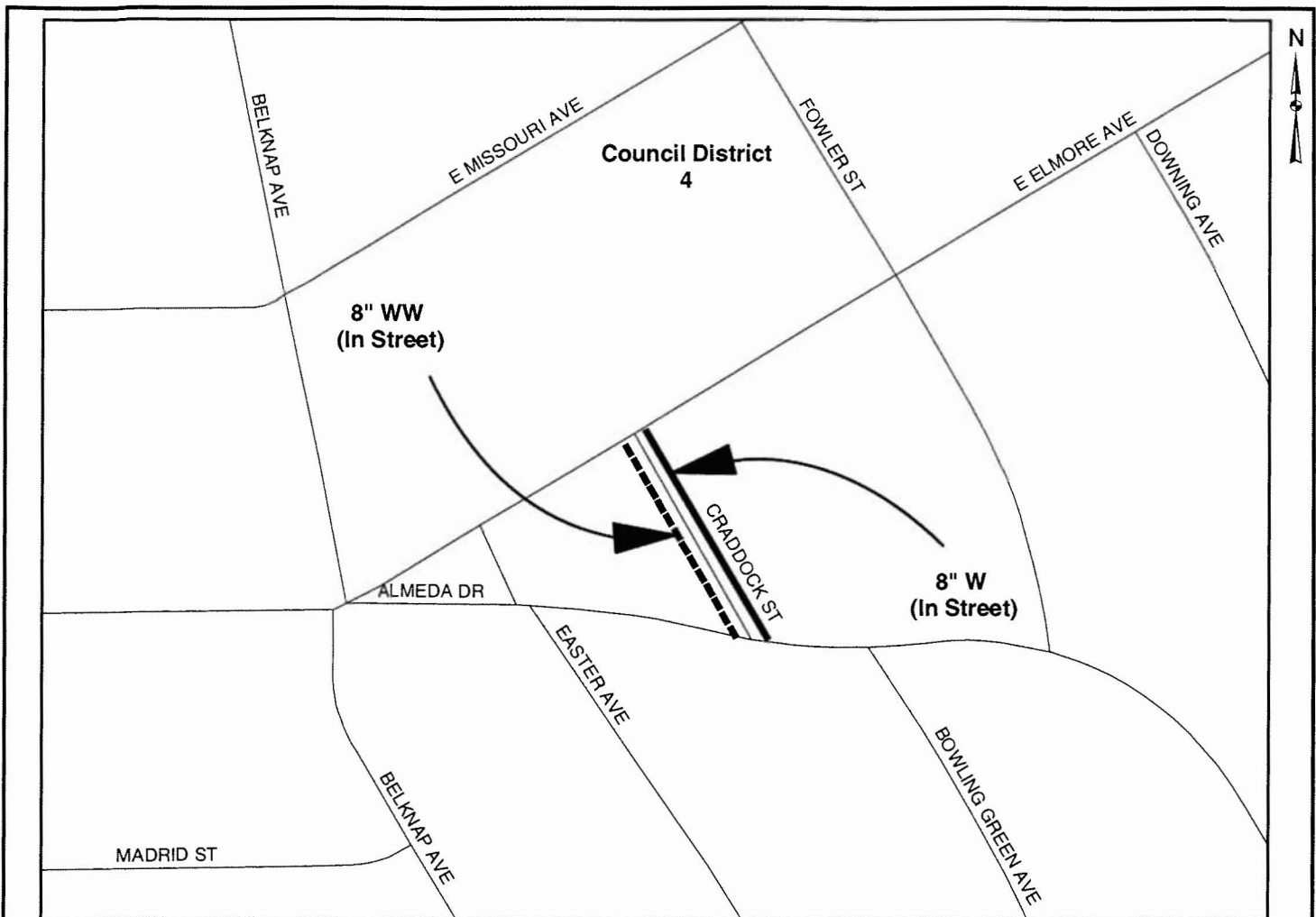


18: Mapsco: 55R
Council District: 4

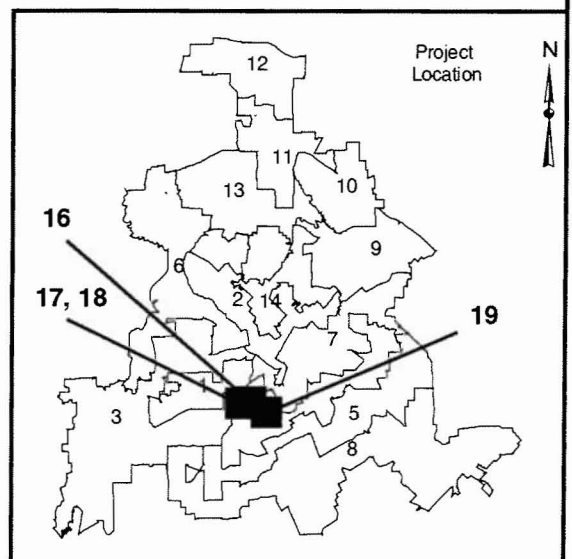


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

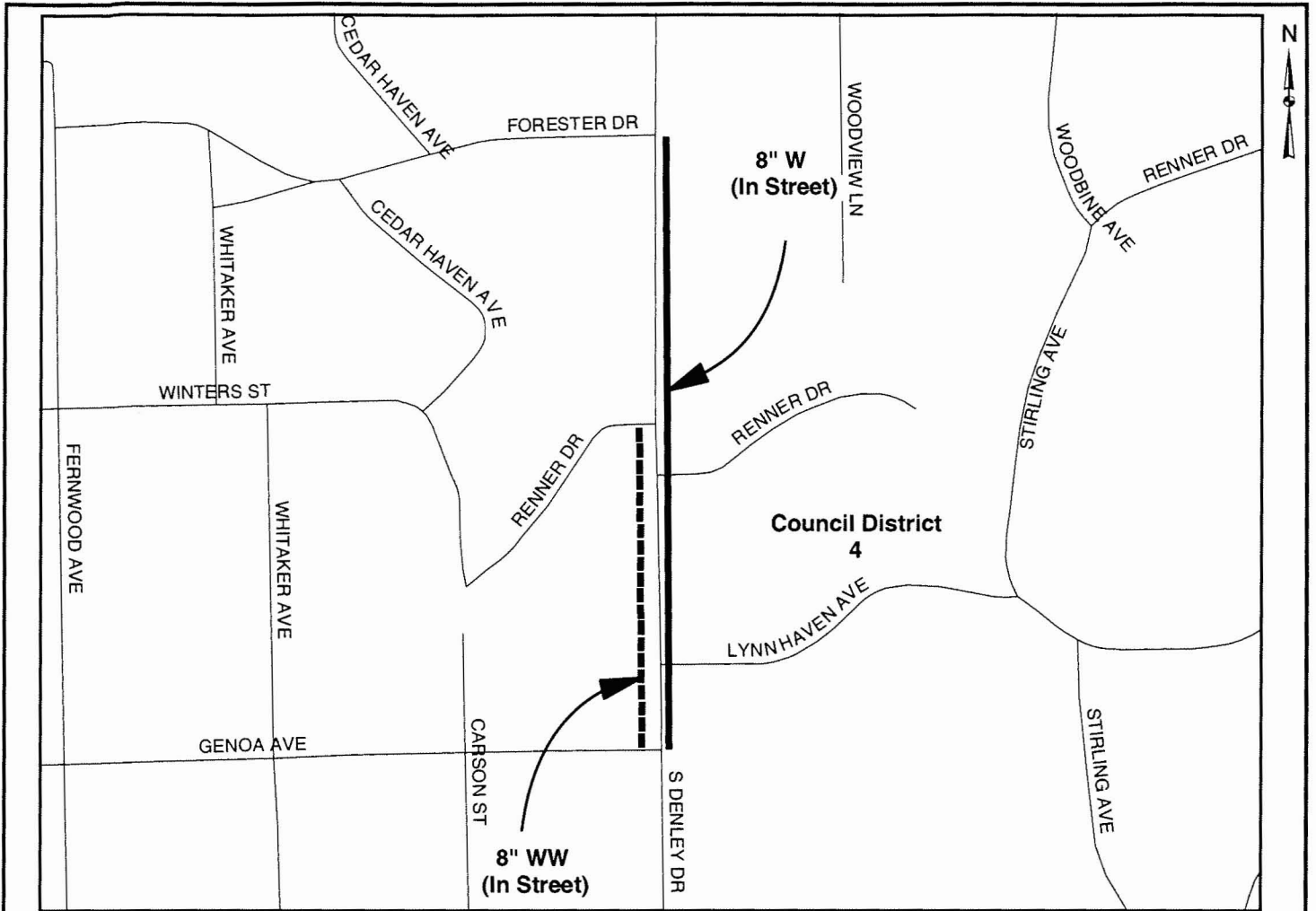


19: Mapsco: 55T, 55U
Council District: 4

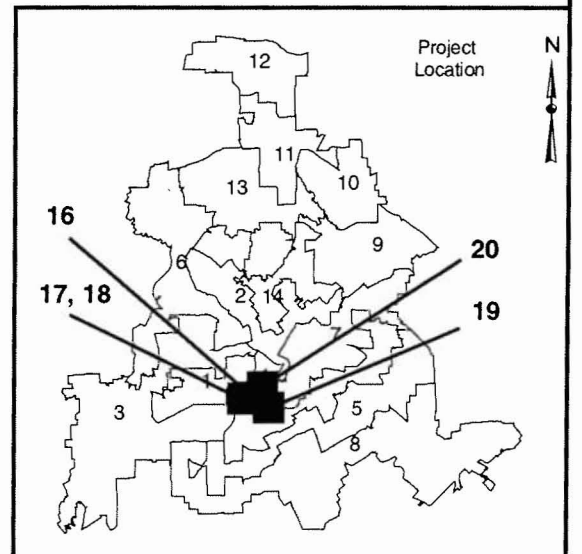


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

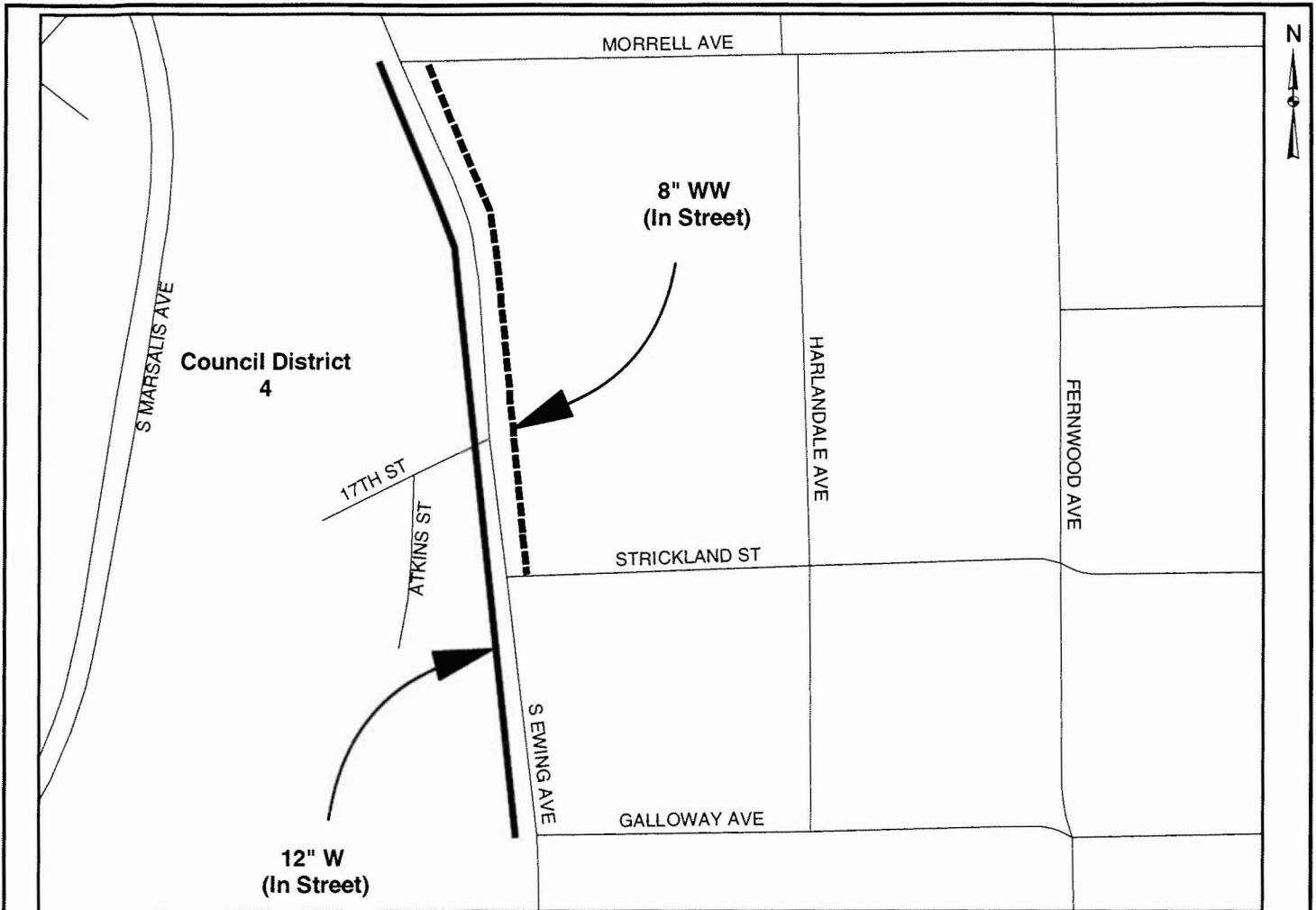


20: Mapsco: 55K
Council District: 4

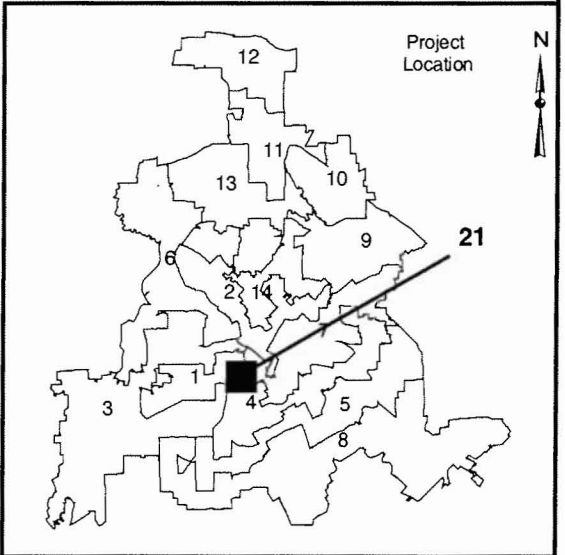


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

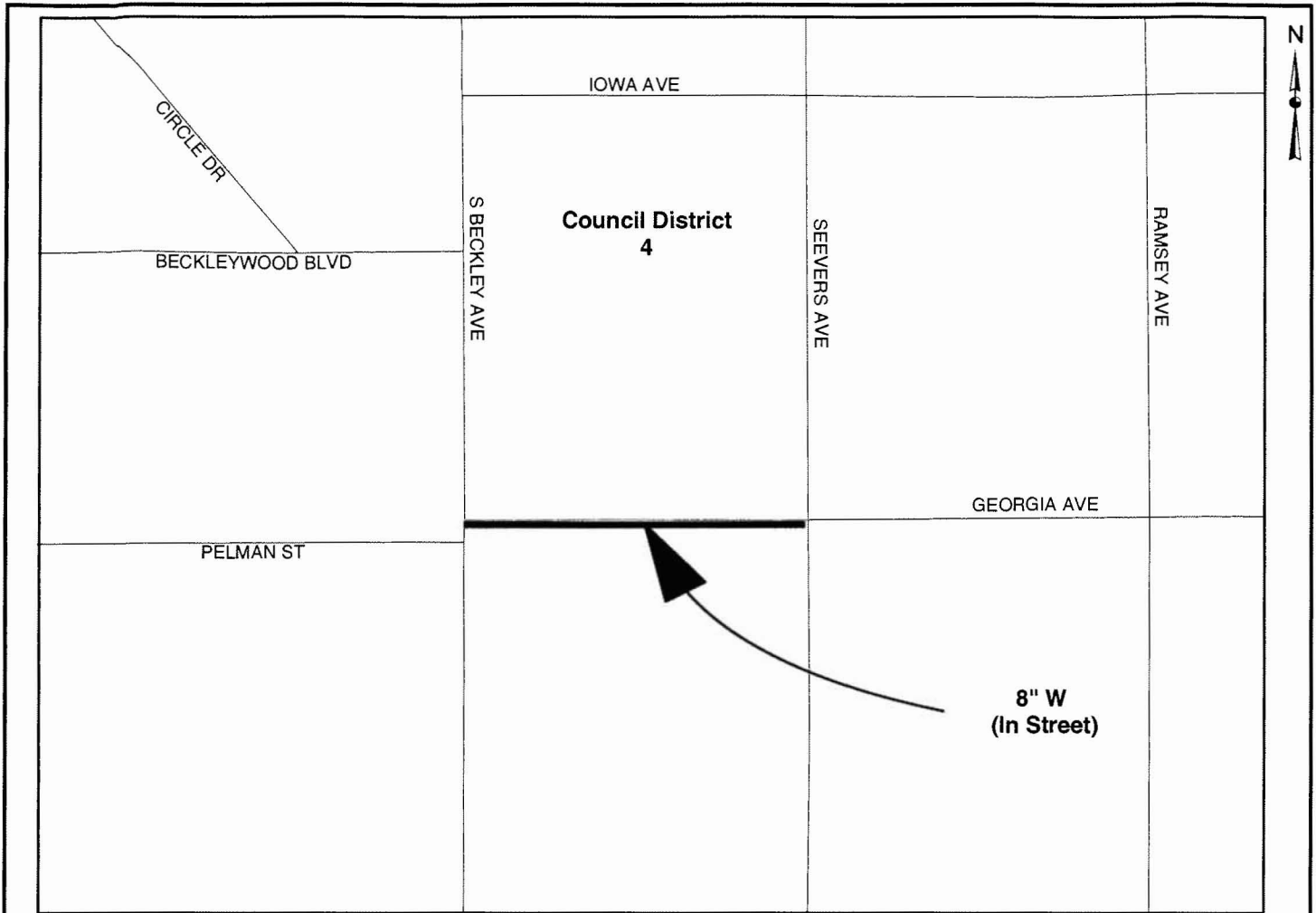


21: Mapsco: 55E, 55J
 Council District: 4

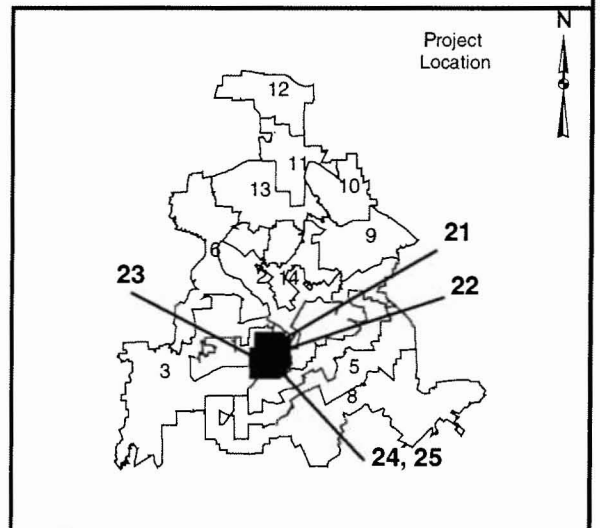


**Dallas Water
 Utilities**

Contract Nos. 07-137 and 07-138
 Water and Wastewater Main Replacement
 and Rehabilitation at 33 Locations

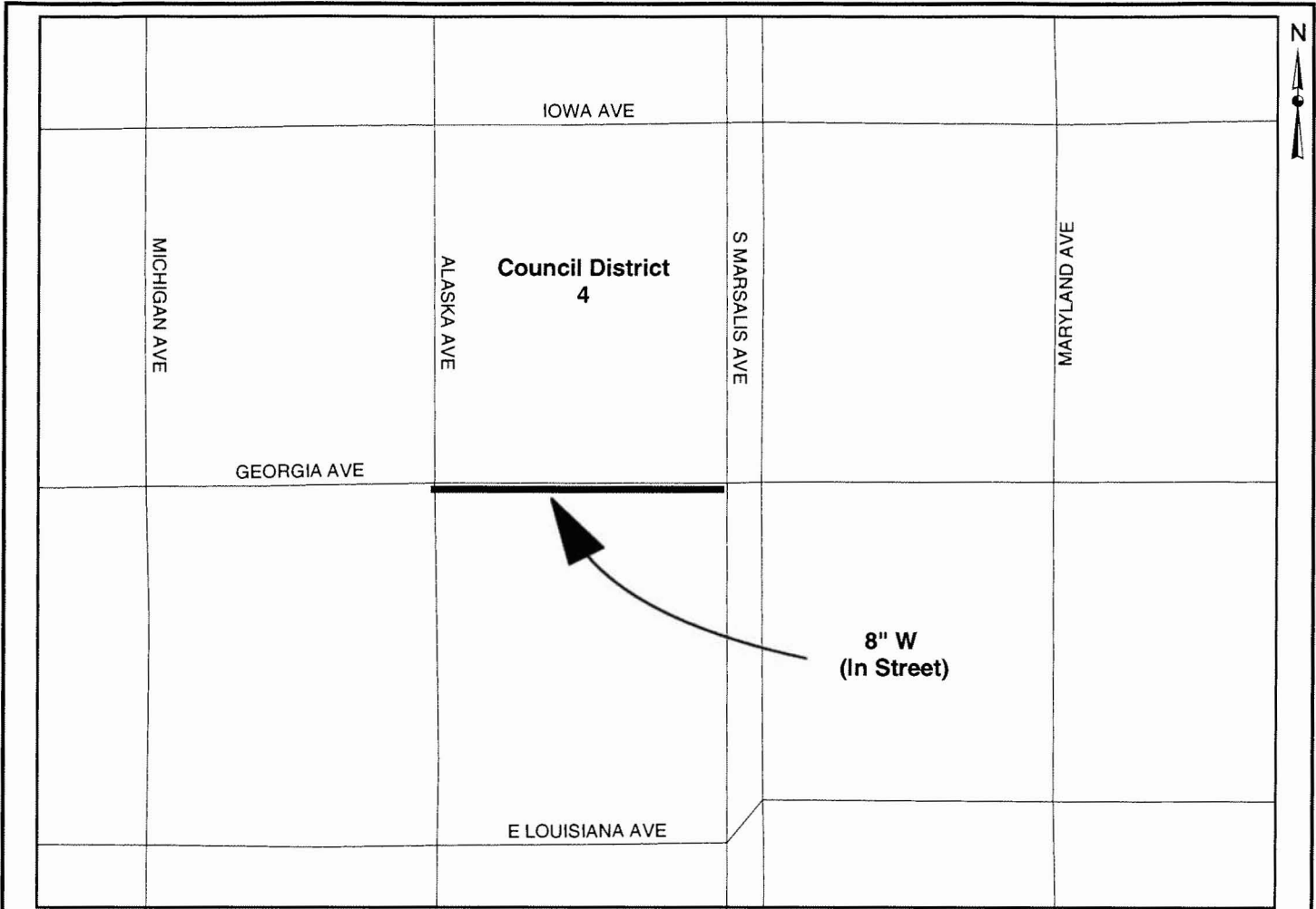


22: Mapsco: 54R
Council District: 4

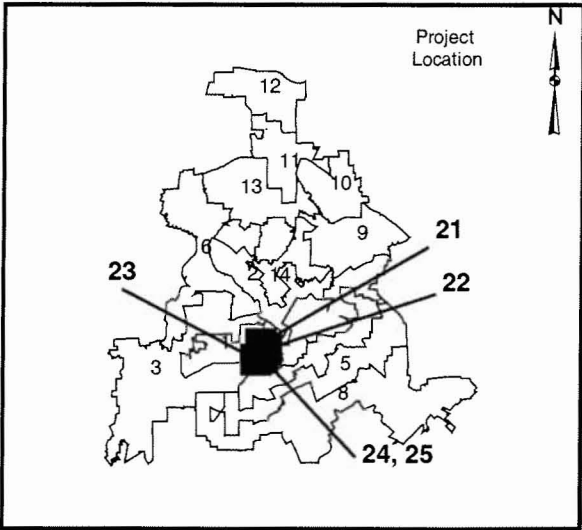


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

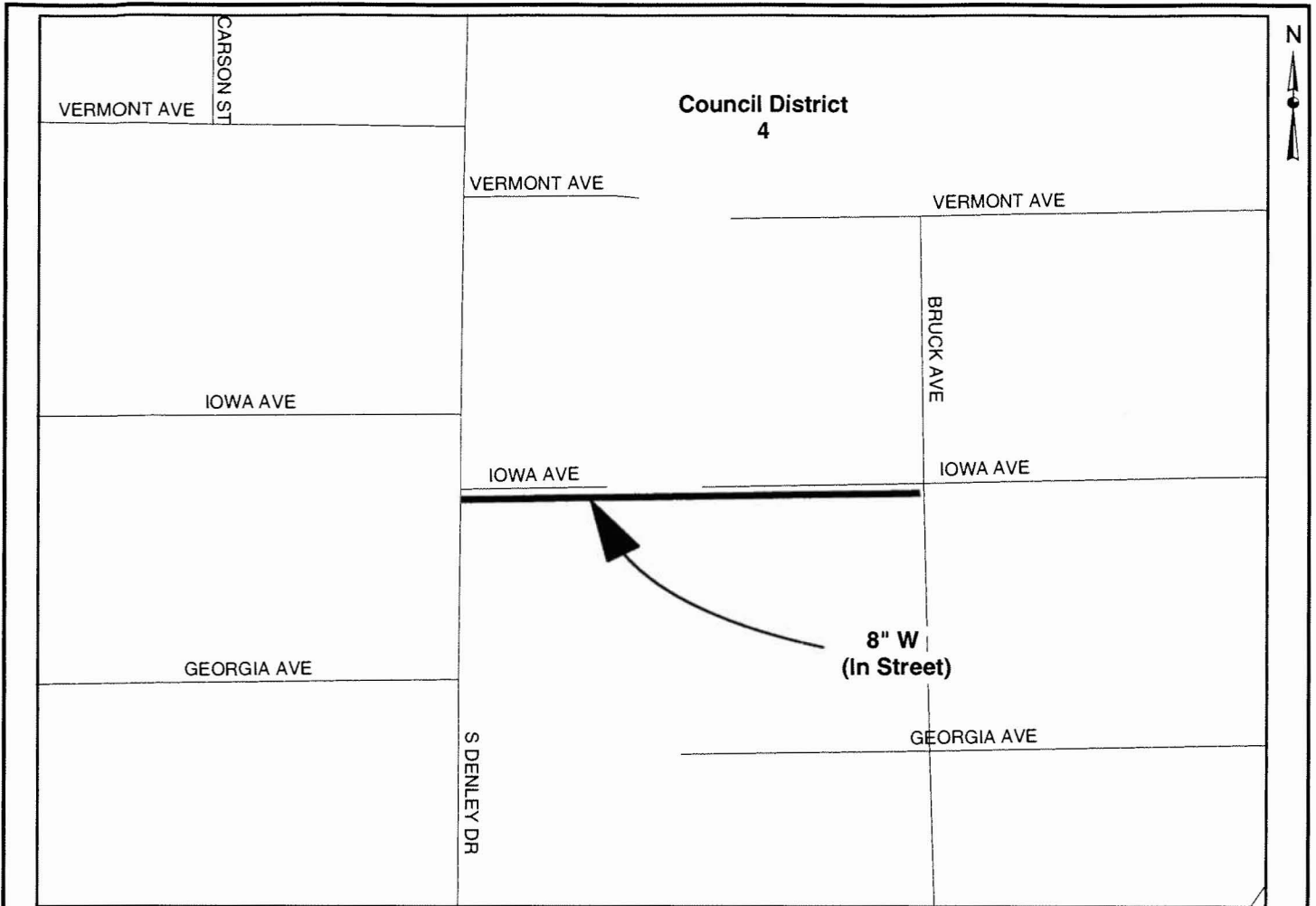


23: Mapsco: 55N
Council District: 4

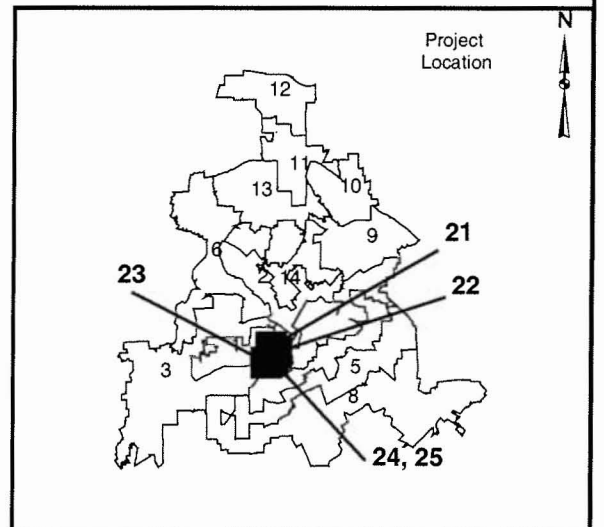


**Dallas Water
Utilities**

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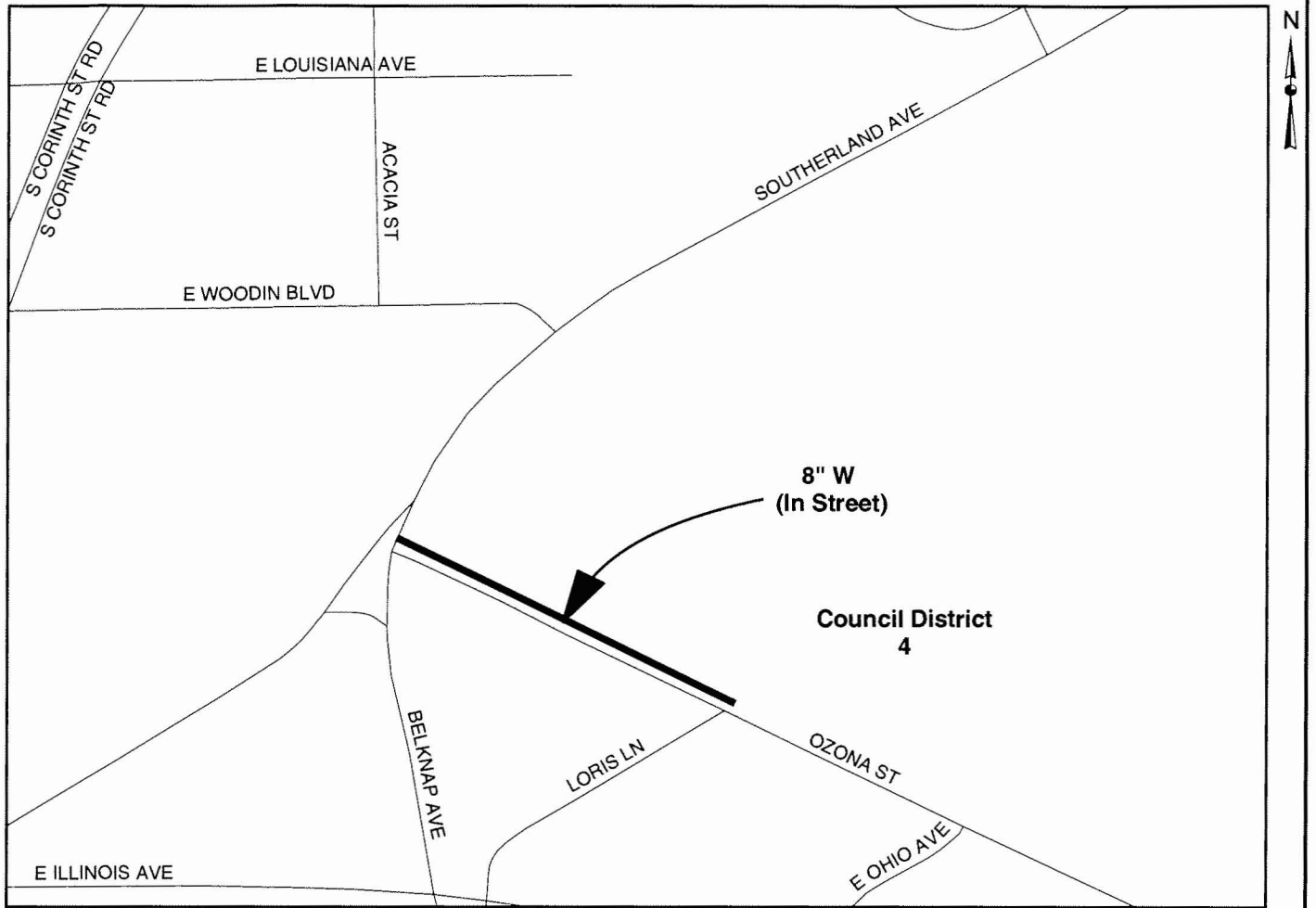


24: Mapsco: 55P
Council District: 4

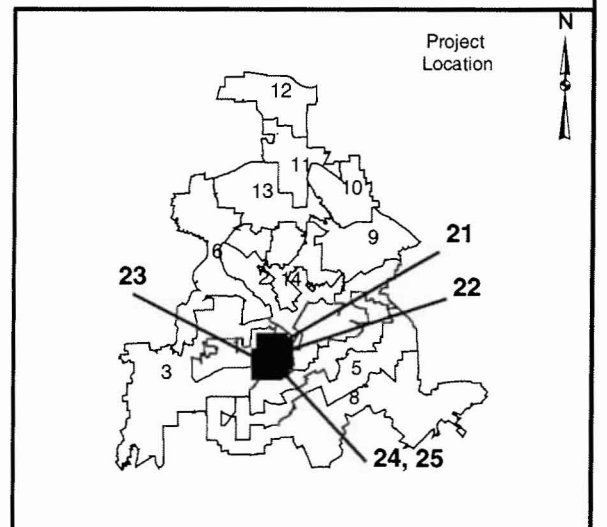


Dallas Water Utilities

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

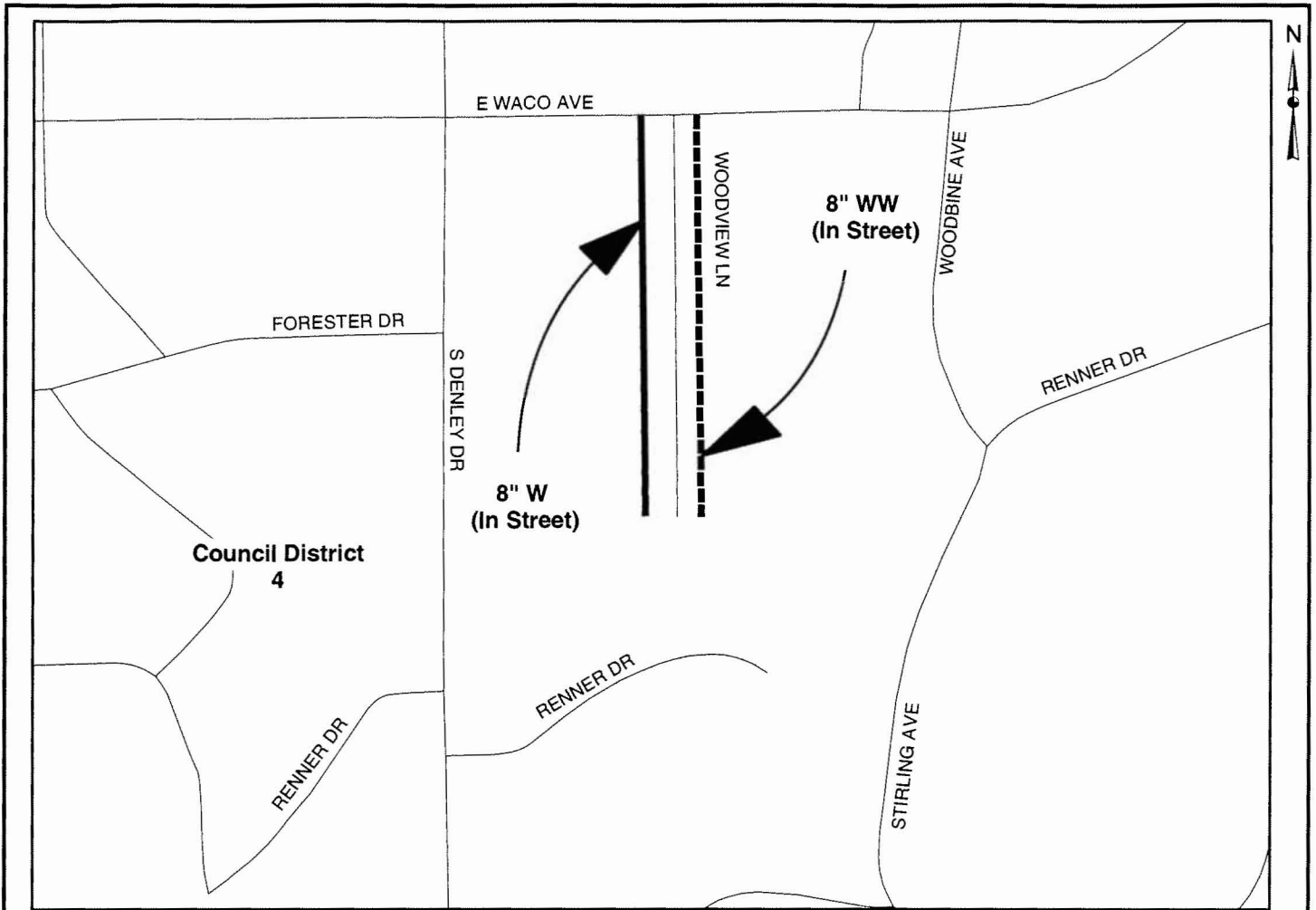


25: Mapsco: 55P, 55T
Council District: 4

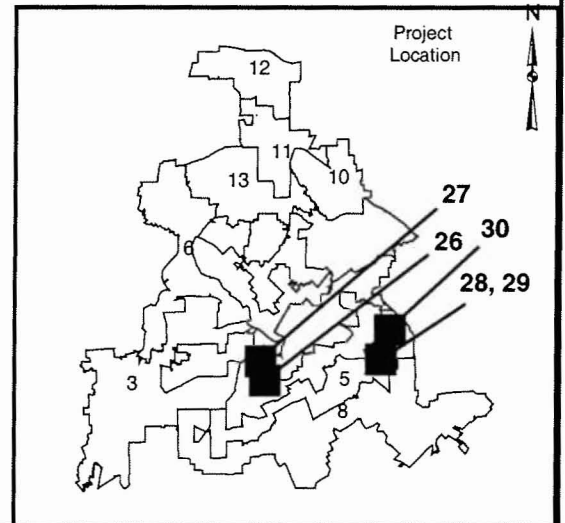


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

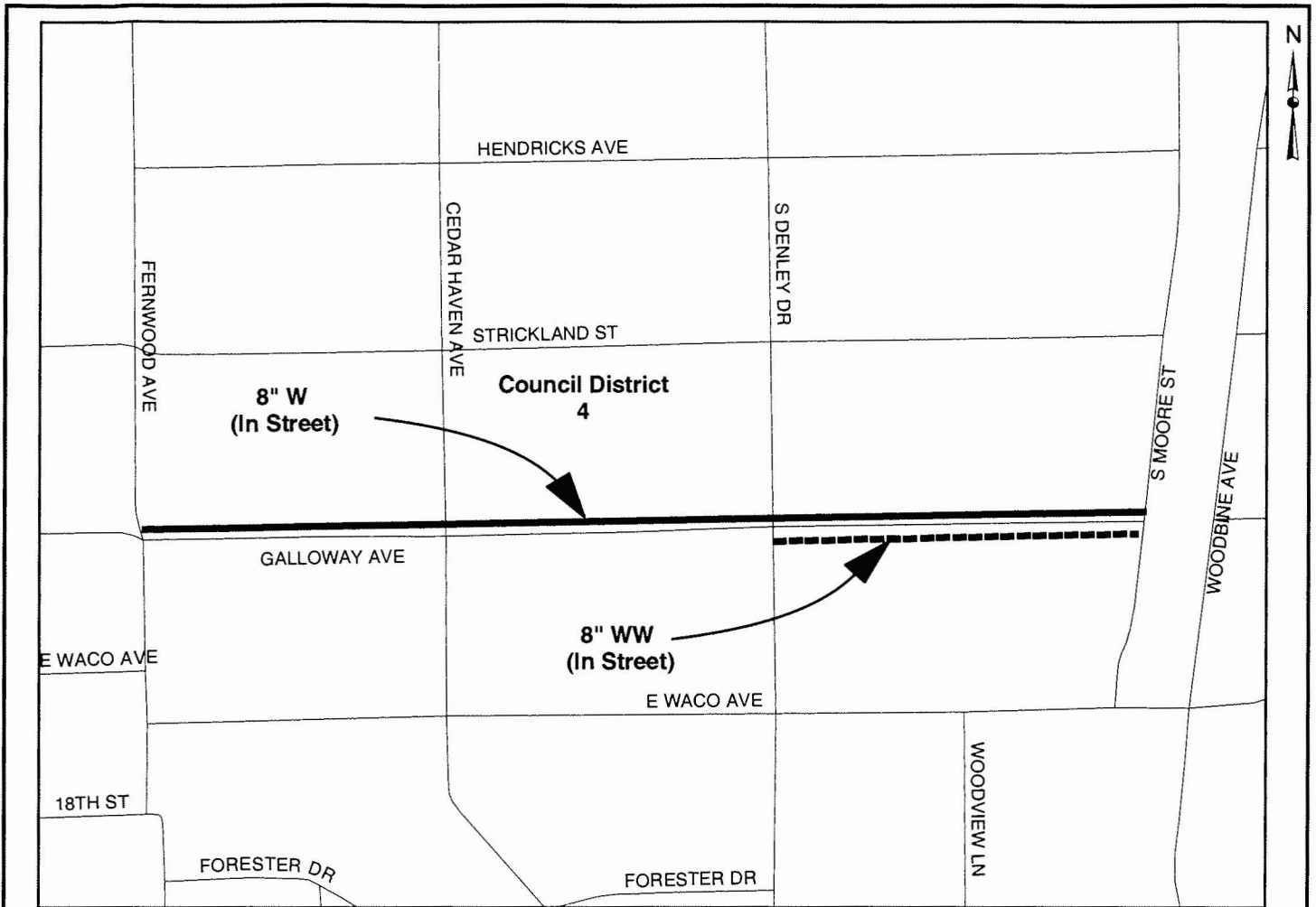


26: Mapsco: 55K
Council District: 4

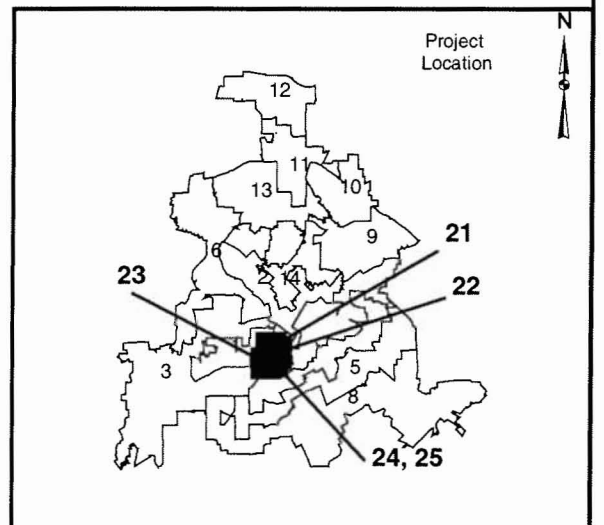


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
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and Rehabilitation at 33 Locations

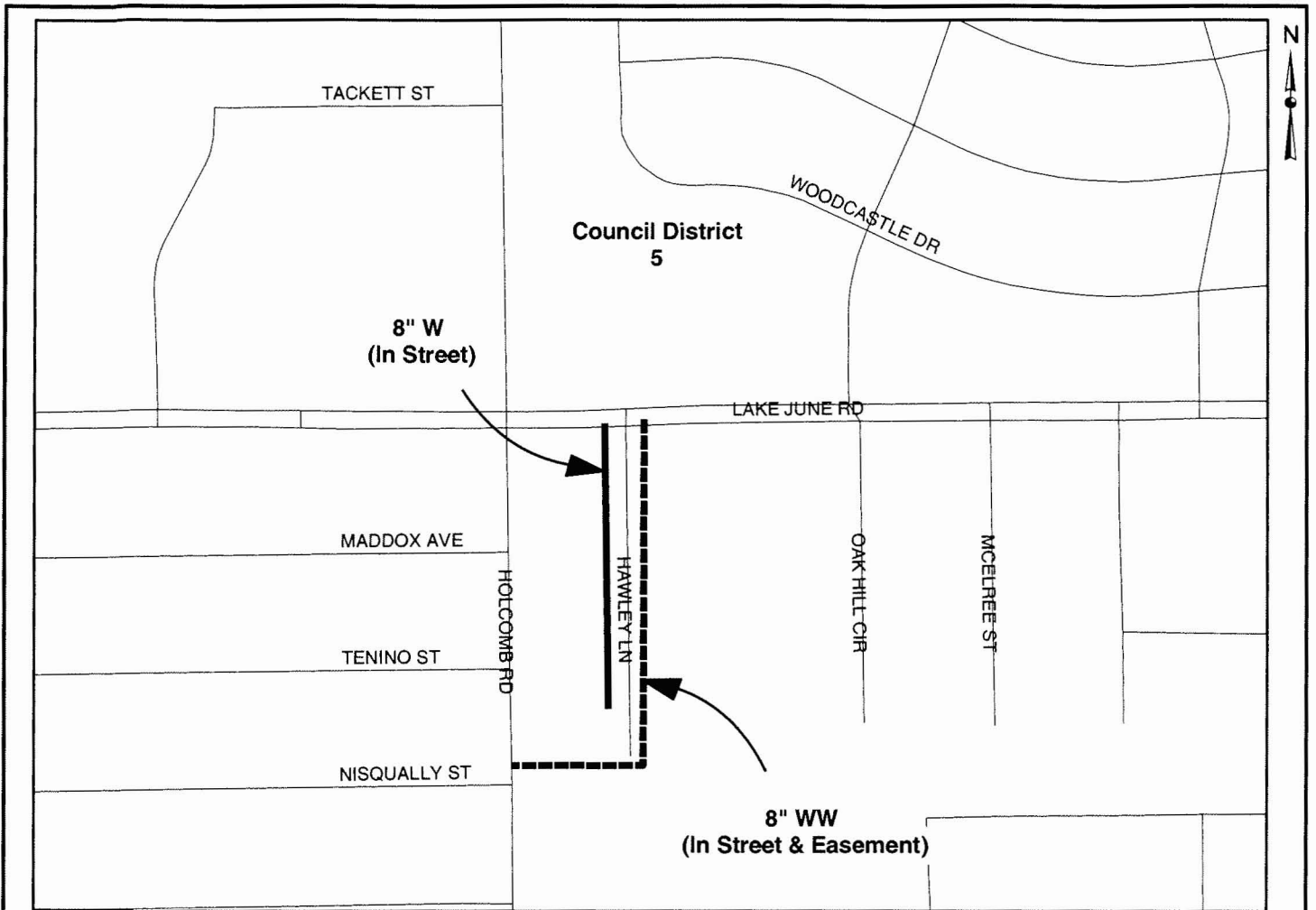


27: Mapsco: 55J, 55K
Council District: 4

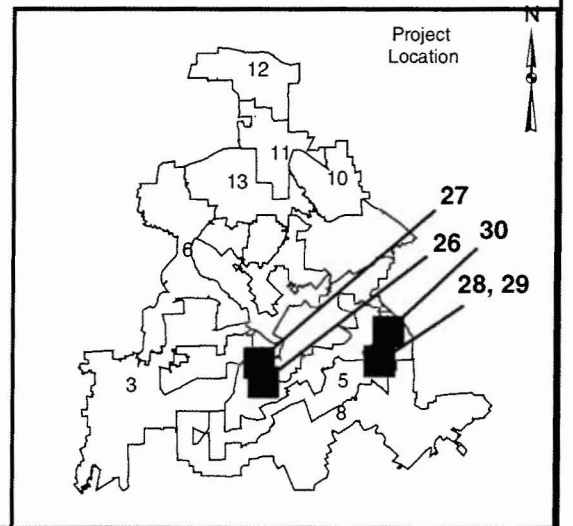


**Dallas Water
Utilities**

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Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

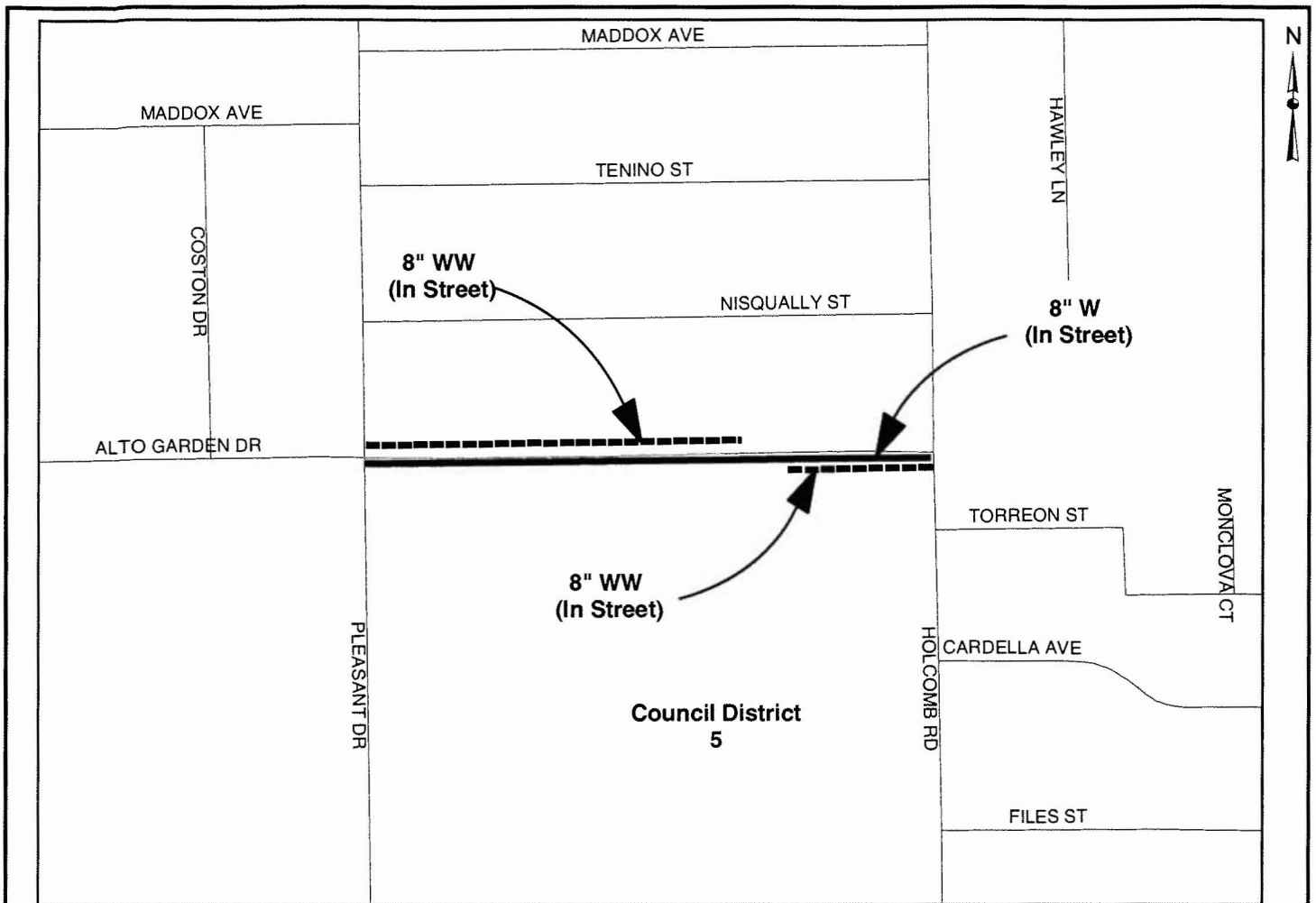


28: Mapsco: 58M
Council District: 5

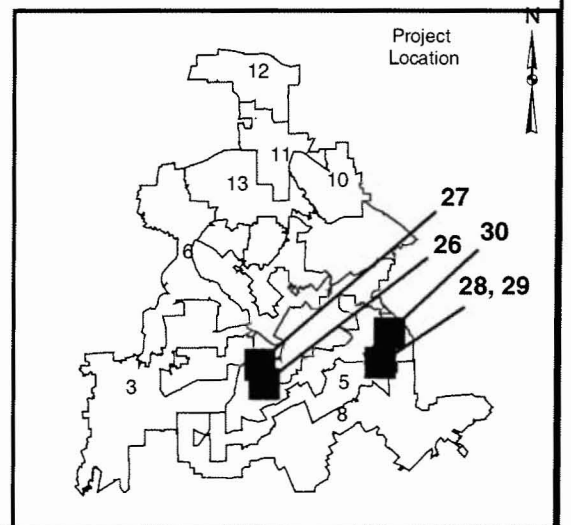


**Dallas Water
Utilities**

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Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

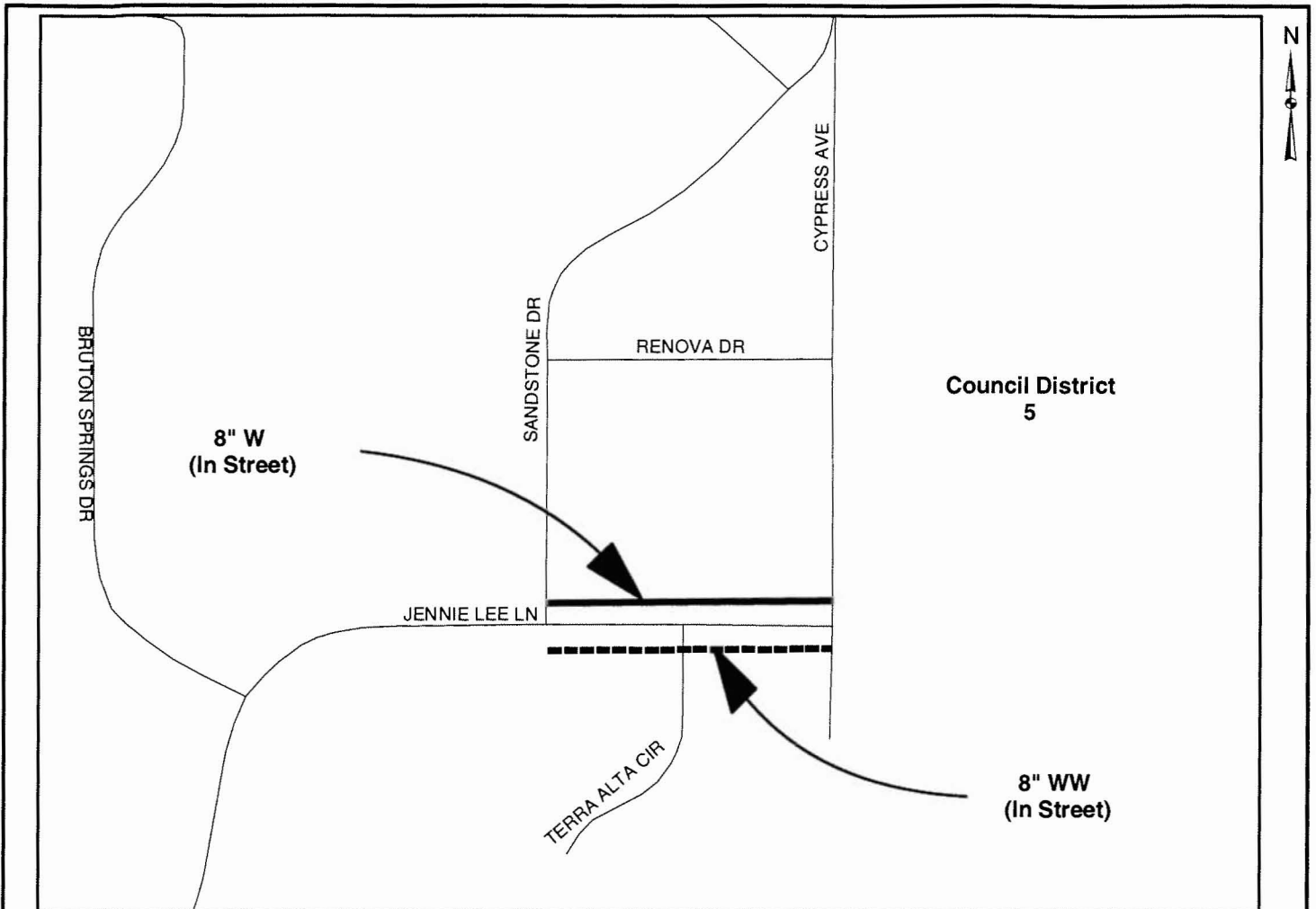


29: Mapsco: 58M
Council District: 5

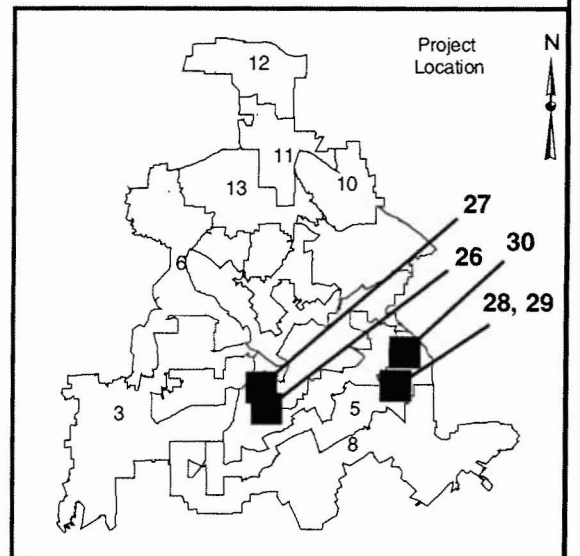


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

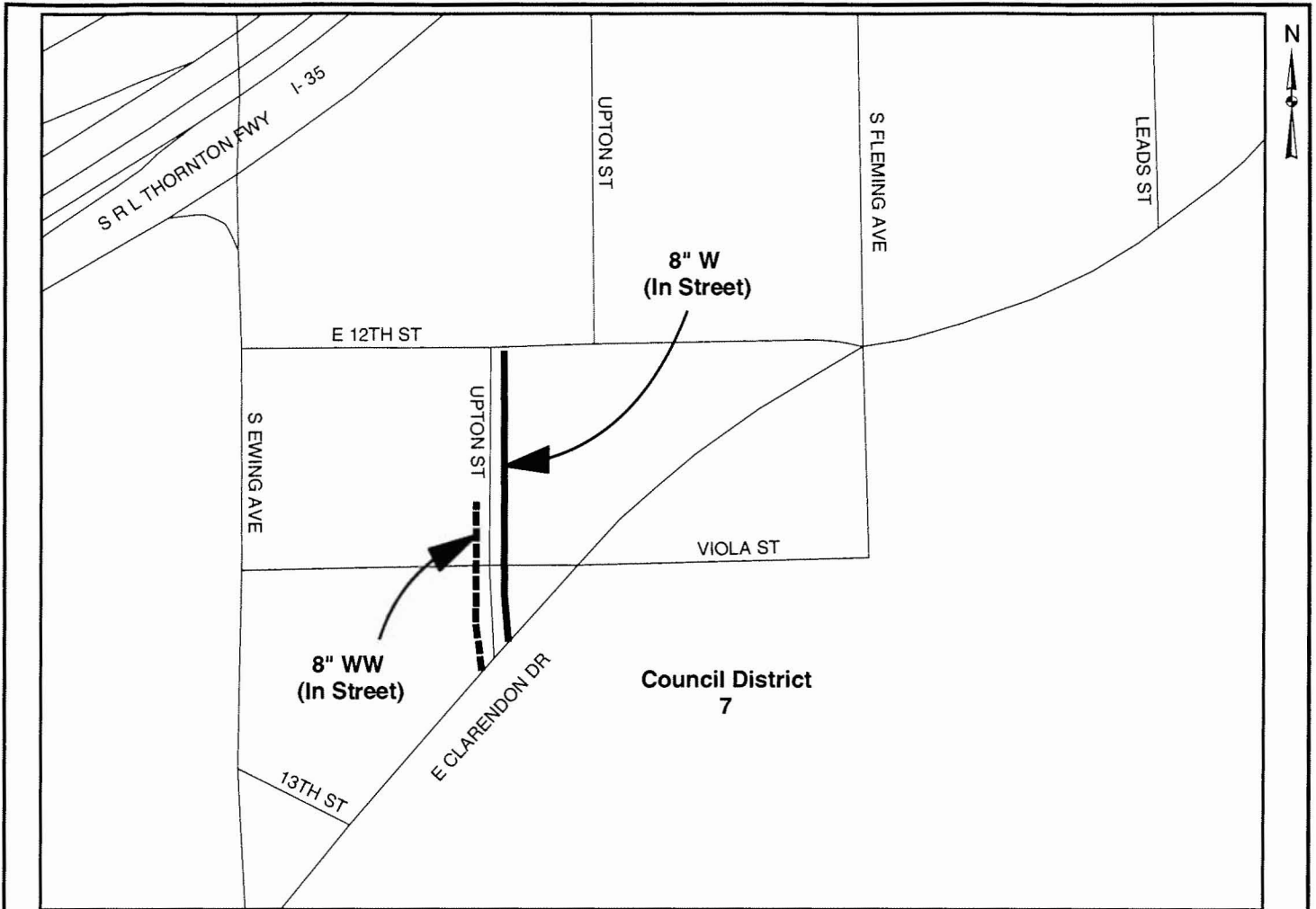


30: Mapsco: 49W
Council District: 5

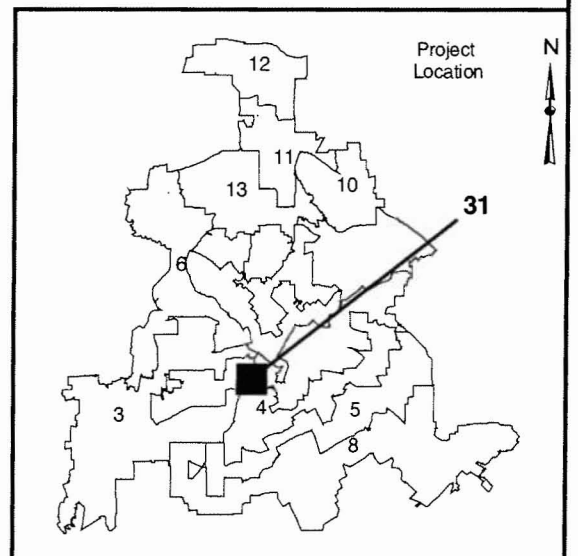


**Dallas Water
Utilities**

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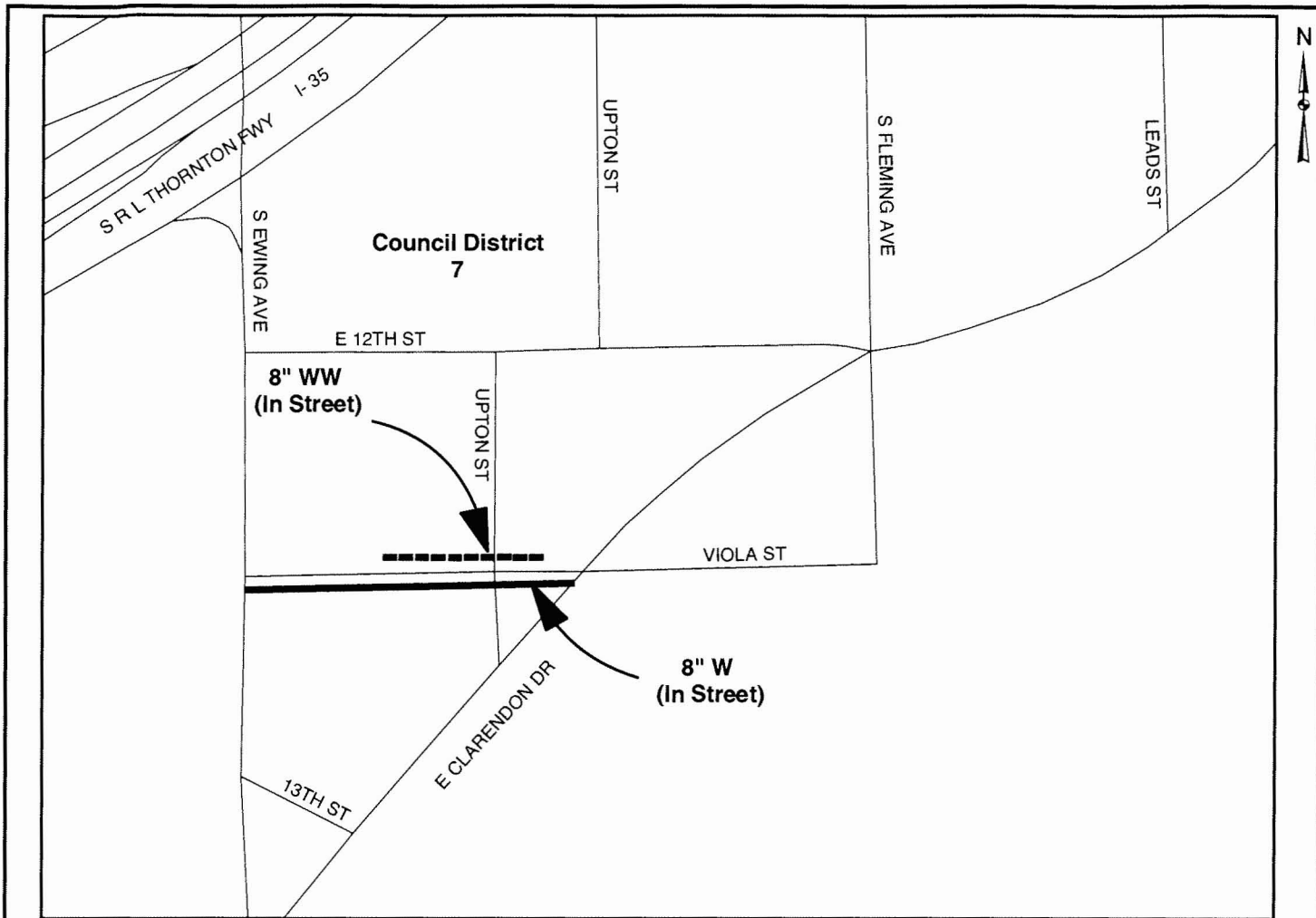


31: Mapsco: 55E
Council District: 7

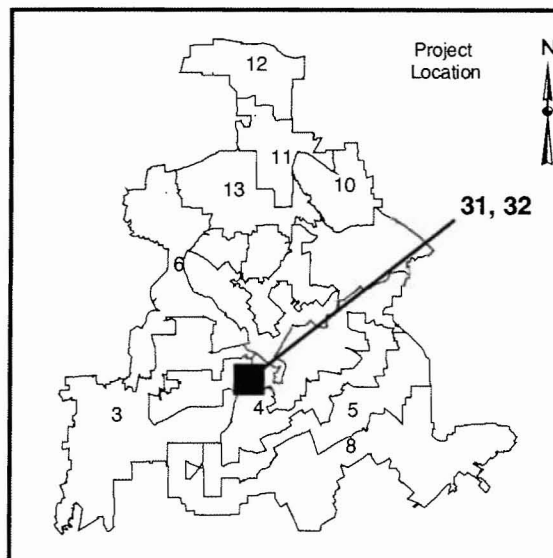


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

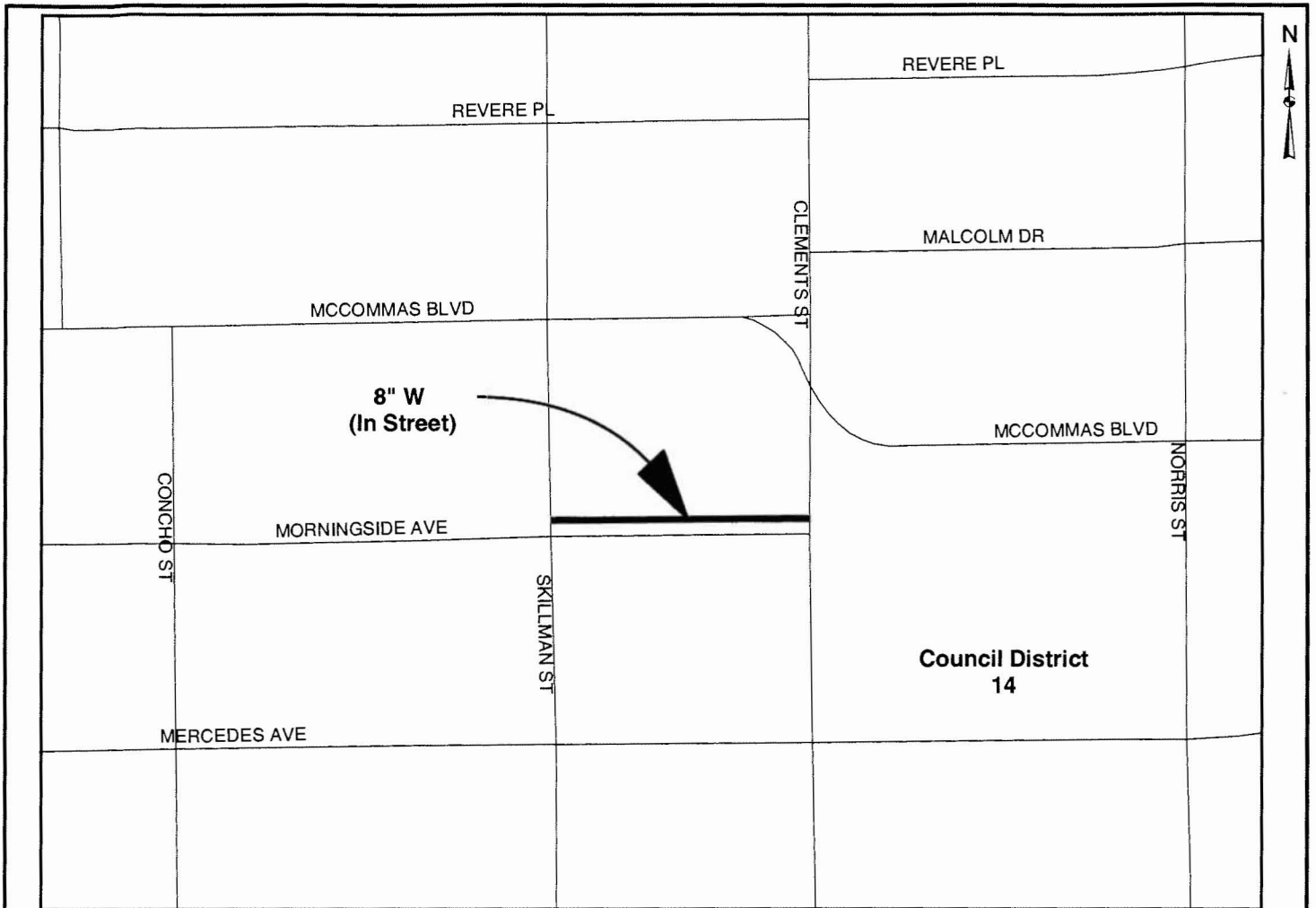


32: Mapsco: 55E
Council District: 7

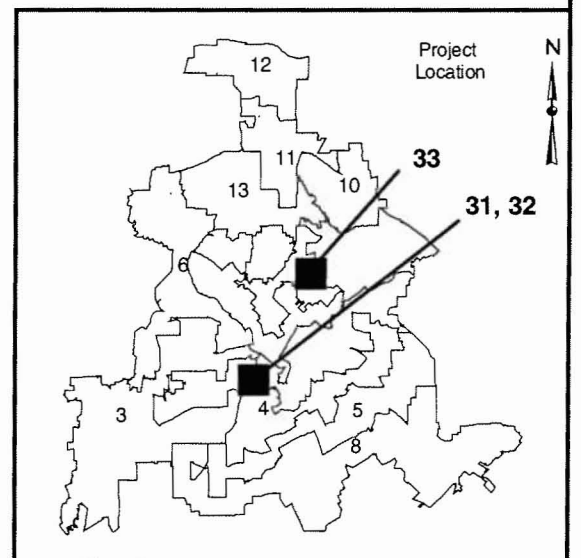


**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations



33: Mapsco: 36Q
Council District: 14



**Dallas Water
Utilities**

Contract Nos. 07-137 and 07-138
Water and Wastewater Main Replacement
and Rehabilitation at 33 Locations

June 27, 2007

WHEREAS, bids were received on April 12, 2007 for the construction of water and wastewater mains at 33 locations, Contract Nos. 07-137 and 07-138, listed as follows:

<u>Bidders</u>	<u>Amount</u>
Barson Utilities, Inc.	\$ 6,876,492.50
SYB Construction Co., Inc.	\$ 6,980,192.50
John Burns Construction Co. of Texas, Inc.	\$ 7,420,420.00
Atkins Brothers Equipment Company, Inc.	\$25,407,310.00

and,

WHEREAS, the bid submitted by Barson Utilities, Inc., 5326 West Ledbetter Drive, Dallas, Texas 75236, in the amount of \$6,876,492.50 is the lowest and best of all bids received; **Now, Therefore**,

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

Section 1. That the bid of Barson Utilities, Inc. in the amount of \$6,876,492.50, for doing the work covered by the plans, specifications and contract documents, Contract Nos. 07-137 and 07-138, be accepted.

Section 2. That the City Manager be and is hereby authorized to enter into a contract with Barson Utilities, Inc., for the installation of water and wastewater mains at 33 locations, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of \$6,876,492.50 from the Water Capital Improvement Fund and Wastewater Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>PRO</u>	<u>REP</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0115	DWU	PW40	MPSA	4550	707137	WU20	CTDWU707137CP	359382

Barson Utilities, Inc. - (Contract No. 07-137) - \$4,607,250.00

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>PRO</u>	<u>REP</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0116	DWU	PS40	MPSA	4560	707138	TL90	CTDWU707138CP	359382

Barson Utilities, Inc. - (Contract No. 07-138) - \$2,269,242.50

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

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin

Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 2, 4, 7
DEPARTMENT: Water Utilities
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: Various

SUBJECT

Authorize a contract for the installation of water and wastewater mains at 19 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of three - \$6,988,920 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This project consists of the installation of approximately 31,620 feet of water and wastewater mains. This includes the installation of approximately 80 feet of 4-inch, 890 feet of 6-inch, 18,070 feet of 8-inch, 50 feet of 10-inch, 80 feet of 12-inch, 50 feet of 16-inch water mains, and the installation of approximately 10,700 feet of 8-inch, 1,690 feet of 10-inch and 10 feet of 12-inch wastewater mains.

Approximately 360 feet of wastewater mains will be installed utilizing trenchless technologies which require less excavation, thereby minimizing disturbance to the existing pavement as well as inconvenience to the public.

The majority of the mains targeted for renewal were built between 1913 and 1971. These mains are contributing to the increase of maintenance cost as well as service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance cost.

SYB Construction Co., Inc. contractual activities for the past three years:

	<u>PWT</u>	<u>DWU</u>	<u>PKR</u>
Projects Authorized	2	1	0
Change Orders	0	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Begin Construction August 2007
Complete Construction August 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized an engineering services contract for the design to replace water mains and rehabilitate or replace wastewater mains at various locations, with APM & Associates, Inc., on December 8, 2004 by Resolution No. 04-3416.

FISCAL INFORMATION

\$6,988,919.50 - Water Utilities Capital Improvement Funds

<u>District</u>	<u>Amount</u>
2	\$ 165,992.37
4	\$4,651,322.64
7	<u>\$2,171,604.49</u>
	\$6,988,919.50

M/WBE INFORMATION

Attached

ETHNIC COMPOSITION

SYB Construction Co., Inc.

Hispanic female	1	Hispanic male	76
Black female	0	Black male	0
Other female	0	Other male	0
White female	4	White male	23

BID INFORMATION

The following bids with quotes were opened on April 19, 2007:

<u>Bidders</u>	<u>Amount</u>
SYB Construction Co., Inc. 421 Compton Avenue Irving, TX 75061	\$6,988,919.50
Barson Utilities, Inc.	\$7,146,619.50
John Burns Construction Co. of Texas, Inc.	\$7,622,341.40

OWNER

SYB Construction Co., Inc.

Shirley Y. Bennett, President

MAP

Attached

Installation of Water and Wastewater Mains at 19 Locations

District 2

Corinth Street from Good Latimer Expressway to Interstate Highway 45

District 4

Alley between Britton Avenue and Fernwood Avenue from Saner Avenue to Ohio Avenue

Alley between Marsalis Avenue and Alaska Avenue from Elmore Avenue north and in Elmore Avenue from Marsalis Avenue west

Alameda Drive from Kellogg Avenue to Fowler Street

Downing Avenue from Alameda Drive to Elmore Avenue

Elmore Avenue from Arizona Avenue east

Elmore Avenue from Craddock Street to Fowler Street

Elmore Avenue from Maryland Avenue to alley west of Lancaster Road

Elmore Avenue from alley east of Lancaster Road to Belknap Avenue

Fernwood Avenue from Woodin Boulevard to Louisiana Avenue and Louisiana

Avenue from Fernwood Avenue east and alley from Fernwood Avenue to Lamont Avenue

Hemphill Drive from Alameda Drive to Easter Avenue

Kingsley Drive from Strobel Avenue to Ramona Avenue

District 7

Carter Street from Collins Avenue to Spring Avenue

Clarence Street from Good Latimer Expressway to Harrison Avenue

Collins Avenue from Foreman Street to Carter Street

Du Bois Avenue from Childs Street to Eleventh Street

Foreman Street from Marshall Street to Collins Avenue

Good Latimer Expressway from Logan Street to Clarence Street

Alley between Lenway Street and Warren Avenue from Meadow Street southwest *

*Wastewater Main Rehabilitation

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the installation of water and wastewater mains at 19 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of three - \$6,988,920 - Financing: Water Utilities Capital Improvement Funds

SYB Construction Co., Inc. is a local, 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$6,669,622.50	95.43%
Total non-local contracts	\$319,297.00	4.57%
TOTAL CONTRACT	\$6,988,919.50	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

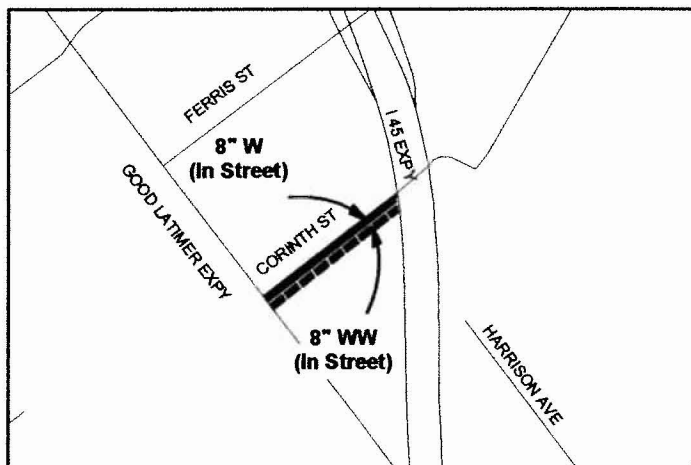
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
North Texas Trucking, Inc.	HMDB32110Y0907	\$59,000.00	0.88%
SYB Construction Company, Inc.	WFDB31843Y0807	\$4,722,022.50	70.80%
Andrews Paving & Construction	WFDB32461Y1007	\$1,002,865.00	15.04%
Partnering for Success, Inc.	WFWB31780Y0807	\$5,000.00	0.07%
Total Minority - Local		\$5,788,887.50	86.79%

Non-Local Contractors / Sub-Contractors

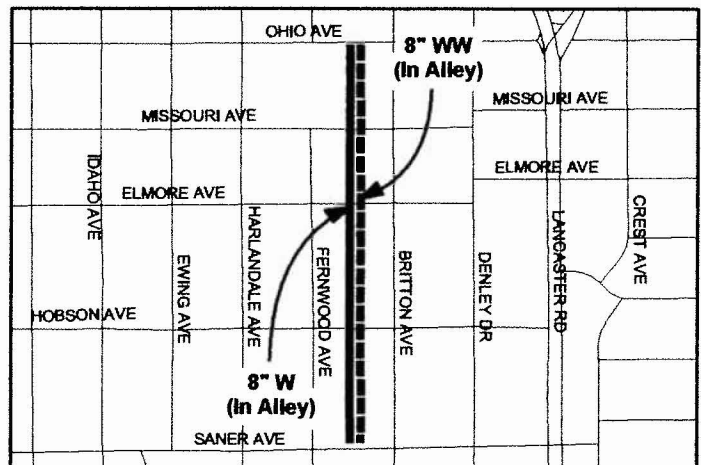
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
J & M Materials, Inc.	WFDB32993Y1207	\$97,000.00	30.38%
Ricochet Fuel Distributors, Inc.	WFDB31818Y0807	\$27,842.00	8.72%
Total Minority - Non-local		\$124,842.00	39.10%

TOTAL M/WBE CONTRACT PARTICIPATION

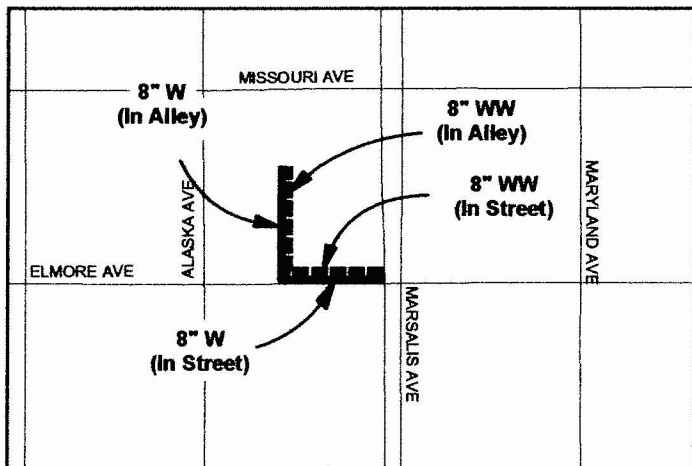
	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$59,000.00	0.88%	\$59,000.00	0.84%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$5,729,887.50	85.91%	\$5,854,729.50	83.77%
Total	\$5,788,887.50	86.79%	\$5,913,729.50	84.62%



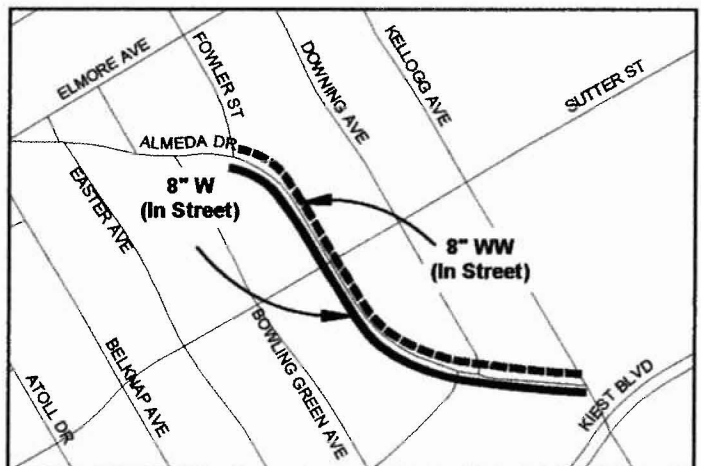
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Council District:2



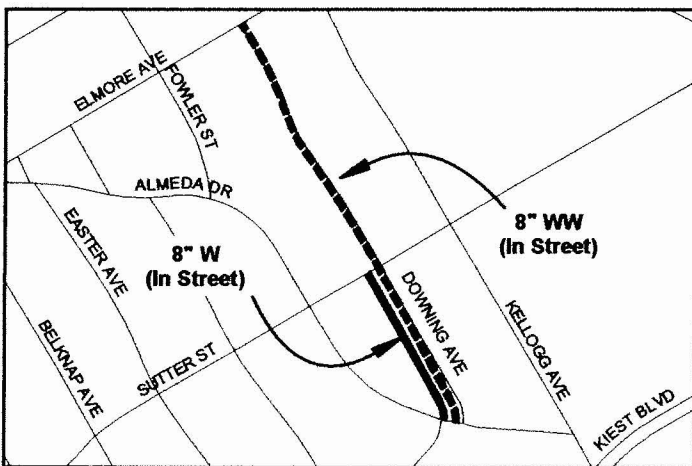
2: Mapsco: 55S
Council District:4



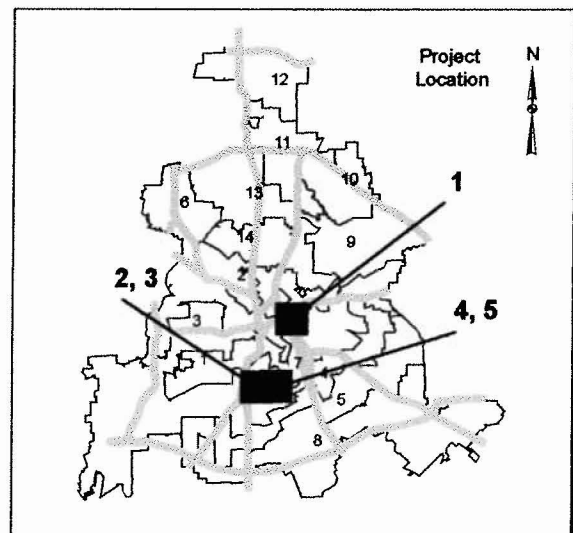
3: Mapsco: 55S
Council District:4



4: Mapsco: 55U
Council District:4

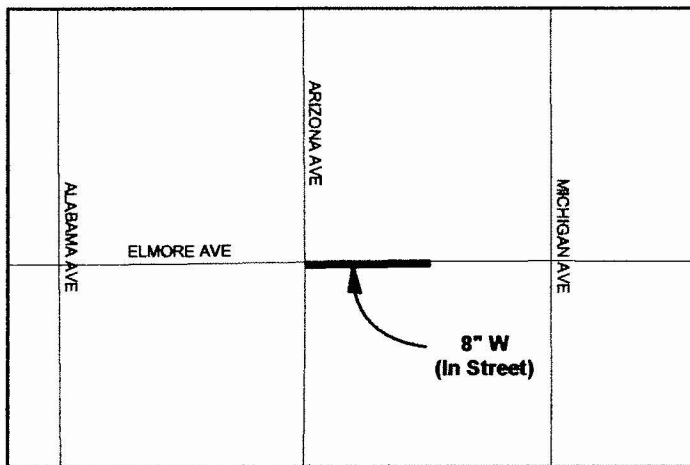


5: Mapsco: 55U
Council District:4

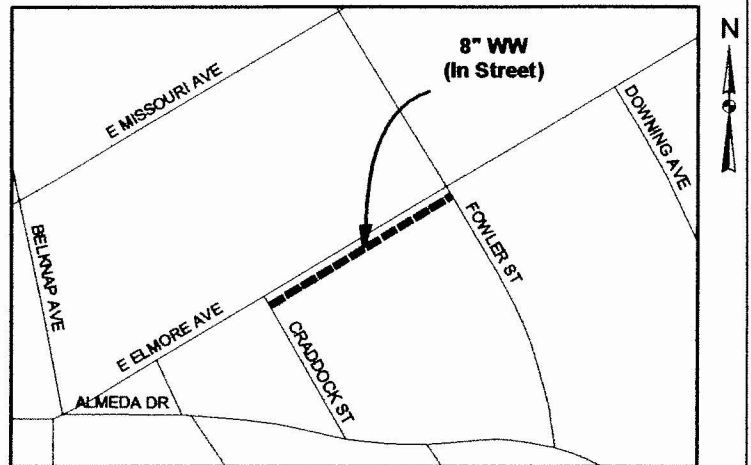


Dallas Water Utilities

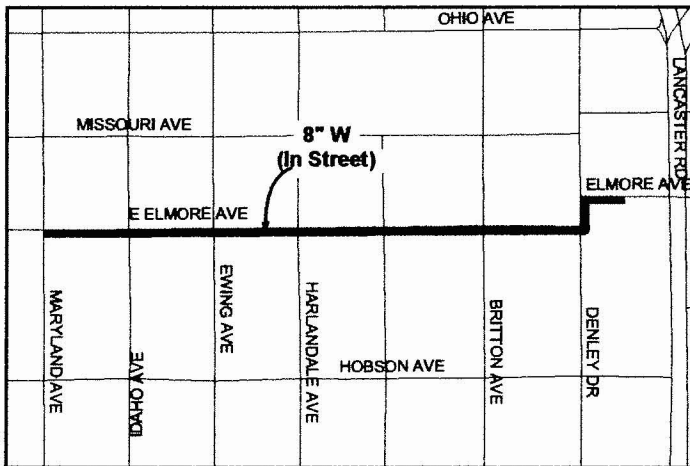
Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2



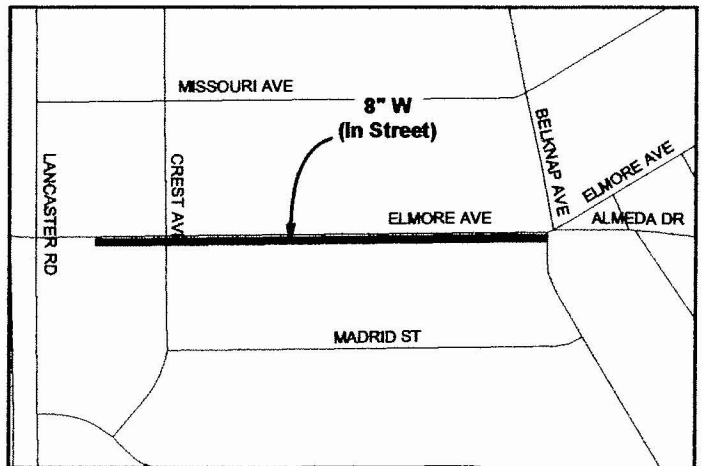
6: Mapsco: 54V
Council District:4



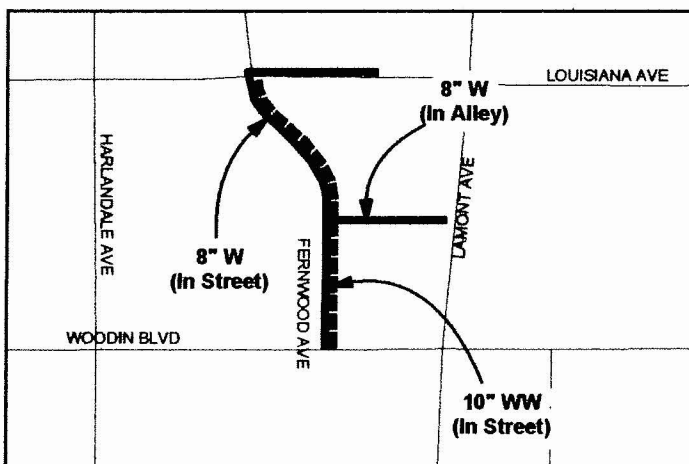
7: Mapsco: 55U
Council District:4



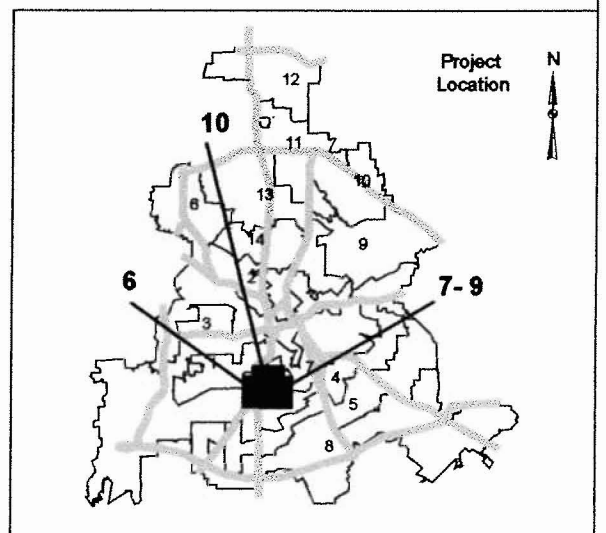
8: Mapsco: 55S, 55T
Council District:4



9: Mapsco: 55T
Council District:4

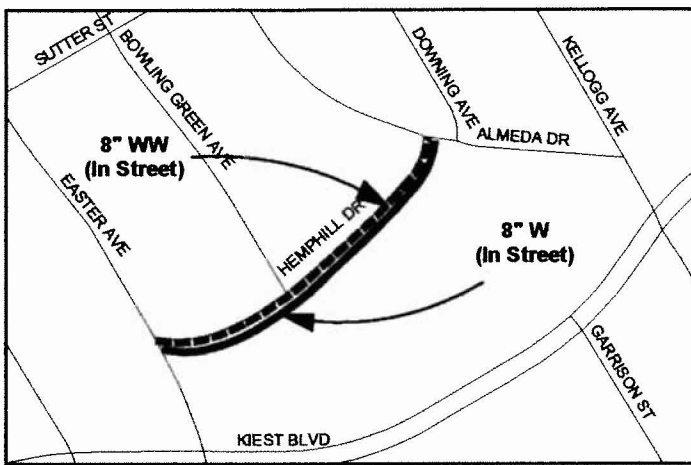


10: Mapsco: 55N
Council District:4

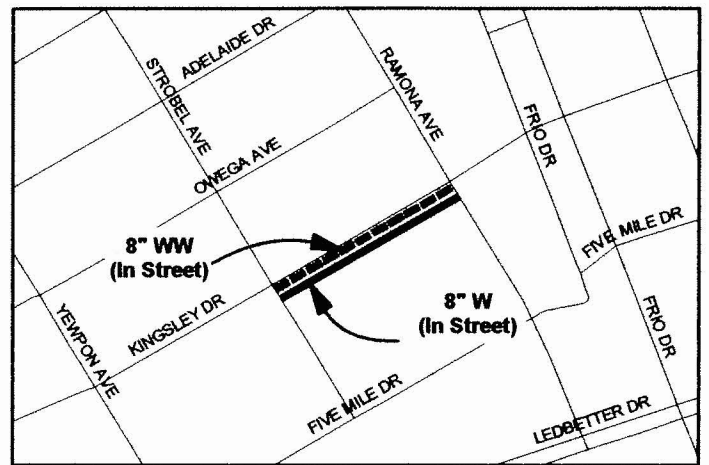


Dallas Water Utilities

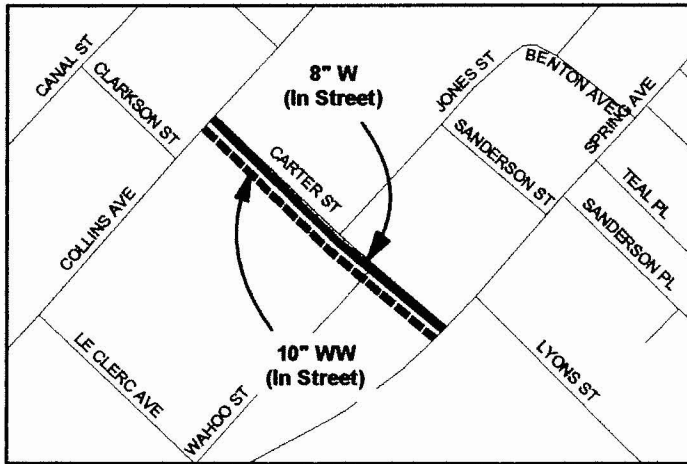
Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2



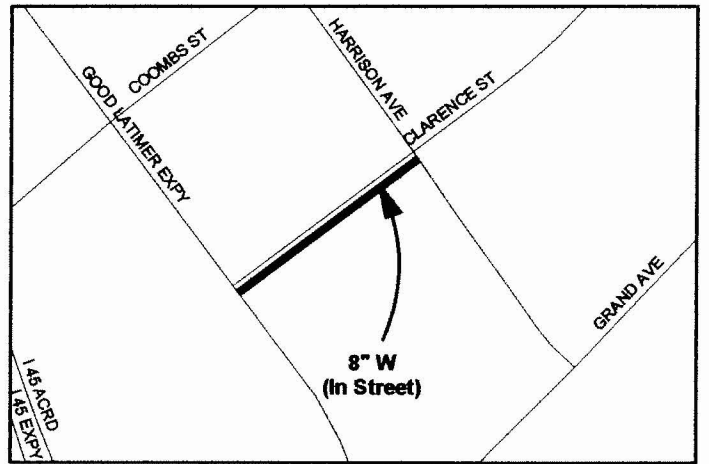
11: Mapsco: 55U
Council District: 4



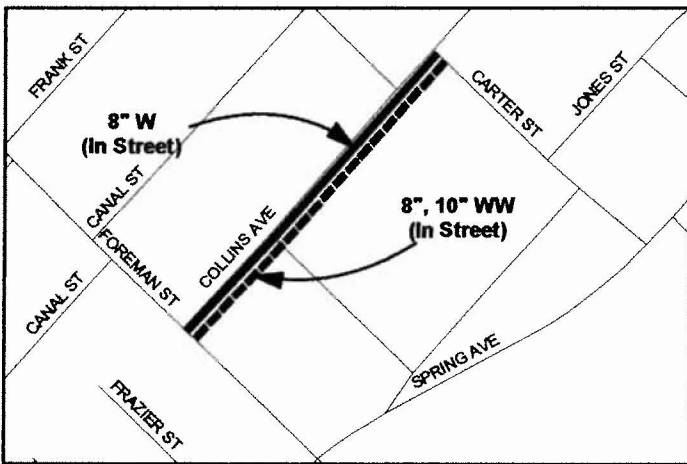
12: Mapsco: 65K, 65L
Council District: 4



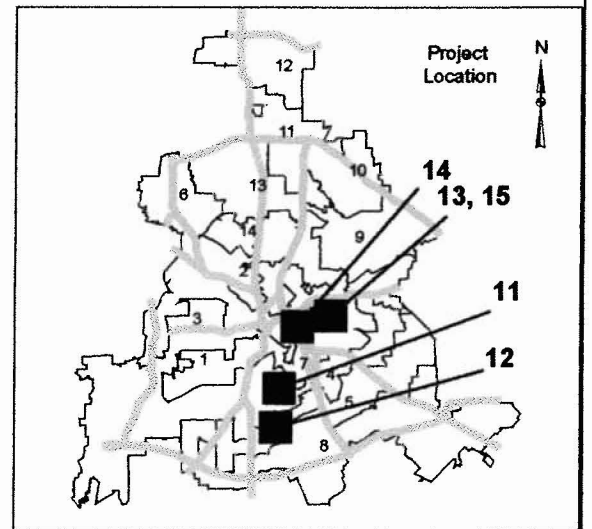
13: Mapsco: 47N
Council District: 7



14: Mapsco: 46S
Council District: 7

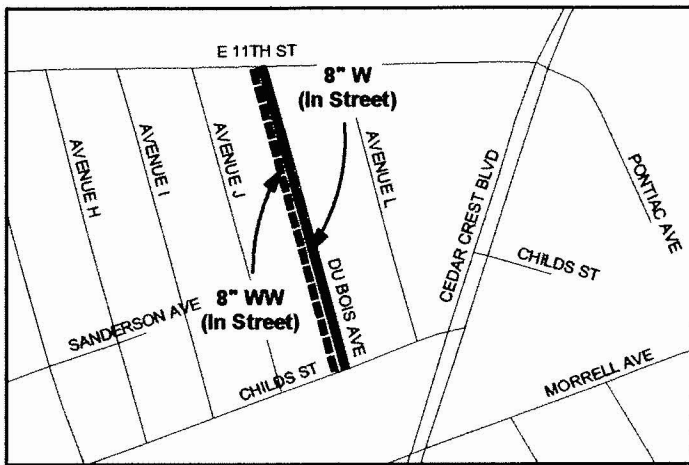


15: Mapsco: 46R, 47N
Council District: 7

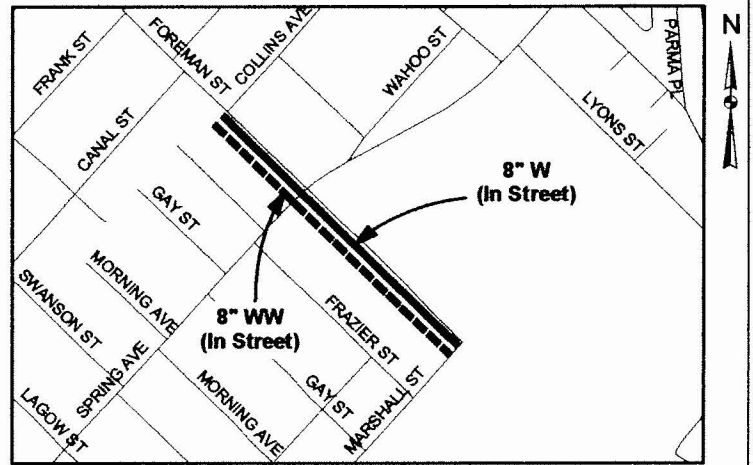


**Dallas Water
Utilities**

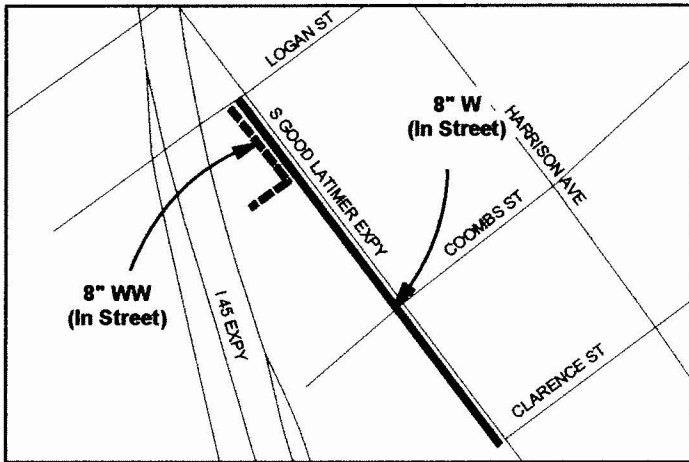
Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2



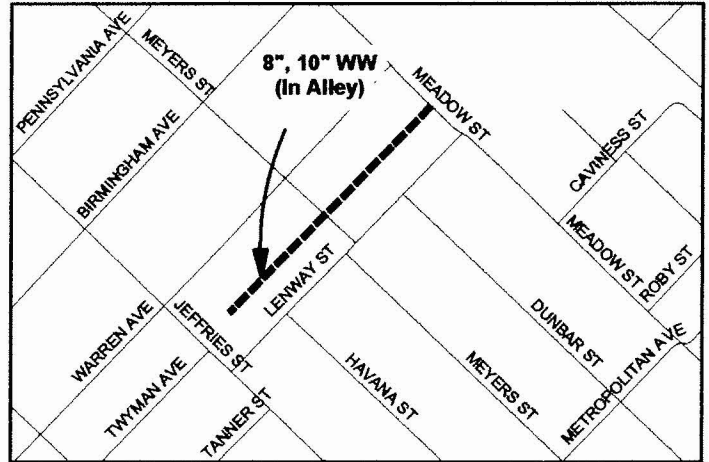
16: Mapsco: 55G, 55H
Council District: 7



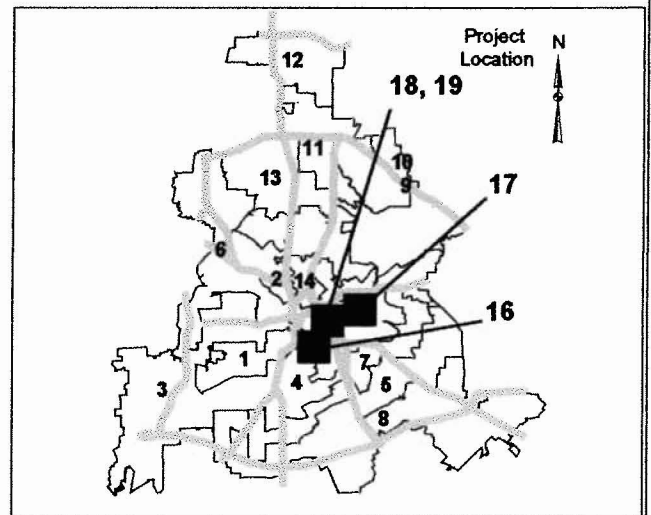
17: Mapsco: 46R, 47N
Council District: 7



18: Mapsco: 46S
Council District: 7

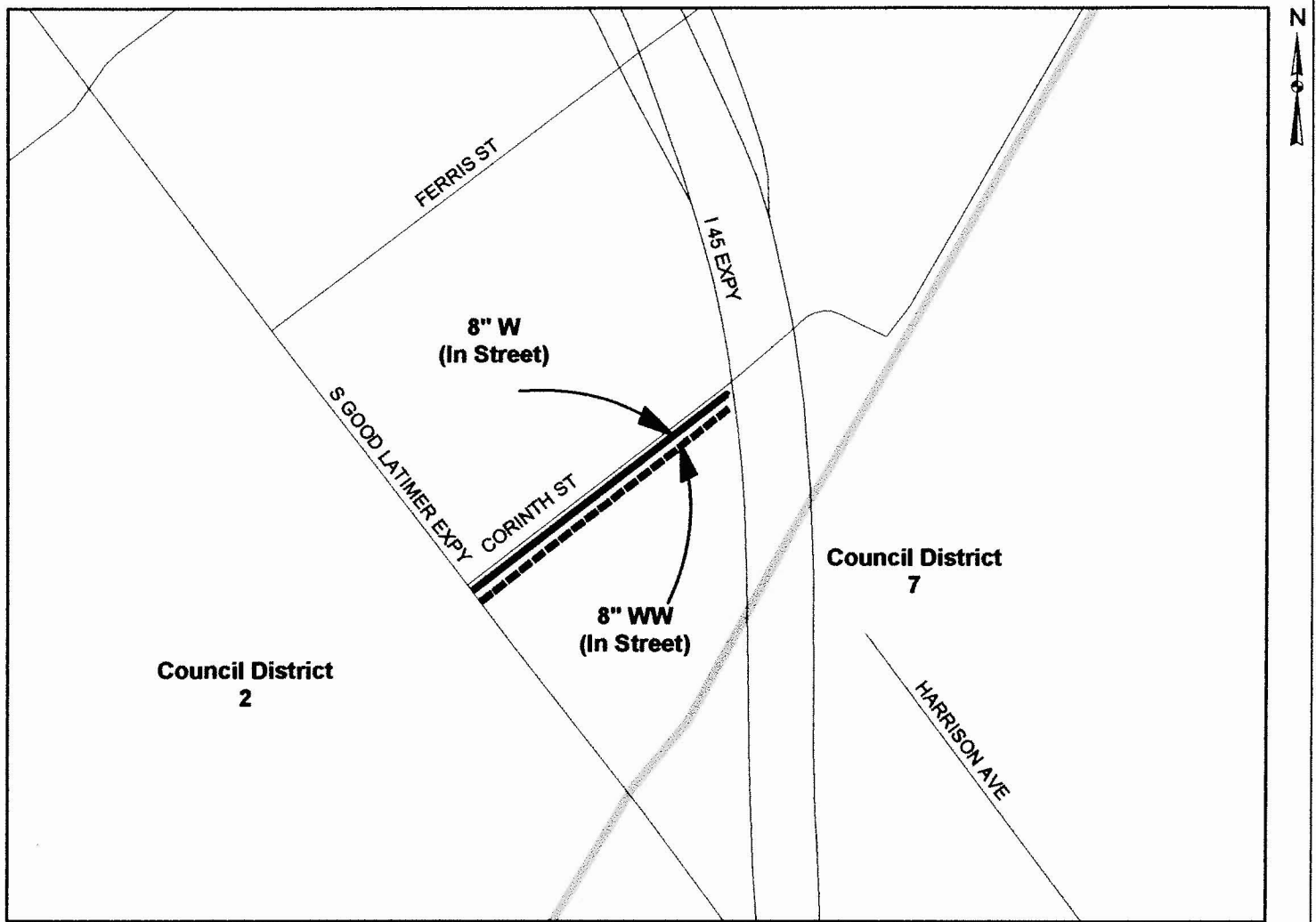


19: Mapsco: 46T, 46U
Council District: 7

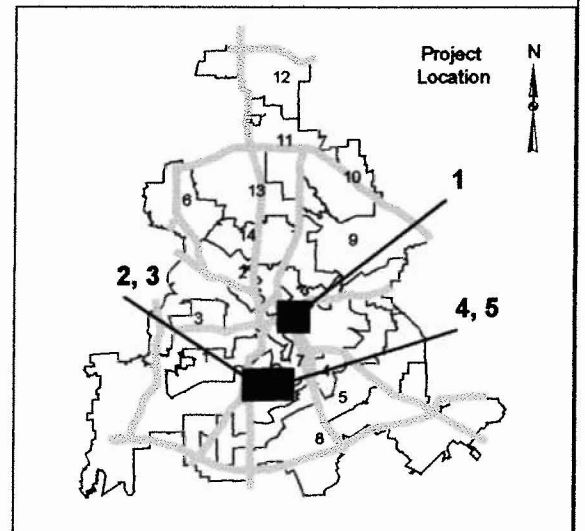


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2

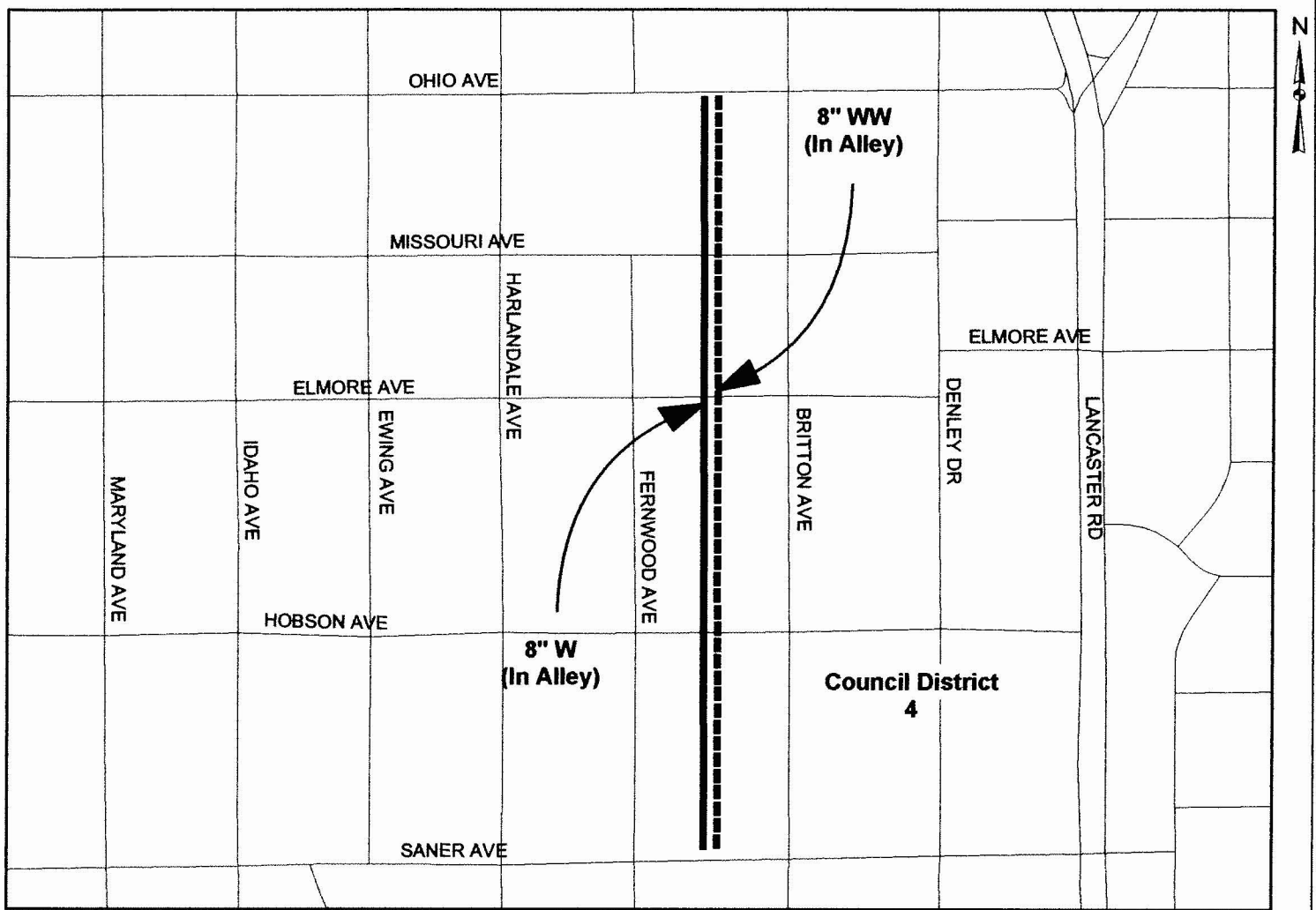


1: Mapsco: 46N
Council District:2

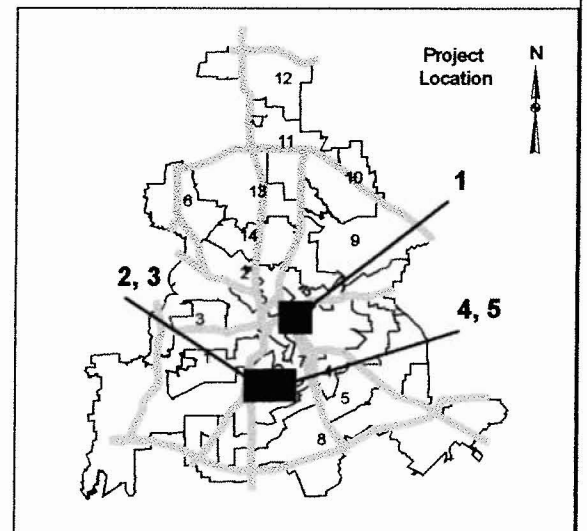


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2

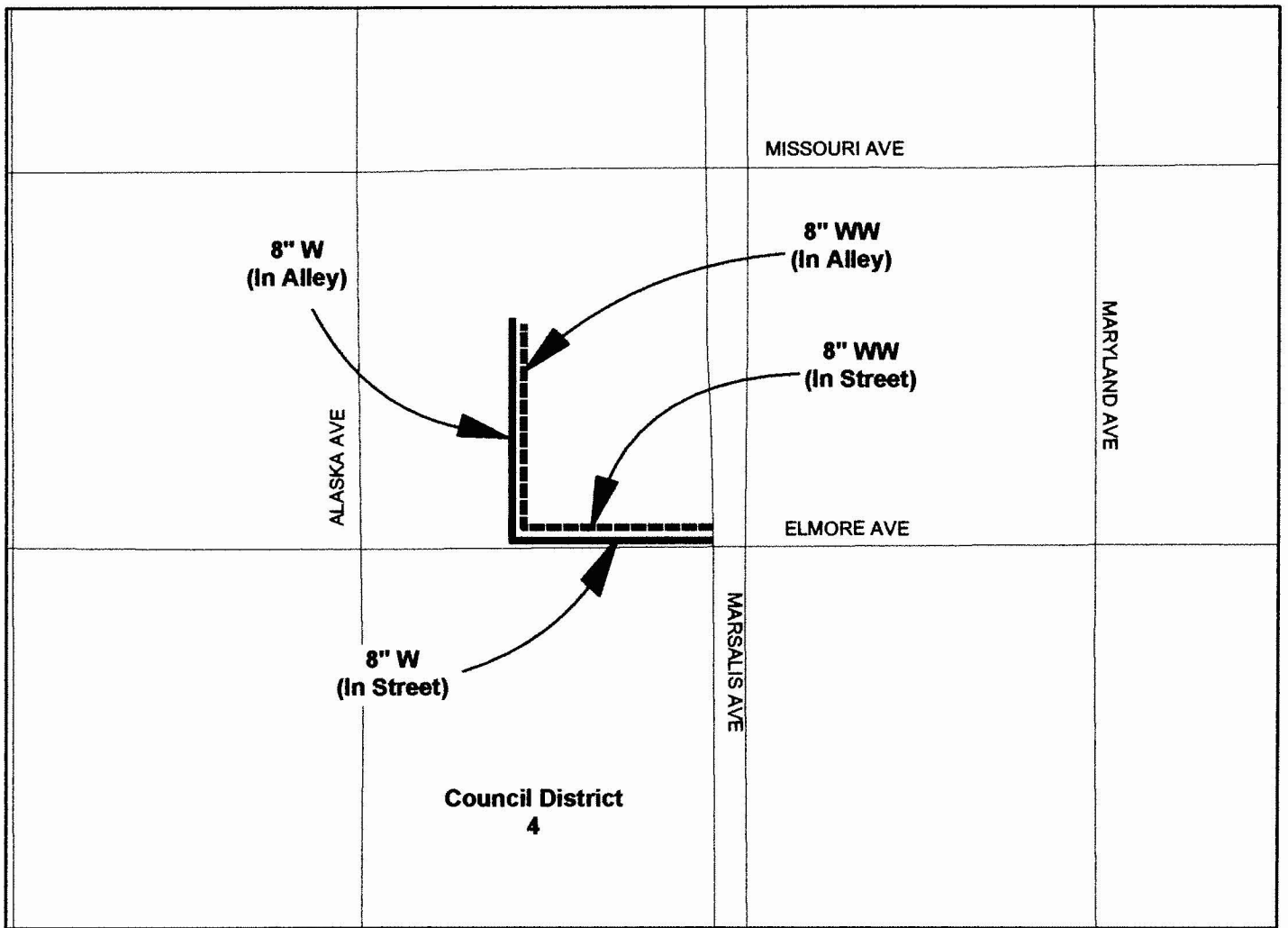


2: Mapsco: 55S
Council District 4

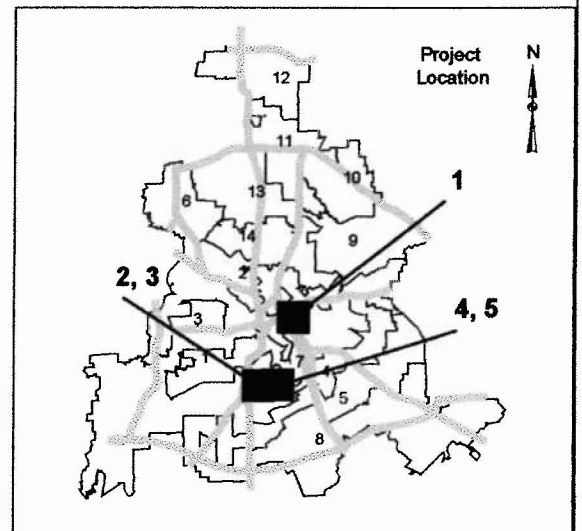


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2

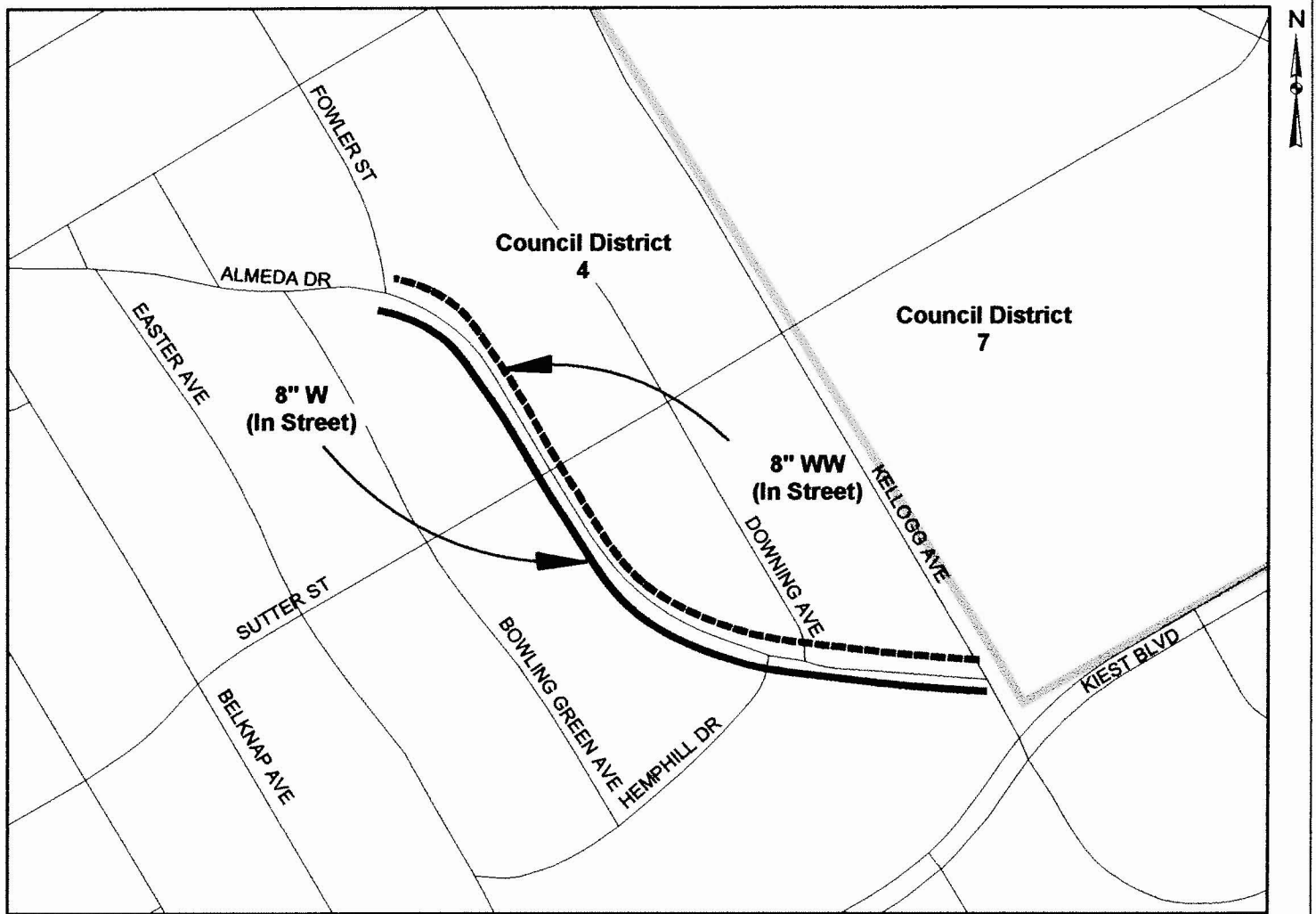


3: Mapsco: 55S
Council District: 4

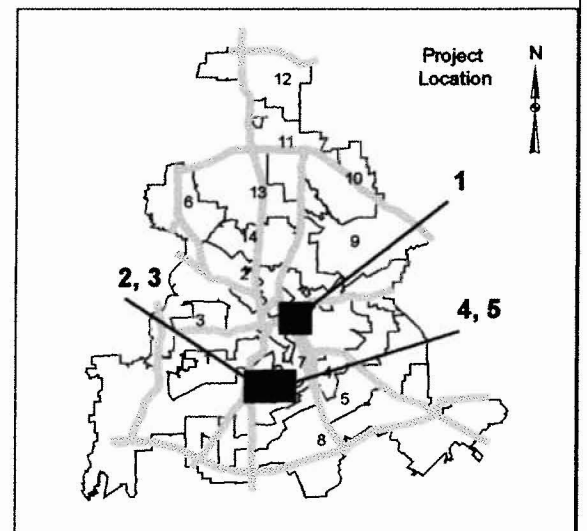


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2

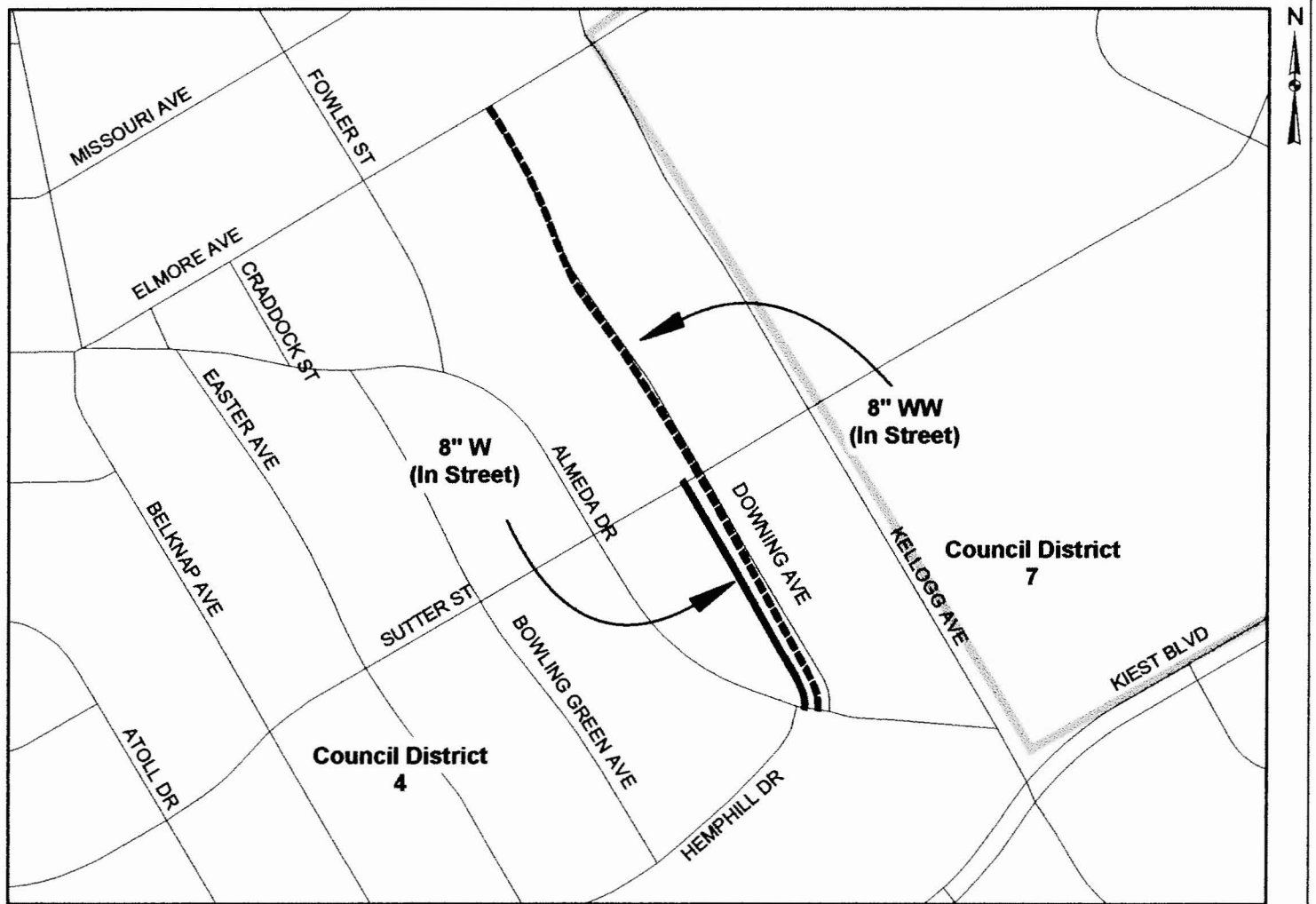


4: Mapsco: 55U
Council District: 4

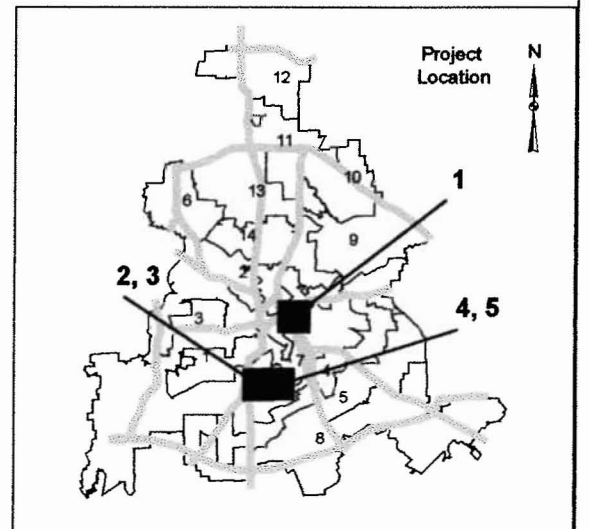


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2

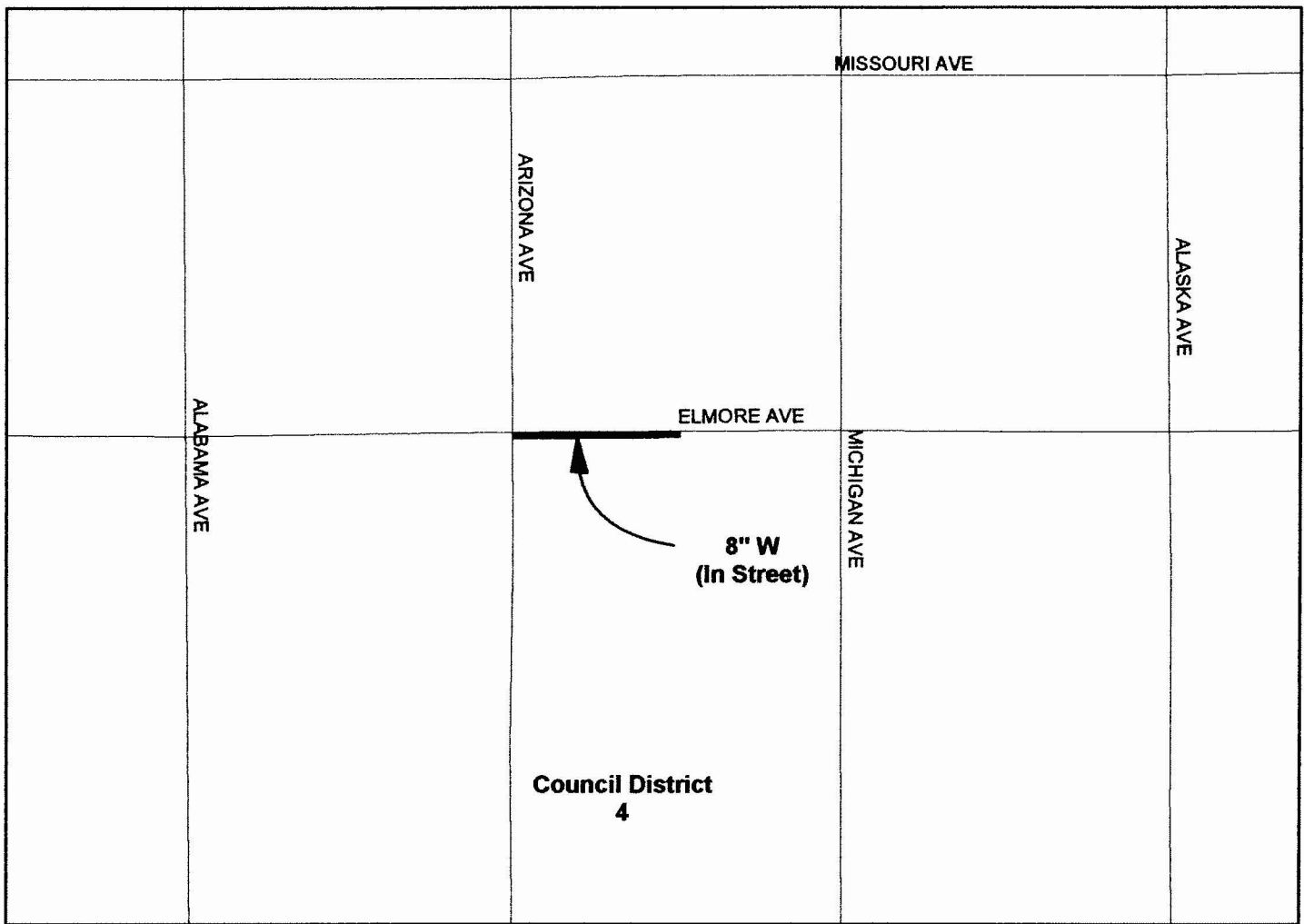


5: Mapsco: 55U
Council District: 4

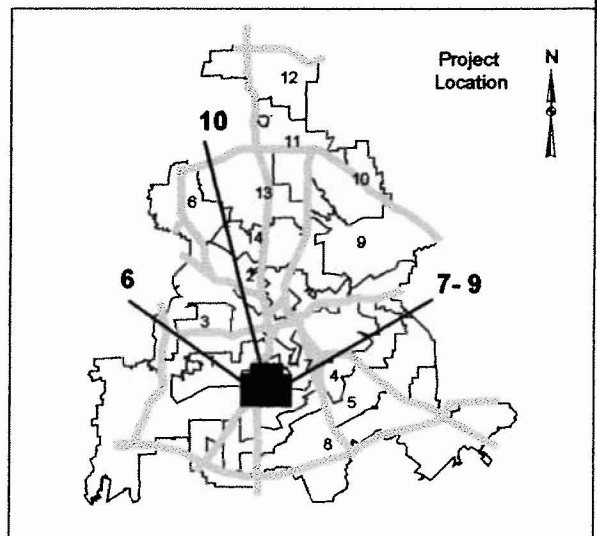


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2

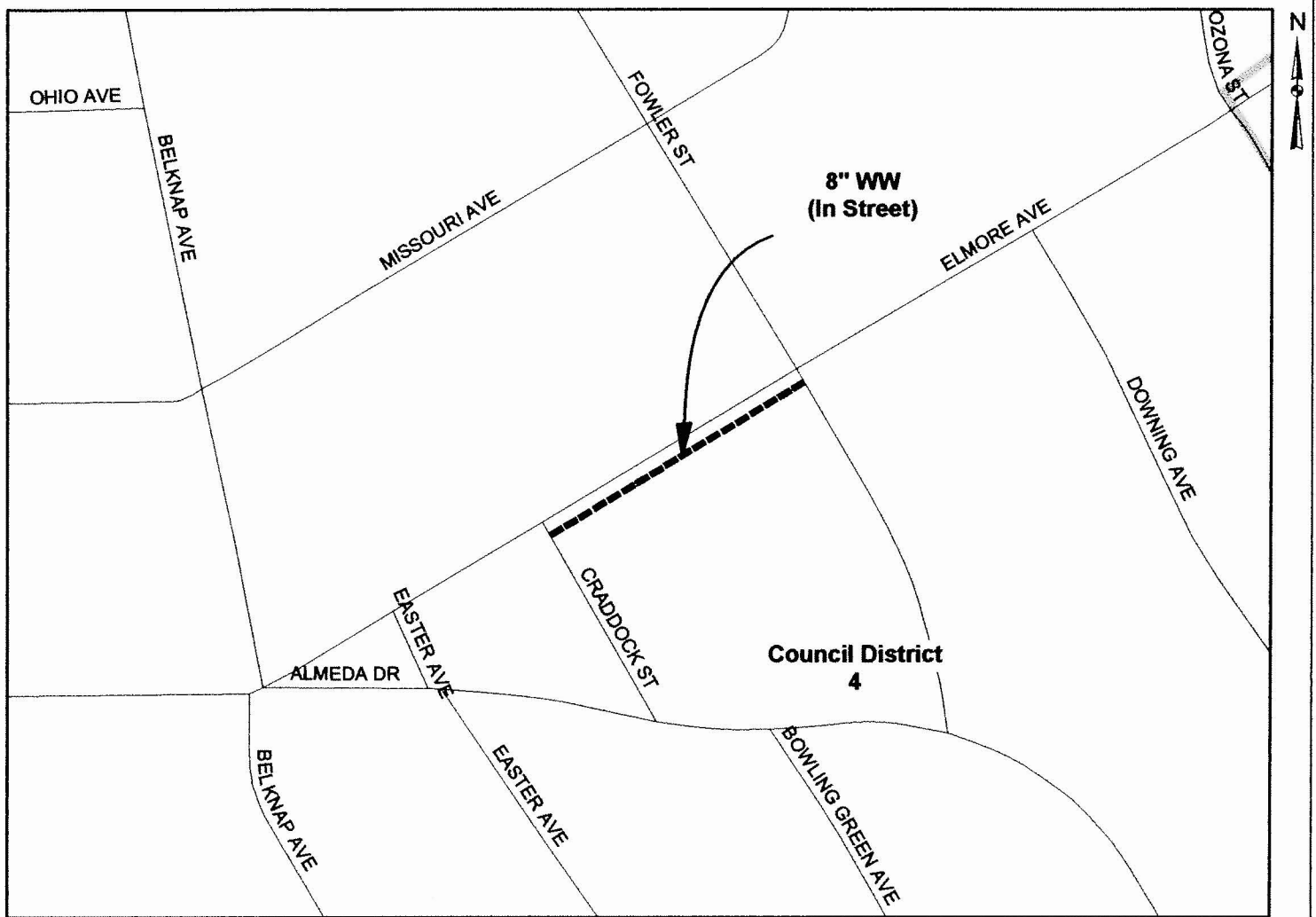


6: Mapsco: 54V
Council District: 4

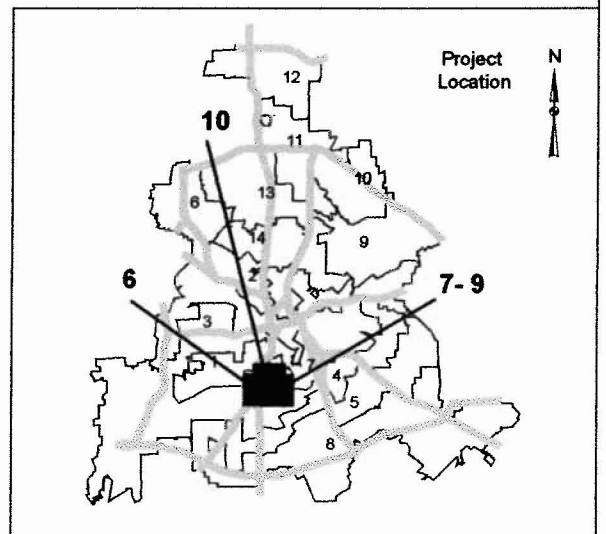


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2

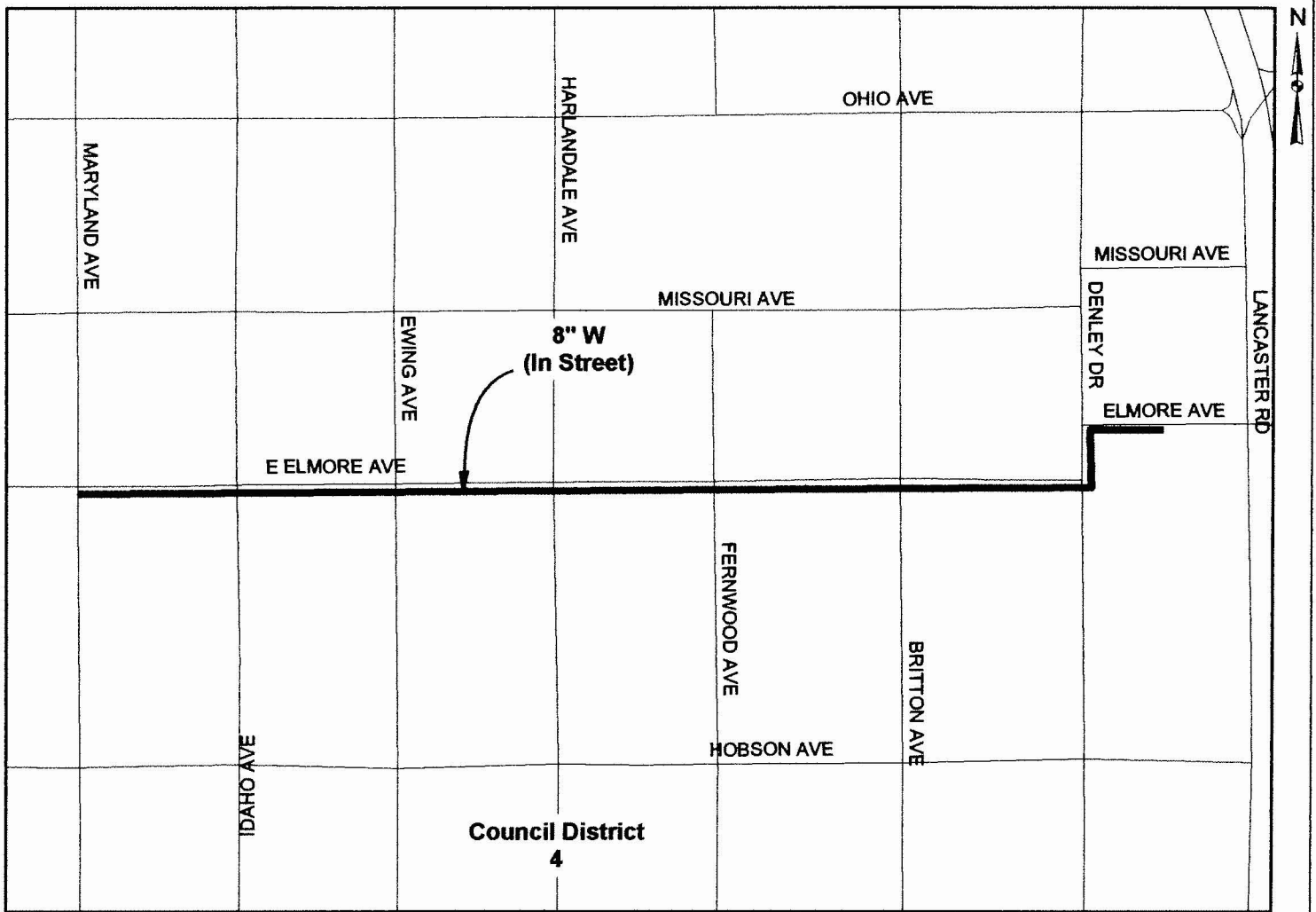


7: Mapsco: 55U
Council District: 4

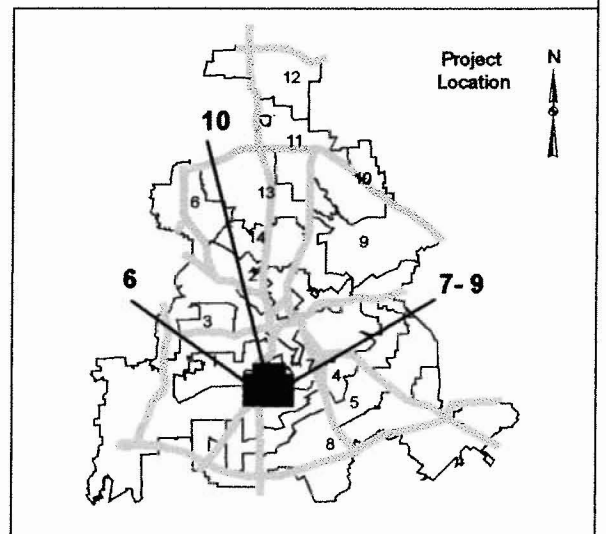


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
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at 19 Locations - Phase 2

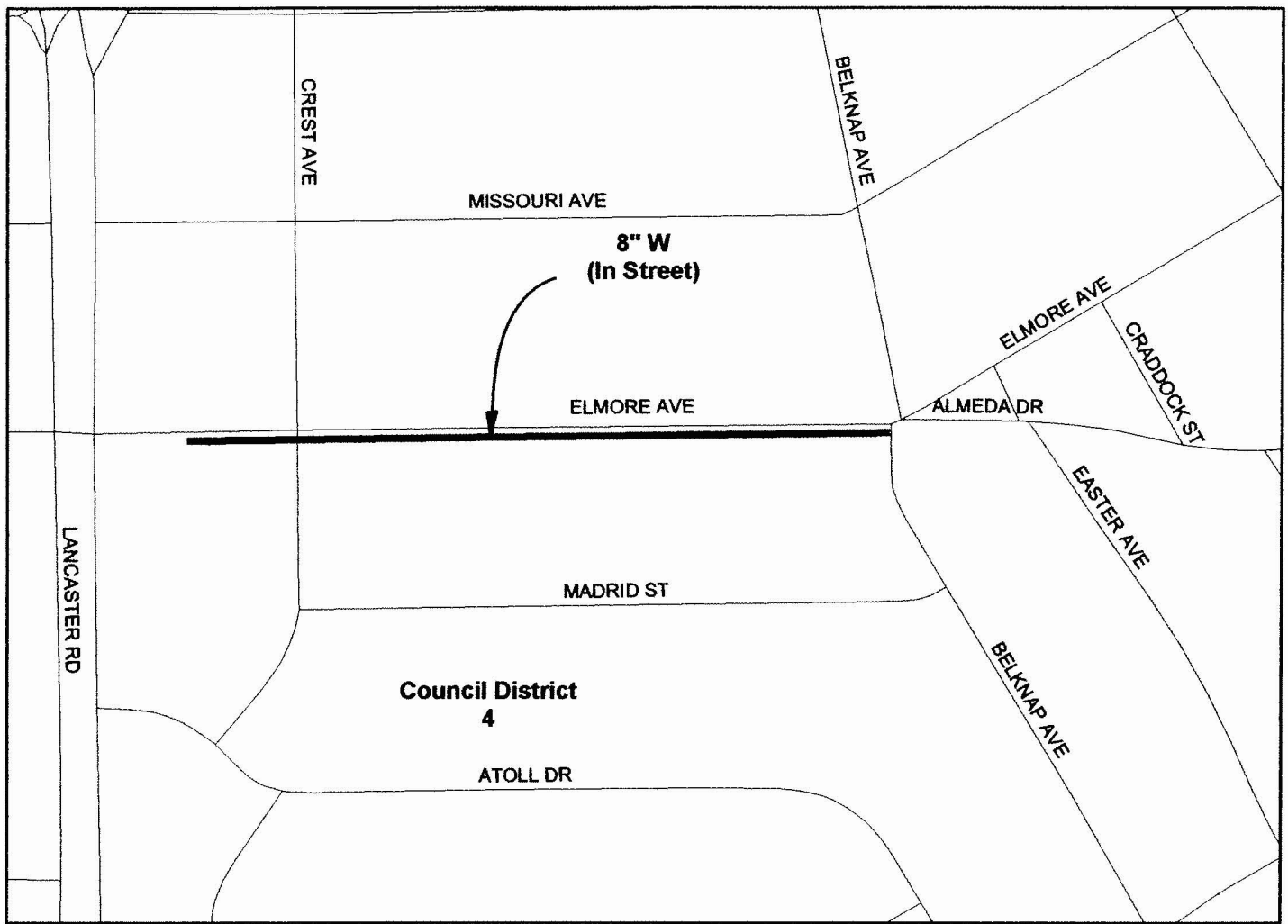


8: Mapsco: 55S, 55T
Council District: 4

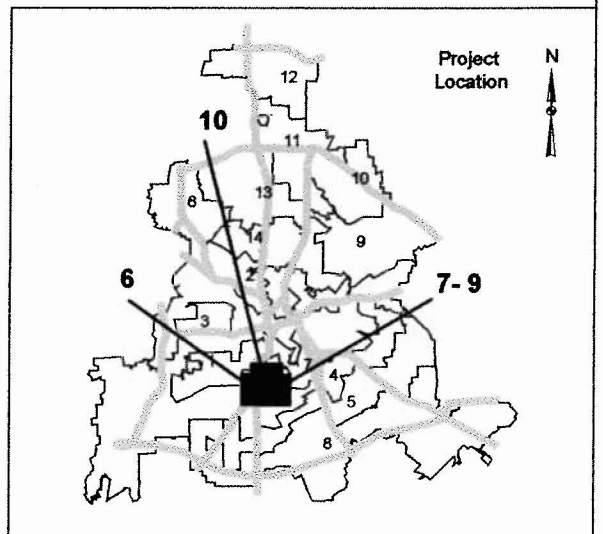


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2

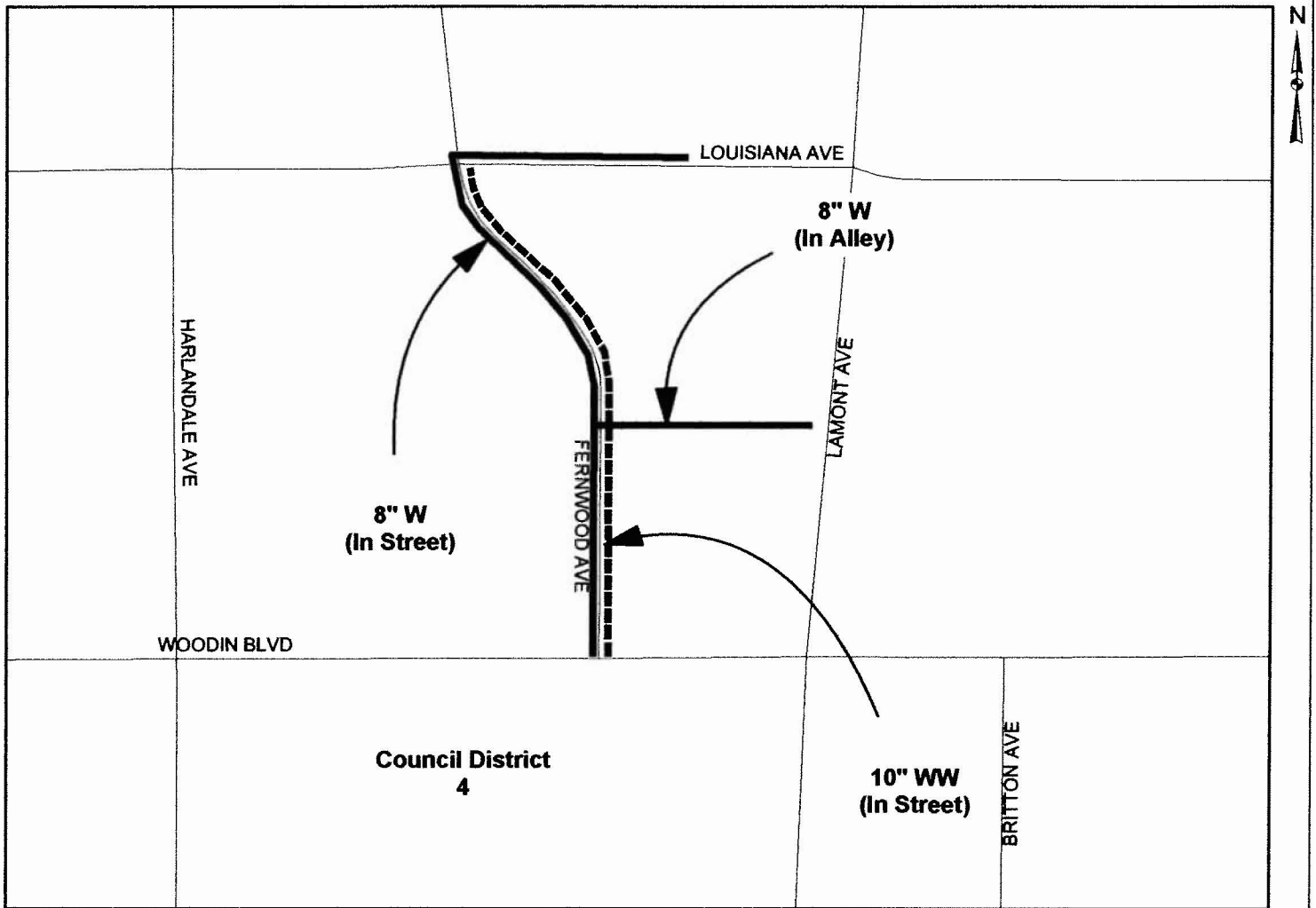


9: Mapsco: 55T
Council District: 4

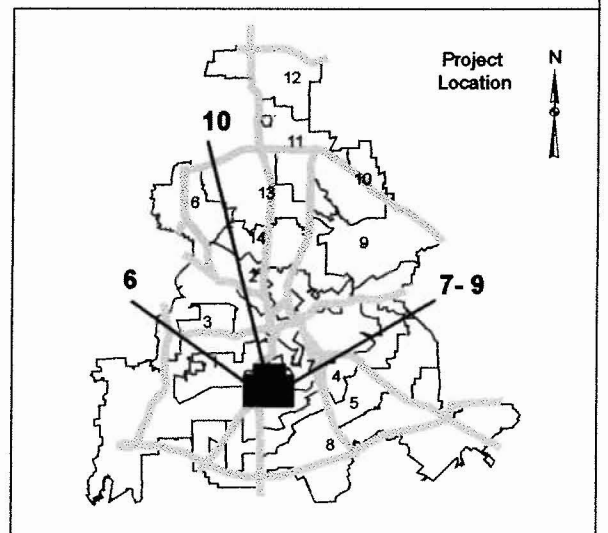


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
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at 19 Locations - Phase 2

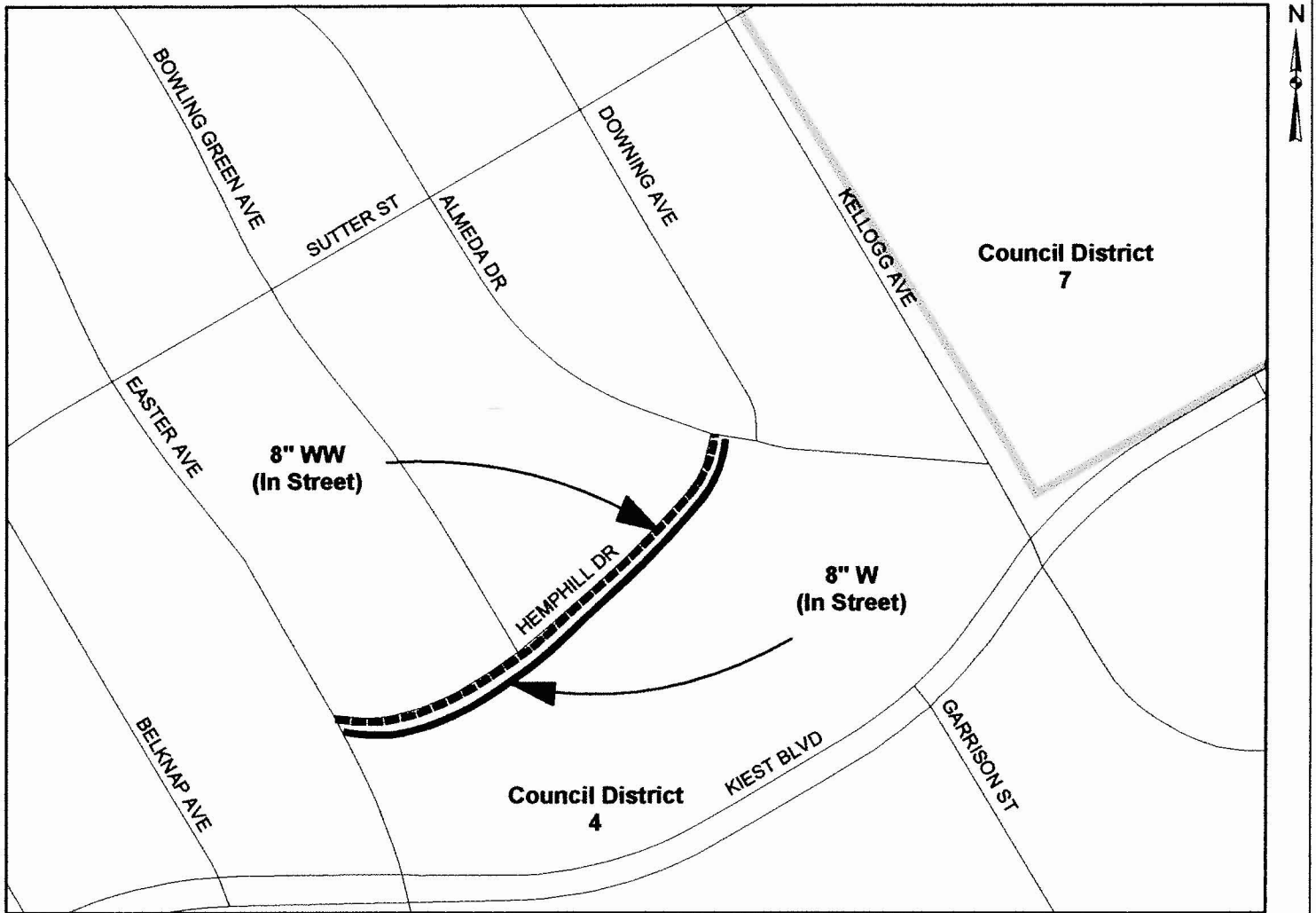


10: Mapsco: 55N
Council District: 4

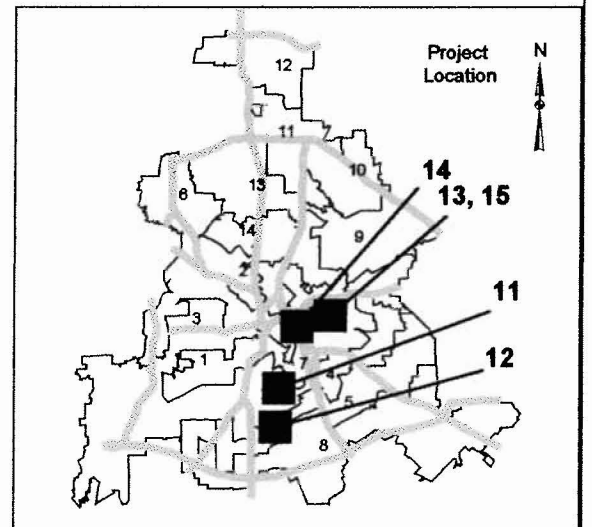


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
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at 19 Locations - Phase 2

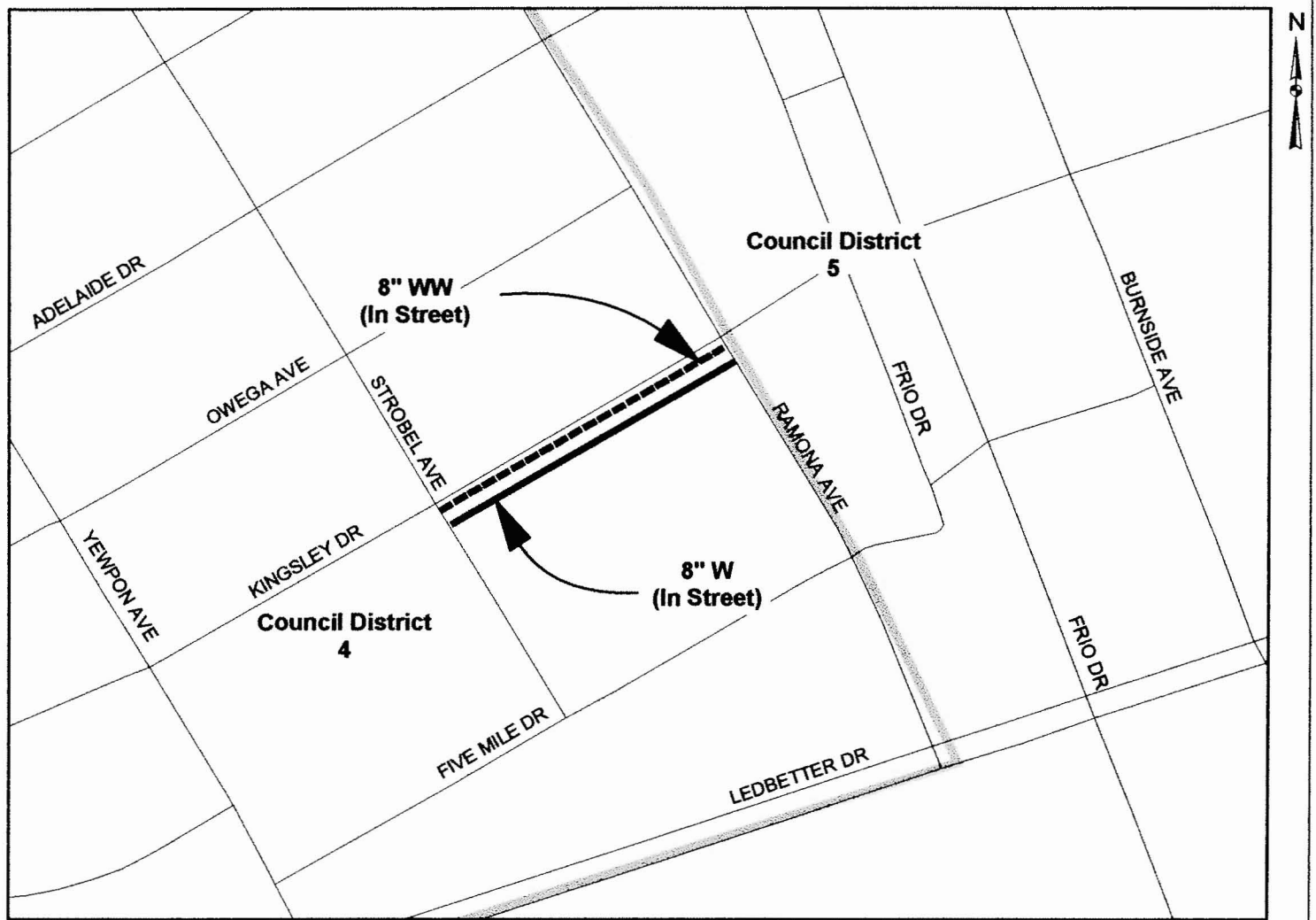


11: Mapsco: 55U
Council District 4

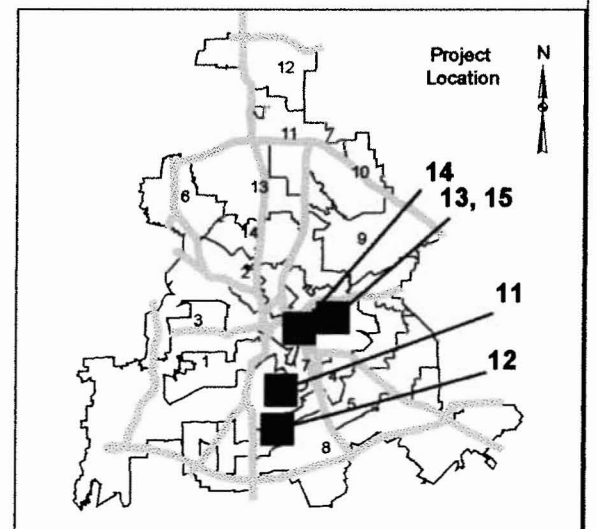


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
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at 19 Locations - Phase 2

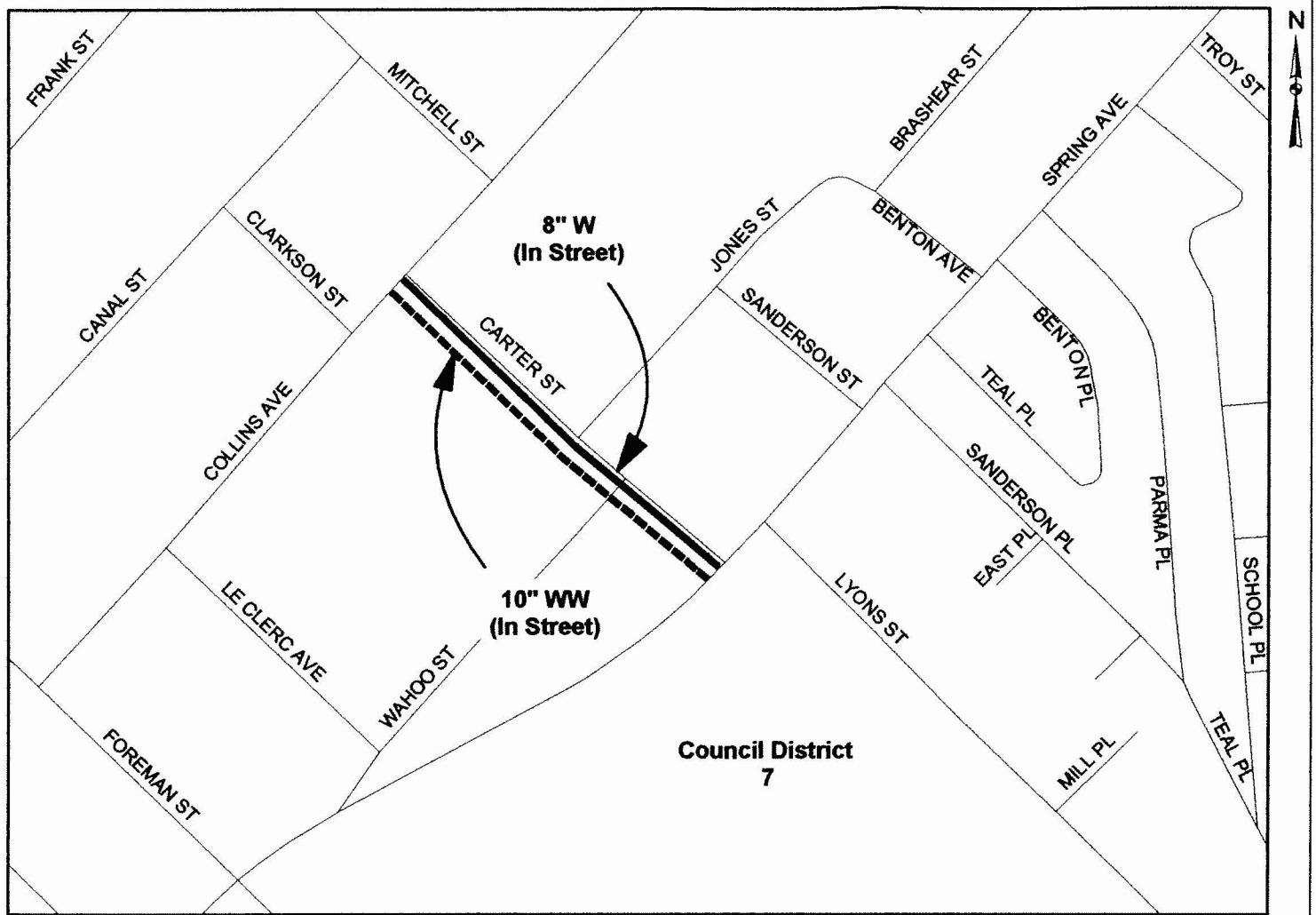


12: Mapsco: 65K, 65L
Council District:4

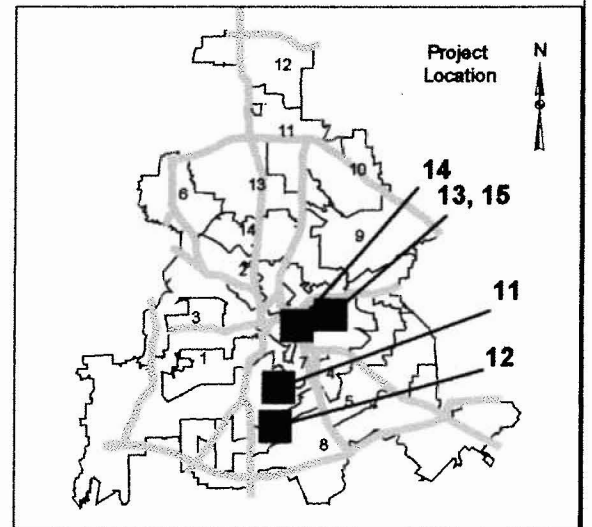


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
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at 19 Locations - Phase 2

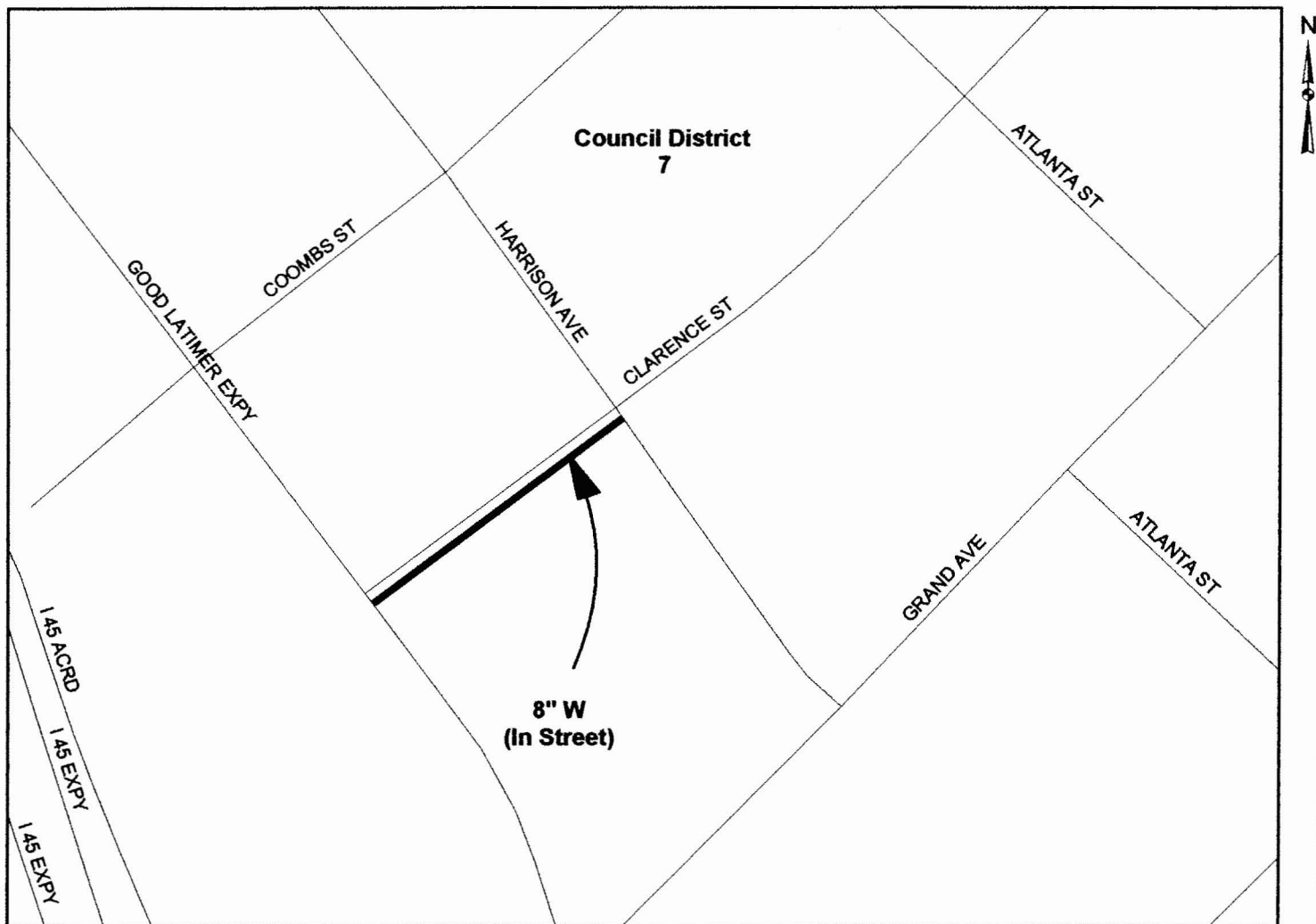


13: Mapsco: 47N
Council District: 7

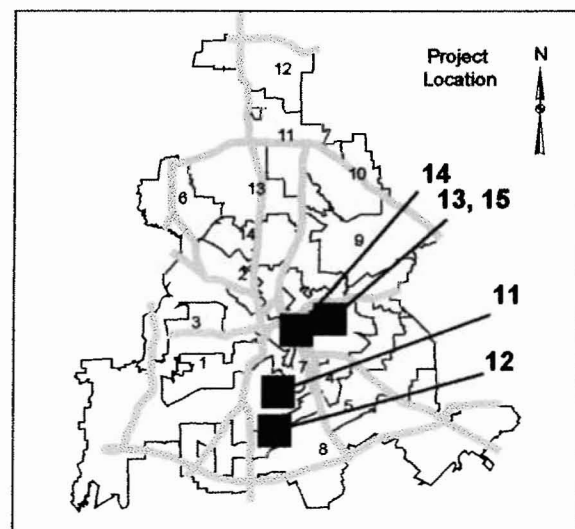


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2

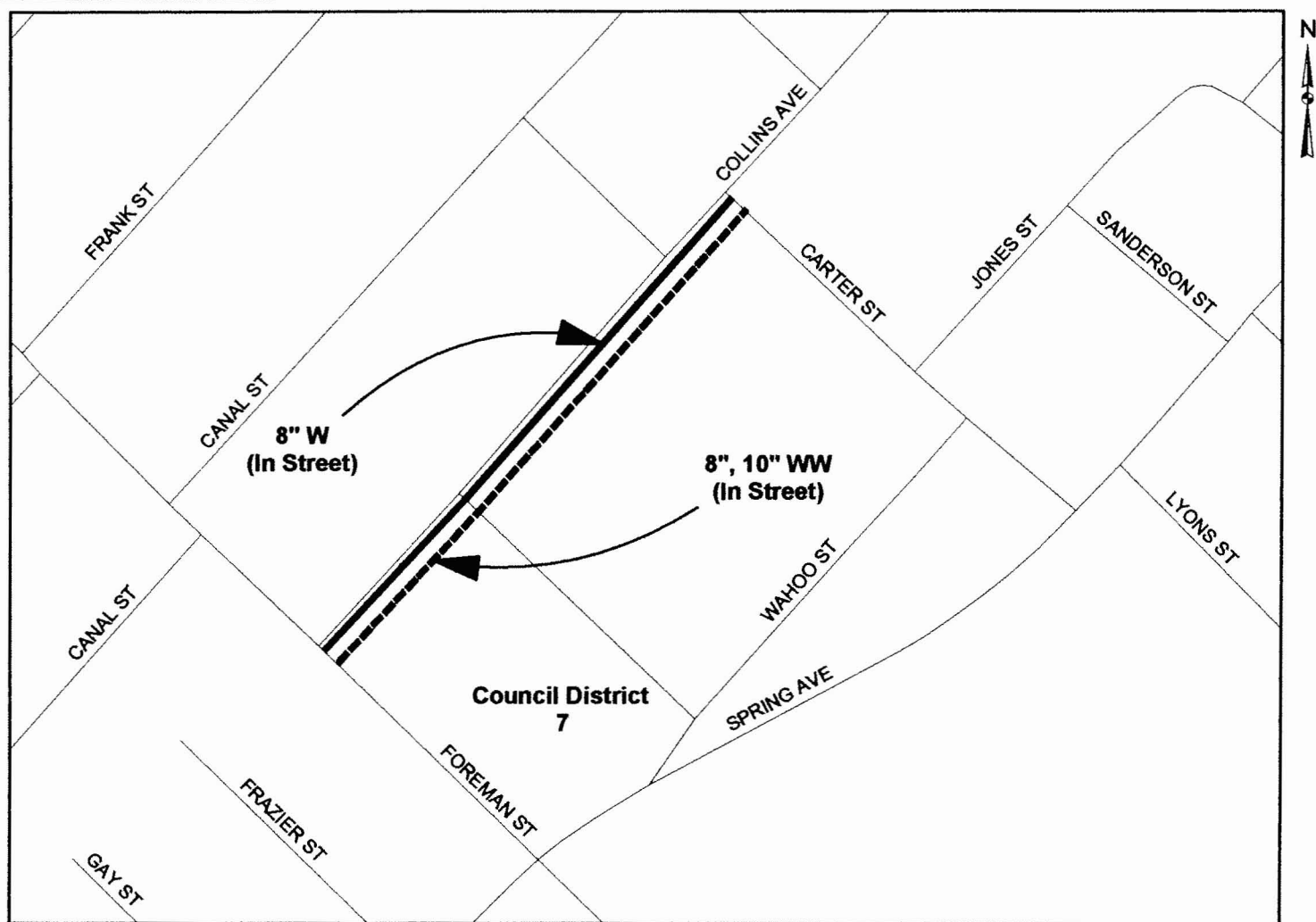


14: Mapsco: 46S
Council District: 7

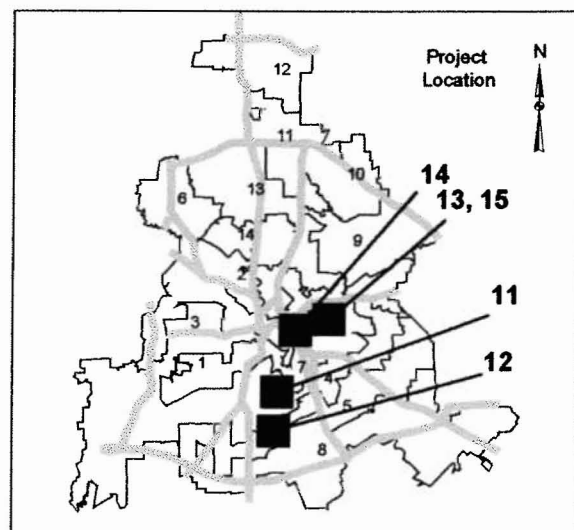


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2

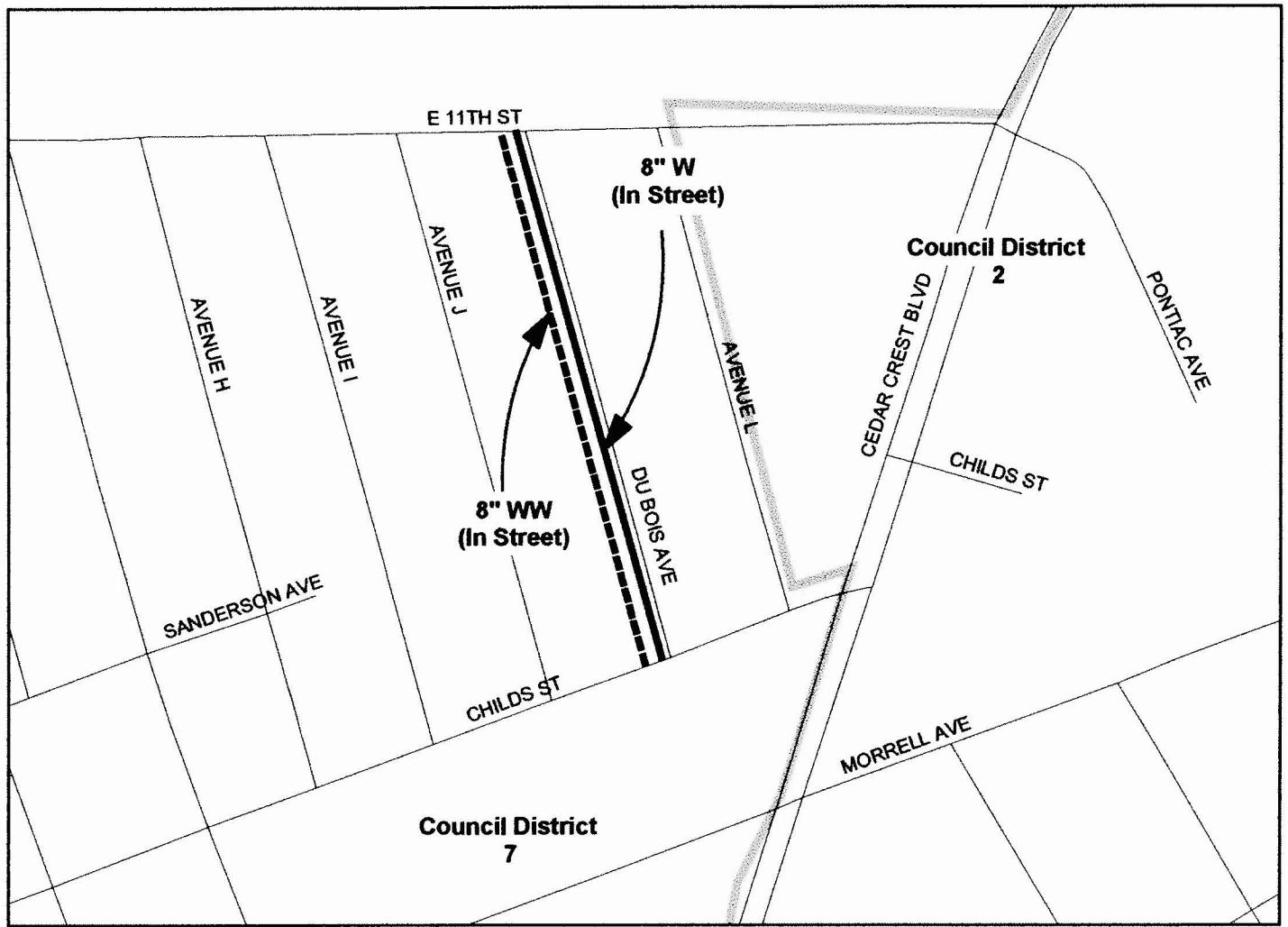


15: Mapsco: 46R, 47N
Council District: 7

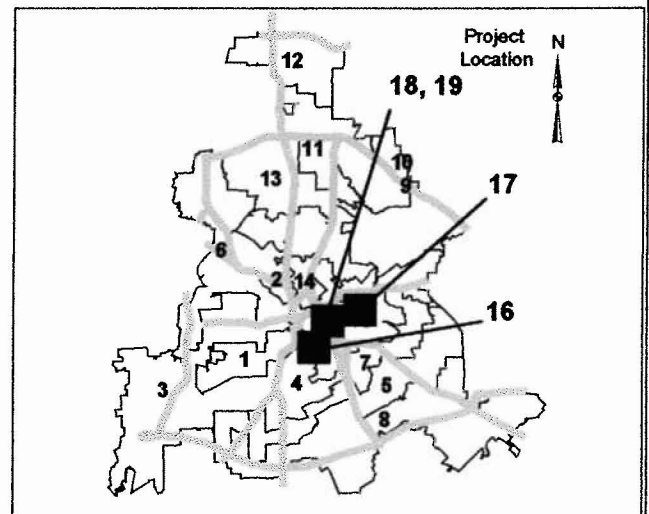


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2

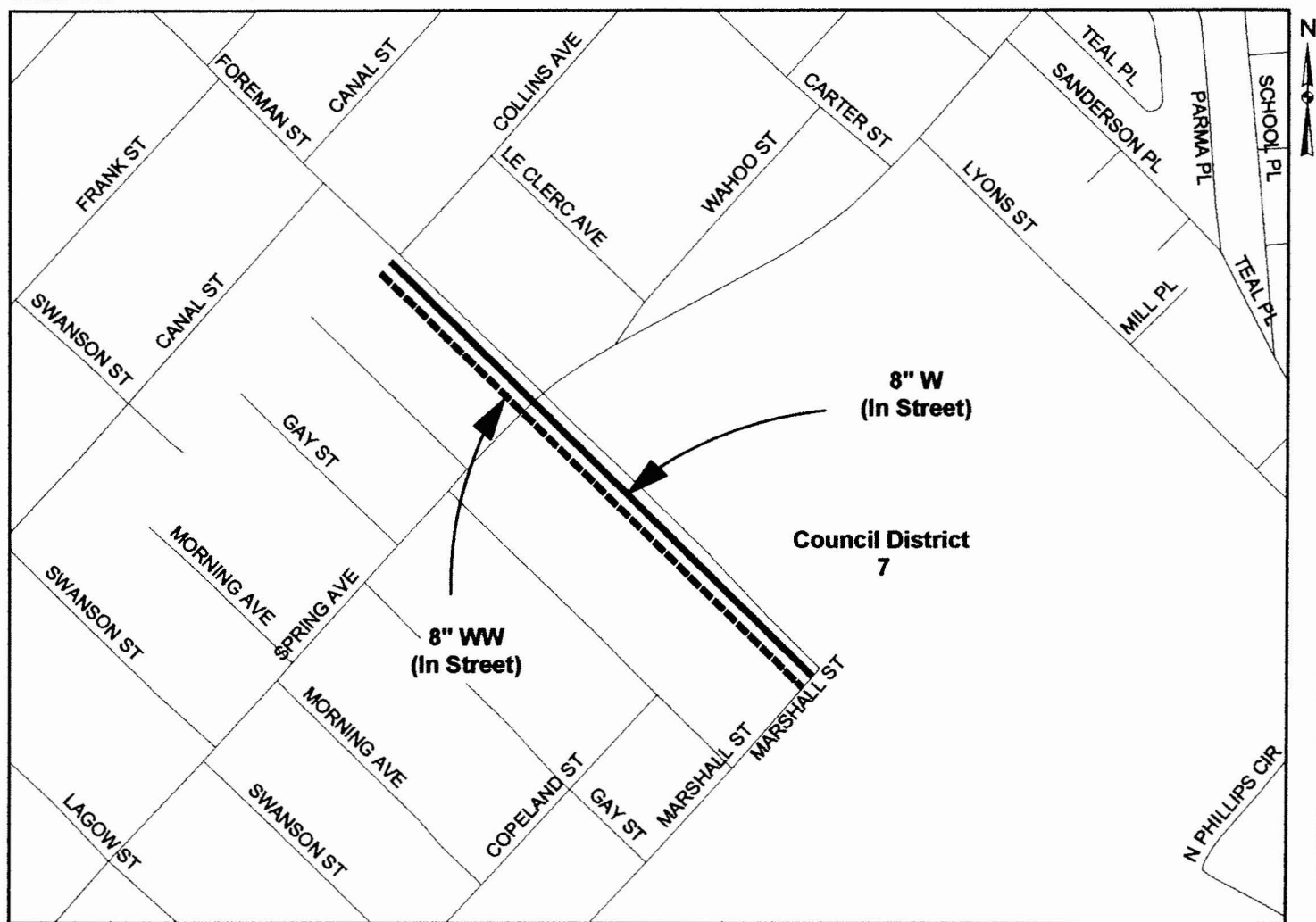


16: Mapsco: 55G, 55H
Council District: 7

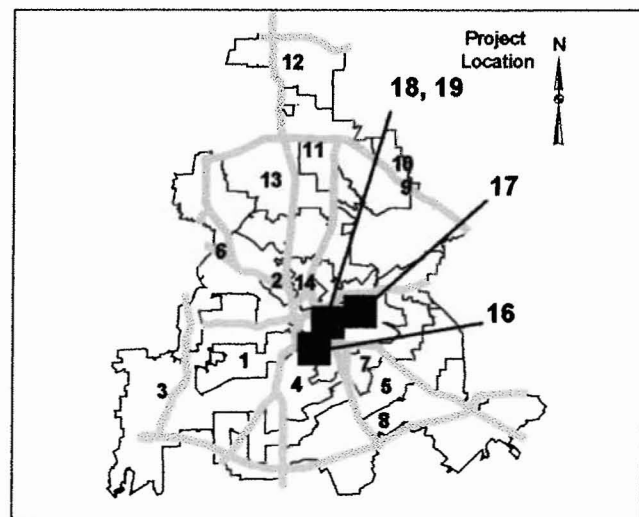


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2

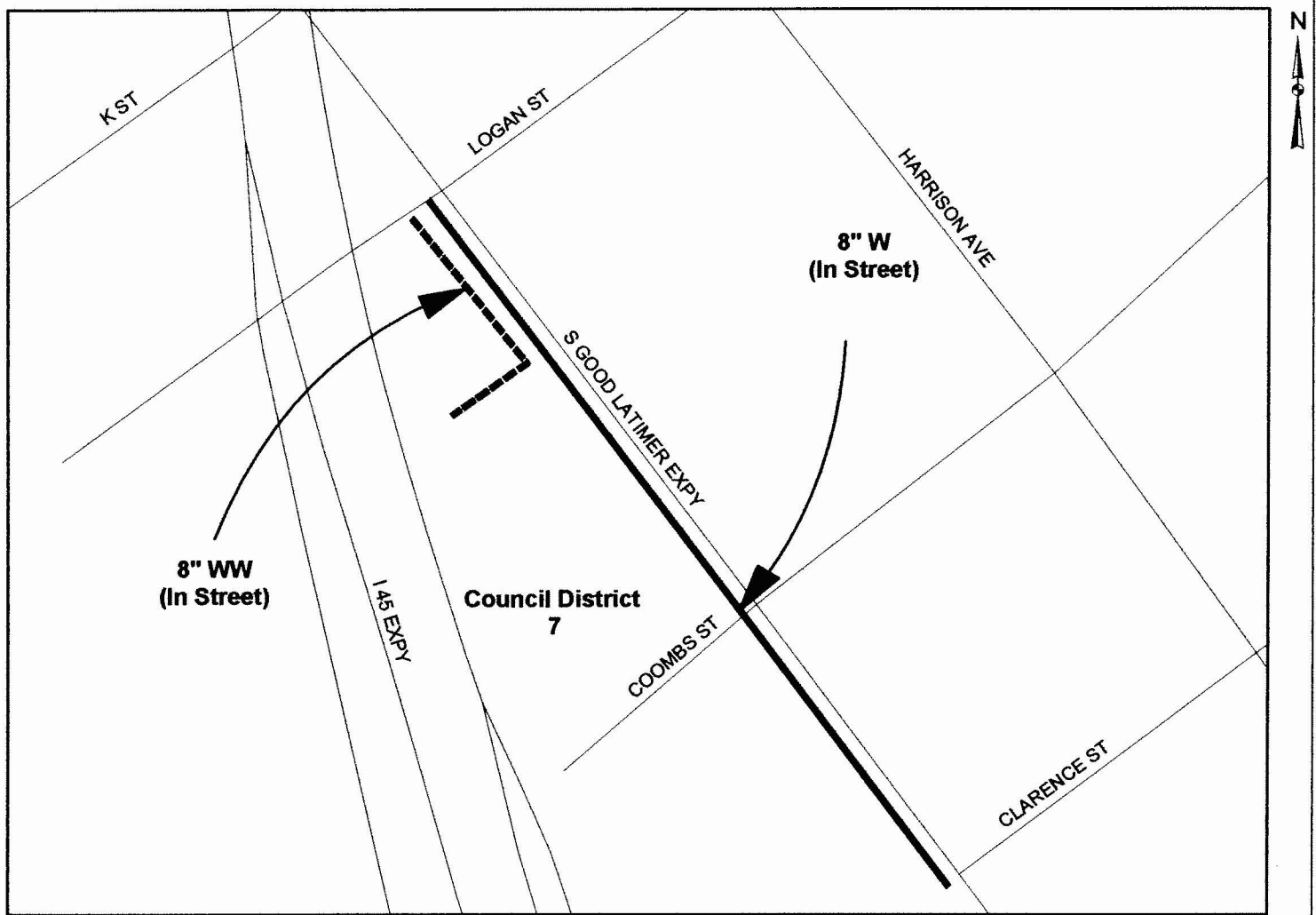


17: Mapsco: 46R, 47N
Council District 7

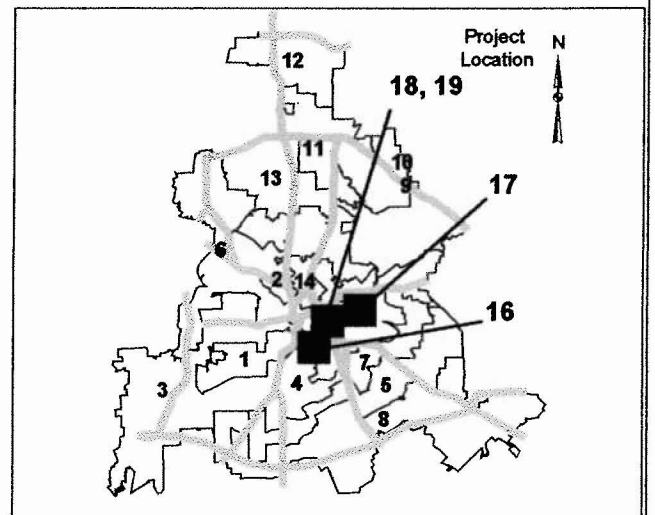


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2

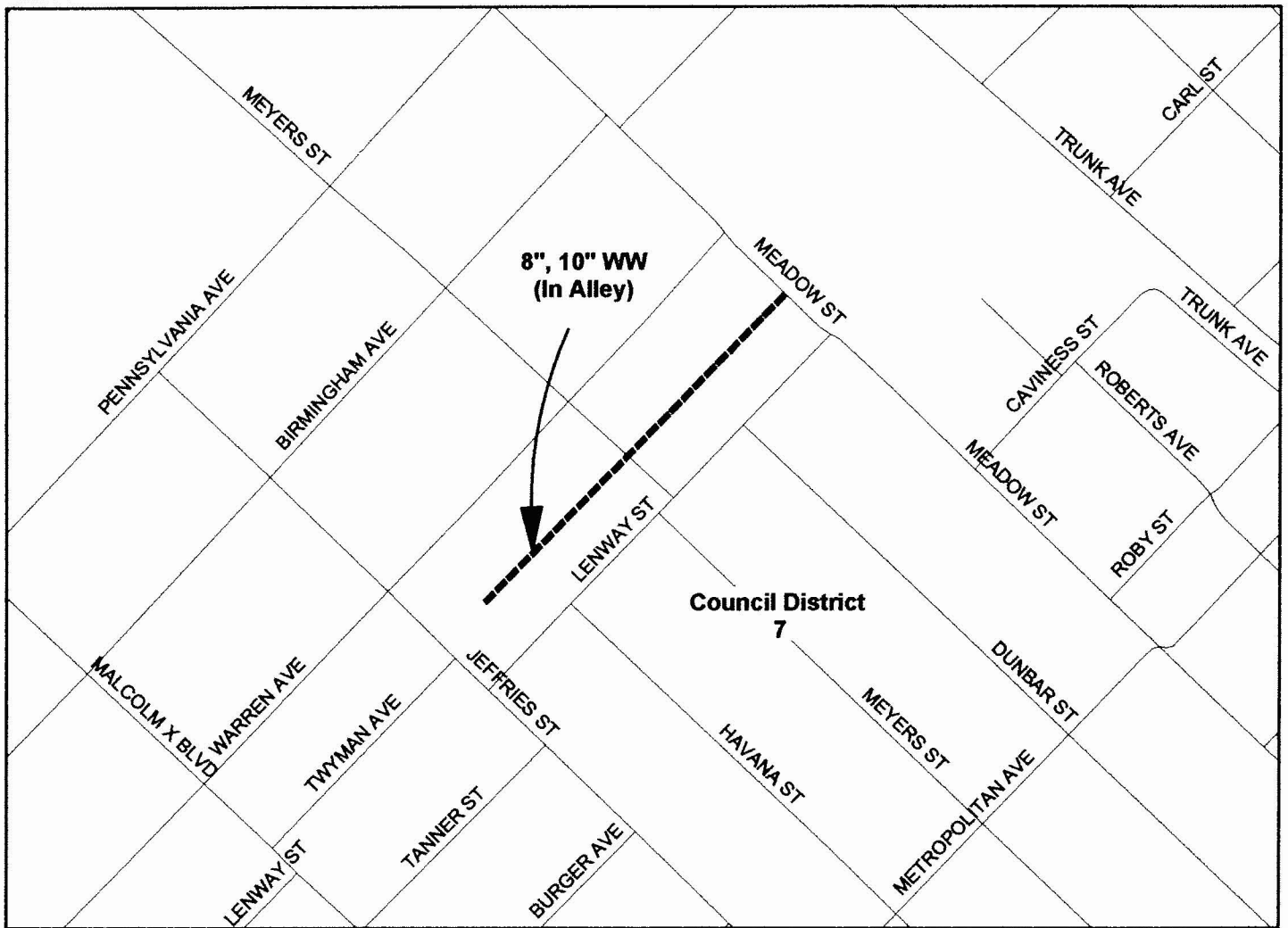


18: Mapsco: 46S
Council District: 7

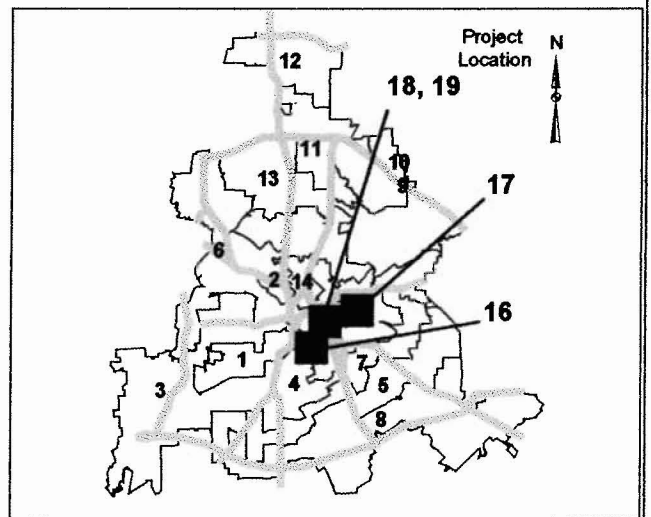


**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2



19: Mapsco: 46T, 46U
Council District: 7



**Dallas Water
Utilities**

Contract Nos. 06-073 and 06-074
Water and Wastewater Main Installation
at 19 Locations - Phase 2

June 27, 2007

WHEREAS, bids were received on April 19, 2007 for the installation of water and wastewater mains at 19 locations, Contract Nos. 06-073 and 06-074, listed as follows:

<u>Bidders</u>	<u>Amount</u>
SYB Construction Co., Inc.	\$6,988,919.50
Barson Utilities, Inc.	\$7,146,619.50
John Burns Construction Co. of Texas, Inc.	\$7,622,341.40

and,

WHEREAS, the bid submitted by SYB Construction Co., Inc., 421 Compton Avenue, Irving, Texas 75061 in the amount of \$6,988,919.50 is the lowest and best of all bids received; **Now, Therefore**,

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

Section 1. That the bid of SYB Construction Co., Inc. in the amount of \$6,988,919.50, for doing the work covered by the plans, specifications and contract documents, Contract Nos. 06-073 and 06-074, be accepted.

Section 2. That the City Manager be and is hereby authorized to enter into a contract with SYB Construction Co., Inc., for the installation of water and wastewater mains at 19 locations, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of \$6,988,919.50 from the Water Capital Improvement Fund and Wastewater Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>PRO</u>	<u>REP</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0115	DWU	PW40	MPSA	4550	706073	WU19	CTDWU706073CP	507202

SYB Construction Co., Inc. - (Contract No. 06-073) - \$3,927,469.70

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>PRO</u>	<u>REP</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0116	DWU	PS40	MPSA	4560	706074	TL89	CTDWU706074CP	507202

SYB Construction Co., Inc. - (Contract No. 06-074) - \$3,061,449.80

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

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Water Utilities

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

MAPSCO: Outside City Limits

SUBJECT

Authorize a twelve-month contract, with one twelve-month renewal option, with Travis Ranch Development, L.P. to provide untreated water from Lake Ray Hubbard for the period of June 28, 2007 through June 27, 2008 in the amount of \$8,213; and for the period of June 28, 2008 through June 27, 2009 in the amount of \$7,848 - Total Estimated Revenue: \$16,061

BACKGROUND

City Council authorized a one-year contract, with two one-year renewal options, with Travis Ranch Development, L.P. on January 28, 2004 for the purchase of a maximum of 18 million gallons (55.23 acre feet) of untreated water annually from Lake Ray Hubbard. This contract expired January 28, 2007.

Travis Ranch Development, L.P. has requested a new contract to continue purchasing untreated water from Lake Ray Hubbard. Travis Ranch Development, L.P. will use the water for dust control and compacting during paving and residential home construction in Kaufman and Rockwall Counties, Texas. The water will be provided from a diversion point on Lake Ray Hubbard.

This item will authorize a new contract with Travis Ranch Development, L.P. to continue the purchase of a maximum of 18 million gallons (55.23 acre feet) of untreated water annually from Lake Ray Hubbard. The water will be billed at the standard ordinance rate for untreated water. The City reserves the right to interrupt the supply of untreated water if the water supply is not available or if the water is needed by the City.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

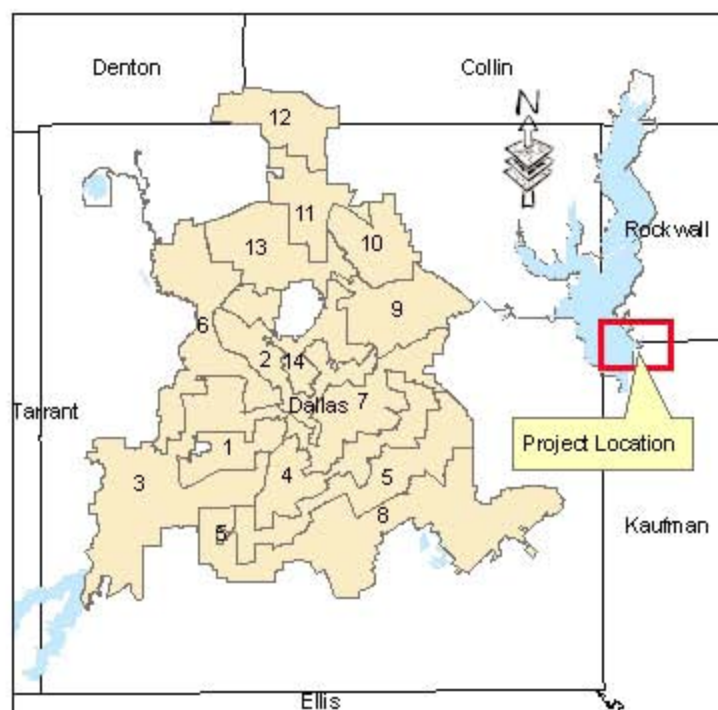
Council awarded a contract to provide untreated water with Travis Ranch Development, L.P., on January 28, 2004 by Resolution No. 04-0444.

FISCAL INFORMATION

Total Estimated Revenue: \$16,061.00



Dallas Mapsco: 4DC W
Council District: Outside City Limits



**Dallas Water
Utilities**

**Lake Ray Hubbard
Travis Ranch**

June 27, 2007

WHEREAS, the City of Dallas retains the water rights to Lake Ray Hubbard; and,

WHEREAS, the City Council previously authorized on January 28, 2004, by Resolution No. 04-0444, a contract with Travis Ranch Development, L.P. to purchase untreated water from the City of Dallas; and,

WHEREAS, the previous contract with Travis Ranch Development, L.P. for the purchase of untreated water expired on January 28, 2007; and,

WHEREAS, Travis Ranch Development, L.P. has requested to continue the purchase of untreated water from the City; **Now, Therefore**,

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

Section 1. That the City Manager is hereby authorized to enter into a twelve-month contract, with one twelve-month renewal option, with Travis Ranch Development, L.P. to purchase untreated water from the City of Dallas from Lake Ray Hubbard for the period of June 28, 2007 through June 27, 2008 in the amount of \$8,213; and for the period of June 28, 2008 through June 27, 2009 in the amount of \$7,848, after approval of the contract documents by the City Attorney.

Section 2. That the City Controller is hereby authorized to deposit revenue receipts to Fund 0100, Dept. DWU, Unit 7005, Revenue Source 7849.

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
Office of Financial Services

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Water Utilities

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

MAPSCO: 50A N S T

SUBJECT

Authorize an increase in the contract with Cajun Constructors, Inc. for additional improvements required for the expansion to 540 million gallons per day at the East Side Water Treatment Plant - \$1,888,544, from \$31,463,975 to \$33,352,519 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

On June 14, 2006, the City of Dallas awarded the Stage IV Filter Improvements to Cajun Constructors, Inc. in the amount of \$31,463,975.00 as the first project of the planned multi-phased expansion of the East Side Water Treatment Plant that expands the plant from 440 MGD (million gallons per day) to 540 MGD. Work includes construction of sixteen new filters and modifications to the existing 48 filters to meet growth and regulatory requirements.

This change order includes additional work required to meet the standards specified in the contract documents and also to meet scheduling requirements. The existing filter media was originally planned to be reused, however, during construction, the filter media in the existing filters was tested as required by the contract documents and found not to meet specified requirements for effective size, uniformity and depth. It was determined to be at the end of its effective life span. To meet the standards for quality water treatment, it was recommended that the existing filter media be replaced with new filter media.

Additional change order work includes a material substitution for stainless steel sluice gates in lieu of cast iron gates necessary to meet the contract time constraints for keeping the East Side Water Treatment Plant in service and fully operational to meet demands of customers.

ESTIMATED SCHEDULE OF PROJECT

Began Construction October 2006
Complete Construction September 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized a contract for the construction of a new filter complex and additional improvements to the existing filter complex at the East Side Water Treatment Plant, with Cajun Constructors, Inc., on June 14, 2006 by Resolution No. 06-1557.

FISCAL INFORMATION

\$1,888,544.00 - Water Utilities Capital Improvement Funds

M/WBE INFORMATION

Attached

ETHNIC COMPOSITION

Cajun Constructors, Inc.

Hispanic female	3	Hispanic male	168
Black female	4	Black male	226
Other female	2	Other male	6
White female	48	White male	565

OWNER

Cajun Constructors, Inc.

Lane Grigsby, President

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Cajun Constructors, Inc. for additional improvements required for the expansion to 540 million gallons per day at the East Side Water Treatment Plant - \$1,888,544, from \$31,463,975 to \$33,352,519 - Financing: Water Utilities Capital Improvement Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$1,858,144.00	98.39%
Non-local contracts	\$30,400.00	1.61%
TOTAL THIS ACTION	\$1,888,544.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

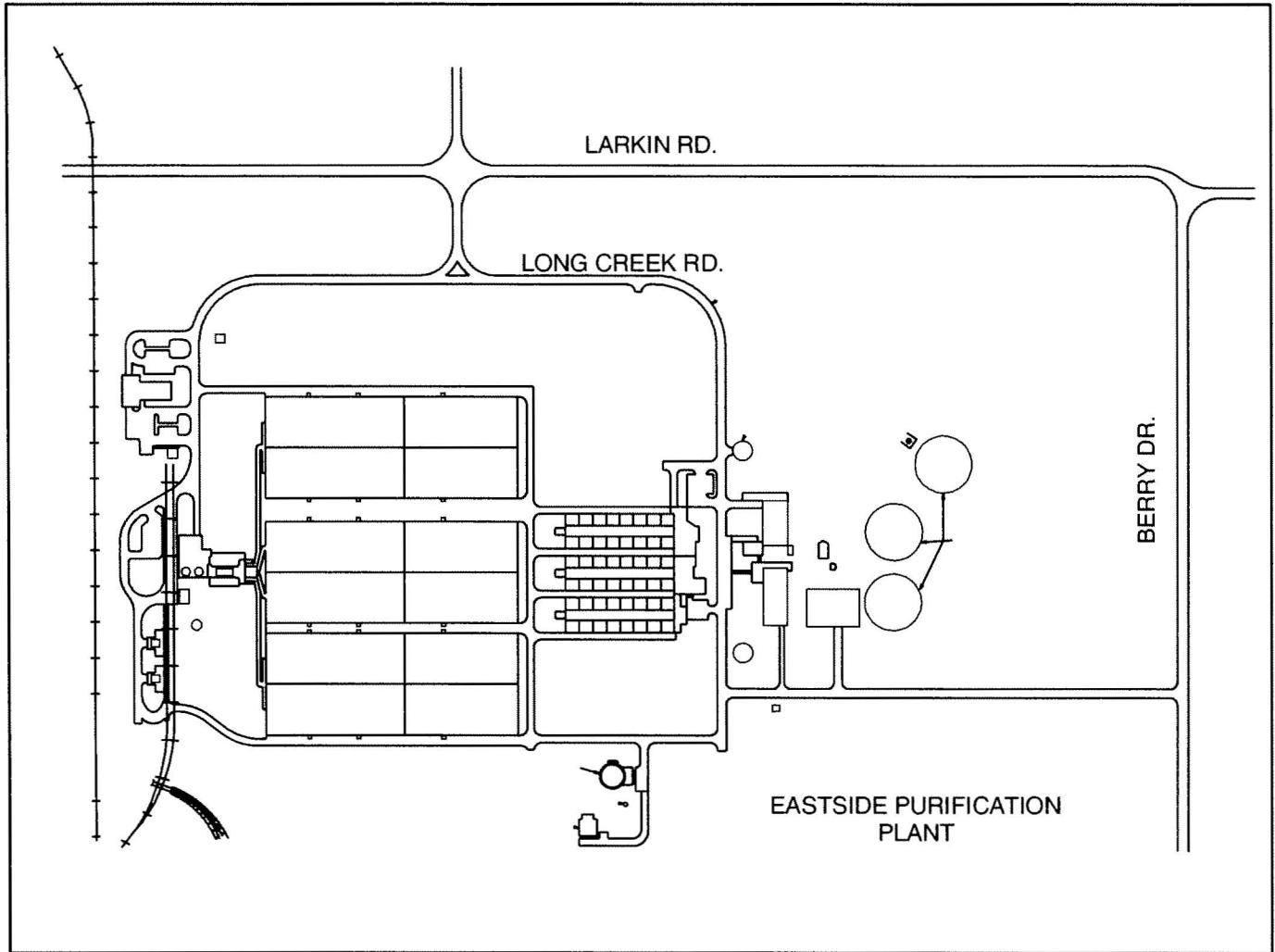
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
North Texas Trucking	HMDB32110Y0907	\$108,158.38	5.82%
The James C. Paris Company, Inc.	NMDB31774Y0807	\$1,468,486.00	79.03%
Total Minority - Local		\$1,576,644.38	84.85%

Non-Local Contractors / Sub-Contractors

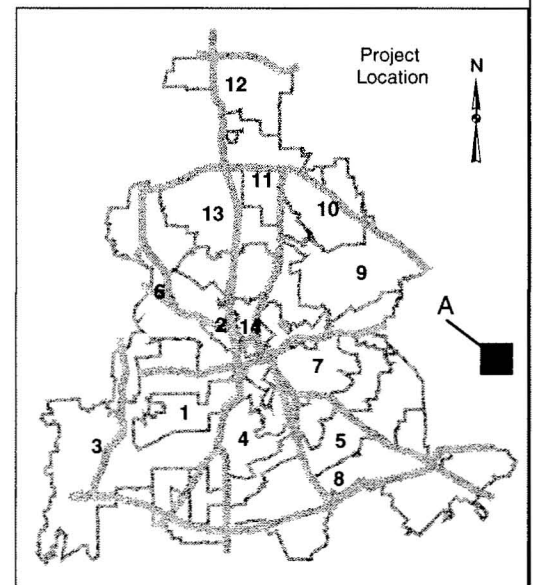
None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$200,313.00	0.60%
Hispanic American	\$108,158.38	5.73%	\$403,438.38	1.21%
Asian American	\$0.00	0.00%	\$7,500.00	0.02%
Native American	\$1,468,486.00	77.76%	\$6,161,228.00	18.47%
WBE	\$0.00	0.00%	\$2,374,390.00	7.12%
Total	\$1,576,644.38	83.48%	\$9,146,869.38	27.42%



A:Mapsc0: 50A N S T
 Council District: Outside City Limits



Contract No. 05-513
 Change Order No. 1
 East Side Water Treatment Plant Expansion to 540 MGD-Part A
 Stage IV Filters Expansion

June 27, 2007

WHEREAS, on June 14, 2006 the City Council awarded Contract No. 05-513 in the amount of \$31,463,975.00 by Resolution No. 06-1557, to Cajun Constructors, Inc., 1125 East Highway 121, Lewisville, TX 75057, for construction of a new filter complex and additional improvements to the existing filter complex at the East Side Water Treatment Plant; and,

WHEREAS, during the course of construction, constructability issues were identified and additional work was required by the Contractor to meet the goals of the project; and,

WHEREAS, Cajun Constructors, Inc. has submitted an acceptable proposal for this additional work; and,

WHEREAS, the Water Utilities Department recommends that Contract No. 05-513 be increased by \$1,888,544.00, from \$31,463,975.00 to \$33,352,519.00; **Now, Therefore,**

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

Section 1. That the City Manager is hereby authorized to execute Change Order No. 1 to the contract with Cajun Constructors, Inc. for additional improvements required for the expansion to 540 million gallons per day at the East Side Water Treatment Plant - \$1,888,544, from \$31,463,975 to \$33,352,519.

Section 2. That the City Controller be and is hereby authorized to pay the amount of \$1,888,544.00 from the Water Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>PRO</u>	<u>REP</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0115	DWU	PW32	WTPF	4320	705513	WU23	CTDWU705513CP	269212

Cajun Constructors, Inc. - (Contract No. 05-513) - \$1,888,544.00

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: Water-Administration, 4AN, Cheryl Glenn
 Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
 Water-Accounting, 5AN, Esther Darden
 Office of Financial Services, 4FN, Jeanne Chipperfield

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Water Utilities

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

MAPSCO: 11B E J N S

SUBJECT

Ratify a professional services contract with TCB Inc. to provide engineering services for **(1)** the study and assessment of an existing water transmission main in the City of Irving from Belt Line Road to the Hackberry Pump Station; and, **(2)** the design of a pipeline interconnect at the Hackberry Pump Station - \$220,983 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This project consists of two main parts for an engineering services contract for the study and assessment of a City of Dallas water transmission pipeline within the City of Irving, and for the design of a water pipeline interconnection at the Hackberry Pump Station in the City of Irving.

Part (1) consists of providing engineering services for the study and assessment of the condition of approximately 11,500 feet of an existing 48-inch water transmission main in the City of Irving. This water transmission main delivers critical water supply to the City of Irving and the Dallas-Fort Worth Airport.

The existing water transmission pipeline is currently out of service due to a collapse of a retaining wall system that was constructed via private development within the City of Irving. An immediate pipeline interconnect design is necessary to sustain the water supply to the Dallas-Fort Worth Airport during the high demand periods. The interconnect will provide the necessary supply to the Dallas-Fort Worth Airport through the Dallas Water Utilities pipeline (not impacted by private development in Irving) with source water originating from Irving's Hackberry Pump Station.

The remaining Dallas Water Utilities pipeline from Beltline Road south to the Hackberry Pump Station (as impacted by private development) will be studied and its condition assessed while out of service. The assessment will provide an engineer's opinion of probable remaining useful service life needed for valuation of the asset. Information from the study will be used to evaluate the cost effectiveness of relocating the water transmission main.

BACKGROUND (Continued)

Part (2) consists of engineering services to survey and develop construction plans and documentation for the interconnect between the City of Irving Hackberry Pump Station discharge line and the Dallas-Fort Worth Airport supply line.

This project is needed on a higher priority basis in order to provide assured continuous water service to the Dallas-Fort Worth Airport.

The construction cost associated with this design project was \$350,000.00 and was performed through a master construction agreement contract with Omega Construction.

ESTIMATED SCHEDULE OF PROJECT

Began Project	June 2007
Complete Project	September 2007

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$220,983.00 - Water Utilities Capital Improvement Funds

ETHNIC COMPOSITION

TCB Inc.

Hispanic female	24	Hispanic male	67
Black female	14	Black male	12
Other female	17	Other male	37
White female	120	White male	256

M/WBE INFORMATION

Attached

OWNER

TCB Inc.

James F. Thompson, President

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Ratify a professional services contract with TCB Inc. to provide engineering services for **(1)** the study and assessment of an existing water transmission main in the City of Irving from Belt Line Road to the Hackberry Pump Station; and, **(2)** the design of a pipeline interconnect at the Hackberry Pump Station - \$220,983 - Financing: Water Utilities Capital Improvement Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$220,983.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	<u>\$220,983.00</u>	<u>100.00%</u>

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

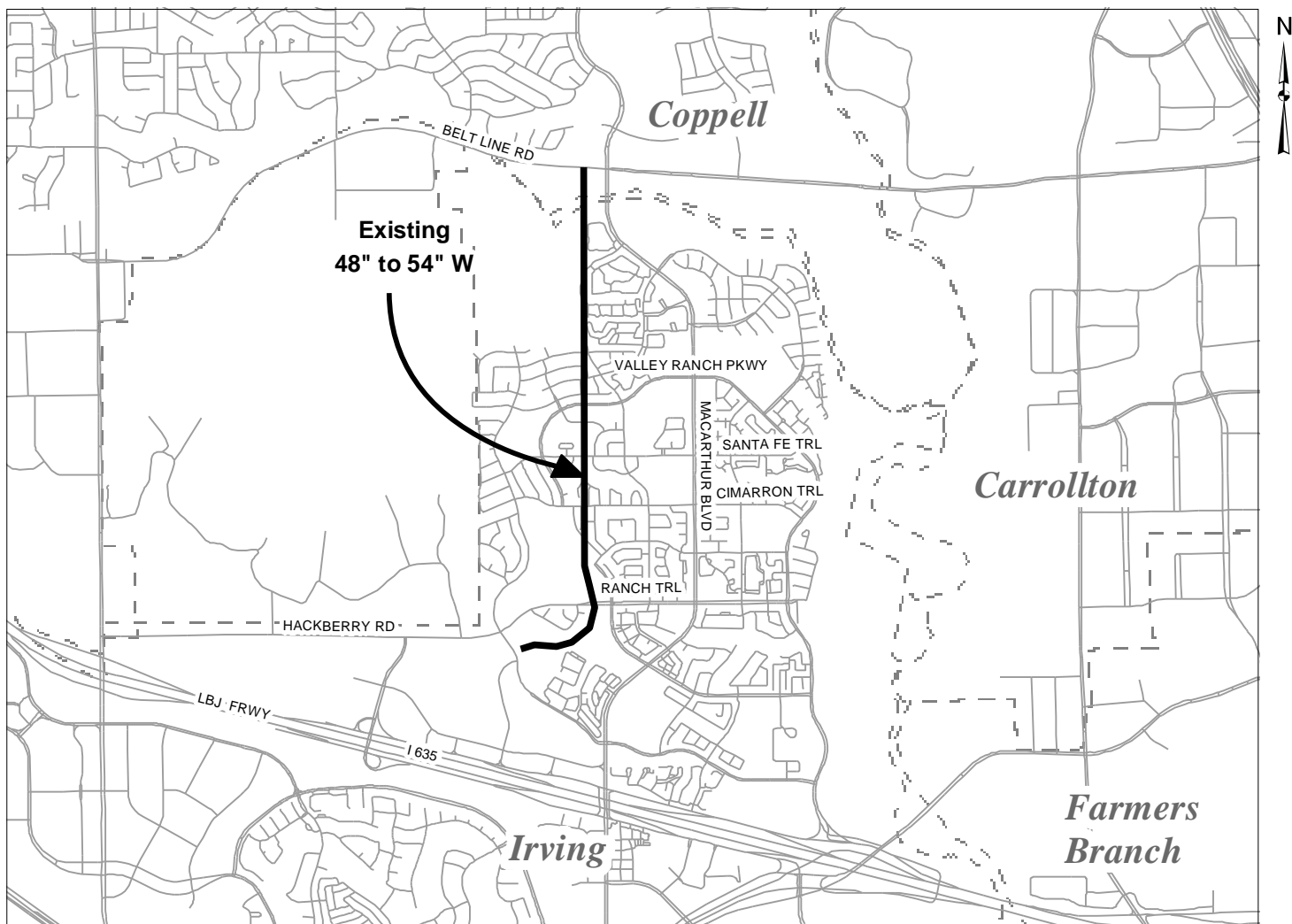
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Technical Associates Services, Inc.	BMDB31889Y0907	\$7,661.00	3.47%
Jaster-Quintanilla Dallas LLP	HMMB32784N1107	\$42,258.00	19.12%
Mehta West Brashear Group, LLC	WFDB32964Y1207	\$6,961.00	3.15%
Total Minority - Local		<u>\$56,880.00</u>	<u>25.74%</u>

Non-Local Contractors / Sub-Contractors

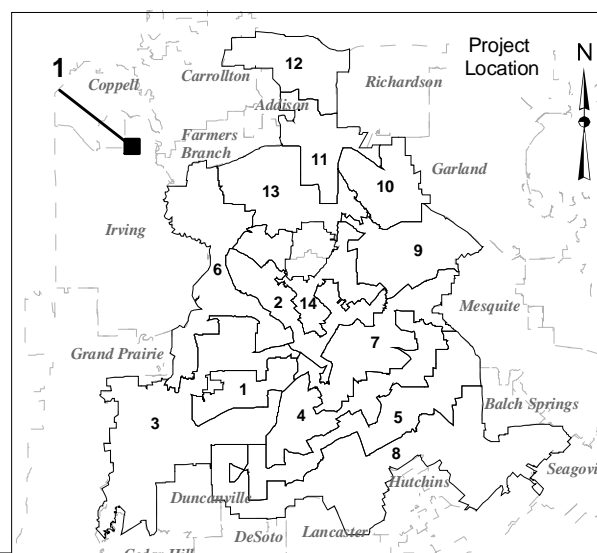
None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$7,661.00	3.47%	\$7,661.00	3.47%
Hispanic American	\$42,258.00	19.12%	\$42,258.00	19.12%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$6,961.00	3.15%	\$6,961.00	3.15%
Total	<u>\$56,880.00</u>	<u>25.74%</u>	<u>\$56,880.00</u>	<u>25.74%</u>



1: Mapsco: 11B E, J, N, S
Cities: Outside City Limits



**Dallas Water
Utilities**

Contract No. 07-195E
Irving / DFW Airport Supply Line
Condition Assessment

June 27, 2007

WHEREAS, the City of Dallas Water Department needs a prioritized assessment of the condition of the water delivery system to its wholesale customers of the City of Irving and the Dallas Fort Worth Airport, and,

WHEREAS, engineering services are required for the study and assessment of the existing water transmission main in the City of Irving from Belt Line Road to the Hackberry Pump Station, and the development of construction plans and documentation of a pipeline interconnect between the Hackberry Pump Station and the Dallas-Fort Worth Airport; and,

WHEREAS, TCB Inc., 5757 Woodway, Suite 101 West, Houston, Texas 77057 has submitted an acceptable proposal to provide these engineering services; **Now, Therefore,**

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

Section 1. That the proposal submitted by TCB Inc., in the amount of \$220,983.00 be approved and the consultant be authorized to perform the required engineering services.

Section 2. That the City Manager be and is hereby authorized to ratify a professional services contract with TCB Inc. to provide engineering services for **(1)** the study and assessment of an existing water transmission main in the City of Irving from Belt Line Road to the Hackberry Pump Station; and, **(2)** the design of a pipeline interconnect at the Hackberry Pump Station, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of \$220,983.00 from the Water Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>PRO</u>	<u>REP</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0115	DWU	PW40	MPSA	4111	707195	WU22	CTDWU707195CP	132725

TCB Inc. - (Contract No. 07-195E) - \$220,983.00

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: Water-Administration, 4AN, Cheryl Glenn
 Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
 Water-Accounting, 5AN, Esther Darden
 Office of Financial Services, 4FN, Jeanne Chipperfield

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 7
DEPARTMENT: Water Utilities
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: 56 E J

SUBJECT

Ratify emergency repairs and authorize a contract for the construction of improvements to the levee at the Central Wastewater Treatment Plant - T.J. Lambrecht Construction, Inc. - \$143,751 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item is for emergency repairs to restore the levee providing flood protection for the Central Wastewater Treatment Plant (CWWTP) to meet the protection level required by the Texas Commission on Environmental Quality (TCEQ) and required for the Federal Emergency Management Association (FEMA) certification.

Repairs consisted of placement of select clay material in areas requiring fill and restoration of the flexbase roadway on the top of the levee. An average of six to twelve inches of material (clay plus flexbase) was added to approximately half of the length of the levee. As an added safety factor, the areas needing repairs were completed higher than required to account for normal deterioration of the road due to daily traffic would not result in a similar situation.

Following hurricane Katrina, FEMA began the process to update the flood protection mapping and certification process for levees throughout the nation. On January 30, 2007, FEMA met with the City of Dallas to discuss requirements for certification of all the levees in the city. Through aerial mapping, it had been discovered that the levee that was re-constructed in the mid-1990s protecting the CWWTP had areas that no longer met the required 100-year flood elevation, plus three feet of freeboard.

T.J. Lambrecht Construction, Inc. contractual activities for the past three years:

BACKGROUND (Continued)

	<u>PWT</u>	<u>DWU</u>	<u>PKR</u>
Projects Authorized	1	1	0
Change Orders	0	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Construction March 2007
Completed Construction March 2007

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$143,750.74 - Water Utilities Capital Improvement Funds

M/WBE INFORMATION

Attached

ETHNIC COMPOSITION

T.J. Lambrecht Construction, Inc.

Hispanic female	15	Hispanic male	262
Black female	3	Black male	23
Other female	0	Other male	2
White female	9	White male	118

OWNER

T.J. Lambrecht Construction, Inc.

Clarence Carlson, President

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Ratify emergency repairs and authorize a contract for the construction of improvements to the levee at the Central Wastewater Treatment Plant - T.J. Lambrecht Construction, Inc. - \$143,751 - Financing: Water Utilities Capital Improvement Funds

T. J. Lambrecht Construction, 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$24,336.00	16.93%
Total non-local contracts	\$119,414.74	83.07%
TOTAL CONTRACT	\$143,750.74	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

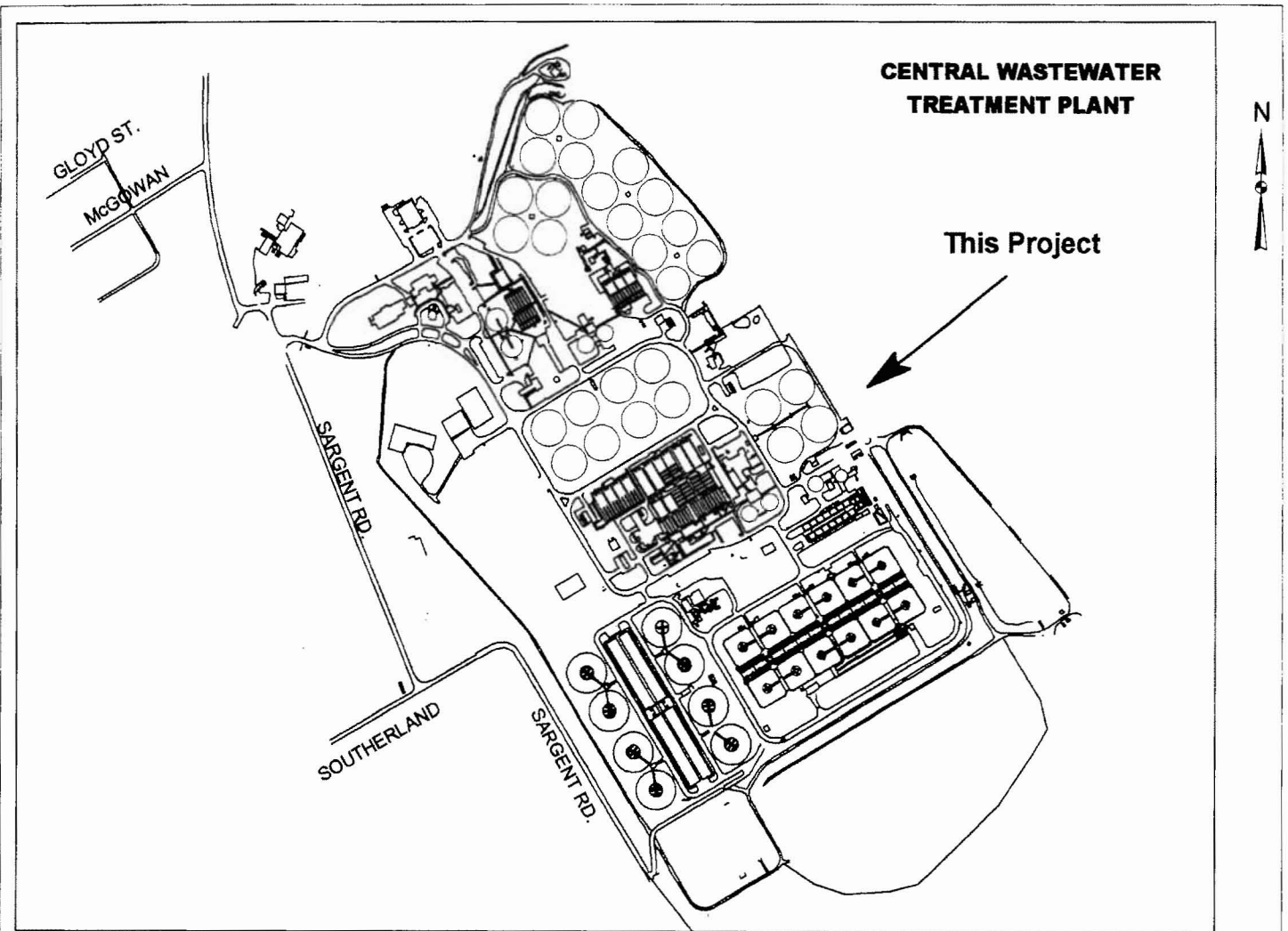
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Herdez Trucking Company, Inc.	HMDB31532Y0807	\$24,336.00	100.00%
Total Minority - Local		\$24,336.00	100.00%

Non-Local Contractors / Sub-Contractors

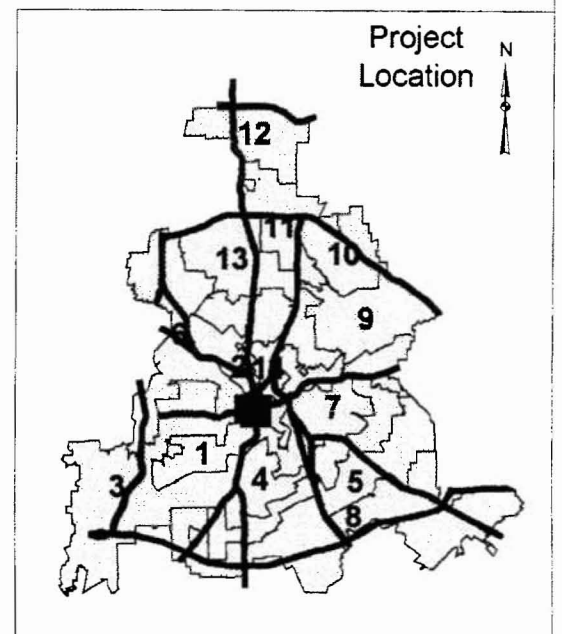
None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$24,336.00	100.00%	\$24,336.00	16.93%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$24,336.00	100.00%	\$24,336.00	16.93%



MAPSCO : 56 E & J
Council District : 7



**Dallas Water
Utilities**

Contract No. 07-204
Central Wastewater Treatment Plant
Emergency Levee Improvements Construction

June 27, 2007

WHEREAS, deficiencies had been identified in the levee providing flood protection for the Central Wastewater Treatment Plant which resulted in protection less than the 100-year plus three feet of freeboard required by the Federal Emergency Management Agency (FEMA) and the Texas Commission on Environmental Quality (TCEQ); and,

WHEREAS, emergency repairs were required to complete the work prior to the spring rainy season and in accordance with the schedule established by FEMA; and,

WHEREAS, emergency repairs in the amount of \$143,750.74 have been performed by T. J. Lambrecht Construction, Inc., 10 Gougar Road, Joliet, Illinois 60432-9714; **Now, Therefore,**

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

Section 1. That the emergency repairs performed by T. J. Lambrecht Construction, Inc. in the amount of \$143,750.74 be ratified.

Section 2. That the City Manager be and is hereby authorized to enter into a contract with T. J. Lambrecht Construction, Inc., for the construction of improvements to the levee at the Central Wastewater Treatment Plant, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of \$143,750.74 from the Wastewater Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>PRO</u>	<u>REP</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0116	DWU	PS30	WWTP	4330	707204	TL84	CTDWU707204CP	VS0000011389

T. J. Lambrecht Construction, Inc. - (Contract No. 07-204) - \$143,750.74

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

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
 Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
 Water-Accounting, 5AN, Esther Darden
 Office of Financial Services, 4FN, Jeanne Chipperfield

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 7
DEPARTMENT: Housing
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 47J

SUBJECT

Authorize a loan to Carpenter's Point, L.P., for the an 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 and 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 to moderate-income households \$750,000 - Financing: 2006-07 Community Development Grant Reprogramming Funds (\$100,000); 2006-07 Community Development Grant Funds (\$650,000)

BACKGROUND

On June 28, 2006, the FY 2006-07 Consolidated Plan Budget was adopted which authorized the use of \$1,000,000 in funds for acquisition of real property for single-family and multi-family developments under the Residential Development Acquisition Loan Program (RDALP).

On November 8, 2006, Carleton Development, Ltd., consultant and contractor, submitted an application for a pre-application waiver for 9% tax credits on behalf of Carpenter's Point, L.P., (the "Applicant"), a Texas Limited Partnership, an entity of which George Davis King, Jr., is President. The Applicant has requested loan funding in the amount of \$750,000 to ~~construct~~ be used toward the development of the Frazier Berean 150 unit residential development for seniors located at 3326 Mingo Street. The acquisition price for the property is \$500,000 per application to Texas Department of Housing and Community Affairs (TDHCA). The ~~2004~~ 2007 tax appraisal is ~~\$337,320~~ \$337,230 and is appraised at \$530,000. The project developer is undetermined and the proposed property manager will be a large third party management company that will be selected via a competitive process.

BACKGROUND (Continued)

On December 13, 2006, the City Council appropriated \$3,300,000 of Section 108 Intown Housing Program income, from the sale of the Santa Fe II Lofts to be used for downtown condominium purchases, the acquisition and development costs downtown multi-family development, southern sector acquisition, demolition, and infrastructure and construction financing for housing, economic development and mixed-use development. The Section 108 program income that has been appropriated is Community Development Block Grant (CDBG) funding and will be used to fund as partial funding for the Frazier Berean senior apartment project development.

On February 5, 2007, the Economic Development and Housing Committee was briefed on this project and voted to recommend that the City Council approve support for this project and that a City Council Resolution requesting \$750,000 in ~~federal~~ Federal HOME Investment Partnerships Program (HOME) funds would be forth coming.

On February 28, 2007, the City Council approved ~~a resolution~~ Resolution No. 07-0709 ~~expressing to support for this project, which was necessary in order for the Frazier Berean senior apartment project to be considered for low-income housing tax credit financing by the TDHCA~~ The City also approved the development of the complex for tax credit financing and \$750,000 in HOME funds to be used for construction. Resolution No. 07-0709 will be amended in that it authorized HOME funds for new construction and will be substituted with RDALP CDBG funds to be used only for eligible acquisition and pre-development costs. Generally, CDBG funds may not be used for the new construction of housing.

Because the proposed funding source is federal CDBG Funds for the acquisition and ~~new construction of pre-development cost associated with~~ the proposed Frazier Berean residential development for seniors, the Applicant must rent at least 51% of the units to ~~households with low-to-moderate income tenants whose incomes are~~ at or below 80% of the Dallas Area Median Family Income (AMFI) at affordable rents and must comply with all applicable federal regulations. In its tax credit application to the TDHCA, the Applicant proposed 15 units for households at or below 30% AMFI, 130 units for households at or below 60% AMFI, and 5 market rent units. The development is composed of ~~427~~ 126 one-bedroom units and ~~23~~ 24 two-bedroom units. Rents will be set at tax credit rental rates based on income and established by the State each year.

The terms of the RDALP CDBG loan are as follows: The \$750,000 loan be at a one percent interest rate, which will accrue and will be due and payable along with the full principal amount upon the later of twenty years from the closing of the ~~City's~~ CDBG 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~~ CDBG 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.

BACKGROUND (Continued)

The collateral will be the 150-unit project site, which will be deed restricted during the term of the City's loan to require that 51% of the units be ~~used for housing for~~ leased to tenants who are low- to moderate-income households with incomes of 80% or less of the Dallas County median income at affordable rents. ~~Additionally, the applicant will supply the City with an unconditional payment guarantee of \$750,000 for the completion of the construction of the property within 30 months of acquisition by the Applicant.~~

If approved by the City Council, this CDBG loan will be contingent upon the Applicant obtaining the 9% tax credit financing or the tax-exempt bond financing and 4% tax credit financing or demonstrating to the satisfaction of the City that it has secured sufficient conventional financing to complete the new construction of the property, estimated to cost approximately \$14.1 million.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 10, 2005, the City Council authorized the FY 2005-06 Consolidated Plan Budget by Resolution No. 05-2233.

On August 16, 2005, the City Council and the Economic Development and Housing Committee was briefed on the preliminary FY 2005-06 Consolidated Plan. ~~Reprogramming Budget #1 which appropriated \$1,600,000 of Section 108 Intown Housing Loan Program income to be used for eligible Housing Programs, Housing Assistance Support Staff and NIP marketing.~~

On September 28, 2005, the City Council approved FY 2005-06 Consolidated Plan Reprogramming Budget #1 which appropriated \$1,600,000 of Section 108 Intown Housing Loan Program income to be used for eligible Housing Programs, Housing Assistance Support Staff and NIP marketing by Resolution No. 05-2817.

On June 28, 2006, the City Council authorized the FY 2006-07 Consolidated Plan Budget by Resolution No. 06-1739.

On October 3, 2006, the Economic Development and Housing Committee was briefed on the affordable housing opportunities in downtown and the southern sector, and proposed uses for the Section 108 Intown Housing Loan program income of the FY 2006-07 Consolidated Plan Reprogramming Budget.

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

On December 13, 2006, the City Council adopted the final FY 2006-07 Consolidated Plan Reprogramming Budget #1 which appropriated \$3,300,000 of Section 108 Intown Housing Loan Program Income to be used for downtown condominium purchases, the acquisition and development costs downtown multi-family development, southern sector acquisition, demolition, and infrastructure and construction financing for housing, economic development and mixed-use development by Resolution No. 06-3435.

On February 5, 2007, the Economic Development and Housing Committee was briefed on the 2007 Texas Department of Housing and Community Affairs 9% tax credit program, which included the Frazier Berean senior apartment project.

On February 28, 2007, the City Council authorized the development of the Frazier Berean senior apartment project and the TDHCA 9% tax credit financing pursuant to Sec. 49.5 (a) (7) (A-C) of the Qualified Allocation Plan subject to the conditions set forth in by Resolution No. 07-0709.

On May 23, 2007, this item was deferred by Mayor Pro Tem Donald W. Hill until June 27, 2007.

FISCAL INFORMATION

~~\$750,000~~ \$100,000 – 2006-07 Community Development Grant Reprogramming Funds

\$650,000 – 2006-07 Community Development Grant Funds

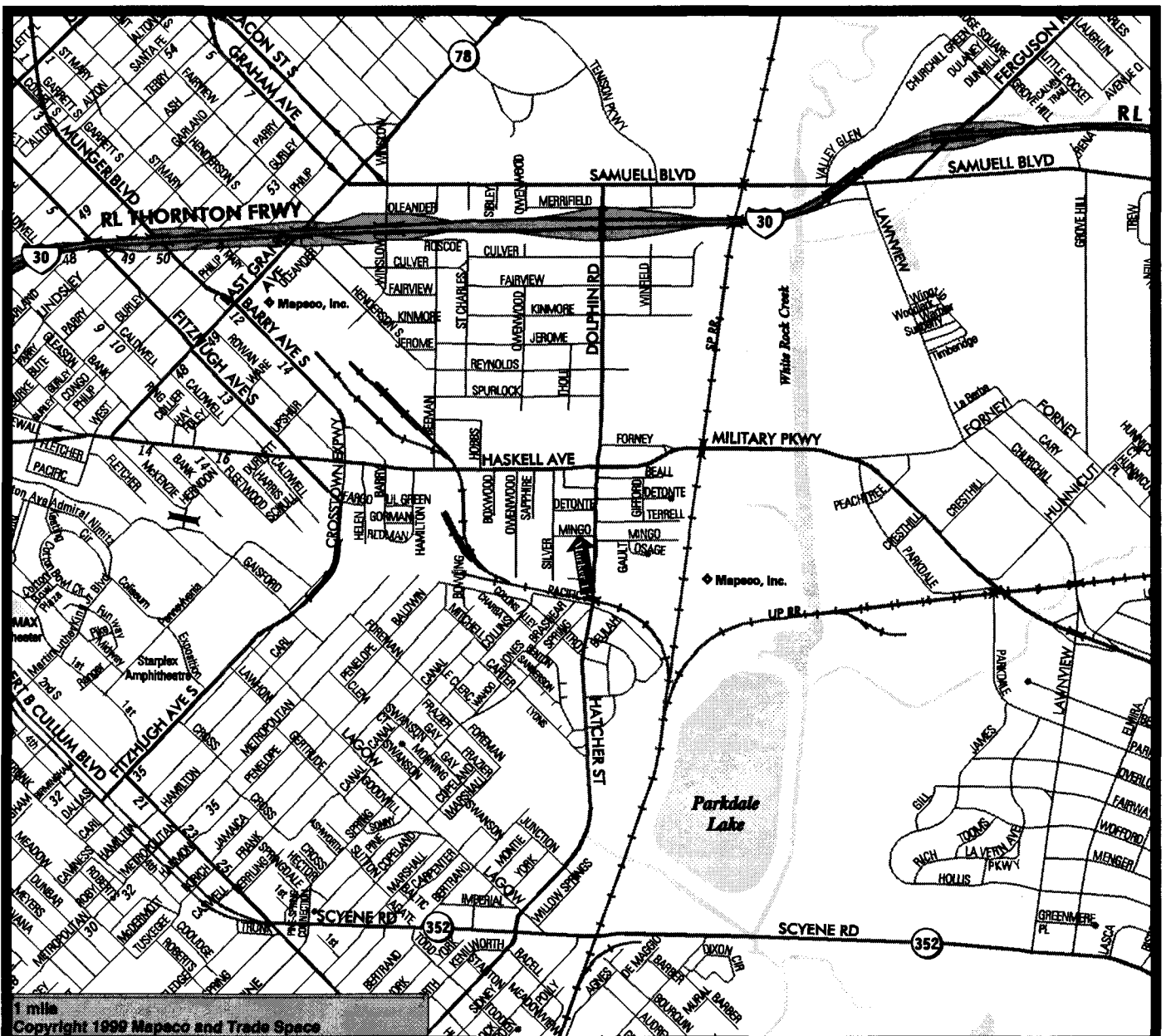
OWNER

Carpenter's Point, L.P.

George Davis King, Jr., President

MAP

Attached



1 mile
Copyright 1990 Mapco and Trade Space

1 : 3326 Mingo Street

June 27, 2007

WHEREAS, the City of Dallas seeks to increase the supply of affordable housing for low-and moderate-income individuals and families; and

WHEREAS, June 28, 2006 the City Council adopted the final FY 2006-07 Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds including \$1,000,000 for the Residential Development Acquisition Loan Program by Resolution No. 06-1739; and

WHEREAS, on October 25, 2006, the City Council approved the final FY 2005-06 Consolidated Plan Reprogramming Budget #3 reducing the RDALP by \$350,000 to a new level of \$650,000 by Resolution No. 06-2991; and

WHEREAS, on November 8, 2006, Carleton Development, Ltd., as developer, submitted an application for a pre-application waiver for 9% tax credits on behalf of Carpenter's Point, L.P.; and

WHEREAS, on December 13, 2006, the City Council adopted the final FY 2006-07 Consolidated Plan Reprogramming Budget #1 which appropriated \$3,300,000 of Section 108 Intown Housing Program Income to be used for downtown condominium purchases, the acquisition and development costs downtown multi-family development, southern sector acquisition, demolition, and infrastructure and construction financing for housing, economic development and mixed-use development by Resolution No. 06-3435; and

WHEREAS, on February 28, 2007, the City Council approved the development of the Frazier Berean senior apartment project and the TDHCA 9% tax credit financing pursuant to Sec. 49.5 (a) (7) (A-C). The Frazier Berean senior apartment project is a proposed new construction development of 150 multifamily housing units, comprised of 126 one-bedroom units, and 24 two-bedroom units for the Carpenter's point L.P.; provided however, that the City's approval of the tax credit financing for this project shall be contingent upon, among other things, future City Council approval to change zoning to allow for the development of 150 residential units for seniors and future City Council approval by subsequent resolution of an amount not to exceed \$750,000 in ~~federal Community Development Block Grant (CDBG)~~ Federal HOME Investment Partnerships Program (HOME) funds for the project, set forth in by Resolution No. 07-0709; and

WHEREAS, the City Council now desires to replace the Federal HOME Investment Partnerships Program (HOME) funds with an amount not to exceed \$750,000 in federal Community Development Block Grant (CDBG) funds for the project; and

June 27, 2007

WHEREAS, the execution of a CDBG RDALP loan agreement ~~with by~~ the City ~~containing these provisions~~, is subject to all applicable CDBG requirements and is further subject to Carpenter's Point, L.P. and (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) completion of the Frazier Berean senior project within 30 months from the execution of the CDBG RDALP contract in a form acceptable to the City, 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, 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; and

WHEREAS, the City Council of the City of Dallas desires to authorize a \$750,000 RDALP CDBG fund loan to Carpenter's Point, L.P. for the partial acquisition clearance and building removal and pre-development costs associated with construction of the Frazier Berean senior project located at 3326 Mingo Street, based upon the ~~developer's owner's~~ having agreed to ~~assume on an unqualified basis~~, the execution of a loan agreement with the City ~~containing these provisions~~; **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~~ with Carpenter's Point, L.P., for the CDBG eligible acquisition, clearance, building removal and pre-development costs associated with the and 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 to moderate-income households.

Section 2. That 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. The execution of a RDALP CDBG loan agreement with by the City is subject to all applicable CDBG requirements and is further subject to Carpenter's Point L.P. containing these provisions, and obtaining (1) 9% tax credit financing, or tax-exempt bond and 4% tax credit financing or conventional financing satisfactory to the City for the completion of the acquisition and rehabilitation of the property, (2) completion of the construction of Frazier Berean senior project within 30 months from the execution of the RDALP CDBG contract, and (3) filing of deed restrictions requiring that at least 51% of the units are leased to low- to moderate-income seniors at affordable rent.

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: 38 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment for a private-club bar and a commercial amusement (inside) for a dance hall on property zoned a CR Community Retail District on the east side of Ferguson Road, south of Gus Thomasson Road

Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewal for additional two-year periods, subject to site plans and conditions
Z067-119(JH)

FILE NUMBER: Z067-119 (JH)

DATE FILED: November 22, 2006

LOCATION: East side of Ferguson Road, south of Gus Thomasson Road

COUNCIL DISTRICT: 9

MAPSCO: 38-M

SIZE OF REQUEST: Approx. 1.1 acres

CENSUS TRACT: 125

REPRESENTATIVE: Karl Crawley, Masterplan

APPLICANT/OWNER: 10290, Ltd.

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment for a private-club bar and a commercial amusement (inside) for a Class A dance hall on property zoned a CR Community Retail District.

SUMMARY: The applicant is requesting the Specific Use Permit to operate a private-club bar and dance hall establishment.

CPC RECOMMENDATION: Approval, for a two-year period with eligibility for automatic renewal for additional two-year periods, subject to site plans and conditions.

STAFF RECOMMENDATION: Approval, for a two-year period with eligibility for automatic renewal for additional two-year periods, subject to site plans and conditions.

BACKGROUND INFORMATION:

- The applicant is requesting a Specific Use Permit in order to operate an Alcoholic Beverage Establishment for a Private-Club Bar and a Commercial amusement (Inside) use for a dance hall. Both uses require an SUP in a CR Community Retail District.
- The request site was approved for a Specific Use Permit for these uses on November 14, 2001 for a five-year period with eligibility for automatic renewals of additional five-year periods. The property ownership changed since the SUP was approved and the new owner did not submit the automatic renewal application by the deadline. The SUP expired on November 14, 2006.
- The request site is currently developed with a Private-Club Bar and a dance hall. The proposed establishment would occupy a total of approximately 3,850 square feet with approximately 250 square feet of dance floor. Existing uses in the shopping center include pawn shop, barber/beauty shop, and retail store.

Zoning History: There have been no recent zoning requests in the area.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing & Proposed ROW
Ferguson Road	Minor Arterial	60ft. & 100 ft.
Gus Thomasson Road	Minor Arterial	60 ft. & 100 ft.

Land Use:

	Zoning	Land Use
Site	CR	Commercial amusement (inside) and dance hall, Retail
North	CR	Retail
East	CR	Retail
South	R-7.5(A)	Single Family Residential
West	CR	Retail

STAFF ANALYSIS:

Comprehensive Plan:

The request complies with the following land use goals and policies of the Comprehensive Plan. The request site is in an area where community commercial services exist but is adjacent to an established residential neighborhood. The scale of the existing use is compatible with the area.

One of the implementation measures associated with promoting neighborhood-development compatibility is to ensure adjacent non-residential development does not excessively negatively impact quality of life in existing neighborhoods with respect to incompatible land uses by creating excessive traffic, spillover parking, noise and/or intrusive lighting. The request site being located near a shopping center will likely prevent any spill-over parking in the adjacent residential areas to the south.

NEIGHBORHOOD ELEMENT

GOAL 7.1 PROMOTE VIBRANT AND VIABLE NEIGHBORHOODS

Policy 7.1.2 Promote neighborhood-development compatibility.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use Compatibility:

The approximately 1.1-acre request site is zoned a CR Commercial Retail District and is currently developed with retail and personal service uses and a private-club bar. The applicant is proposing to continue the operation of the private-club bar and Class A dance hall uses on the property, which requires a Specific Use Permit.

The surrounding land uses are residential to the south and retail uses to the north, west, and east. The request site is separated from the residential uses by a solid wood fence located on the residential properties approximately 8 feet in height on the southern boundary.

A private-club bar is defined as an establishment that derives 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character

of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant's representative has indicated that the private-club bar use has been on the property for over 25 years. Specific Use Permit No. 1458 was granted in November 2001 in conjunction with a request to continue and expand the private-club bar and dance hall use. At the time of that zoning case, staff determined that the private-club bar and dance hall uses was compatible with the surrounding zoning and land uses and that the zoning change will not adversely affect the surrounding zoning or land uses.

The Dallas Police Department provided a summary report for the past five years of activity for the address of the property. The report does not distinguish if the activity reported is related to the private-club bar use or the adjacent retail and personal service uses at the same address. Two reports are attached because the request site is known by two addresses.

Development Standards:

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
CR Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Parking/Traffic:

The alcoholic beverage establishment use will generate approximately 610 trips per day according to the Traffic Impact Worksheet.

The private-club bar and dance hall uses require 46 off-street parking spaces based on the floor area. Specifically, the proposed use requires parking at a rate of 1 space per 25 square feet of dance floor and 1 space per every 100 square feet for the remainder of that use. The applicant is proposing a 3,600 square foot private-club bar which would require 36 off-street parking spaces and the proposed dance floor at 250 square feet would require 10 off-street parking spaces.

The conditions of SUP No. 1458 required that the 46 required spaces be marked as exclusive use of the private-club bar use. Staff recommends that the previous condition of marking the spaces for exclusive use of the private-club bar be deleted since the peak hours for the retail and personal service uses are different from the peak hours for

the private-club bar. The private-club bar is located next to another retail center that likely has parking available at the peak hours of the private-club bar if spill-over parking is needed. This would be expected to prevent any spill-over parking in the adjacent residential areas to the south.

The site is developed with a total of 60 spaces for the approximately 10,000 square foot building. The combination of existing uses requires 84 off-street parking spaces. The note on the site plan in regards to parking infers that the applicant will be responsible for providing for the off-street parking needed on the request site, whether in a special parking agreement to Building Inspection or through the Board of Adjustment.

Landscaping:

Any future development of this property will be subject to landscaping per Article X of the Dallas Development Code.

CPC Minutes:

March 22, 2007

Z067-119(JH)

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment for a private-club bar and a commercial amusement (inside) for a Class A dance hall for a two-year period with eligibility for automatic renewal for additional two-year periods, subject to a revised site plan and revised conditions with removal of Condition #5 regarding parking on property zoned a CR Community Retail District on the east side of Ferguson Road, south of Gus Thomasson Road.

Maker: Cunningham
Second: Miranda
Result: Carried: 11 to 0

For: 11 - Strater, Gary, Miranda, Bagley, Jones-Dodd,
Weiss, Hill, Buehler, Ekblad, Emmons,
Cunningham

Against: 0
Absent: 2 - Marshall, Wolfish
Vacancy: 2 - District 1, District 5

Notices: Area: 300 Mailed: 27
Replies: For: 3 Against: 2

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: None

List of Partners/Principals/Officers

10290, Ltd
2331 Gus Thomasson Suite 126
Dallas, TX 75228

10290, Ltd. is a Texas limited partnership which consists of the following:

HMJ Trust
 J.W. Levell, Managing Parnter

LT Real Estate, Inc.
 J.W. Levell, President
 Debbie Hobbs, Vice President, Secretary

Dallas Police Department Report

2006-6144

2520 GUS THOMASSON

1/1/2001 TO 12/1/2006

2520 GUS THOMASSON			
ADDRESS	OFF	DATE	Total
02520 GUSTHOMASSONRD	AGG ASSAULT	2/6/2006	1
	AGG ASSAULT Total		1
	AGGRAVATED ROBBERY	10/2/2006	1
	AGGRAVATED ROBBERY Total		1
	ASSAULT M/C	3/14/2002	1
	ASSAULT M/C Total		1
	FOUND PROPERTY	5/3/2006	1
		9/27/2006	1
		11/29/2006	1
	FOUND PROPERTY Total		3
	HOMICIDE	4/29/2003	1
	HOMICIDE Total		1
	MIR (PAWN TRANSACTION)	9/12/2006	1
	MIR (PAWN TRANSACTION) Total		1
	RECOVERED O/T STOLEN PROPERT	1/20/2006	1
	RECOVERED O/T STOLEN PROPERT Total		1
	RECOVERED O/T STOLEN PROPERTY	9/19/2001	1
		9/26/2001	1
		10/31/2001	1
		12/23/2001	1
		6/3/2003	1
		7/10/2004	1
		9/7/2004	1
		10/11/2004	1
		7/13/2006	1
	RECOVERED O/T STOLEN PROPERTY Total		9
	RECOVERED OT STOLEN PROPERTY	6/9/2001	1
	RECOVERED OT STOLEN PROPERTY Total		1
	TERRORISTIC THREAT	3/8/2005	1
	TERRORISTIC THREAT Total		1
	THEFT	3/24/2003	1
		8/12/2005	1
		6/14/2006	1
	THEFT Total		3
02520 GUSTHOMASSONRD Total			23
(blank)	(blank)	(blank)	
	(blank) Total		
(blank) Total			
Grand Total			23

Dallas Police Department Report
10260 Ferguson Road

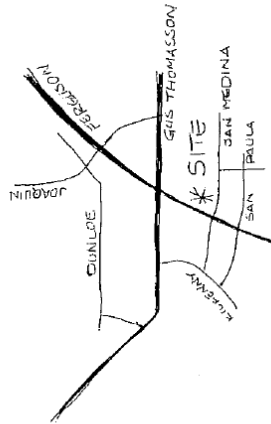
OR 2006-6593
1/1/2001 TO 12/20/2006

1/1/2001 TO 12/20/2006		
DATE	OFFENSE	Total
3/4/2001	BMV	1
10/7/2001	UUMV	1
11/5/2001	ASSAULT M/C	1
2/9/2003	BMV	1
2/23/2003	LOST PROPERTY	1
3/17/2003	UUMV	1
4/16/2003	THEFT	1
6/2/2003	UUMV	1
3/21/2004	ASSAULT M/A	1
5/4/2004	MIR-----POSSIBLE CUTTING	1
7/15/2005	AGG ASSAULT W/DEADLY WEAPON	1
9/23/2005	CRIMINAL MISCHIEF	1
12/7/2005	THEFT	1
3/14/2006	THEFT M/B	1
7/17/2006	THEFT	1
(blank)	(blank)	1
Grand Total		16

CPC RECOMMENDED
SUP CONDITIONS

1. USE: The only uses authorized by this specific use permit are an alcoholic beverage establishment limited to a private-club bar and a commercial amusement (inside) to be operated as a Class A dance hall.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit is approved for a two-year period, and is eligible for automatic renewal for additional two-year periods, pursuant to Section 51A-4.219 of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. INGRESS-EGRESS: Ingress and egress must be provided as shown on the attached site plan.
5. MAXIMUM FLOOR AREA: The maximum floor area for this specific use permit is 3,850 square feet. The maximum floor area for the dance floor is 250 square feet.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

SITE PLAN

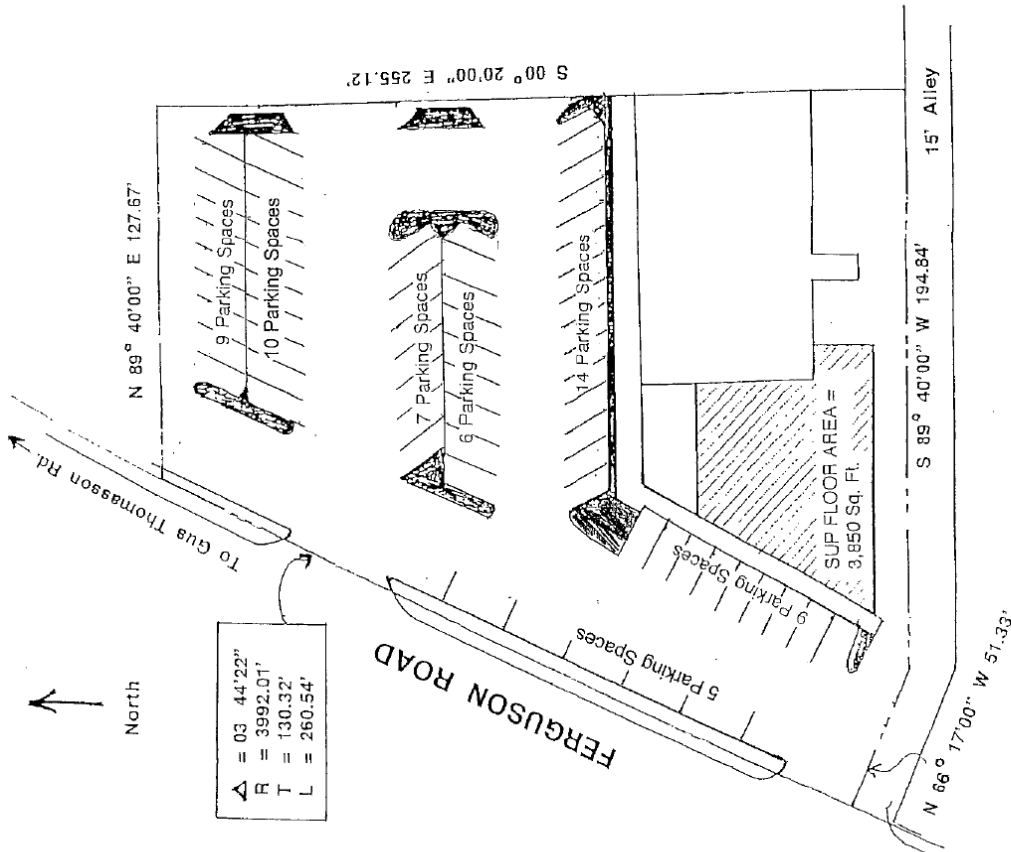


Vicinity Map

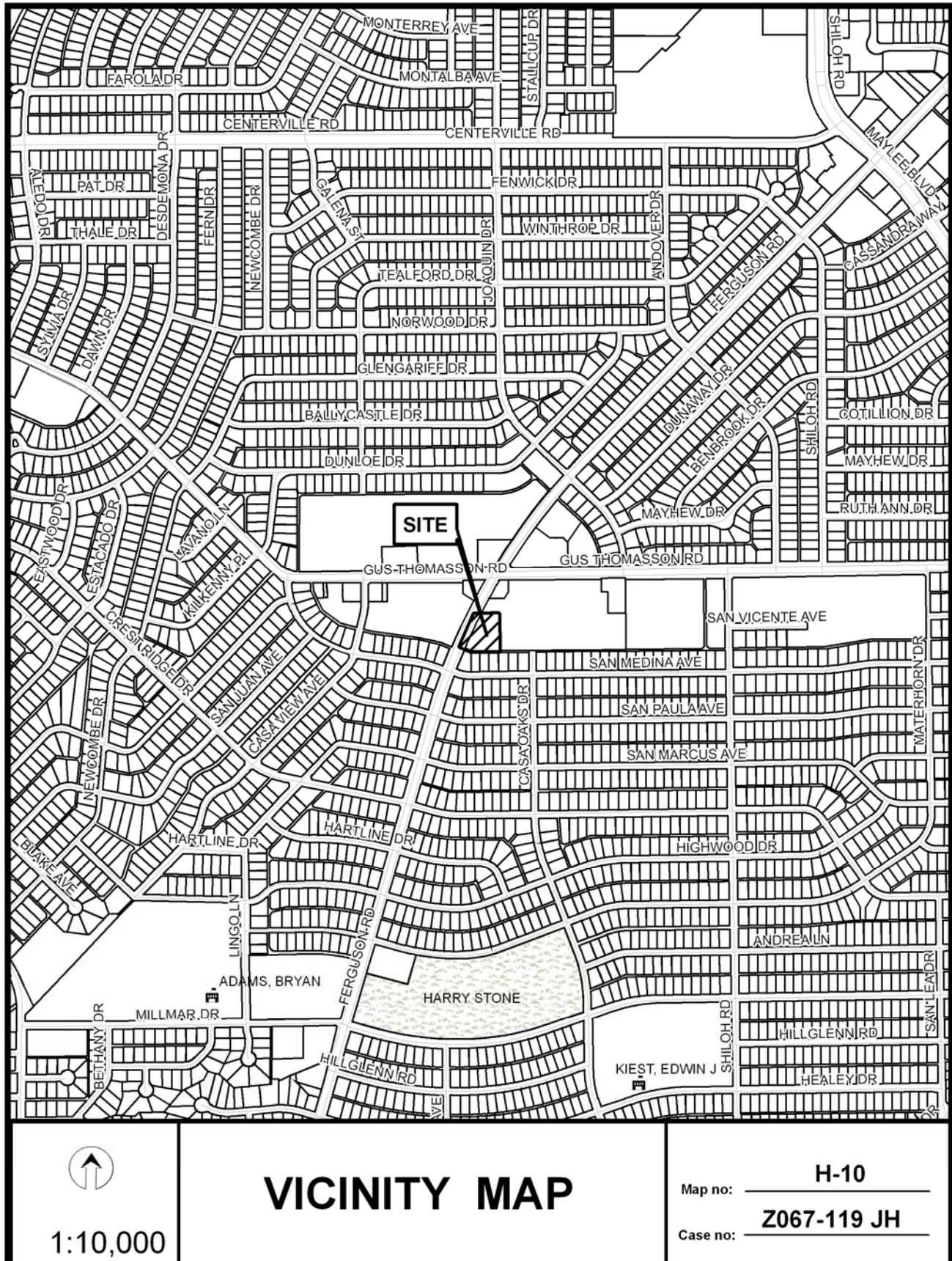
Total Floor Area for SUP: 3,850 sf
Total Floor Area for Dance Floor: 250 sf

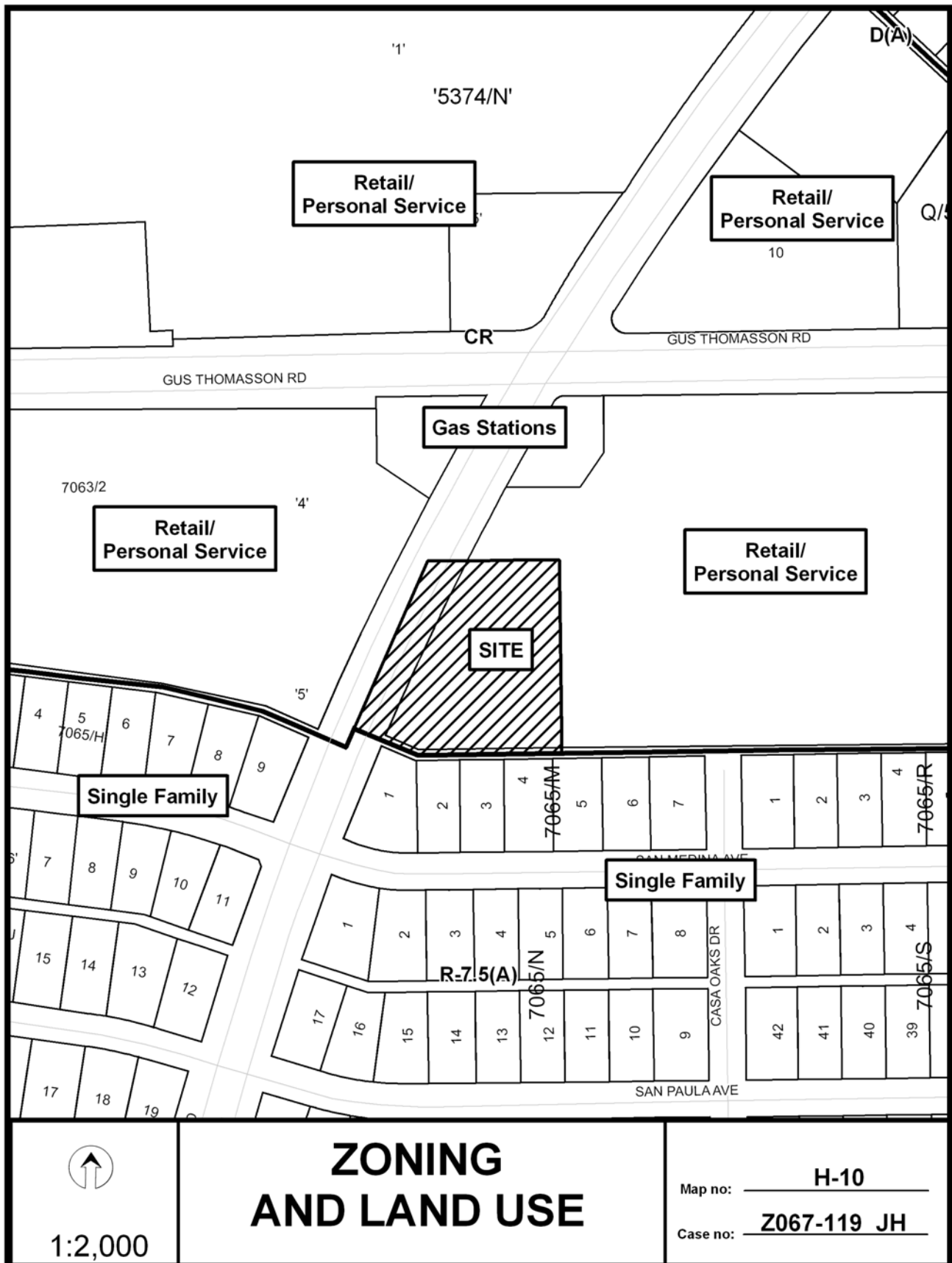
Required parking for alcoholic beverage establishment and dance hall: 46 off-street parking spaces
Total parking located on site: 60 off-street parking spaces
Number of off-street parking spaces currently provided on-site for the alcoholic beverage establishment and dance hall: 24
The number of additional off-street parking spaces to be obtained for the alcoholic beverage establishment and dance hall in any manner allowed by the Dallas Development Code: 24
* The number of required parking spaces located on- and off-site may vary depending on the combination of uses located on the site. The number of off-street parking spaces must, at all times, comply with the off-street parking requirements in Chapter 51A.

SITE PLAN Z067-119

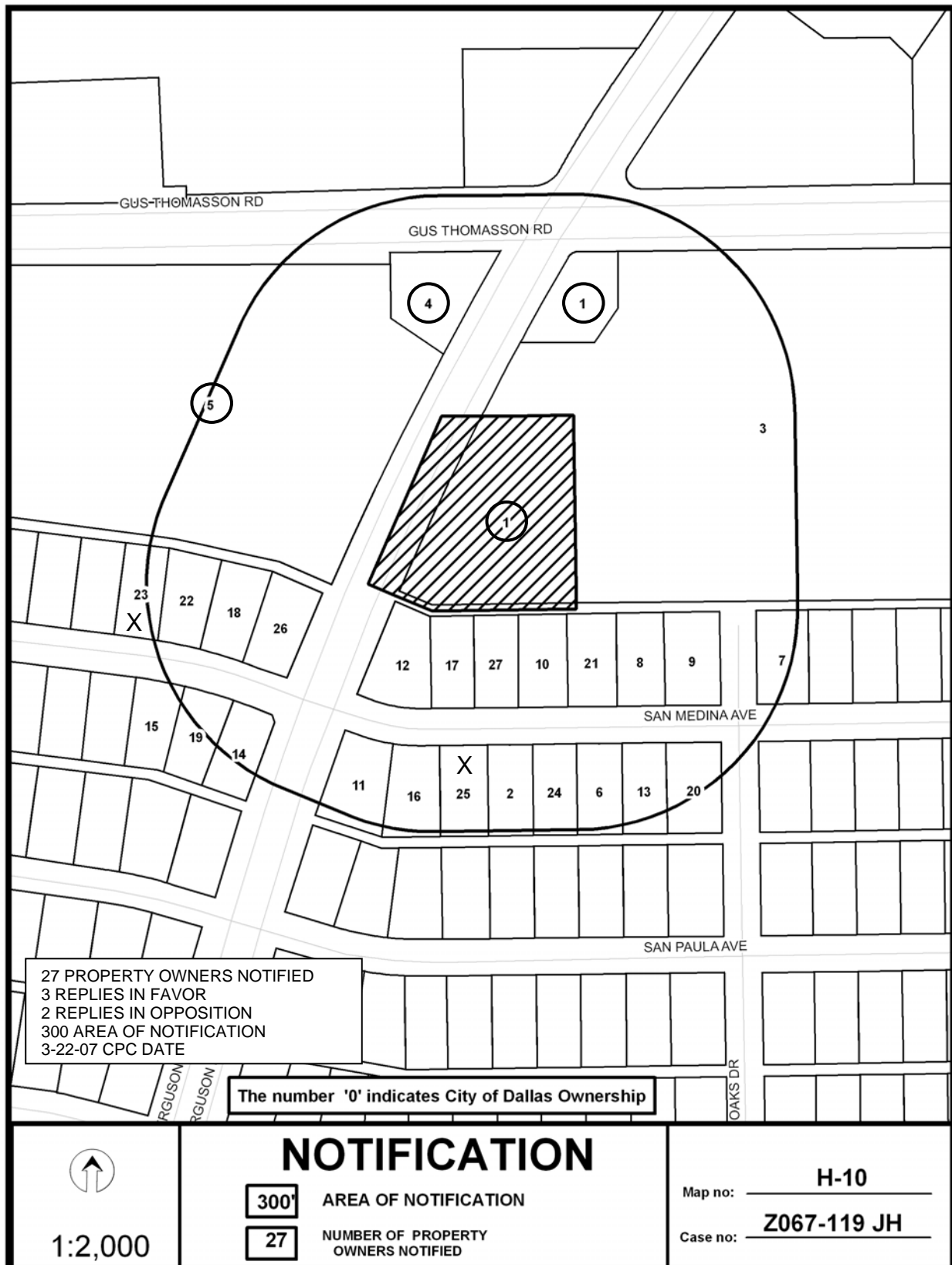


Scale: 1" = 40'





CPC Responses



DATE: 12/05/2006

GIS TECHNICIAN: CS

Notification List of Property Owners

Z067-119(JH)(CS)

27 Property Owners Notified

Label	Address	Owner
①	2520 GUS THOMASSON	10290 LTD
2	2418 SAN MEDINA	BARAJAS JOSE M
3	2550 GUS THOMASSON	BOSCHETTI G PAUL
④	2450 GUS THOMASSON	CASA VIEW IV LTD
⑤	2310 GUS THOMASSON	CASA VIEW V LP
6	2428 SAN MEDINA	CATRON DANNY & DEBORAH S
7	2505 SAN MEDINA	CHAVEZ OSCAR &
8	2433 SAN MEDINA	DURAN EDUARDO &
9	2439 SAN MEDINA	GOMEZ JOSE A & ROSA A
10	2421 SAN MEDINA	GONZALEZ BENJAMIN &
11	2404 SAN MEDINA	HILSCHER JOHN JR
12	2407 SAN MEDINA	LOPEZ RICARDO ANTONIO
13	2434 SAN MEDINA	MARTINEZ GUSTAVO
14	2344 SAN MEDINA	MARTINEZ RAYMOND
15	2332 SAN MEDINA	MELENDEZ MARIA
16	2408 SAN MEDINA	MOORE JEANNE
17	2411 SAN MEDINA	MORENO BARBARA
18	2339 SAN MEDINA	OLALOKO EMMANUEL &
19	2338 SAN MEDINA	PEREZ ANGELICA M
20	2440 SAN MEDINA	PEREZ FLAVIA
21	2427 SAN MEDINA	PEREZ JORGE L & MIRIS M
22	2335 SAN MEDINA	PEREZ JOSE
X 23	2329 SAN MEDINA	SANTOS ALFREDO &
24	2424 SAN MEDINA	SANTOYO RAMON
X 25	2414 SAN MEDINA	STAMPES ELAINE ANGLE
26	2345 SAN MEDINA	WILLIAMSON WALTER F
27	2417 SAN MEDINA	WILMARTH FAITH

Tuesday, December 05, 2006

Early Notification List

Al Romero
PO Box 870875
Mesquite, TX 75150
EN Z067-119(JH)

Anthony Jones
PO Box 0711
Galveston, TX 77553

Betty Wadkins
2843 Modesto Drive
Dallas, TX 75227

Bridge Ballowe c/o Nextel
1680 N. Prospekt Dr.
Ricardson, TX 75081

Cindy Harris
4310 Buena Vista #8
Dallas, TX 75205

Clarence F Cope
10404 Ferndale
Dallas, TX 75238

Jane Guerrini
7032 Lupton
Dallas, TX 75225

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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
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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

Arborilogical 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

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9155 Sterling Dr. Ste 160
Dallas, TX 75063

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901 Main St. #6000
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2538 W Kiest Blvd
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Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

United Homeowner
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6762 Keswick Dr
Dallas, TX 75232

Casa Linda Estates NA
Brad G Rogers
1306 El Patio Drive
Dallas, TX 75218

Ferguson Rd Initiative
Vikki J Martin
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Dallas, TX 75228

Micheal R Coker Co
Michael R Coker
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Dallas, TX 75209

Oak Cliff Chamber
Joe Burkleo
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Reed Construction Data
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Dallas, TX 75229

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Dallas, TX 75232

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Dallas, TX 75235

Casa View #1135 Neig Watch
Nancy Feaster
PO Box 181869
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OLHNA
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Dallas, TX 75218

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PARC DU LAC
Linda Sharp
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Robert Reeves
900 Jackson St, Suite 160
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United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

Briarwood NA
Frances Thompson
2946 Housley Drive
Dallas, TX 75228

Dixon Branch HOA
Sue Harrington
11118 Yorkspring Dr
Dallas, TX 75218

Southern Hill Home Owner
Dercy Walker
630 Plark Wood Dr.
Dallas, TX 75224

EN Z067-119(JH)

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 4
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 58 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned an R-7.5(A) Single Family District on the south side of Umphress Road, east of Jim Miller Road

Recommendation of Staff and CPC: Approval, for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions Z067-144(OTH)

FILE NUMBER: Z067-144 (OTH)

DATE FILED: January 24, 2007

LOCATION: On the south side of Umphress Road, east of Jim Miller Road

COUNCIL DISTRICT: 4

MAPSCO: 58-E

SIZE OF REQUEST: Approx. 750 sq. ft.

CENSUS TRACT: 91.05

REPRESENTATIVE: Peter Kavanagh, Zone Systems, Inc.

APPLICANT: Zone Systems Inc.

OWNER: Filipino American Centenary Church

REQUEST: An application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant proposes to place a 100 foot tower/antenna for cellular communication on the site. A tower/antenna requires an SUP in a residential district.

CPC RECOMMENDATION: Approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The small request site is located on a much larger church site.
- The request site is surrounded by single family residential development and undeveloped land.
- The applicant is proposing to install a 100-foot tower/antenna for cellular communication on the site, which requires a Specific Use Permit in residential districts.

Zoning History: There has been one zoning request in the area.

1. Z067-202 On May 24, 2006, the City Council approved a CH Clustered Housing District on property zoned an R-7.5(A) Single Family District, subject to volunteered deed restrictions, located on the south side of Umphress Road, west of Burnet Court.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Umphress Road	Local Street	60 ft.
Jim Miller Road	Minor Arterial	100 ft.

Land Use:

	Zoning	Land Use
Site	R-7.5(A)	Church
East	CH	Undeveloped
South	R-7.5(A)	Single Family Residential, Church
West	R-7.5(A)	Single Family Residential, Undeveloped
North	R-7.5(A)	Single Family Residential

Comprehensive Plan:

The comprehensive plan does not directly or indirectly support this request.

STAFF ANALYSIS:

Land Use Compatibility:

The request site is a small area on a property zoned an R-7.5(A) Single Family District and is currently utilized as a church. The applicant is planning to build a 100 foot tower/antenna, which requires an SUP in a residential district.

The surrounding land uses are single family residential, a church and undeveloped land uses.

The elevation shown on the site plan indicates a proposed height of 100 feet. In order for a 100 foot tower to meet the Residential Proximity Slope, it would need to be 300 feet from the adjacent residential properties. At the location proposed, the cell tower could be a maximum height of 26 feet if the RPS was met. On February 14, 2007, City Council approved an ordinance allowing monopole cellular towers to be exempt from the residential proximity slope, if an SUP is required. The impact of the tower height on an adjacent residential district must be considered in the SUP process. Staff supports the 100' tower in this location because it should not adversely impact the area.

The applicant has agreed to the staff's request to move the location to an area less visible to pedestrians and drivers, and provide an eight foot solid wood fence to cover the base of the tower.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Development Standards:

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
R-7.5(A) Single Family	25'	5'	1 Dwelling Unit/ 7,500 sq. ft.	30'	45%		Single family

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the request and determined the proposal will not have a significant impact on the street system.

Landscaping:

The proposed development will not trigger Article X requirements.

CPC ACTION:
May 17, 2007

Motion: It was moved to recommend **approval** of a Specific Use Permit for a tower/antenna for cellular communication for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and revised conditions on property zoned an R-7.5(A) Single Family District on the south side of Umphress Road, east of Jim Miller Road with the deletion of Condition #5.

Maker: Emmons
Second: Ekblad

Result: Carried: 12 to 0

For: 12 - Prothro, Gary, Marshall, Woolen Lipscomb, Miranda, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0

Notices:	Area: 400	Mailed: 32
Replies:	For: 1	Against: 2

Speakers: None

List of Partners/Principals/Officers

Filipino American Centenary United Methodist Church

Board of Trustees

<u>NAME</u>	<u>TITLE</u>
Joji Pasayan	Chairperson
Larry Doleshal	Secretary
Faye Livesay	Member
Jimmy Ella	Member
Prisca Awwad	Member
Lloyd Gorospe	Member
Alex Garcia	Member
Tess Ilustre	Member
Ruby Pearson	Member

List of Partners/Principals/Officers

Zone Systems Inc.

Officers: Peter Kavanagh
Lynn Kavanagh

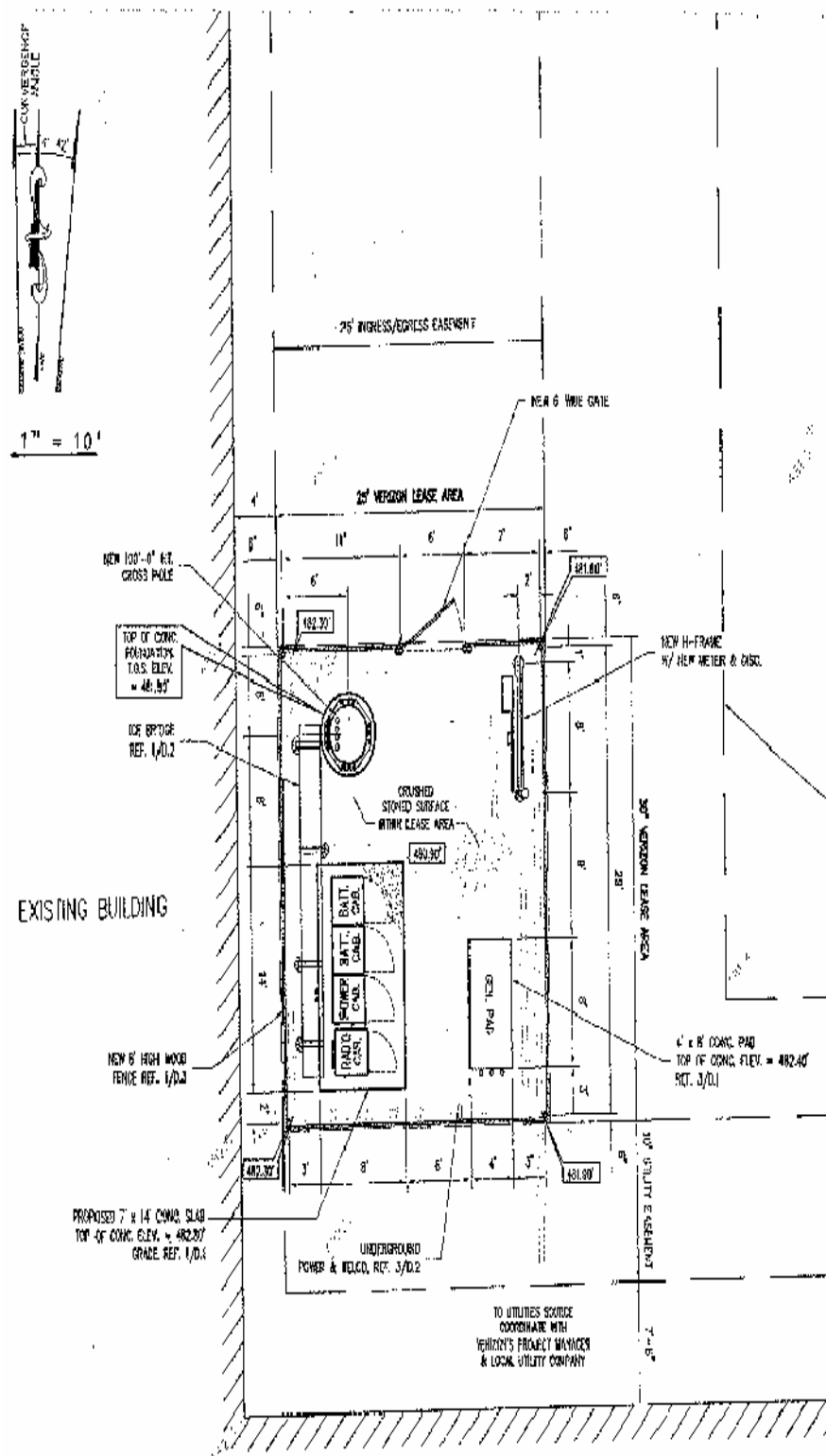
SUP Conditions
Tower/Antenna for Cellular Communication
Z067-144(OTH)

1. USE: The only use authorized by this specific use permit is a tower/antenna for cellular communication.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan, except that the cross is not required.
3. TIME LIMIT: This specific use permit is approved for a ten-year period that expires on (ten years from City Council Approval Date), and is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.).
4. FENCING: An eight-foot high solid wood fence must be provided as shown in the attached site plan.
5. MICROWAVE DISHES: Two microwave dishes, not more than three feet in diameter, may be mounted to the tower/antenna for communication.
6. HEIGHT: The tower/antenna for cellular communication may not exceed 100 feet in height.
7. SHARED USE WITH OTHER CARRIERS: Any tower/antenna for cellular communication that exceeds 65 feet in height must be constructed to support the antenna arrays for at least two other wireless communications carriers. The tower/antenna for cellular communication must be made available to other wireless communication carriers upon reasonable terms.
8. SIGNAGE: No signs may be attached to the tower/antenna for cellular communication.
9. LIGHTING: The tower/antenna for cellular communication may not be illuminated, except as required by the Federal Aviation Administration.
10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

11. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

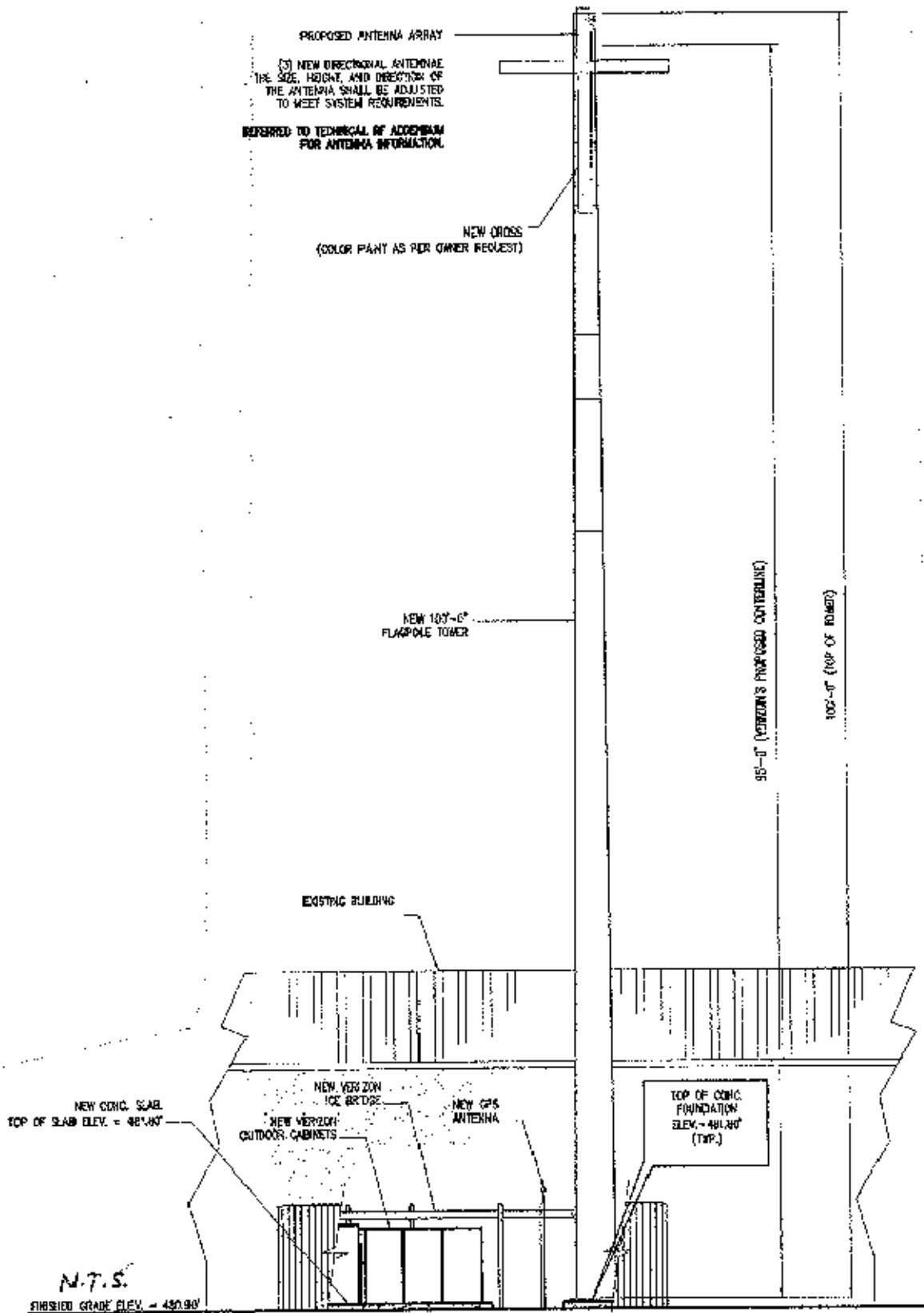


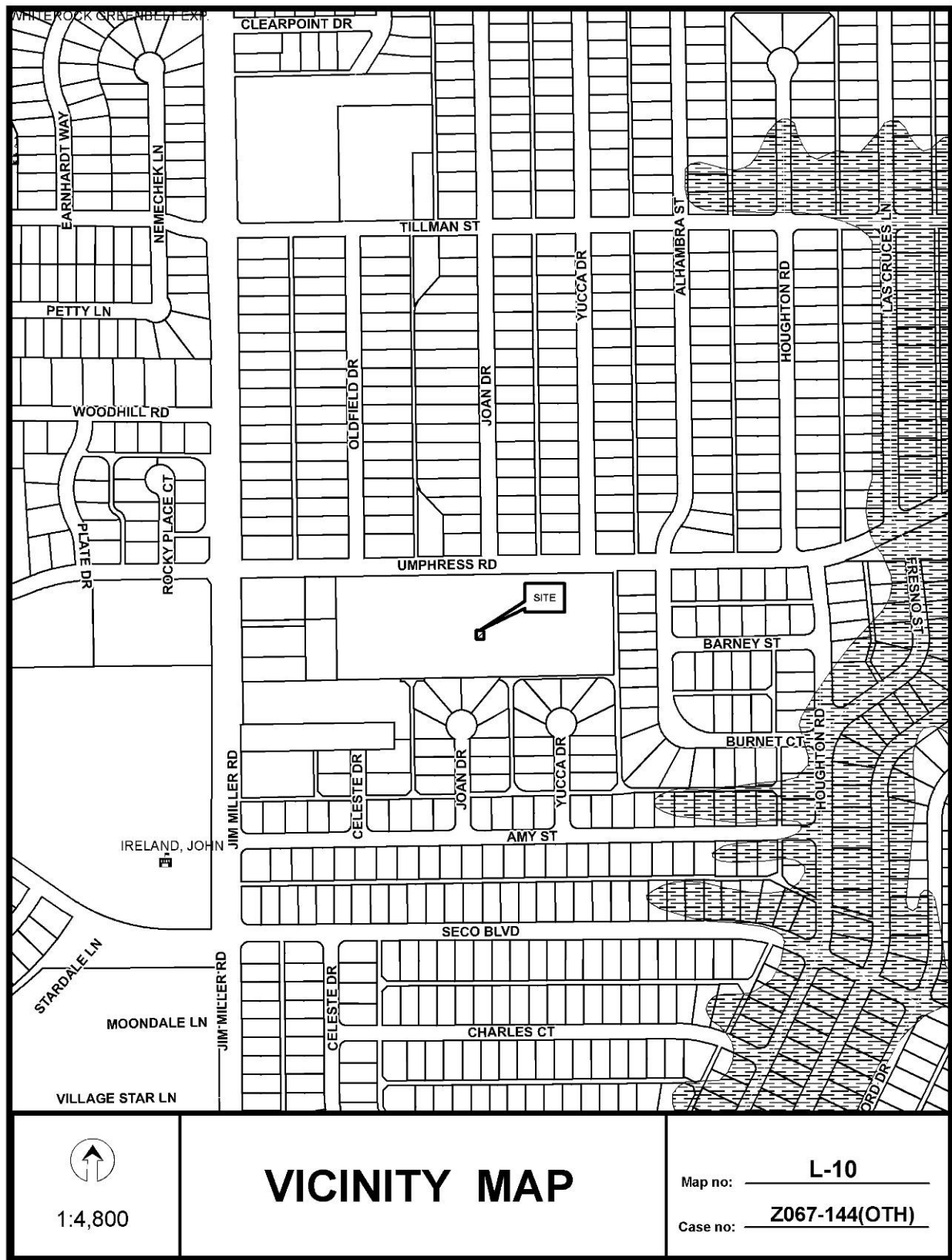
PROPOSED DETAILED SITE PLAN

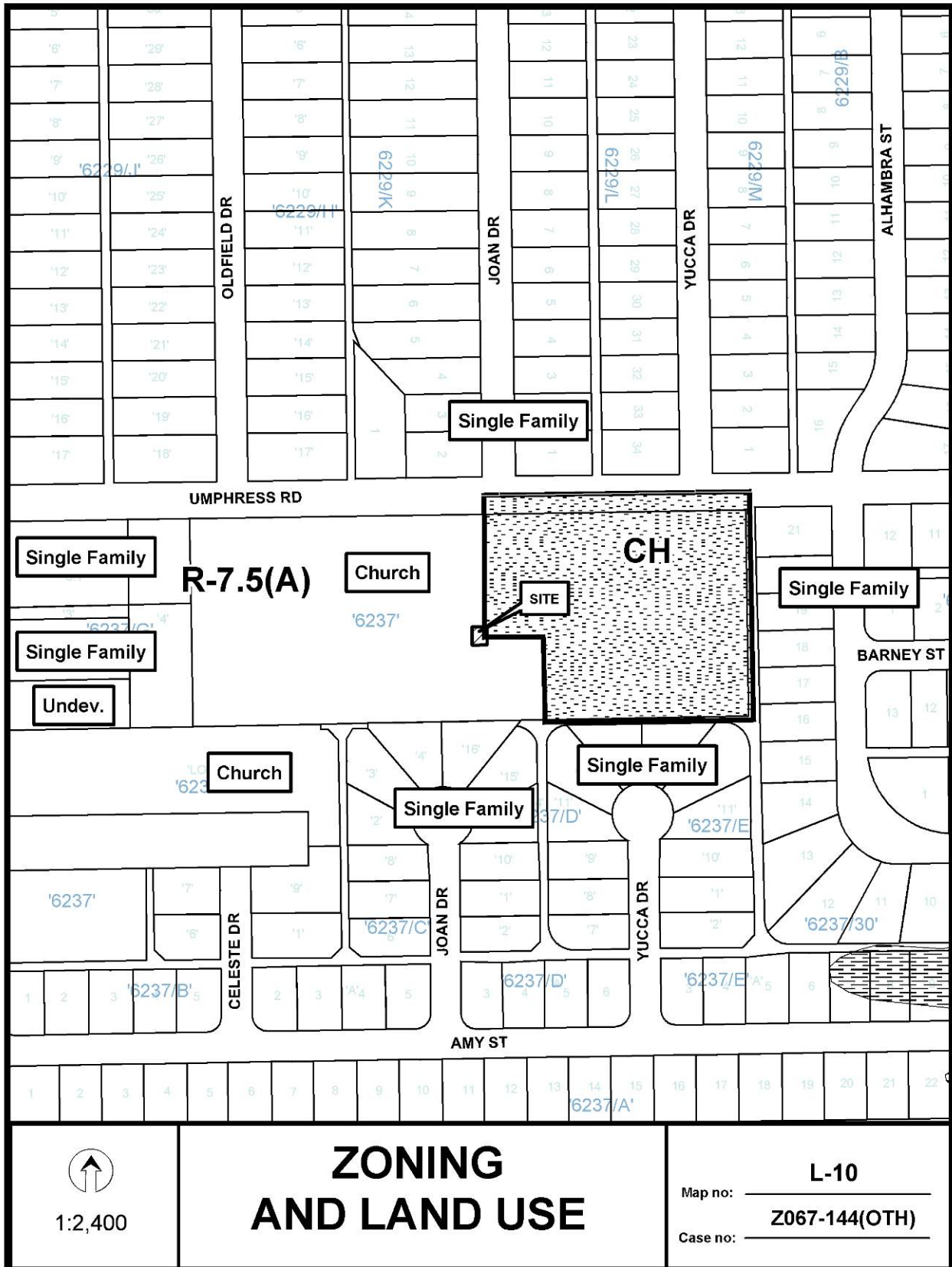


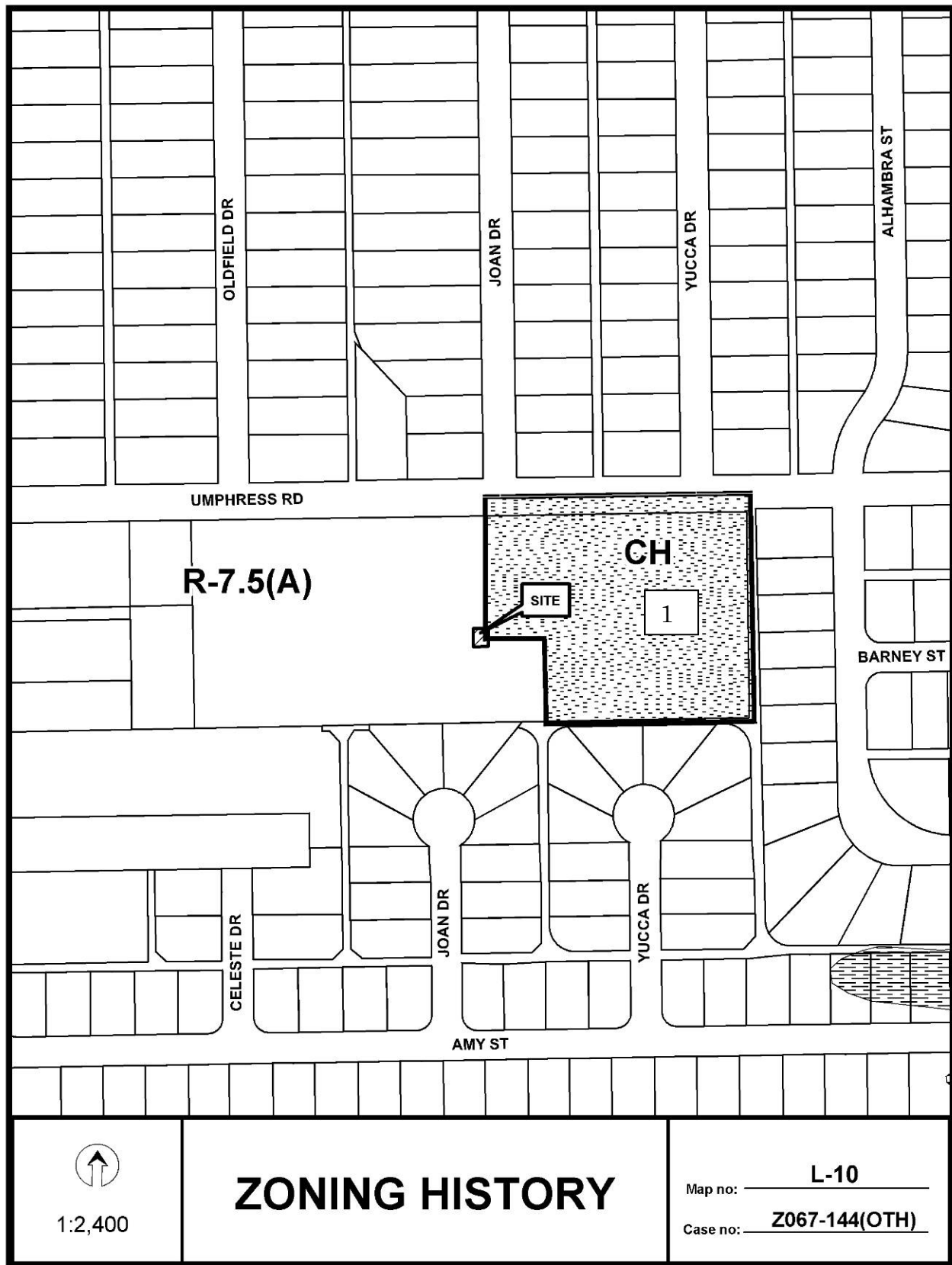
DETAILED SITE PLAN
SCALE: 1" = 10'-0"

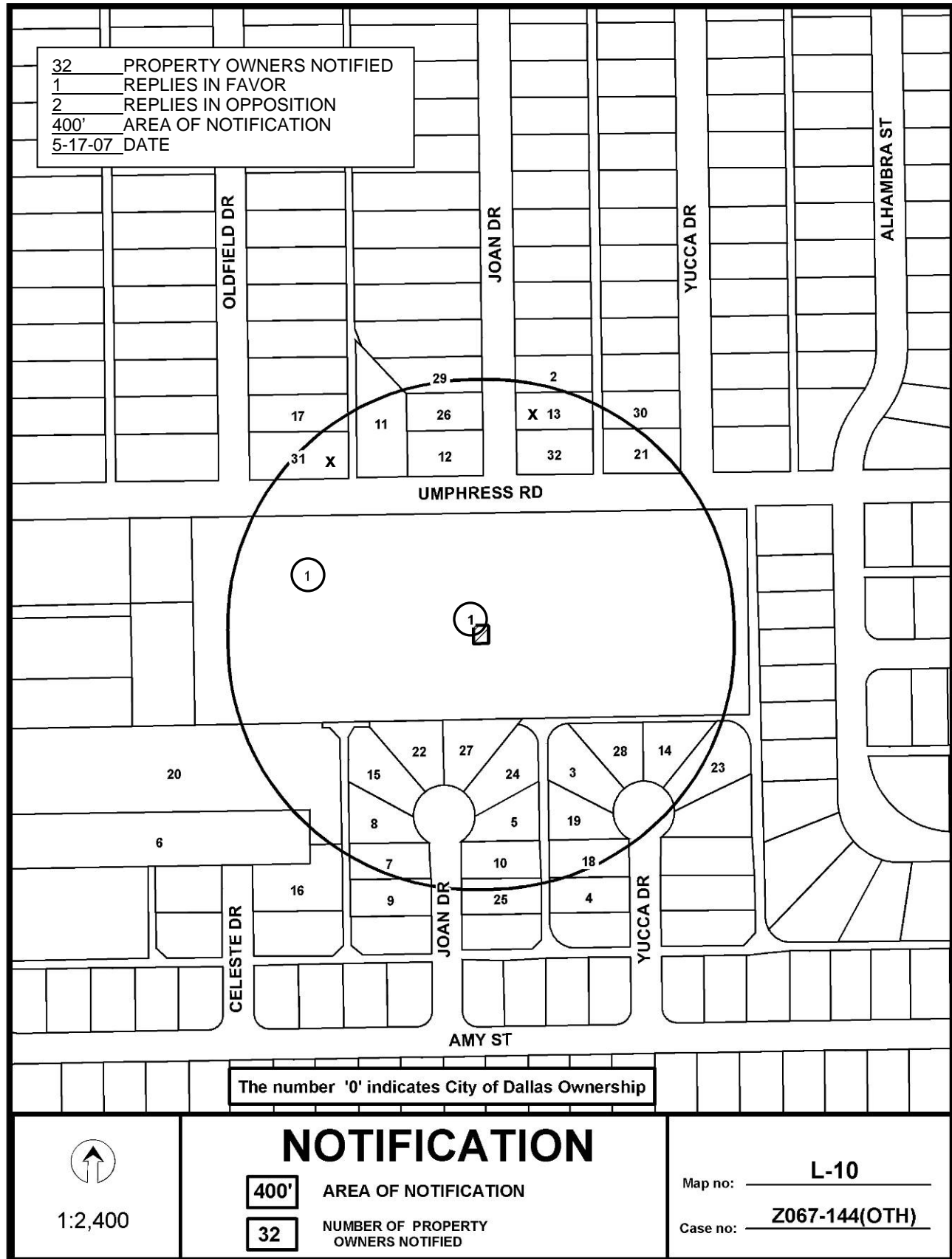
DETAILED SITE PLAN











5/7/2007

Notification List of Property Owners

Z067-144(OTH)(aa)

32 Property Owners Notified

<i>Label</i>	<i>Address</i>	<i>Owner</i>
①	7224 UMPHRESS	FILIPINO AMER CENTENARY
2	1714 JOAN	BLACKSHEAR W JERE ETAL
3	1551 YUCCA	BYAS CURTIS L
4	1539 YUCCA	CAMPBELL FRED
5	1546 JOAN	CASAREZ YSIDRO JR
6	1614 JIM MILLER	CHURCH OF OUR SAVIOUR
7	1543 JOAN	ESPINOZA ALEJANDRO T
8	1547 JOAN	FIRST NATIONAL OF NORTH
9	1539 JOAN	FUENTES GUADALUPE &
10	1542 JOAN	GONZALEZ MIGUEL & LAURA
11	7221 UMPHRESS	HALL EMANUEL
12	1705 JOAN	HERNANDEZ JOSE & ISABEL
✕13	1708 JOAN	HERRON VERNELL
14	1554 YUCCA	JAIME ARMANDO
15	1551 JOAN	KELLAM MARVIN L &
16	1540 CELESTE	KELLEY LESLIE & OLA MAE
17	1708 OLDFIELD	LEDEZMA FRANCISCO J &
18	1543 YUCCA	MACHADO ELIZABETH
19	1547 YUCCA	MARTINEZ TOMAS C
20	1618 JIM MILLER	MASON C AVERY BISHOP
21	1705 YUCCA	MCCOY COREY & YOLANDA
22	1555 JOAN	MIRELES PEDRO
23	1550 YUCCA	PARRA CRISTINA
24	1550 JOAN	PINA TEOFILO &
25	1538 JOAN	PULLIN ATHENA
26	1709 JOAN	RODRIGUEZ CELESTINO R

Monday, May 07, 2007

Z067-144

<i>Label</i>	<i>Address</i>	<i>Owner</i>
27	1554 JOAN	SANCHEZ GABRIEL
28	1555 YUCCA	SERRATO DELIA
29	1715 JOAN	VALDEZ ANGEL
30	1709 YUCCA	VASQUEZ OLGA L
X 31	1704 OLDFIELD	WILSON MARION B
32	1704 JOAN	WOOLDRIDGE ALLEN D

Monday, May 07, 2007

Early Notification List

Al Romero
PO Box 870875
Mesquite, TX 75150

Anthony Jones
PO Box 0711
Galveston, TX 77553

Betty Wadkins
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Dallas, TX 75227

Bridge Ballowe c/o Nextel
1680 N. Prospert Dr.
Ricardson, TX 75081

Cindy Harris
4310 Buena Vista #8
Dallas, TX 75205

Clarence F Cope
10404 Ferndale
Dallas, TX 75238

Jane Guerrini
7032 Lupton
Dallas, TX 75225

Jeff Bosse
PO Box 4738
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Katie Pascuzzi
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Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Pleasant Wood/Grove
J. Eugene Thomas
P O Box 50051
Dallas, TX 75250

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: 69 K L

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an R-7.5(A) Single Family District, an R-5(A) Single Family District and an MU-1 Mixed Use District on property zoned an R-10(A) Single Family District on the southeast corner of St. Augustine Drive and Interstate Highway 20 and a resolution accepting deed restrictions volunteered by the applicant

Recommendation of Staff: Approval of an R-7.5(A) Single Family District for 19.552 acres in lieu of the R-7.5(A) an R-5(A) and approval of a CR Commercial Retail District in lieu of the requested MU-1 District.

Recommendation of CPC: Approval of and R-7.5(A) Single Family District, an R-5(A) Single Family District and an MU-1 Mixed Use District with deed restrictions volunteered by the applicant

Z067-177(OTH)

FILE NUMBER: Z067-177 (OTH)

DATE FILED: February 8, 2007

LOCATION: Southeast corner of St. Augustine Drive and Interstate Highway 20

COUNCIL DISTRICT: 8

MAPSCO: 69 – K, L

SIZE OF REQUEST: Approx. 30.041 acres

CENSUS TRACT: 15.02

REPRESENTATIVE: Dallas Cothrum, MASTERPLAN

APPLICANT/OWNER: Graue Properties

REQUEST: An application for an R-7.5(A) Single Family District, an R-5(A) Single Family District and an MU-1 Mixed Use District on property zoned an R-10(A) Single Family District with deed restrictions volunteered by the applicant.

SUMMARY: The purpose of the request is to allow for 16.22 acres to be developed with R-7.5(A) Single Family District uses, 3.332 acres to be developed with R-5(A) Single Family District uses, and 10.489 acres to be developed with MU-1 Mixed Use District uses.

CPC RECOMMENDATION: **Approval** of an R-7.5(A) Single Family District, an R-5(A) Single Family District, and an MU-1 Mixed Use District with deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: **Approval** of an R-7.5(A) Single Family District for 19.552 acres in lieu of the R-7.5(A) and R-5(A) and **approval** of a CR Commercial Retail District in lieu of the requested MU-1 Mixed Use District.

BACKGROUND INFORMATION:

- The request site is undeveloped. The area to the south and east is predominantly developed with single family residential development. Property to the west is developed with retail uses. There is little commercial development in the area.
- The applicant is proposing to develop a total of 30.041 acres as follows: 10.489 acres with mixed uses for MU-1 District, 16.22 acres with single family residential with R-7.5(A) regulations and 3.332 acres to be developed as single family with R-5(A) regulations.
- The applicant volunteered deed restrictions that require a solid screening wall along the property next to the I-20 frontage that will be developed with residential uses. The deed restrictions also limit the height to 54 feet in the area zoned MU-1 and prohibit hotel or motel, extended stay hotel or motel, multifamily, and group residential facility uses

Zoning History: There have been five zoning requests and two Board of Adjustment cases in the area.

1. Z012-219 On August 14, 2002 the City Council approved an R-7.5(A) Single Family District on property zoned an R-10(A) located on St. Augustine Road and Brierwood Road, northeast corner; and Brierwood Road and Bloomfield Drive, southwest corner.
2. Z012-307 On January 8, 2003, the City Council approved a CR Community Retail District on property zoned an R-10(A) Single Family District on property located on St. Augustine Road and LBJ Freeway (I-635), northeast corner.
3. Z023-166 On May 14, 2003, the City Council approved an R-7.5(A) Single Family District on property zoned an A(A) Agricultural District, on the northeast corner of Tempest Road and Prater Road.
4. Z045-211 On December 14, 2005, the City Council approved a CR Community Retail District on property zoned an R-10(A) Single Family District located on the southeast corner of St. Augustine Road and Brierwood Lane.
5. Z067-219 An application for an R-7.5(A) from A(A) Agricultural. The case is not yet scheduled for CPC.

6. BDA 034-121 On January 21, 2004, the Board of Adjustment granted a special exception to the sign regulations for the setback, effective area, and height requirements of detached premise signs on property located at 1739 St. Augustine Road.
7. BDA 045-156 On March 15, 2005, the Board of Adjustment granted a special exception to allow a carport in the side yard on property located at 9640 Oakwood Drive.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
St. Augustine	Minor Arterial	60 ft.
Oakwood Drive	Collector	30 ft.
Pratter Rd.	Collector	60 ft.
I-20	Frwy	Variable Width

Land Use:

	Zoning	Land Use
Site	R-10(A)	Undeveloped
East	R-7.5(A) and A(A)	Single Family and Undeveloped
South	R-10(A)	Single Family and Undeveloped
West	CR	Retail & Undeveloped
North	R-7.5(A)	Freeway

Area Plans:

Rylie Land Use Plan (March 1981)

The plan proposed that the land be developed as Residential Single Family and Retail.

Southeast Dallas Comprehensive Land Use Study (December 11, 1996)

The request site is within this Land Use Study Area. The study identifies the entire area as low density residential but is silent regarding specific land use recommendations for this specific area.

I-20 Freeway Corridor Land Use Plan (Fall 2000)

The study recommends Retail/Commercial and Single Family development for this area.

Comprehensive Plan:

The requested zoning change is compatible with the intent of the Comprehensive Plan because it complies with the below mentioned goals and policies for Land Use, Housing, and Economic Elements areas by improving quality of life and promoting strong and distinctive neighborhoods.

Land Use

Staff is recommending approval of a CR Commercial Retail District due to the clear need for retail in the area. The applicant is requesting a zoning change to allow for economic development opportunities in the area.

Goal 1.1 Align land use and strategies with economic development priorities.

Policy 1.1.2 Focus on Southern Sector development opportunities.

Economic Element

The retail need of the area is large enough for staff to be comfortable recommending CR for the area; however, staff opposes the request for an MU-1 District, due to the fact that this district allows multifamily uses which staff does not consider appropriate for this site.

Goal 2.1 Promote balanced growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

Housing Element

The proposed request is rezoning for smaller lot size for single family residential, the applicant expects to be able to provide residential development for first time home buyers.

Goal 3.3 Expand affordable housing alternatives.

Policy 3.3.2 Encourage distribution of affordable housing throughout the City and the region.

STAFF ANALYSIS:

Land Use Compatibility:

The proposed zoning change is consistent with the development of the area. The request site is zoned an R-10(A) Single Family District. The site is approximately 30.041 acres. The property owner is requesting an MU-1 Mixed Use District, approximately 10.489 acres, on the corner of St. Augustine Road and Interstate 20. The property owner is requesting to rezone the property along the Interstate 20 Freeway frontage, approximately 3.332 acres, to an R-5(A) Single Family District; and to rezone the remainder of the property, approximately 16.220 acres, to an R-7.5(A) Single Family District.

The surrounding land uses are single family and undeveloped to the east and south; retail and undeveloped to the west, and LBJ Freeway/ I-20 to the north.

The Land Use Plan for the area acknowledges the need for retail uses in the area. The CR Community Retail District would allow uses that will serve the neighborhood, and will maintain the maximum building height to the scale of the surrounding development. The CR District does not allow for multifamily development on the site, which is one of the reasons why staff is not supporting the MU-1 District. The maximum height allowable in MU-1 is 90 feet, while the CR District will limit it to 54 feet. The Mixed Use District allows for a combination of uses, such as lodging, office, multiple family and retail/personal service. With the exceptions of the multifamily use, most of the CR uses are allowed in the MU-1 District.

The applicant is requesting residential zoning for the area along the freeway. The applicant volunteered deed restrictions to require a solid screening wall along the property next to the I-20 frontage that will be developed with residential uses. The deed restrictions also limit the height to 54 feet in the area zoned MU-1 and prohibit hotel or motel, extended stay hotel or motel, multifamily, and group residential facility uses.

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the requested zoning change and determined the proposal will have a significant impact on the street system.

Landscaping:

Landscaping must be provided in accordance to Article X of the Dallas Development Code.

Development Standards:

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
R-10(A) Single Family	30'	6'	1 Dwelling Unit/ 10,000 sq. ft.	30'	45%		Single family
Proposed							
R-7.5(A) Single Family	25'	5'	1 Dwelling Unit/ 7,500 sq. ft.	30'	45%		Single family
R-5(A) Single Family	20'	5'	1 Dwelling Unit/ 5,000 sq. ft.	30'	45%		Single family
MU-1 Mixed use-1	15'	20' adjacent to residential OTHER: No Min.	0.8 FAR base 1.0 FAR maximum + bonus for residential	90' 7 stories 120' 9 stories with retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential
CR (Staff) Community Retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

CPC ACTION:

May 17, 2007

Motion: It was moved to recommend **approval** of an R-7.5(A) Single Family District, an R-5(A) Single Family District and an MU-1 Mixed Use District, subject to deed restriction volunteered by the applicant on property zoned an R-10(A) Single Family District on the southeast corner of St. Augustine Drive and Interstate Highway 20.

Maker: Jones-Dodd
Second: Woolen Lipscomb
Result: Carried: 12 to 0

For:12 - Prothro, Gary, Marshall, Woolen Lipscomb*, Miranda, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0
Absent: 3 - Strater, Bagley, Weiss
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 126
Replies: For: 4 Against: 7

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Bill Graue, P.O. Box 101168, Dallas, TX, 75214
Against: Marlene Works, 10118 Oakwood Dr., Dallas, TX, 75217
Theresa Harper, 10108 Oakwood Dr., Dallas, TX, 75217

Z067-177

List of Partners/Principals/Officers

Graue Properties

Bill Graue and Helen Anne Graue (Sole Proprietors)

Deed Restrictions volunteered by the applicant

DEED RESTRICTIONS

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

I.

The undersigned Graue Properties, Ltd., a Texas limited partnership ("the Owner"), is the owner of the following described property ("the Property"), being in particular a 30.041 acre tract of land out of the Isham B. Browder Survey, Abstract No. 71, Dallas County, Texas, and being that same tract of land conveyed to the Owner by Helen Ann Douglas Graue, by deed dated December 30, 1998, and recorded in Volume 98253, Page 05956, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds in the attached Exhibit A.

II.

The Owner does hereby impress all of the Property with the following deed restrictions (the "restrictions"):

Note: All terms used in subsections (a) through (d) below, will have the same meanings (and restrictions) ascribed to such terms in Section 51A, Part II of the Dallas Development Code, Ordinance No. 19455, in effect on the date of these Deed Restrictions.

1. The height of any structure constructed on the Property may not exceed 54 feet.
2. The following uses are prohibited:
 - a. Hotel, motel
 - b. Extended stay hotel or motel
 - c. Multifamily
 - d. Group residential facility
3. A solid screening fence is required along the property line adjacent to the I-20 freeway for that portion of the property which will be developed as R-5 and R-7.5. Such fence must be at least six feet high and may be constructed of wood.

III.

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

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

VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document. Upon sale of the Property (or any part thereof), the Owner will have no further obligations under these deed restrictions with respect to the Property (or the part sold).

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or

interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of CHAPTER 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

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

XI.

The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property.

XII.

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

[Signature Pages to Follow]

[Signature Page to Deed Restrictions]

EXECUTED this the 21st day of May, 2007.

Owner:

GRAUE PROPERTIES, LTD.

By: Graue Investment Management, Inc.
A Texas corporation, and its general partner

Helen Ann Douglas Graue

Printed Name: Helen Ann Douglas Graue,
President

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

By: _____
Assistant City Attorney

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on this 21st day of May, 2007, by Helen Ann Douglas Graue of Graue Properties, Ltd. a Texas limited partnership.

(SEAL)



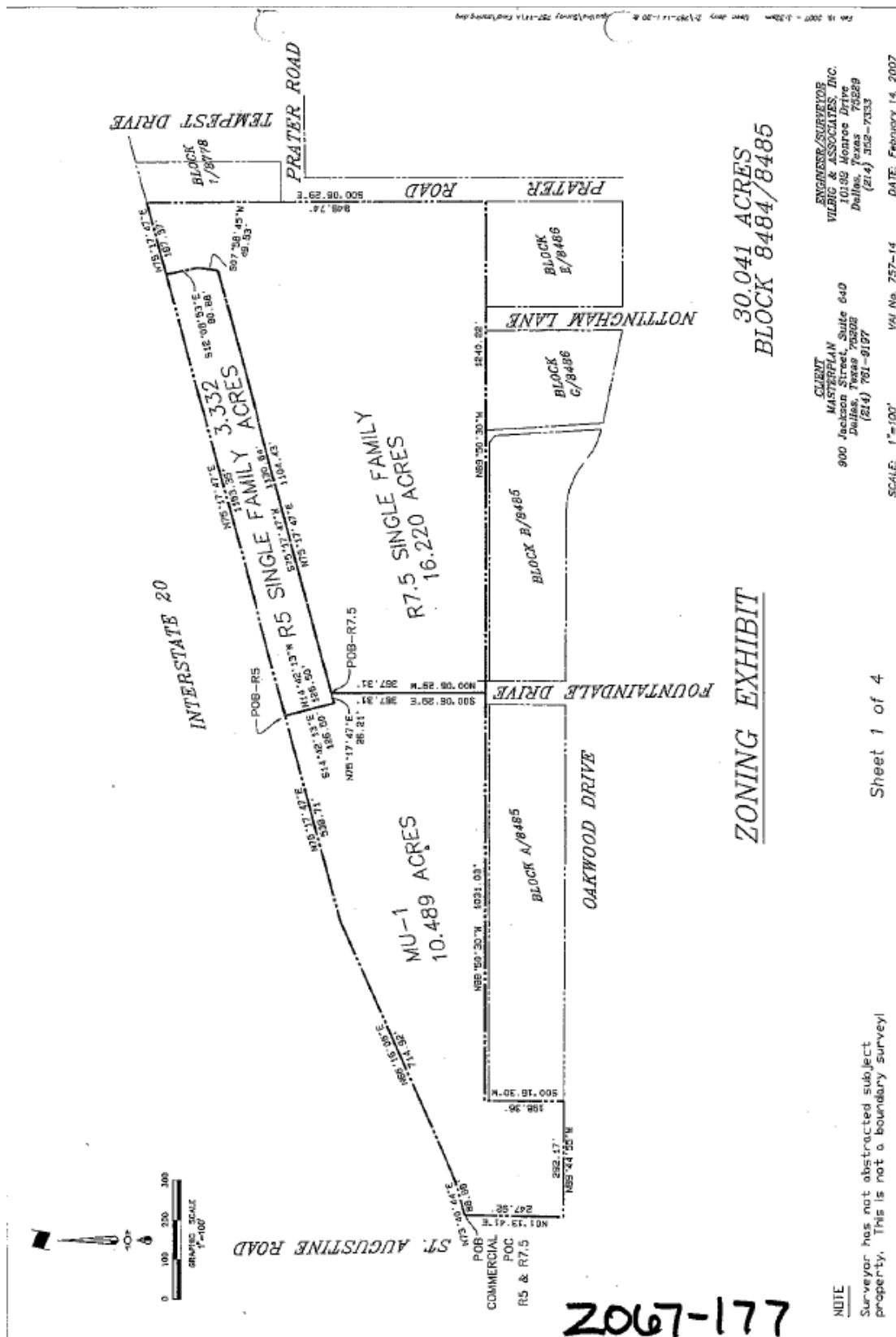
Elaine K. Hall

Notary Public

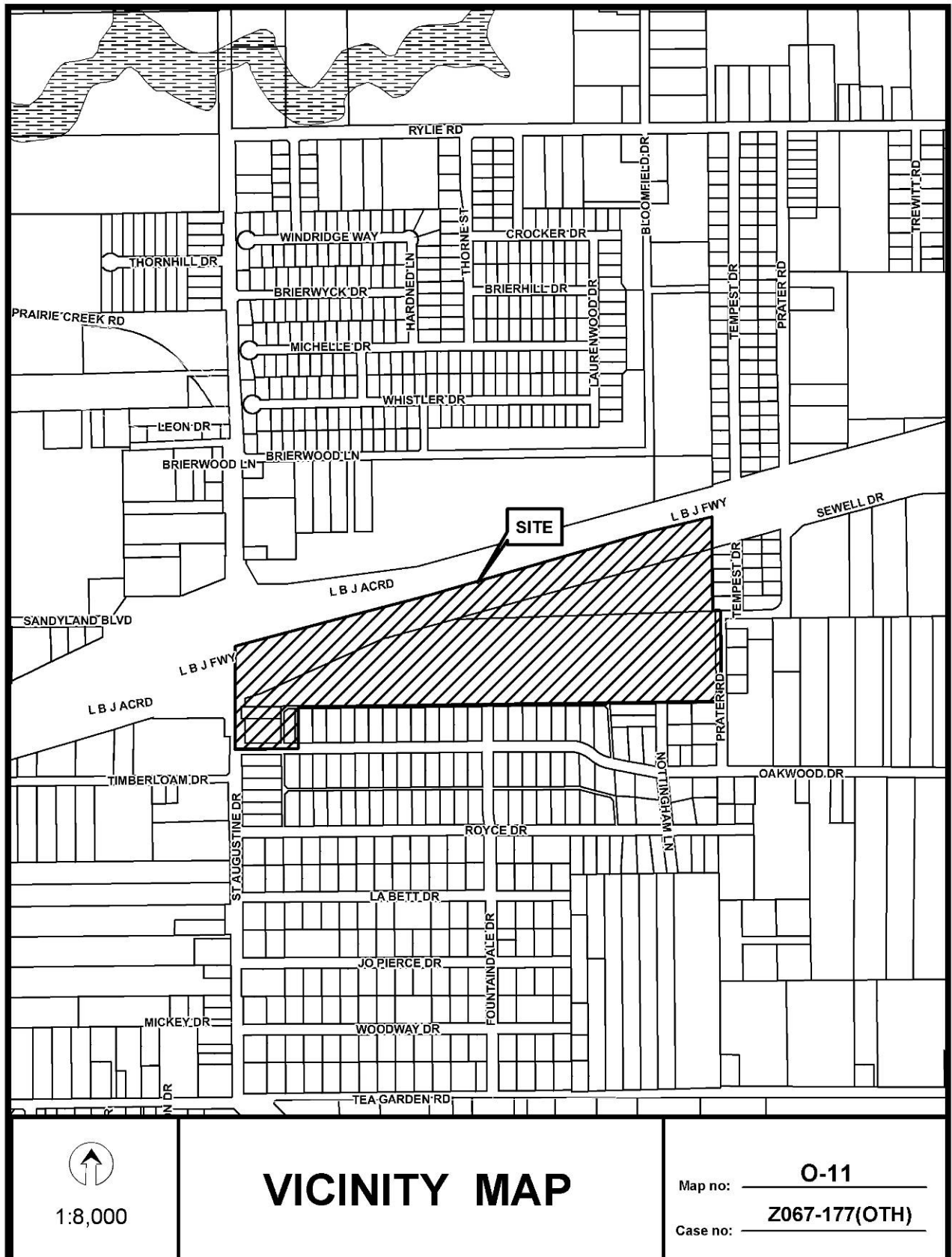
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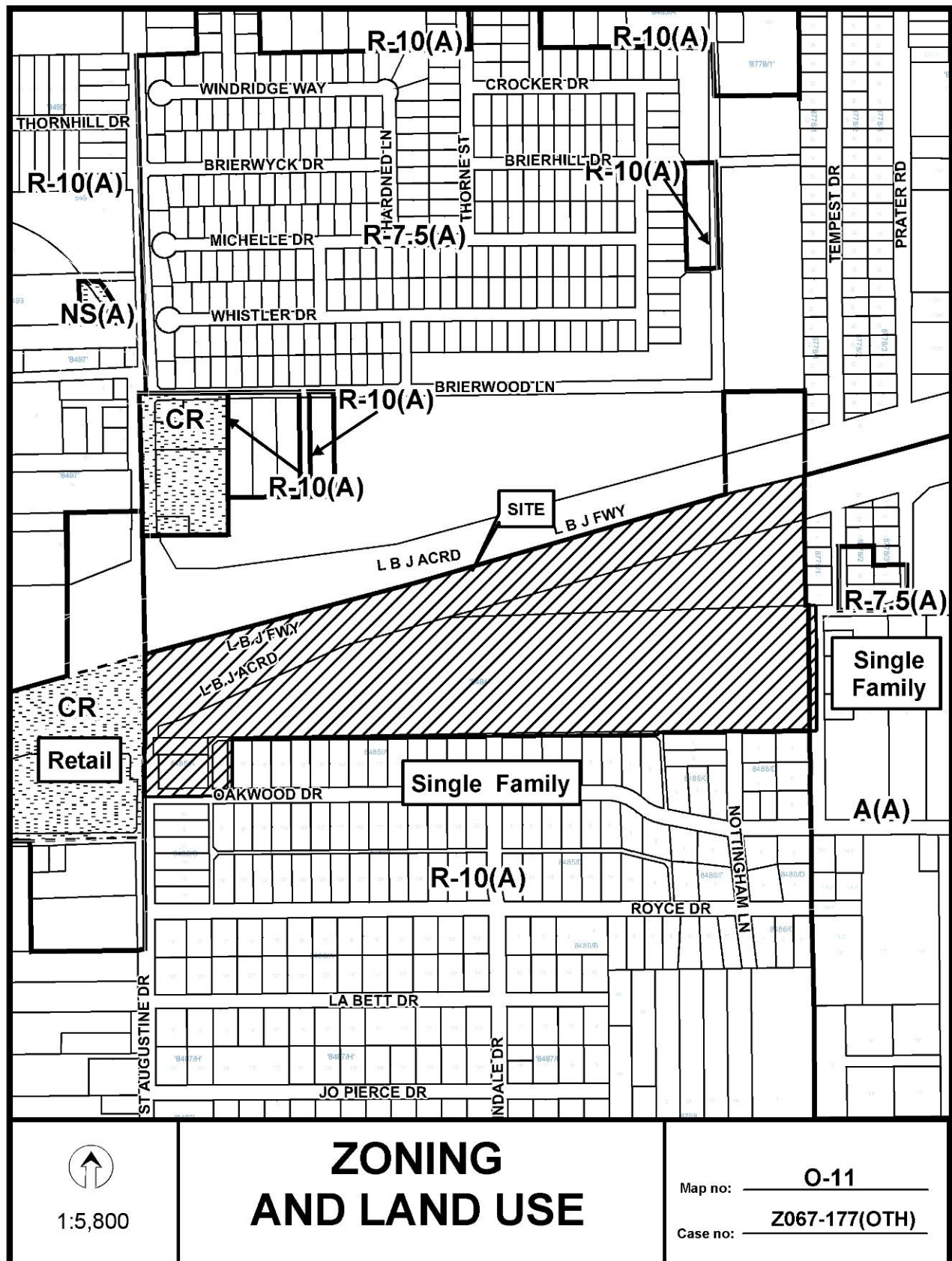
7-18-2008
(date)

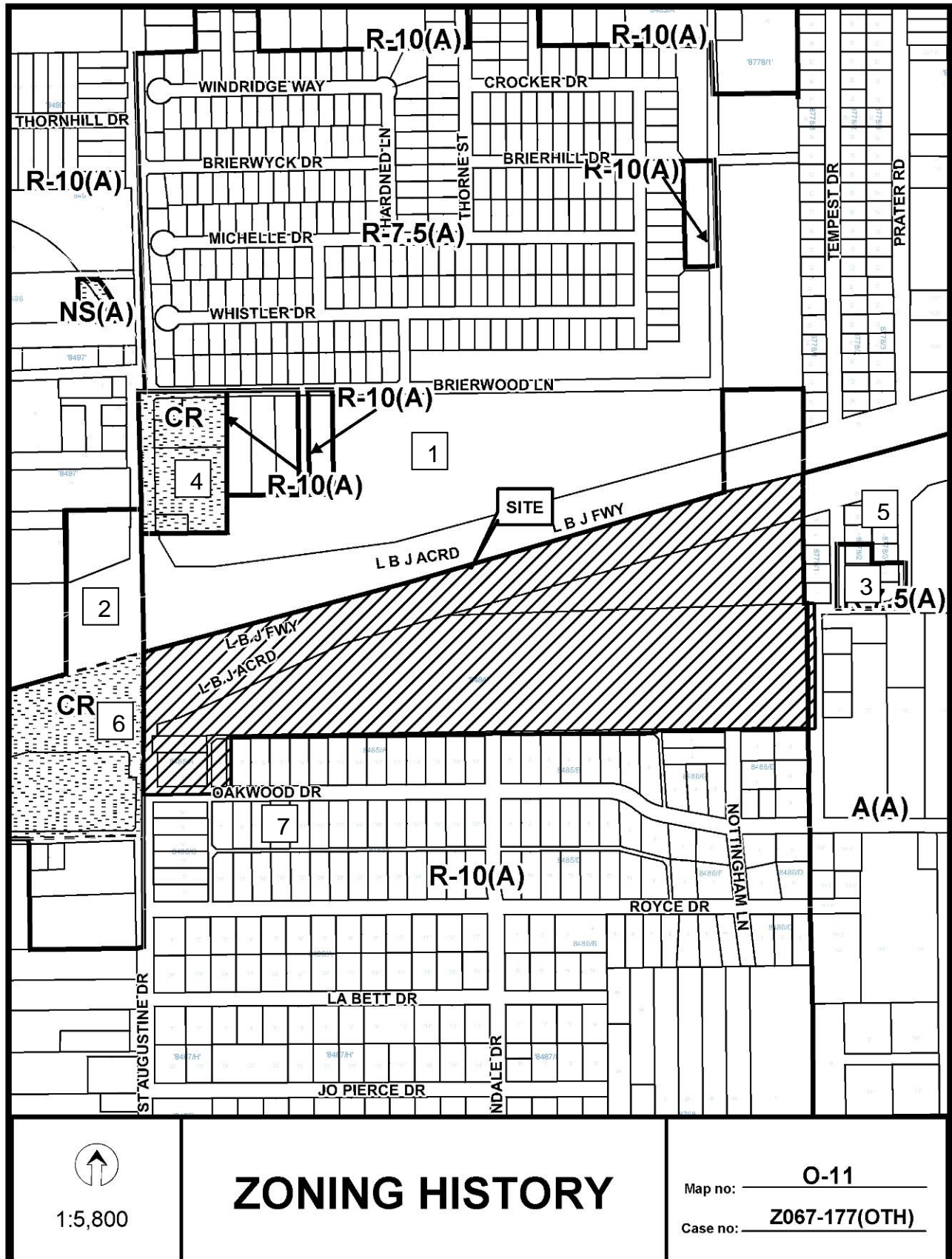
REQUEST SITE
(For Information Purposes only)



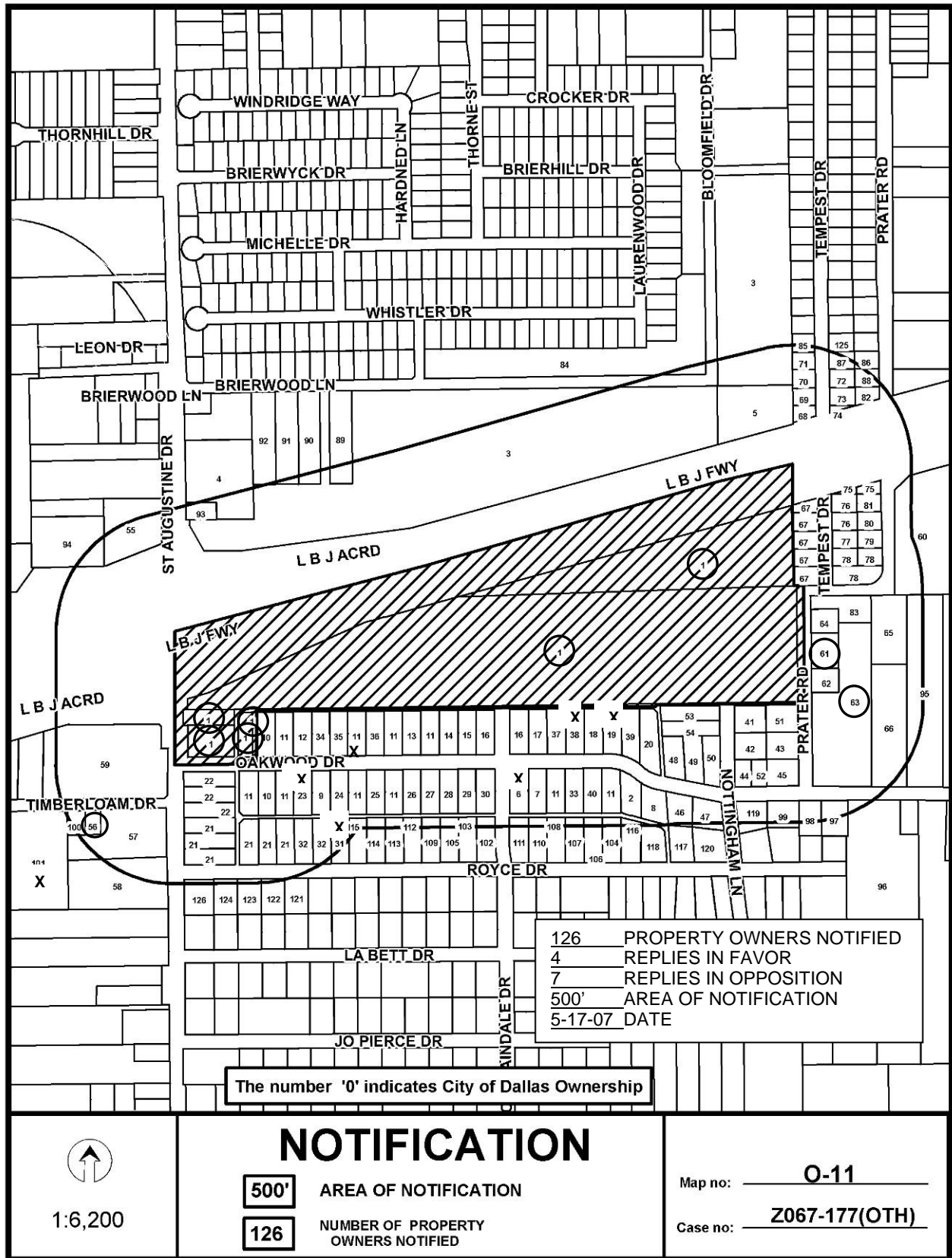
Z067-177







CPC RESPONSES



5/3/2007

Notification List of Property Owners

Z067-177(OTH)(aa)

126 Property Owners Notified

<i>Label</i>	<i>Address</i>	<i>Owner</i>
①	1736 ST AUGUSTINE	GRAUE PROPERTIES INC
2	10012 OAKWOOD	HERNANDES JAIME &
3	1416 BLOOMFIELD	GEHAN HOMES LTD
4	1612 ST AUGUSTINE	MARGAUX ST AUGUSTINE PTNS
5	10040 BRIERWOOD	CROCKER JOE & RETHIA
X6	9904 OAKWOOD	BYFORD RICKEY JOE &
7	9910 OAKWOOD	BUSTOS JUAN JESUS &
8	10016 OAKWOOD	MARTINEZ ABIEL
9	9714 OAKWOOD	COLEMAN CYNTHIA G
10	9627 OAKWOOD	GALVAN MARTIN
11	9809 OAKWOOD	CHECKERED ENTERPRISES LP
12	9641 OAKWOOD	MARTINEZ ROBERTO
13	9805 OAKWOOD	RUEDA GLORIA D
14	9813 OAKWOOD	ADAMS MARY LEE
15	9817 OAKWOOD	VELASQUEZ EUFEMIO
16	9905 OAKWOOD	SELMAN CHARLES
17	9911 OAKWOOD	SPURLOCK CHARLOTTE
SUZANN		
18	10003 OAKWOOD	SANCHEZ PATRICIO MENDOZA
X 19	10007 OAKWOOD	HALFORD GARY
20	10015 OAKWOOD	MUNOZ MARIA
21	1820 ST AUGUSTINE	FREEMAN GEORGIA TRUSTEE
22	1802 ST AUGUSTINE	MARSHALL BARBARA F
X 23	9640 OAKWOOD	SMITH LEONARD E
24	9718 OAKWOOD	SOTO MANUEL A
25	9724 OAKWOOD	SARRETT WILLIAM S
26	9804 OAKWOOD	ALBIAR MICHELLE M

Thursday, May 03, 2007

<i>Label</i>	<i>Address</i>	<i>Owner</i>
27	9808 OAKWOOD	WHITE ORCHID HOLDINGS CO
28	9812 OAKWOOD	GARCIA ROGACIANO &
29	9816 OAKWOOD	BRENA MARTIN &
30	9820 OAKWOOD	RAMOS JUAN ANTONIO
X31	9711 ROYCE	JDAL PROPERTIES INC
32	9707 ROYCE	COOPER REAL ESTATE CO LP
33	9924 OAKWOOD	HAMMOND STANLEY E
34	9713 OAKWOOD	FARMER MILDRED P
X35	9717 OAKWOOD	GOODWIN BOB & CONNIE
36	9723 OAKWOOD	DAVIS JAS WILLIAM EST OF
37	9917 OAKWOOD	INMAN IMA DAVIS
X38	9925 OAKWOOD	SPENCER BENNIE
39	10011 OAKWOOD	GIBSON LARRY W
40	10002 OAKWOOD	SANCHEZ FERNANDO & ESTELA
41	1738 NOTTINGHAM	MULLER MARY E &
42	1746 NOTTINGHAM	MURILLO JOSE J
43	1745 PRATER	AVOYTES MARGARITO &
44	105 OAKWOOD	GLOVER RICKEY G
45	10119 OAKWOOD	MARTINEZ JOSUE X
46	10022 OAKWOOD	DUNN RUSSELL DALE &
47	10030 OAKWOOD	PARRA RAUDEL
48	10019 OAKWOOD	VILLALON YDALIA T
49	10025 OAKWOOD	AGUIRRE ROLANDO
50	10029 OAKWOOD	GARCIA MIGUEL ANGEL &
51	1737 PRATER	ISOM WAYLAND DARWIN
52	10109 OAKWOOD	ROMO DANIEL V
53	1737 NOTTINGHAM	ALLEN CARRIE M
54	1741 NOTTINGHAM	CRUZ JOHN A
55	1629 ST AUGUSTINE	SHARAF ALI
56	9528 TIMBERLOAM	PASLEY ARTHUR R JR
57	1821 ST AUGUSTINE	ARSHAD MUHAMMAD

Thursday, May 03, 2007

<i>Label</i>	<i>Address</i>	<i>Owner</i>
58	1901 ST AUGUSTINE	MOORE R D CONST CO INC
59	1739 ST AUGUSTINE	SALDENA PROPERTIES LP
60	1538 PRATER	WHITE KENNETH RAY
61	1642 PRATER	ROGERS GEORGE
62	1646 PRATER	HUNTER CLARENCE W
63	10141 OAKWOOD	JACKSON JAMES A & CAROLYN
64	1638 PRATER	COONROD ALLEN &
65	1600 PRATER	FIRST EVANGELIST FMLY CH
66	10215 OAKWOOD	CONTRERAS ABRAM
67	1501 TEMPEST	WACKEROW THOMAS H
68	1453 TEMPEST	AGUILAR JOSE & OLIVIA
69	1451 TEMPEST	CHAVEZ JOSE R &
70	1449 TEMPEST	GLOVER JAMES &
71	1445 TEMPEST	NAVARRETE FLORENTINO
72	1450 TEMPEST	VANDERVER RHONDA &
73	1452 TEMPEST	RODRIQUEZ AUGUSTINE &
74	1454 TEMPEST	JETT MARION B &
75	1451 PRATER	JETT MARION B &
76	1500 TEMPEST	JONES GEORGE M
77	1508 TEMPEST	GALVAN SAMUEL S
78	1513 PRATER	GALVAN SAMUEL S
79	1509 PRATER	PALMER BETTY &
80	1505 PRATER	HERRON CHARLIE
81	1501 PRATER	SOWARD NATALIE NICOLE
82	1451 PRATER	LEYVA RUBEN & CARMEN
83	1516 PRATER	CANTRELL CLAUDE H EST OF
84	1411 BLOOMFIELD	GEHAN HOMES LTD
85	1443 TEMPEST	FEDERAL HOME LOAN
86	1445 PRATER	MARES CRUZ ROSAS
87	1446 TEMPEST	LOCHHEAD RANDY A
88	1449 PRATER	LEYVA RUBEN & MARIA

Thursday, May 03, 2007

<i>Label</i>	<i>Address</i>	<i>Owner</i>
89	9656 BRIERWOOD	HORN RANDALL & MARGARET
90	9650 BRIERWOOD	COLOCHO JULIO CEASAR
91	9644 BRIERWOOD	PEER MARY I
92	9638 BRIERWOOD	MUNOZSOL BERNABE &
93	1630 ST AUGUSTINE	MARGAUX ST AUGUSTINE PTNS
94	1635 ST AUGUSTINE	LEFEVERS JOHN
95	10229 OAKWOOD	BROWNING TRAVIS
96	10210 OAKWOOD	MARTINEZ JAVIER &
97	10136 OAKWOOD	MARTINEZ JAVIER
98	10130 OAKWOOD	MARTINEZ JAVIER &
99	10118 OAKWOOD	WORKS MARLENE ANN
100	9524 TIMBERLOAM	ARSHAD MUHAMMAD
X101	9520 TIMBERLOAM	BILLINGS JOHNNIE LOU
102	9743 ROYCE	LEAL FRANCISCO J JR
103	9739 ROYCE	RODRIGUEZ RAMIRO
104	9825 ROYCE	VALENZUELA GRACIELA &
105	9735 ROYCE	LUNA VANESSA J
106	9821 ROYCE	VEGA JUANA
107	9817 ROYCE	PARAMO FLORENCIO
108	9813 ROYCE	SOTO ANDRES
109	9731 ROYCE	MOLINA ROGELIO E
110	9809 ROYCE	ASH LIZ PROPERTIES INC
111	9805 ROYCE	OVALLE JUAN C
112	9727 ROYCE	REYNA CAMERINO
113	9723 ROYCE	VARGAS UBALDO
114	9719 ROYCE	MARTINEZ ARTURO
115	9715 ROYCE	SORBER STEVEN &
116	9829 ROYCE	HUD
117	10025 ROYCE	OVIEDO MERCED
118	9833 ROYCE	VARELA RAUL
119	10108 OAKWOOD	HARPER THERESA M &

Thursday, May 03, 2007

Z067-177

<i>Label</i>	<i>Address</i>	<i>Owner</i>
120	10029 ROYCE	PLACENCIA JUDY &
121	9706 ROYCE	HERNANDEZ SOFIA & RUBEN
122	9632 ROYCE	HERNANDEZ RUBEN &
123	9624 ROYCE	PAPADOPOULOS JOHN E
124	9616 ROYCE	OCHOA ALBERTO
125	1444 TEMPEST	GUZMAN ANTONIO &
126	9608 ROYCE	TEXAS UTILITIES ELEC CO

Thursday, May 03, 2007

Early Notification List

Al Romero
PO Box 870875
Mesquite, TX 75150

Anthony Jones
PO Box 0711
Galveston, TX 77553

Betty Wadkins
2843 Modesto Drive
Dallas, TX 75227

Bridge Ballowe c/o Nextel
1680 N. Prospert Dr.
Ricardson, TX 75081

Cindy Harris
4310 Buena Vista #8
Dallas, TX 75205

Clarence F Cope
10404 Ferndale
Dallas, TX 75238

Jane Guerrini
7032 Lupton
Dallas, TX 75225

Jeff Bosse
PO Box 4738
Dallas, TX 75208

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

Arborillogical 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 Assoc
Stuart Pully
P O Box 781609
Dallas, TX 75378

Kiestwood Neighbors
Neoma Shafer
2538 W Kiest Blvd
Dallas, TX 75233

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

N Pk Lovefied Comm Civic
League
Joyce Lockley
4718 Wateka Dr.
Dallas, TX 75209
Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

Middlefield Valley NA
Jo M Autrey
3627 Middlefield St
Dallas, TX 75253

Rylie Crime Watch
Glen Elliott
9633 Jo Pierce
Dallas, TX 75217

FW Dodge Reports
Donna McGuire
9155 Sterling Dr. Ste 160
Dallas, TX 75063

Lake Highlands AIA
Terri Woods
9603 Rocky Branch Drive
Dallas, TX 75243

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

Oak Cliff Chamber
Joe Burkleo
545 Lacewood Drive
Dallas, TX 75224

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

Pleasant Wood/Grove
J. Eugene Thomas
P O Box 50051
Dallas, TX 75250

ENZ067-177(OTH)

Jackson Walker
Suzan Kedron
901 Main St. #6000
Dallas, TX 75202

Master Plan
J Kimborough
900 Jackson St
Dallas, TX 75202

Minyards Properties Inc
Dennis O'Malley
777 Freeport Pkwy
Coppell, TX 75019

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

W.A.R.N.
Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Rylie / Pemberton
Margaret Bailey
6117 Sierra Leon
Austin, TX 78759

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 3
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 52 S T W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for residential and non-residential uses on property zoned an A(A) Agricultural District between Ledbetter Drive and Spur 408, north of Kiest Boulevard and south of Illinois Avenue

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

Z067-192(WE)

FILE NUMBER: Z067-192 (WE) **DATE FILED:** March 8, 2007

LOCATION: Between Ledbetter Drive and Spur 408, north of Kiest Boulevard and south of Illinois Avenue

COUNCIL DISTRICT: 3 **MAPSCO:** 52-S, T, & W

SIZE OF REQUEST: Approx. 43.49 acres **CENSUS TRACT:** 165.01

APPLICANT/ OWNER: Escarpment JV, Katy Ridge Ranch

REPRESENTATIVE: MASTERPLAN

REQUEST: An application for a Planned Development District for residential and non-residential uses on property zoned an A(A) Agricultural District.

SUMMARY: The purpose of this request is to develop a residential development that will have a mix of townhouses and single family uses on site. The minimum lot sizes will range between 2,000 square feet to 10,000 square feet. In addition, the applicant is proposing to develop a private recreation center on site.

CPC RECOMMENDATION: Approval, subject to a conceptual plan and conditions

STAFF RECOMMENDATION: Approval, subject to a conceptual plan and conditions

BACKGROUND INFORMATION:

- The applicant is requesting a Planned Development District to construct a mix of residential and non-residential uses. The residential component will primarily consist of single family uses. The conceptual plan is divided into subareas that will adhere to various zoning district regulations: R-7.5(A), R-10(A), R-1/2ac, TH-3(A) Townhouse, and CH Clustered Housing. The applicant is proposing private streets by right in the PDD.
- The request site is located within an escarpment area and is undeveloped. The surrounding land uses primarily consist of two churches near the intersection of Ledbetter Drive and Illinois Avenue, two auto auction uses to the east of Ledbetter Drive and undeveloped land surrounding the site. The auto auction uses have no access form Ledbetter Drive.

Zoning History: There has not been any zoning change requested in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Spur 408		Variable width right-of-way	Variable width right-of-way
Ledbetter Drive	Principal Arterial	50 ft.	107 ft.

Land Use:

	Zoning	Land Use
Site	A(A)	Undeveloped
North	A(A)	Undeveloped
South	A(A), IM w/SUP No. 1054	Undeveloped, Auto auction
East	A(A), IM	Undeveloped, Off-street parking
West	PD No. 186 NO(A)	Spur 408

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 to for single family uses. The continuation of the zoning that permits single family uses within the area is in compliance with the Land Use, and Economic Development Element that are outlined in *fowardDallas!*

Land Use

Goal 1.1 Align land use strategies with economic development priorities

Policy 1.1.2 Focus on Southern Sector development opportunities

Goal 1.3 Provide equitable opportunities for Dallas residents

Policy 1.3.1 Create housing opportunities throughout Dallas

Economic

Goal 2.1 Promote Balanced Growth.

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

STAFF ANALYSIS:

Land Use Compatibility: The 43.49 acre site is irregular in shape and is undeveloped. The surrounding land uses primarily consist of two churches near the intersection of Ledbetter Drive and Illinois Avenue, two auto auction uses to the east of Ledbetter Drive and undeveloped land surrounding the site. These auto auction uses have no access from Ledbetter Drive. There is also a power transmission line that traverses the site.

The applicant is requesting a Planned Development District for residential and non-residential uses to allow for a mixture of uses on the site and define the required roadway and right-of-way widths. The uses for the site are predominately residential in nature with a majority being single family. The development of the non-residential uses will consist of an accessory private community center.

The site contains areas in the Escarpment and GSA Geologically Similar Area. Approximately 13.5 acres is being set aside as protected open space. These areas have been designated on the attached conceptual plan. The conceptual plan designates two areas for CH Clustered Housing uses to allow for a greater flexibility to develop the site in those sensitive areas. Lot sizes have been designated as minimums for subareas with a final lot layout to be determined by the preliminary plat. In February 2005, the City's Escarpment Review Committee met and approved the applicant's escarpment application regarding the proposed development (see Escarpment Letter).

The applicant is also proposing that the roadway and right-of-way width for each zoning district be determined by the lot sizes that are permitted in those districts, with the following roadway exceptions: 1) the maximum right-of-way width and pavement width will be reduced to the standards for each lot type (e.g., R-7.5(A) uses and above – 50

feet ROW and a minimum of 26 feet payment width), 2) reduce the right-of-way in the areas where the proposed roads would cross the escarpment as shown on the conceptual plan. The reduction in right-of-way width and pavement width as proposed by the applicant may reduce the amount of disturbance to the Escarpment and wooded areas. The only access to the proposed development will be from Ledbetter Drive. The applicant has designated three points of egress and ingress to the site. There will be no access to the site from Spur 408. In addition, the applicant is proposing private streets for the proposed development.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
A(A) Agricultural	50'	20'/50'	1 Dwelling Unit/3 Acres	24'	10%		Agricultural & single family
PROPOSED							
Planned Development District							
R-1/2ac(A) Single Family	40'	10'	1 Dwelling Unit/ 1/2 Acre	36'	40%		Single family
R-10(A) Single Family	30'	6'	1 Dwelling Unit/ 10,000 sq. ft.	30'	45%		Single family
R-7.5(A) Single Family	25'	5'	1 Dwelling Unit/ 7,500 sq. ft.	30'	45%		Single family
TH-3(A) Townhouse	0'	0'	12 Dwelling Units/ Acre	36'	60%	Min. Lot: 2,000 sq. ft.	Single family
CH Clustered Housing	0'	0'	18 Dwelling Units/ Acre	36'	60%	Proximity Slope	Multifamily, single family

Landscaping: For non-residential uses, a landscape plan must be submitted with a required development plan and approved by the City Plan Commission before issuance of a building permit to authorize work in this district. For all other uses, no landscape plan is required.

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.

Escarpment: Development in the escarpment zone is prohibited, except for rules pertaining to existing structures and for the construction of a public improvement authorized by the city. The construction of public improvements in the escarpment zone requires an escarpment permit. The same rules apply for development within the GSA.

In a GSA, it is a violation of city ordinance, with a few exceptions, to remove or injure any trees or vegetation or alter the physical condition in any way without an escarpment permit.

The escarpment permit, administered through Engineering Services of the Department of Development Services, must include information that may include a slope stability

analysis, a soil erosion control plan, a grading plan and a vegetation plan, and any other information the director determines to be necessary to allow for a complete evaluation of the proposed project. The plans must be reviewed through the Escarpment Area Review Committee, a staff advisory committee from various departments. If the application and other materials show that the proposed project complies with the requirements of Article V and all other applicable city regulations, the director shall issue an escarpment permit and forward the application to the building official. Otherwise, the director shall deny the application. The building official shall not issue a building permit until the director has signed and approved an escarpment permit. The decision of the director may be appealed to the board of adjustment.

Miscellaneous- Conditions: Staff has reviewed and supports the applicant's Planned Development District conditions. The applicant's representative may used the CUD provision in the Development Code to reduce the minimum front yard setbacks for single family uses. The Community Unit Development (CUC) provision of the Code addresses the yard, lot and spaces reductions through the platting process. The reduction in the front, side, and rear yard must not exceed the total percentage reduction of lot area within the boundaries of the property being platted.

CPC Action (May 17, 2007)

Motion: It was moved to recommend **approval** of a Planned Development District for residential and non-residential uses, subject to a conceptual plan and revised conditions on property zoned an A(A) Agricultural District, between Ledbetter Drive and Spur 408, east of Kiest Boulevard and south of Illinois Avenue.

Maker:	Emmons
Second:	Ekblad
Result:	Carried: 12 to 0
For:	12 - Prothro, Gary, Marshall, Woolen Lipscomb, Miranda, Jones-Dodd, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham
Against:	0
Absent:	3 - Strater, Bagley, Weiss
Vacancy:	0

Notices:	Area: 500	Mailed: 17
Replies:	For: 0	Against: 0

Speakers: None

<p>LIST OF OFFICERS ESCARPMENT JV, KATY RIDGE</p>
--

KATY'S BRIDGE RANCH, a Texas general partnership

Robert V. Hunt, Managing partner
Edward V. Hunt, Managing Partner
Stuart M. Crow, trustee for Lillian Kathleen Crow
Howard Crow, trustee for Lillian Kathleen Crow
Patrick J. O'Brien
Deborah Johnston
Rick Keeler
Charles M. Pollen

ESCARPMENT JOINT VENTURE, a Texas general partnership

Robert V. Hunt, Managing Partner
Van Roberts, Partner
Stuart M. Crow, Partner
Edward V. Hunt, Partner
Patrick J. O'Brien, Partner

ESCARPMENT LETTER



CITY OF DALLAS

March 2, 2006

Robert V. Hunt and Associates
5811 Gaston Avenue
Dallas, TX 75214

**Re: Escarpment Application E-056-001
Katy's Ridge Ranch Tract and Escarpment Joint Venture Tract**

Dear Sirs:

Your escarpment application for the proposed development at 2777 South Ledbetter Road has been reviewed and is approved. The Escarpment Review Committee met on February 15, 2006 and recommended approval of your conceptual plan, subject to the rezoning of the property.

This permit applies to the 43-acre tract of land described in the application submitted to Development Services on September 30, 2003, Escarpment Delineation Report dated August 2004 by Kleinfelder, and the Conceptual Land Use supplement dated January 2006.

You may proceed with the platting and development of the property in accordance with the Dallas Development Code. Monumentation of the Escarpment is required according to City Ordinance No. 23384, Section 51A-8.617.

The following guidelines will apply to the area, which is considered as a geologically similar area (GSA):

1. A tree protection plan and a tree removal permit are required. Please contact Phil Erwin, Arborist, 214-948-4117.
2. Soil and foundation analysis with foundation designs for all structures, including bridges for pathways, and public improvements will be required. A professional engineer, licensed in the State of Texas, must seal all plans.
3. All manmade slopes which exceed 4:1 will require the following:
 - a.) Slope Stability Analysis
 - b.) Structural retention, slope stabilization and vegetation.

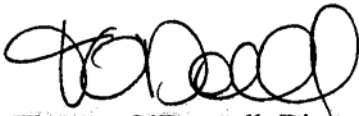
Robert V. Hunt

March 2, 2006

Page 2

Should you need any additional information, please feel free to contact Johnny Sudbury, P.E., Senior Engineer, Development Services Engineering at 214-948-4229.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theresa O'Donnell', with a stylized, cursive script.

Theresa O'Donnell, Director
Development Services

C: Paul Dyer, Director of Parks and Recreation
Elias Sassoon, P.E., Interim Building Official

CPC RECOMMENDED CONDITIONS

ARTICLE ____.

PD ____.

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 between Ledbetter Drive and Spur 408, east of Kiest Boulevard and south of Illinois Avenue. The size of PD is approximately 43.19 acres.

SEC. 51P- ____ .103.

DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district.

SEC. 51P- ____ .104.

CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit ____). If a conflict exists between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P- ____ .105.

DEVELOPMENT PLAN.

(a) Residential and Nonresidential uses. All development plans must be approved by the city plan commission, escarpment committee and the Director of Development Services before issuance of any building permit.

SEC. 51P- ____ .106.

MAIN USES PERMITTED.

(a) The only main uses permitted in this district are those main uses permitted in the R-7.5(A) Single-Family District, R-10(A) Single-Family District, R-1/2(A) Single-

Family District, CH Clustered Housing District, and TH-3(A) Townhouse District in the areas shown on the attached Conceptual Plan, subject to the same conditions applicable in the R-7.5(A) Single-Family District, R-10(A) Single-Family District, R-1/2(A) Single-Family District, CH Clustered Housing District, and TH-3(A) Townhouse District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single-Family District, R-10(A) Single-Family District, R-1/2(A) Single-Family District, CH Clustered Housing District, or TH-3(A) Townhouse District only by specific use permit (SUP) is permitted in the area shown on the Conceptual Plan by SUP only; a use subject to development impact review (DIR) in the R-7.5(A) Single-Family District, R-10(A) Single Family District, R-1/2(A) Single Family District, CH Clustered Housing District, or TH-3(A) Townhouse District is subject to a DIR in the areas shown on the attached Conceptual Plan; etc.

(b) Community center is permitted by right.

(c) Private streets are permitted by right.

SEC. 51P-____.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) 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.

SEC. 51P-____.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If a conflict exists between this section and Division 51A-4.400, this section controls.)

(a) Except as provided in this section, the yard, lot, and space regulations in R-7.5(A) Single-Family District, R-10(A) Single Family District, R-1/2(A) Single Family District, CH Clustered Housing District, and TH-3(A) Townhouse District apply in the areas shown on the attached Conceptual Plan

(b) The maximum number of units in the CH and TH-3(A) areas are as shown on the attached Conceptual Plan.

SEC. 51P- _____.109. OFF-STREET PARKING AND LOADING.

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P- _____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P- _____.111. LANDSCAPING.

(a) For nonresidential uses, a landscape plan must be submitted with the development plan and approved by the city plan commission before issuance of a building permit to authorize work in this district.

(b) For all other uses, Article X applies.

(c) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P- _____.112. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. 51P- _____.113 STREETS STANDARDS.

(a) Private streets in TH-3(A) and CH areas.

(1) Minimum pavement width is 33 feet, measured from face-to-face of the curb.

(2) Minimum right-of-way width is 53 feet.

(b) Private streets in single-family areas.

(1) Minimum pavement width is 26 feet, measured from face-to-face of the curb.

(2) Minimum right-of-way is 50 feet, measured from face to face of the curb.

SEC. 51P- _____.113. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-____.114. COMPLIANCE WITH CONDITIONS.

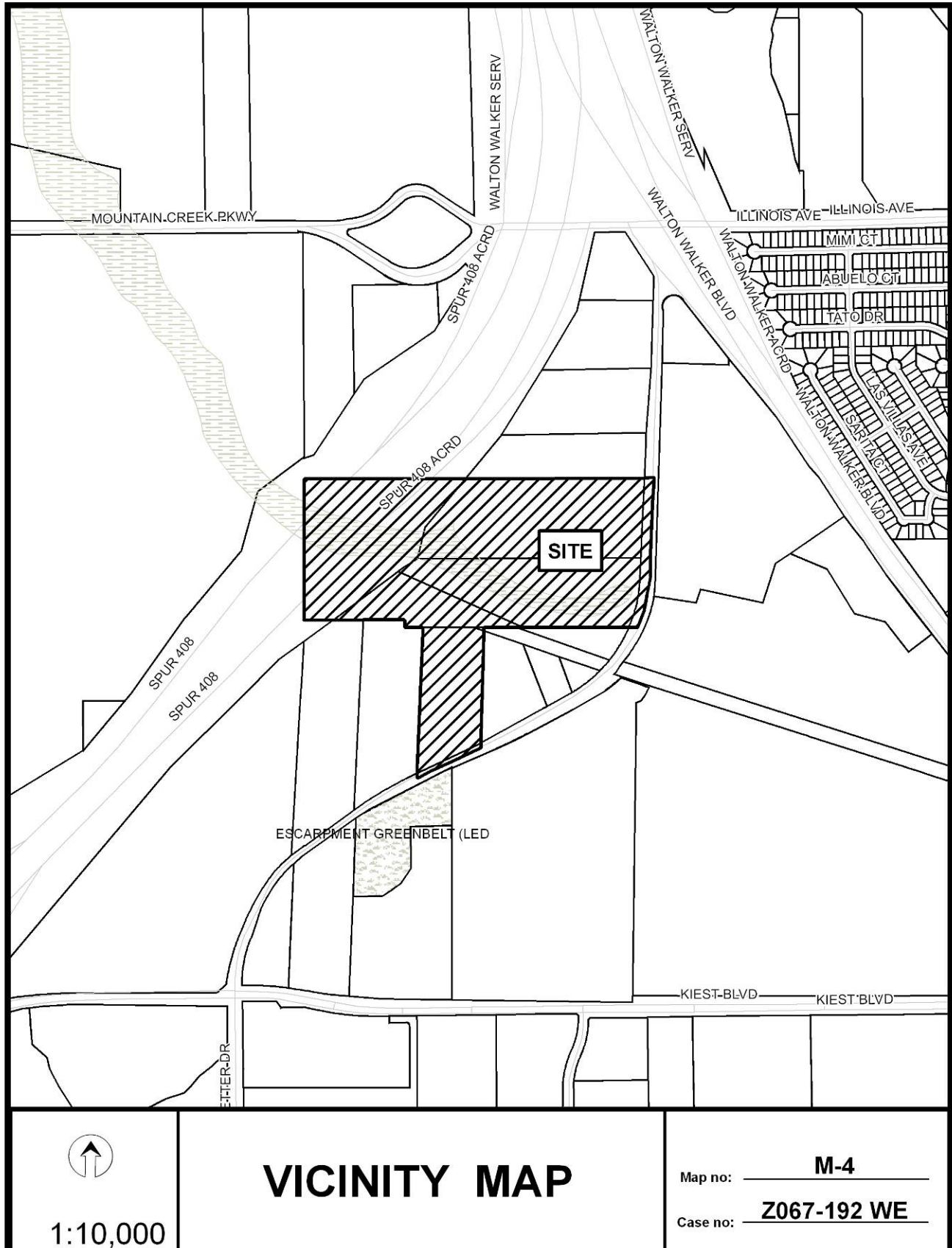
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

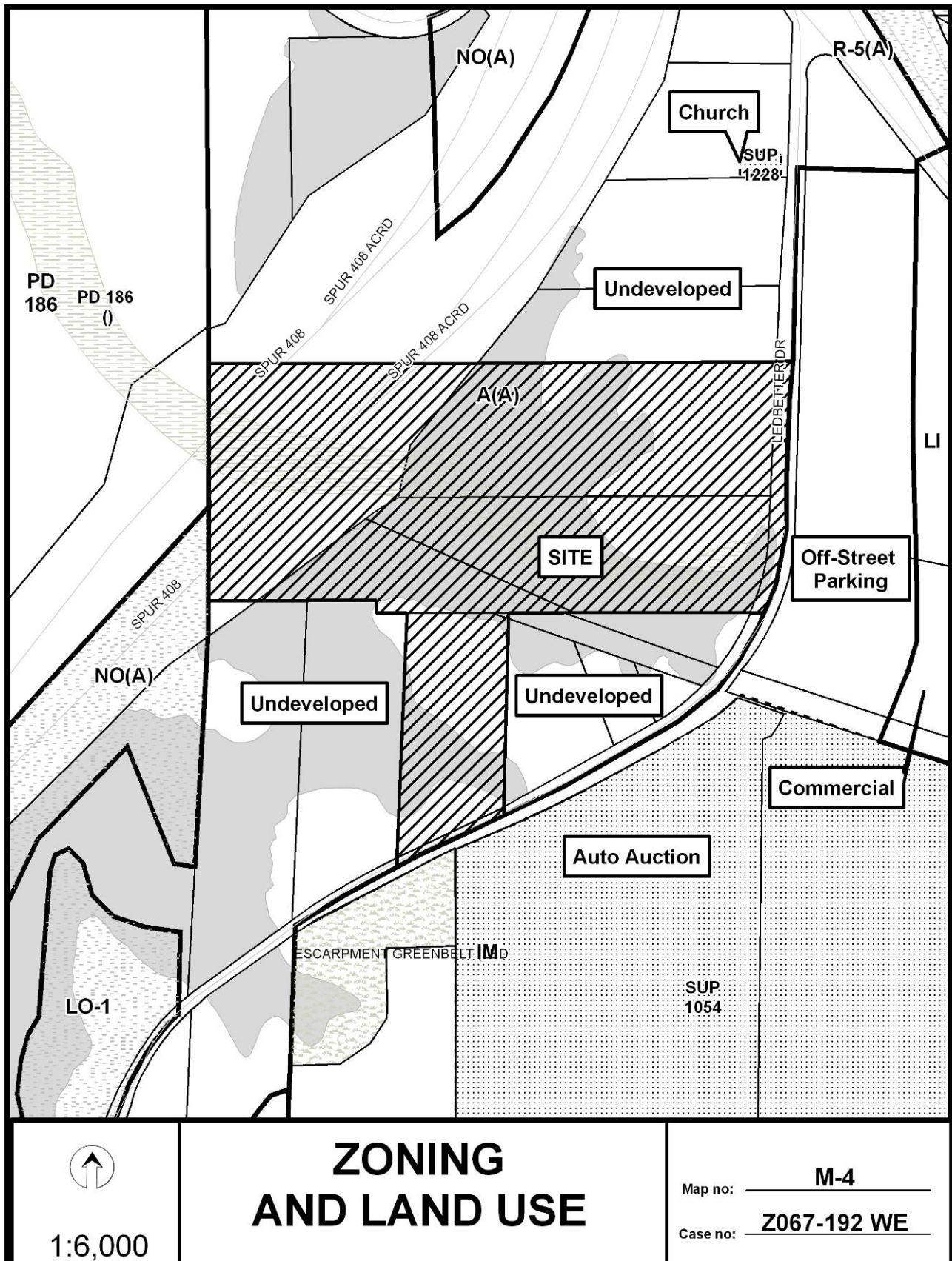
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

SEC. 51P-____.115. ZONING MAP.

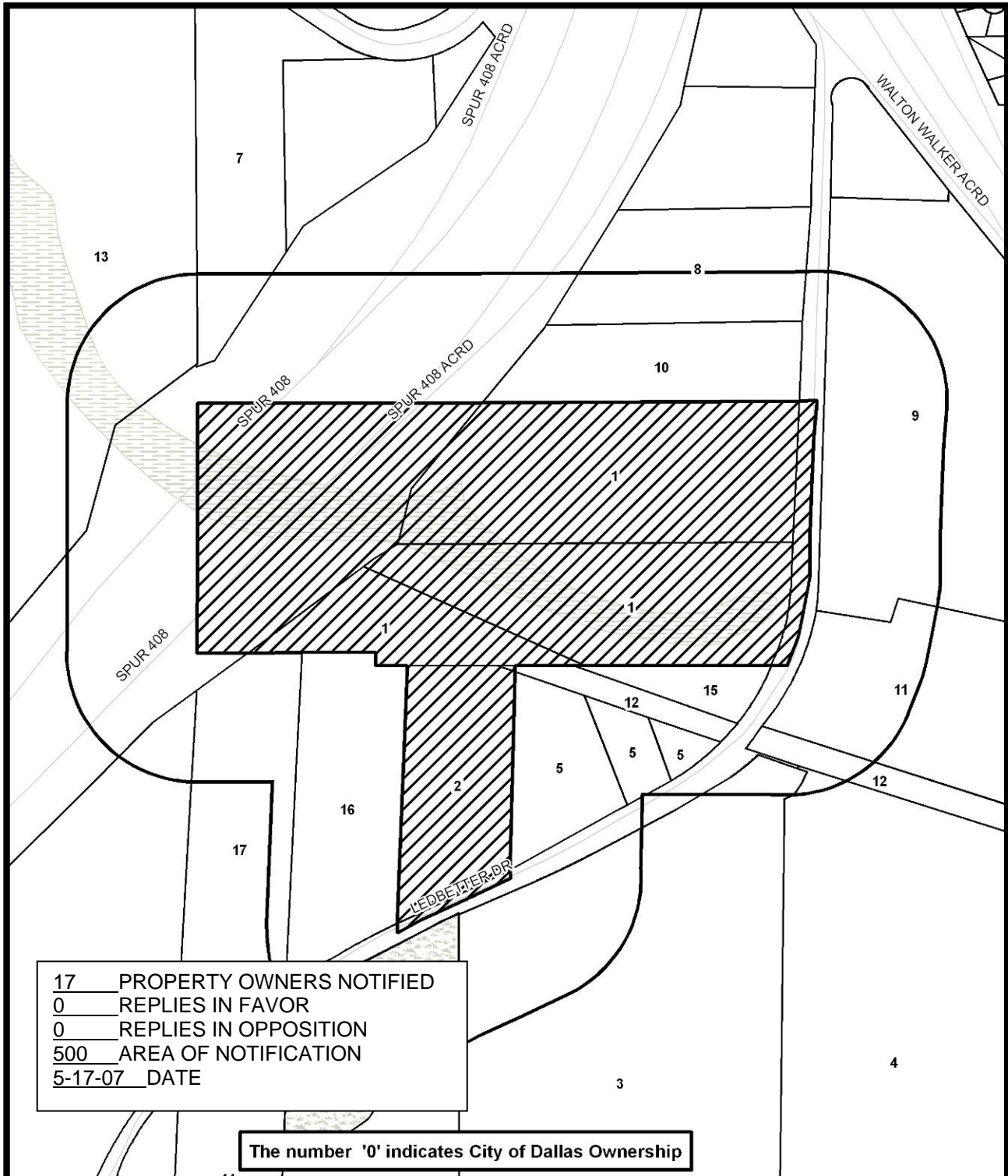
PD _____ is located on Zoning Map No. M-4.”







CPC RESPONSES



1:6,000

NOTIFICATION

500'

AREA OF NOTIFICATION

17

NUMBER OF PROPERTY OWNERS NOTIFIED

M-4

Map no: _____

Case no: **Z067-192 WE**

Notification List of Property

Z067-192(WE)(CS)

17 Property Owners Notified

Label	Address	Owner
1	2777 LEDBETTER	KATYS RIDGE RANCH
2	2895 LEDBETTER	ESCARPMENT JV
3	5600 Kiest	AA PROPERTY HOLDINGS INC
4	5333 Kiest	ADT PROPERTY HOLDINGS INC
5	2805 LEDBETTER	BRANDENBURG ELIZABETH ANN
6	5701 Kiest	HUNT J B TRANSPORT INC
7	5500 SPUR 408	MATTHIES LAWAYNE
8	2555 LEDBETTER	MT VIEW CHURCH OF GOD
9	2831 WALTON WALKER	NEW TEXAS AUTO AUCTION
10	2559 LEDBETTER	OAK CLIFF CHURCH OF GOD
11	2831 WALTON WALKER	RLR INVESTMENTS LLC
12	2825 LEDBETTER	TEXAS UTILITIES ELEC CO
13	2800 MOUNTAIN CREEK	UNITED STATES OF AMERICA
14	5811 Kiest	WAGGONER FAMILY
15	2815 LEDBETTER	WESTHOFF RUSSELL
16	2825 LEDBETTER	WIHDT INC
17	2935 LEDBETTER	WINN TOMMY JOE

Tuesday, April 03, 2007

Z067-192 (WE)

Al Romero
PO Box 870875
Mesquite, TX 75150

Anthony Jones
PO Box 0711
Galveston, TX 77553

Betty Wadkins
2843 Modesto Drive
Dallas, TX 75227

Bridge Ballowe c/o Nextel
1680 N. Prospert Dr.
Ricardson, TX 75081

Cindy Harris
4310 Buena Vista #8
Dallas, TX 75205

Clarence F Cope
10404 Ferndale
Dallas, TX 75238

Jane Guerrini
7032 Lupton
Dallas, TX 75225

Jeff Bosse
PO Box 4738
Dallas, TX 75208

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

Arborillogical 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

Z067-192 (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 Lovefied Comm Civic League
Joyce Lockley
4718 Wateka Dr.
Dallas, TX 75209

Oak Cliff Chamber
Joe Burkleo
545 Lacewood Drive
Dallas, TX 75224

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

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

Kiest Valley Estates HA
Ed Hickson, President
3932 Kiest Meadow Dr,
Dallas, TX 75233

Kimball Estates
Charletta Compton
3709 Pomeroy Drive
Dallas, TX 75233

Kimball United
Dwain T Haxel
P O Box 1404
DeSoto, TX 75123

Mountain Creek Coalition
Derek B. Wirgau
8311 Deep Green Dr.
Dallas, TX 75249

Mt. Lakes NA
Vicki L Crow
5907 Oro Way
Dallas, TX 75211

EN067-192(WE)

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: 66 H M; 67 J E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an IM Industrial Manufacturing and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the northeast corner of Simpson Stuart and Interstate 45

Recommendation of Staff: Denial

Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant

Z056-311(OTH)

FILE NUMBER: Z056-311 (OTH)

DATE FILED: August 23, 2006

LOCATION: Northeast corner of Simpson Stuart and Interstate 45

COUNCIL DISTRICT: 5

MAPSCO: 66-H, M; 67-E, J

SIZE OF REQUEST: Approx. 101.23 acres

CENSUS TRACT: 114.02

REPRESENTATIVE: Masterplan

APPLICANT/OWNER: Jackson Hammond Inc.

REQUEST: An application for an IM Industrial Manufacturing with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District.

SUMMARY: The applicant proposes to utilize the property for outside storage for cargo containers without visual screening.

CPC RECOMMENDATION: Approval subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Denial.

BACKGROUND INFORMATION:

- The request site is undeveloped.
- The request site is adjacent to single family residential uses, undeveloped land, a stable, and commercial development.
- The proposed use is to allow outside storage for cargo containers without screening. The IM Industrial Manufacturing District allows for outside storage with or without screening and requires a RAR (Residential Adjacency Review). The applicant is proposing partial screening with trees, on the side of Interstate Highway I-45.
- The property is adjacent to an outside storage use on the north, which is screened by trees. However, due to weather and the seasons, the trees do not provide much screening during the autumn/winter seasons.
- The property is located in the 100-year floodplain and is located on a major gateway to the City.
- The original application included a request for a Specific Use Permit for a Industrial (Outside) Use, potentially incompatible, limited to a lime slurry. On May 3, 2007, the City Plan Commission recommended denial of the SUP portion of the request. The applicant no longer proposed to use the property for a lime slurry and requested the denial of that portion of the request.
- The applicant is volunteering deed restrictions for outside storage and to prohibit a medical or scientific laboratory and or a hazardous waste management facility on the property.

Zoning History:

There are no zoning changes requested in the surrounding area.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Simpson Stuart	Principal Arterial	107 ft.
Julius Schepps Frwy	Freeway	Varies

Land Use:

	Zoning	Land Use
Site	IR	Undeveloped
Northeast	IR	Industrial
Northwest	IR	Undeveloped
Southeast	IR, A(A), CS	Single Family Residential and Undeveloped
Southwest	A(A), CS	Undeveloped, Highway

Comprehensive Plan:

The requested zoning change and proposed uses are not compatible with the intent of the Comprehensive Plan because they hinder the purpose of the plan. The below mentioned goals and policies for the Land Use, Economic, Transportation, and Urban Design elements support the staff's recommendation. The Trinity River Land Use Plan clearly establishes the type of land uses that should be developed in the area.

Land Use Element

The proposed use for the property does not meet the intent of the Trinity River Corridor Plan. The desired development for the area is for regional retail uses, thus the proposed use is not a desired type of development for the area.

Goal 1.1 Align land use strategies with economic development priorities.

Policy 1.1.1 Implement the Trinity River Corridor Plan.

Policy 1.1.2 Focus on Southern Sector development opportunities.

Goal 1.4 Coordinate Planning Activities to Balance Transportation, land use, infrastructure and environment.

Policy 1.4.3 Embrace environmental sustainability.

Economic Element

The proposed use does not promote the desired type of business or industry that the Trinity River Corridor Plan targets. The proposed use does not encourage revitalization of the Trinity River Corridor.

Goal 2.2 Engage in strategic economic Development.

Policy 2.2.1 Focus economic development efforts on revitalization of the Trinity River Corridor.

Transportation Element

The Union Pacific Intermodal facility is located in the City of Hutchins, five miles south of the request site. The applicant is proposing to store freight containers in the site.

Goal 4.2 Promote a variety of transportation options.

Policy 4.2.3 Promote efficient, cost-effective and environmentally friendly movement of vehicles.

Policy 4.2.4 Promote the safe and efficient movement of goods.

Urban Design Element

The proposed outside storage without screening use will not provide a very appealing view to the I-45 corridor and gateway to the city.

Goal 5.2 Strengthen community and neighborhood identity.

Policy 5.2.3 Ensure attractive gateways into the city.

Trinity River Corridor Comprehensive Land Use Plan

The property is located in the I-45 Gateway District - Southern Gateway of the Trinity River Corridor Land Use Plan. The plan calls for Retail-Regional Development which serves a population radius of approximately 5 miles. The Regional Corridor Module calls for a primary land use to be Retail-Regional.

STAFF ANALYSIS:

Land Use Compatibility:

The property is surrounded by industrial development to the northeast; undeveloped to the northwest; single family, commercial and undeveloped to the southeast; and undeveloped and freeway to the southwest. The property adjacent to the north is utilized for storage. The west side of the property along I-45 has trees along the freeway. However, due to weather and the seasons, the trees have no leaves during the autumn/winter season.

The Trinity River Corridor Office staff also recommends denial of this request. The Trinity Land Use Plan contemplates this area as "Regional Corridor" land use mix that would consist of 45% retail uses with only 5% industrial distribution uses. Approving the

requested uses would perpetuate the industrial character of the area, hindering the transition to more retail uses, hence precluding the area to accomplish what the Trinity River Corridor Comprehensive Land Use intends in the long term.

Landscaping:

Landscaping requirements must meet Article X of the Dallas Development Code. The City's arborist recommends that Live Oak trees be planted for screening purposes and that adequate planting, maintenance and irrigation be provided for at least two years for any trees planted in the site.

Traffic:

The site plan shows access to the site is from Bird Lane, a sub-standard street for heavy commercial vehicles. Access to the site should be limited to Julius Schepps Freeway Service Road, or from Simpson Stuart Road, if feasible.

Miscellaneous:

The applicant has volunteered deed restrictions for the IM District. The applicant is volunteering deed restrictions to prohibit outside storage within 500 feet of the west property line. The applicant is also volunteering deed restrictions prohibiting medical or scientific laboratory and hazardous waste management facility.

Staff considers that 500 feet is not a sufficient distance to protect the city's gateway from an unpleasant sight of stacked containers. Staff has no issues with the uses that the applicant wants to exclude from the site.

CPC ACTION:

May 17, 2007

Motion: It was moved to recommend **approval** of an IM Industrial Manufacturing with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, on the northeast corner of Simpson Stuart and Interstate 45.

Maker: Woolen Lipscomb
Second: Miranda

Result: Carried: 8 to 0

For: 8 - Prothro, Gary, Marshall, Woolen Lipscomb, Miranda,
Buehler, Ekblad, Emmons

Against: 0

Absent: 3 - Strater, Bagley, Weiss

Vacancy: 0

Abstained: 4 - Jones-Dodd, Hill, Wolfish, Cunningham

Commissioners abstained, due to bus tour requirements

Note: The bus tour for this item was on November 9, 2006. Commissioners Jones-Dodd, Hill, Wolfish and Cunningham were not CPC members at the time of the bus tour.

Notices: Area: 500 Mailed: 37
Replies: For: 3 Against: 4

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Against: None

Z056-311

List of Owners

JACKSON HAMMOND INC.

Sue Hammond, Secretary

Bob Jackson, President

VOLUNTEERED DEED RESTRICTIONS

DEED RESTRICTIONS

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

I.

The undersigned Jackson Hammond, Inc., a Texas limited corporation (“the Owner”), is the owner of the following described property (“the Property”), being in particular a 101.23 acre tract of land out of the J.B. Richards Survey, Abstract No. 1192, Dallas County, Texas, and being a portion of a tract described as 78.157 acres to Wesley Nunley by deed recorded in Volumnber 82176, Page 0834. Deed Records Dallas County, Texas and all those certain tracts of land described mor or less as 10 acres and 18 acres respectively to Wesley Nunley, recorded in Volume 83158, Page 5594, Volume 93153, Page 6045. Deed Records Dallas County Texas anbe being more particularly described by metes and bounds by the attached Exhibit A.

See Exhibit A

II.

The Owner does hereby impress all of the Property, with the following deed restrictions (“restrictions”), to wit:

1. Outside Storage

1. Outside storage is prohibited within 500 feet of the west property line adjacent to Interstate Highway 45.
2. Outside storage may not exceed 26 feet in height.

2. The following uses are prohibited:

- Medical or scientific laboratory.
- Hazardous waste management facility.

III.

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

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

VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of CHAPTER 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

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

XI.

The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

XII.

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

EXECUTED this the _____ day of _____, 2007.

Owner:

By: _____ a _____ corporation, its general partner

By: _____

Printed Name: _____

Title: _____

CONSENT AND CONCURRENCE OF
LIENHOLDER OR MORTGAGEE

Property Lienholder or Mortgagee

By: _____

Printed Name: _____

Title: _____

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

By: _____
Assistant City Attorney

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on this ____ day of _____, 2000, by _____ of owner, a _____ corporation.

(SEAL)

Notary Public

My commission expires: _____
(date)

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on this ____ day of _____, 2007, by _____ of Jackson Hammond Inc., a Texas corporation on behalf of the corporation.

(SEAL)

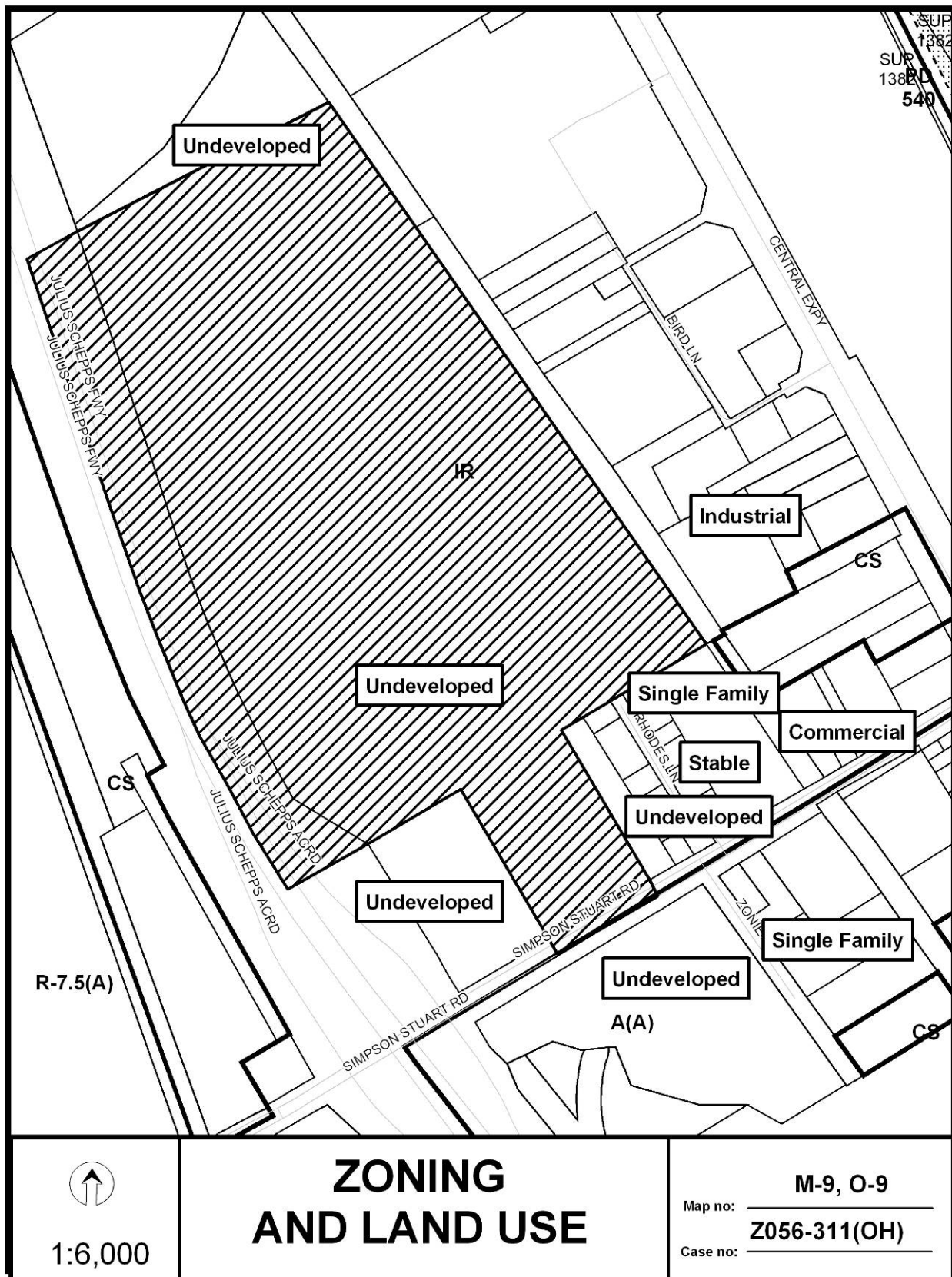
Notary Public

My commission expires: _____
(date)



DATE:

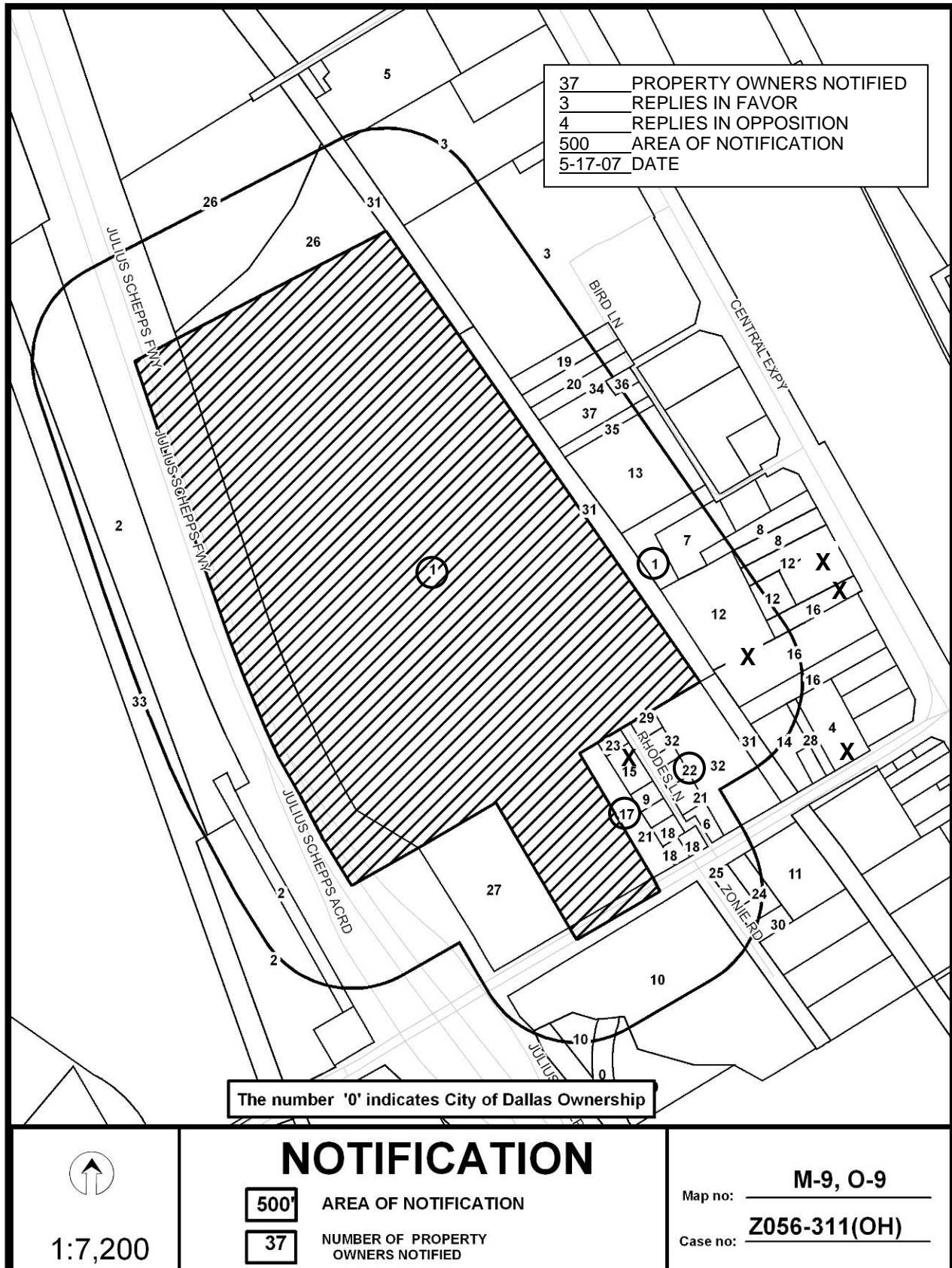
GIS TECHNICIAN:



DATE:

GIS TECHNICIAN:

CPC RESPONSES



DATE:

GIS TECHNICIAN:

9/18/2006

Notification List of Property Owners***Z056-311(OH)(CS)******37 Property Owners Notified***

<i>Label</i>	<i>Address</i>	<i>Owner</i>
①	8800 JULIUS SCHEPPS	JACKSON HAMMOND INC
2	8901 JULIUS SCHEPPS	ACKELS HENRY J
3	8835 CENTRAL	ATOMIC AUTO CRUSHER
4 X	4927 SIMPSON STUART	BANKS WILFRED JR
5	4416 RIVER OAKS	BBLS INC
6	4803 SIMPSON STUART	BENSON LENA MAE
7	9071 BIRD	BROZEK EMIL
8	9131 CENTRAL	DALLAS ROCKY TOP ENTP INC
9	5437 RHODES	DILLARD ALTON
10	9350 JULIUS SCHEPPS	DOUGLASS WILLIAM D ET AL
11	4870 SIMPSON STUART	EISENBERG JAY & ALAN
12X	9157 CENTRAL	FANTASTIC GARDENS LLC
13	9041 BIRD	FLEMING EURTIS L ET AL
14	4917 SIMPSON STUART	FLOYD DEMETRICE &
15 X	5431 RHODES	FORD JACQUELINE A ETAL
16 X	9225 CENTRAL	HOLAHAN JAMES F
①7	4737 SIMPSON STUART	JACKSON KERRY
18	4751 SIMPSON STUART	KERRY LYNN JACKSON
19	8967 BIRD	MARTINEZ FRANK & CARMEN
20	8973 BIRD	MARTINEZ FRANK REYNA &
21	5439 RHODES	MCKINSTRY LON
②2	5436 RHODES	MESHACK RAOUL T ET AL
23	5405 RHODES	MOREHEAD CHARLES THOMAS
24	4816 SIMPSON STUART	PHILLPOTT J R
25	4806 SIMPSON STUART	REESE WILLIE J
26	8800 JULIUS SCHEPPS	ROWLAND W W

Monday, September 18, 2006

<i>Label</i>	<i>Address</i>	<i>Owner</i>
27	4621 SIMPSON STUART	SHULTZ RICHARD
28	4923 SIMPSON STUART	SMITH ROSA LIFE ESTATE
29	5404 RHODES	STILWELL JEFFERSON M
30	5606 ZONIE	TAYLOR J H
31	4800 SIMPSON STUART	TEXAS UTILITIES ELEC CO
32	5420 RHODES	TIEU THOMAS
33	9999 NO NAME	UNION PACIFIC RR CO
34	9001 BIRD	WARREN FRANKLIN H
35	8910 BIRD	WARREN MAGGIE G
36	9005 BIRD	WARREN MAGGIE G
37	9009 BIRD	WARREN MAGGIE RUT

Monday, September 18, 2006

EARLY NOTIFICATION LIST

Al Romero
PO Box 870875
Mesquite, TX 75150
EN Z056-311(OH)

Anthony Jones
PO Box 0711
Galveston, TX 77553

Betty Wadkins
2843 Modesto Drive
Dallas, TX 75227

Bridge Ballowe c/o Nextel
1680 N. Prospert Dr.
Ricardson, TX 75081

Cindy Harris
4310 Buena Vista #8
Dallas, TX 75205

Clarence F Cope
10404 Ferndale
Dallas, TX 75238

Jane Guerrini
7032 Lupton
Dallas, TX 75225

Jeff Bosse
PO Box 4738
Dallas, TX 75208

Joe Martin
P O Box 4133
Dallas, TX 75208

Katie Pascuzzi
2720 N Stemmons Frwy Suite
900
Dallas, TX 75207

Marcus Wood
6060 N Central Expy Ste 333
Dallas, TX 75206

Mike Sultan
320 E Jefferson #105
Dallas, TX 75203

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

Suzanne Steffens
5640 Ellsworth Ave.
Dallas, TX 75206

Steve Kim
4318 Sexton Ln.
Dallas, TX 75229

Alpha Testing, Inc
Virginia Brown
2209 Wisconsin St, Ste 100
Dallas, TX 75229

Am. Metro/Study Corp
Marque Nelson
14881 Quorum Dr #400
Dallas, TX 75240

Arborilological Services, Inc.
Bill Seaman
16 Steel Rd.
Wylie, TX 75098

Axley & Hargrove
James Schnurr
3400 Carlisle St, #400
Dallas, TX 75204-1268

Cedar Vista Conservation
Chris Lomax
6439 Dixie Garden Ln
Dallas, TX 75236

Dallas ISD
Stan Armstrong
3700 Ross Ave, Box 61
Dallas, TX 75204

Jackson Walker
Suzan Kedron
901 Main St. #6000
Dallas, TX 75202

Master Plan
J Kimborough
900 Jackson St
Dallas, TX 75202

Minyards Properties Inc
Dennis O'Malley
777 Freeport Pkwy
Coppell, TX 75019

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

United Homeowner
Raymond Montgomery
6762 Keswick Dr
Dallas, TX 75232

Pleasant Wood/Grove
J. Eugene Thomas
P O Box 50051
Dallas, TX 75250

Dallas Planning Assoc
Stuart Pully
P O Box 781609
Dallas, TX 75378

Kiestwood Neighbors
Neoma Shafer
2538 W Kiest Blvd
Dallas, TX 75233

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

Oak Cliff Chamber
Joe Burkleo
545 Lacewood Drive
Dallas, TX 75224

Reed Construction Data
Renee Williams
11101 Stemmons Frwy Ste. 101
Dallas, TX 75229

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

W.A.R.N.
Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Southern Hill Home Owner
Dercy Walker
630 Plark Wood Dr.
Dallas, TX 75224

FW Dodge Reports
Donna McGuire
9155 Sterling Dr. Ste 160
Dallas, TX 75063

Lake Highlands AIA
Terri Woods
9603 Rocky Branch Drive
Dallas, TX 75243

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

BSEAT
Allen McGill
P O Box 41561
Dallas, TX 75241

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): 2
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 33 H

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street

Recommendation of Staff and CPC: Approval for a permanent time period, subject to a site plan and conditions

Z056-318(WE)

FILE NUMBER: Z056-318 (WE) **DATE FILED:** August 30, 2006
LOCATION: Southwest side of Denton Drive between Burbank Street and Wyman Street
COUNCIL DISTRICT: 2 **MAPSCO:** 33-H
SIZE OF REQUEST: Approx. 2.47 acres **CENSUS TRACT:** 4.03

APPLICANT/OWNER: DART

REPRESENTATIVE: MASTERPLAN

REQUEST: An application for a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District.

SUMMARY: The purpose of this request is to permit the construction of the DART light rail station (Brookhollow Station). The station will have an area for the buses to drop-off and pick-up passengers.

CPC RECOMMENDATION: Approval, for a permanent time period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval, for a permanent time period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The applicant's request for a Specific Use Permit will allow for the construction of a new DART Northwest Light Rail Line station. The new station will have a series of canopies over the above grade rail line.
- The Brookhollow Station will not have any parking, but will have a bus area to drop-off and pick-up passengers. The station will also have a small area for a kiss-and-ride drop-off on Denton Drive.
- The request site is contiguous to various commercial, industrial, retail and single family uses. The uses consist of the Southwest Airline Headquarters, restaurant, several bar, lounge or taverns and a service station.

Zoning History: There have not been any zoning changes requested in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Denton Drive	Collector	50 ft.	60 ft.
Burbank Street	Collector	50 ft.	60 ft.
Wyman Street	Local Street	50 ft.	50 ft.

Land Use:

	Zoning	Land Use
Site	IR	Undeveloped
Northeast	IR	Southwest Airlines Headquarters, office
Southwest	IR	Industrial, Undeveloped
Southeast	IR	Bar, lounge or tavern, service station
South	IR	Bar, lounge or tavern

COMPREHENSIVE PLAN: The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006, and recommends the following goals and policies. The applicant's proposal for an SUP meets the Goals in the *fowardDallas! Comprehensive Plan* as it relates to the expansion of the Dallas public transit system.

Land Use:

Goal 1.4 Coordinate planning activities to balance transportation, land use, infrastructure and the environment

Policy 1.4.2 Develop a multimodal transportation network

Transportation

Goal 4.2 Promote a variety of transportation options

Policy 4.2.1 Support expansion of Dallas' public transit system

STAFF ANALYSIS:

Land Use Compatibility: The 2.47 acre site is rectangular in shape. DART will construct a rail line adjacent to the existing freight rail line. The new DART rail line will parallel Denton Drive and is contiguous to industrial uses and undeveloped land to the southwest. Across Denton Drive, are the Southwest Airlines Headquarters and several retail and office uses. The applicant's request for a Specific Use Permit for a transit passenger station or transfer center will allow DART to continue the construction of the northwest rail line (Brookhollow Station). This proposed alignment will extend from the Downtown Dallas transit-way mall to the cities of Farmers Branch and Carrollton.

The proposed station will have approximately 3 large canopies over the above-grade rail line that will provide some protection to the ridership from inclement weather. The proposed station will not have any off-street parking, but will have 3 kiss-and-ride spaces and a bus loading area.

The applicant's proposed request for an SUP for a transit passenger station or transit center is consistent with the goals and policies in the *fowardDallas! Comprehensive Plan* and should not have any adverse impact on the adjacent uses.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Development Standards:

DISTRICT WITHIN PDD No. 595	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
IR Industrial research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

Landscaping: Landscaping of any development will be in accordance with Article X requirements, as amended.

Parking: There is no off-street parking proposed at the Brookhollow Station. However, the applicant will provide approximately 3 kiss-and-ride spaces and a loading area for 5 buses. Based on the Dallas Development Code, there are no parking requirements for this use.

Traffic: The Public Works and Transportation Department has worked closely with DART to identify needed traffic improvements in the area. These improvements are to be included in an agreement with DART that identifies who will be responsible for each improvement.

CPC action (October 12, 2006)

Motion: In considering an application for a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street it was moved to **hold** this case under advisement until October 26, 2006.

Maker: Strater
 Second: Wilson
 Result: Carried: 11 to 0
 For: 11 - Neumann, Strater, Gary, Marshall, Wilson,
 Avery, Buehler, Burnham, Ekblad, Emmons,
 Culbreath

Against: 0
 Absent: 2 - Miranda, Weiss**
 Vacancy: 1 - District 8
 Conflict: 1 - Bagley

** Commissioner Weiss left, before vote taken

Notices: Area: 300

Mailed: 22

Replies: For: 2 Against: 2

Speakers: None

CPC action (October 26, 2006)

Motion: In considering an application for a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street, it was moved to **hold** this case under advisement until November 16, 2006.

Maker: Strater
Second: Marshall
Result: Carried: 13 to 0
For: 13 - Neumann, Strater, Gary, Marshall, Wilson,
Miranda, Weiss, Avery, Buehler, Burnham, Ekblad,
Emmons, Culbreath

Against: 0
Absent: 0
Vacancy: 1 - District 8
Conflict: 1 - Bagley

Notices: Area: 300 Mailed: 22
Replies: For: 2 Against: 3

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: Patricia Van Winkle, 2529 Brookfield Ave., Dallas, TX, 75235
Rick Gonzales, 4263 S. Cresthaven Rd., Dallas, TX, 75209

CPC action (November 16, 2006)

Motion: In considering an application for a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street, it was moved to **hold** this case under advisement until December 7, 2006.

Maker: Strater
Second: Weiss
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Wilson, Weiss, Hill,
Buehler, Burnham, Ekblad, Emmons, Culbreath

Against: 0
Absent: 2 - Marshall, Miranda
Vacancy: 1 - District 8
Conflict: 1 - Bagley

Notices: Area: 300 Mailed: 22
Replies: For: 1 Against: 10

Speakers: For: Michael Miles, 9704 Dartridge Dr., Dallas, TX, 75238
Against: Wilma Avalos, 2318 Anson Rd., Dallas, TX, 75235
Patricia Van Winkle, 2524 Brookfield, Dallas, TX, 75235
William Foster, 4504 N. Versailles Ave., Highland Park, TX, 75205

CPC action (December 7, 2006)

Motion: In considering an application for a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street, it was moved to **hold** this case under advisement until January 11, 2007.

Maker: Strater
Second: Miranda
Result: Carried: 11 to 0
For: 11 - Neumann, Strater, Gary, Wilson, Miranda,
Weiss, Hill, Buehler, Ekblad, Emmons, Culbreath

Against: 0
Absent: 2 - Marshall, Burnham
Vacancy: 1 - District 8
Conflict: 1 - Bagley

Notices: Area: 300 Mailed: 22
Replies: For: 1 Against: 10

Speakers: For: Michael Miles, 1401 Pacific Ave., Dallas, TX, 75201
Bud Beam, Address not given
Kay Shelton, Address not given
Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: Rick Gonzales, 4283 S. Cresthaven, Dallas, TX,
Linda Blasé, 2310 Roanoke Ave., Dallas, TX, 75235

Catherine Salinas, 2210 Gilford St., Dallas, TX, 75235
Maria Alba, 7011 Denton Dr., Dallas, TX, 75235
Patricia Van Winkle, 2529 Brookfield, Dallas, TX, 75235
Wilma Avalos, 2318 Anson Rd., Dallas, TX, 75235

CPC action (January 11, 2007)

Motion: In considering an application for a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street, it was moved to **hold** this case under advisement until February 1, 2007.

Maker: Marshall
Second: Jones-Dodd
Result: Carried: 11 to 0

For: 11 - Strater, Gary, Marshall, Miranda, Jones-Dodd,
Weiss, Hill, Buehler, Wolfish, Ekblad, Emmons

Against: 0
Absent: 0
Vacancy: 3 - District 1, District 5, District 15
Conflict: 1 – Bagley

Notices: Area: 300 Mailed: 22
Replies: For: 1 Against: 10

Speakers: For: Kay Shelton, 1401 Pacific St., Dallas, TX, 75201,
Against: Patricia Van Winkle, 2529 Bookfield Ave., Dallas, TX, 75206

CPC action (February 1, 2007)

Motion: In considering an application for a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street, it was moved to **hold** this case under advisement until February 15, 2007.

Maker: Strater
Second: Buehler
Result: Carried: 11 to 0

For: 11 - Strater, Gary, Marshall, Miranda, Jones-Dodd,
Weiss, Hill, Buehler, Wolfish, Ekblad, Emmons

Against: 0

Absent: 0

Vacancy: 3 - District 1, District 5, District 15

Conflict: 1 - Bagley

Notices: Area: 300 Mailed: 22

Replies: For: 1 Against: 10

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: Rick Gonzales, 4283 S. Cresthaven, Dallas, TX, 75209
William H. Foster, 4505 N. Versailles Ave., Highland Park, TX, 75205

CPC action (February 15, 2007)

Motion: In considering an application for a Specific Use Permit for a transit passenger station or transfer center for a permanent time period on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street, it was moved to **hold** this case under advisement until March 1, 2007.

Maker: Strater

Second: Buehler

Result: Carried: 9 to 0

For: 9 - Strater, Gary, Marshall, Miranda, Jones-Dodd,
Weiss, Hill, Buehler, Emmons

Against: 0

Absent: 2 - Wolfish, Ekblad

Vacancy: 3 - District 1, District 5, District 15

Conflict: 1 - Bagley

Notices: Area: 300 Mailed: 22

Replies: For: 1 Against: 10

Speakers: None

CPC action (March 1, 2007)

Motion: In considering an application for a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street, it was moved to **hold** this case under advisement until May 3, 2007.

Maker: Emmons
Second: Buehler
Result: Carried: 5 to 3

For: 5 - Marshall, Weiss, Buehler, Wolfish, Emmons

Against: 3 - Hill, Ekblad, Cunningham
Absent: 4 - Strater, Gary, Miranda, Jones-Dodd
Vacancy: 2 - District 1, District 5
Conflict: 1 - Bagley

Notices: Area: 300 Mailed: 22
Replies: For: 1 Against: 10

Speakers: For: William Cothrum, 900 Jackson St., Dallas, TX, 75202
Michael Miles, 1401 Pacific Ave., Dallas, TX, 75201
Against: Rick Gonzales, 4283 S. Cresthaven Rd., Dallas, TX, 75209
Patricia Van Winkle, 2529 Brookfield Ave., Dallas, TX, 75235
William Foster, 4504 N. Versailles Ave., Highland Park, TX, 75205

CPC action (March 22, 2007)

Motion I: It was moved to **suspend** the CPC Rules of Procedure to allow reconsideration of Z056-318(WE)

Maker: Emmons
Second: Miranda
Result: Carried: 8 to 0

For: 8 - Gary, Miranda, Jones-Dodd, Weiss, Hill, Buehler, Ekblad, Emmons

Against: 0

Absent: 4 - Strater, Marshall, Wolfish, Cunningham
Vacancy: 2 - District 1, District 5
Conflict: 1 - Bagley

Motion II: It was moved to **reconsider** the action taken on March 1, 2007, which was to hold consideration of an application for a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street, until May 3, 2007.

Maker: Emmons
Second: Buehler
Result: Carried: 8 to 0

For: 8 - Gary, Miranda, Jones-Dodd, Weiss, Hill,
Buehler, Ekblad, Emmons

Against: 0
Absent: 4 - Strater, Marshall, Wolfish, Cunningham
Vacancy: 2 - District 1, District 5
Conflict: 1 - Bagley

Motion III: In considering an application for a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street, it was moved to **hold** this case under advisement until April 12, 2007.

Maker: Buehler
Second: Jones-Dodd
Result: Carried: 8 to 0

For: 8 - Gary, Miranda, Jones-Dodd, Weiss, Hill,
Buehler, Ekblad, Emmons

Against: 0
Absent: 4 - Strater, Marshall, Wolfish, Cunningham
Vacancy: 2 - District 1, District 5
Conflict: 1 - Bagley

Speakers: None

CPC action (April 12, 2007)

Motion: It was moved to recommend **approval** of a Specific Use Permit for a transit passenger station or transfer center for a permanent time period, subject to a site plan and staff's conditions on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street.

Maker: Strater
Second: Emmons
Result: Carried: 11 to 2

For: 11 - Strater, Gary, Marshall, Woolen Lipscomb,
Jones-Dodd, Weiss, Hill, Buehler, Ekblad,
Emmons, Cunningham

Against: 2 - Miranda, Wolfish
Absent: 0
Vacancy: 1 - District 1
Conflict: 1 - Bagley

Notices: Area: 300 Mailed: 22
Replies: For: 1 Against: 10

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Michael Miles, 1401 Pacific Ave., Dallas, TX, 75201
Against: Wilma Avalos, 2318 Anson Rd., Dallas, TX, 75235
Patricia Van Winkle, 2529 Brookfield Ave., Dallas, TX,
75235
Catherine Salinas, 2210 Gilford St., Dallas, TX, 75235
Maria Alba, 7011 Denton Dr., Dallas, TX, 75235
Celia Rodriguez, 3221 Brookfield Ave., Dallas, TX, 75235
Rick Gonzales, 4283 S. Cresthaven Rd., Dallas, TX, 75209
William Foster, 4504 N. Versailles Ave., Highland Park, TX,
75205

DART BOARD OF DIRECTORS

Andrew Harrison Huelon, Chairman
Mark C. Enoch, Vice Chairman
Linda Koop, Secretary
Angie Chen Button, Assistant Secretary
Terri A.G. Adikisson
Scott Carlson
Joyce Foreman
Beatrice Alba Mrtinez
Lynn Flint Shaw
William M. Velasco, II
John Carter Danish
Robert W. Pope
Randall D. Chrisman
LaFayette "Faye" Moses-Wilkins

**CPCs CONDITIONS FOR A SPECIFIC USE PERMIT
FOR A TRANSIT PASSENGER STATION OR TRANSFER CENTER**

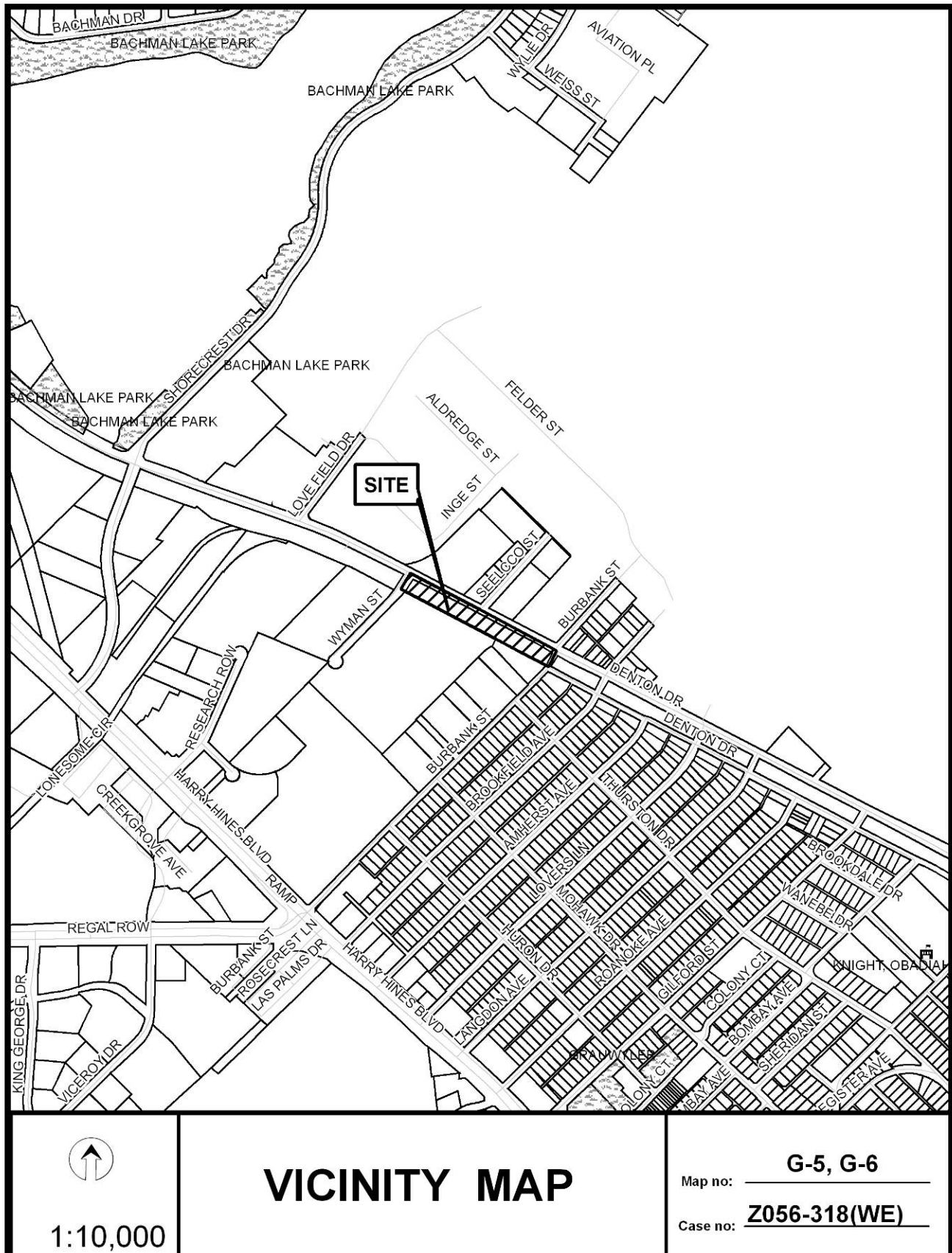
1. **USE:** The only use authorized by this specific use permit is a transit passenger station or transfer center.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.
3. **TIME LIMIT:** This specific use permit has no expiration date
4. **INGRESS – EGRESS:** Ingress and egress must be provided in the location shown on the attached site plan. No other ingress and egress is permitted.
5. **LANDSCAPE:**-Landscaping must be provided and maintained in accordance with Article X.
6. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
7. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

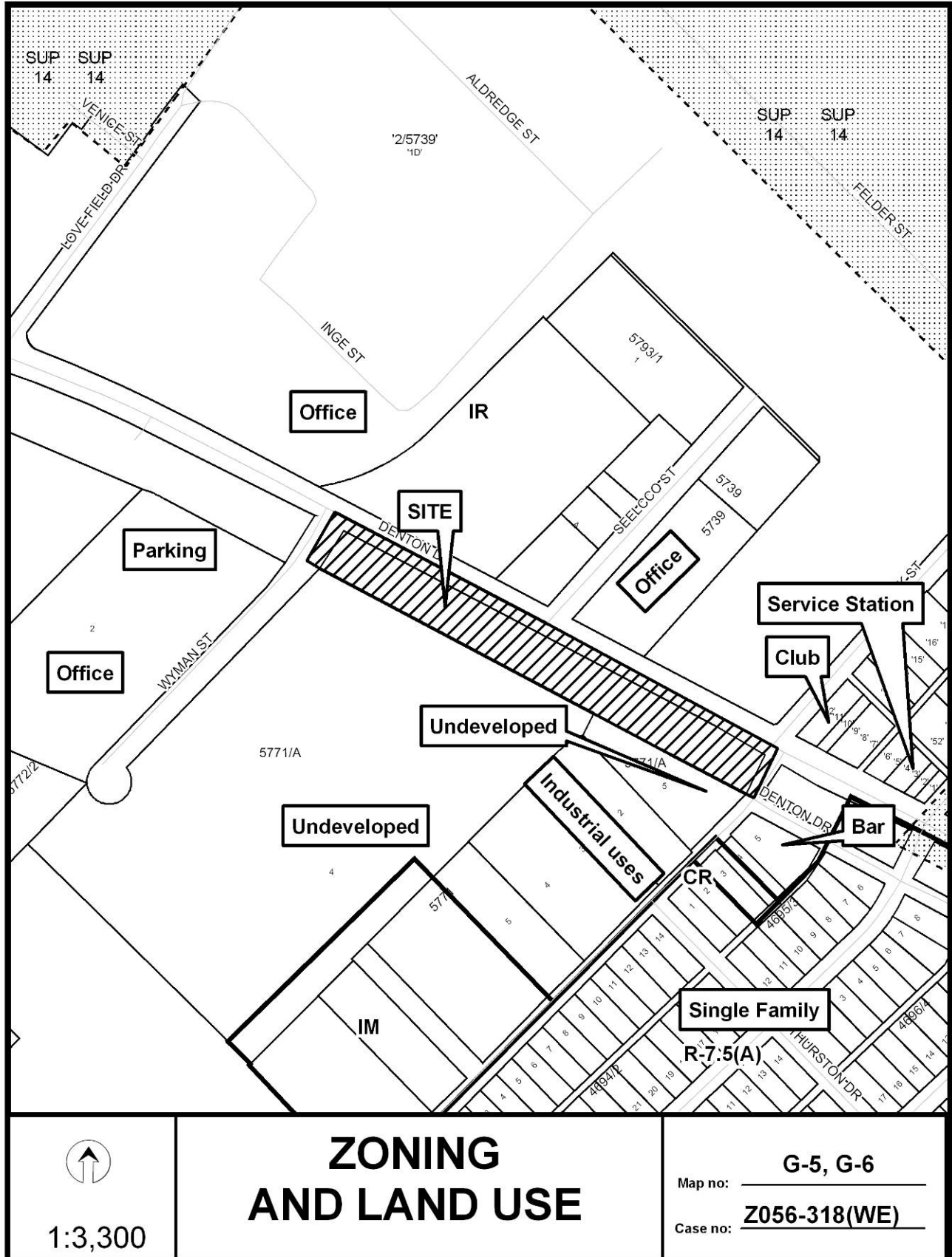
APPLICANT'S PROPOSED CONDITIONS FOR A SPECIFIC USE PERMIT

The applicant proposes the following conditions in conjunction with this specific use permit:

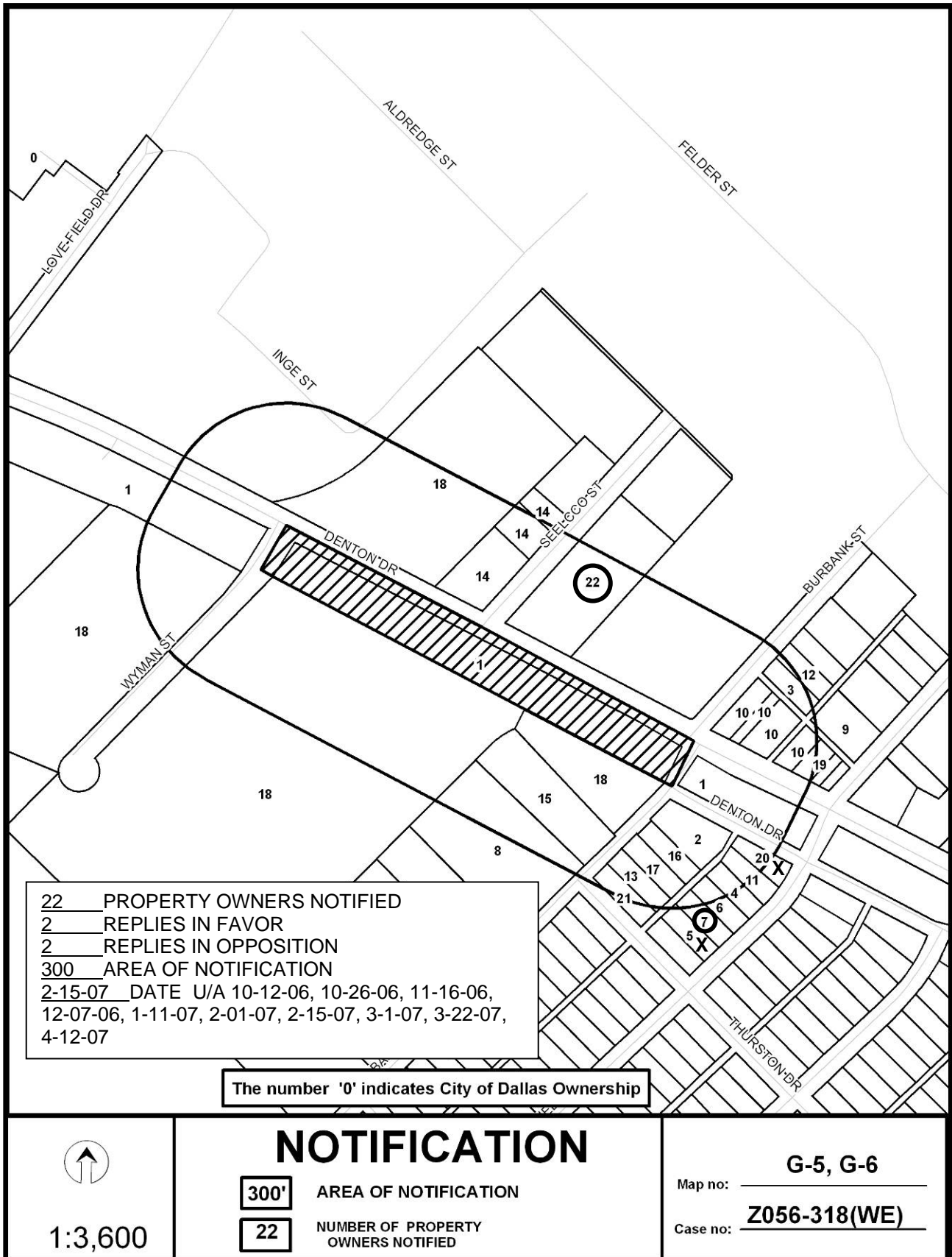
1. The only use authorized by this specific use permit is for a Transit Passenger Station.
2. This specific use permit has no expiration date
3. Use of the Property for a Transit Passenger Station must comply with the attached Site Plan.







CPC RESPONSES



Notification List of Property

Z056-318(WE)(CS)

22 Property Owners Notified

<i>Label</i>	<i>Address</i>	<i>Owner</i>
1	99999 NO NAME	DART
2	8515 DENTON	8525 DENTON DR LLC
3	2718 BURBANK	AMERICAN TOWER LP PS
4	2519 BROOKFIELD	BAILEY BEVERLY SUE
X 5	2505 BROOKFIELD	FLORES ROBERTO & ROSA E
6	2515 BROOKFIELD	GARCIA ANTONIO &
7	2511 BROOKFIELD	GARZA SYLVIA G
8	2415 BURBANK	JORDAN LEE ROY
9	2711 BROOKFIELD	LAYTON A HUMPHREY JR
10	8520 DENTON	LOPEZ FERMIN
11	2523 BROOKFIELD	PEREZ MARTIN & SAN JUANA
12	2722 BURBANK	POMROY DONNA
13	2506 BURBANK	RAMIREZ BERTA
14	2629 SEELCCO	SEELCCO STREET PARNTERS
15	2501 BURBANK	SHADANA INVESTMENTS INC
16	2514 BURBANK	SHERRARD CODY
17	2510 BURBANK	SHERRARD CODY R &
18	2425 WYMAN	SOUTHWEST AIRLINES CO
19	8506 DENTON	TRAN TU & DIEP LY
X 20	2529 BROOKFIELD	VAN WINKLE PATRICIA ANN
21	2502 BURBANK	VILLANUEVA JULIAN S &
22	8650 DENTON	WILSON WILL R SR ET AL

Wednesday, September 20, 2006

Z056-318 (WE)

Al Romero
PO Box 870875
Mesquite, TX 75150
EN Z056-318(WE)

Anthony Jones
PO Box 0711
Galveston, TX 77553

Betty Wadkins
2843 Modesto Drive
Dallas, TX 75227

Bridge Ballowe c/o Nextel
1680 N. Prospert Dr.
Ricardson, TX 75081

Cindy Harris
4310 Buena Vista #8
Dallas, TX 75205

Clarence F Cope
10404 Ferndale
Dallas, TX 75238

Jane Guerrini
7032 Lupton
Dallas, TX 75225

Jeff Bosse
PO Box 4738
Dallas, TX 75208

Joe Martin
P O Box 4133
Dallas, TX 75208

Katie Pascuzzi
2720 N Stemmons Frwy Suite 900
Dallas, TX 75207

Marcus Wood
6060 N Central Expy Ste 333
Dallas, TX 75206

Mike Sultan
320 E Jefferson #105
Dallas, TX 75203

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

Suzanne Steffens
5640 Ellsworth Ave.
Dallas, TX 75206

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

Arborilogical Services, Inc.
Bill Seaman
16 Steel Rd.
Wylie, TX 75098

Axley & Hargrove
James Schnurr
3400 Carlisle St, #400
Dallas, TX 75204-1268

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

Z056-318 (WE)
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 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

Oak Cliff Chamber
Joe Burkleo
545 Lacewood Drive
Dallas, TX 75224

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Reed Construction Data
Renee Williams
11101 Stemmons Frwy Ste. 101
Dallas, TX 75229

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

United Homeowner
Raymond Montgomery
6762 Keswick Dr
Dallas, TX 75232

W.A.R.N.
Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Gabriel Camacho
11002 Creekmere
Dallas, TX 75218

Jesse Almaguek
7721 Mohawk Dr
Dallas, TX 75235

Brookhollow PID, Inc
Allen E Cullum
5952 Royal Ln #216
Dallas, TX 75230

Cochran Heights
Hector Garcia
3601 Turtle Creek Blvd #901
Dallas, TX 75219

Irving ISD
Asst Supt of Personnel
901 N O'Connor Rd
Irving, TX 75061

Oak Lawn Comm. Prosecutor
Tanya Oliveira
9801 Harry Hines Blvd
Dallas, TX 75220

Raleigns-Hall Group
Frank M Stick
4224 N Hall St
Dallas, TX 75219

Sparkman Club Estates
Attn: President
3366 Duchess Trail
Dallas, TX 75229

Sparkman Club Estates
Mike Mayberry
10553 Marquis Lane
Dallas, TX 75229

Walnut Hill Business Owners
JimWiley/Glen Wiley
P O Box 541323
Dallas, TX 75354

EN Z056-318(WE)

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 R

SUBJECT

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)

FILE NUMBER: Z056-252(RB)

DATE FILED: May 19, 2006

LOCATION: Northeast Line of Emerald Isle, North of Garland Road

COUNCIL DISTRICT: 9

MAPSCO: 37 R

SIZE OF REQUEST: Approx. 2 Acres

CENSUS TRACT: 81

APPLICANT: 2006 Emerald Isle, LP

REPRESENTATIVE: Dallas Cothrum

OWNER: Broomfield JV

REQUEST: An application for a Planned Development District for MF-2(A) Multifamily District Uses on property zoned a CR Community Retail District.

SUMMARY: The applicant is requesting zoning that will permit redevelopment of the site with 115 multifamily dwelling units.

CPC RECOMMENDATION: Denial.

STAFF RECOMMENDATION: Approval, subject to a conceptual plan and staff's recommended conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with one story structures utilized for office/medical office uses.
- The applicant is proposing to remove all structures and redevelop the site with multifamily uses.
- Various provisions are being proposed that have been born out of multiple community meetings.
- A PDD is being requested for consideration of the following: 1) increase in structure height and lot coverage (over that permitted by low to medium density multifamily districts); 2) alternative landscape provisions; 3) reduction in required parking; 4) parking located in a public right-of-way.

Zoning History: There has been no recent zoning activity in the immediate area relevant to the request.

SUP Summary

<u>SUP No.</u>	<u>Permitted Use</u>	<u>Significant Conditions</u>	<u>Time Period</u>
1064	Radio tower	N/A	Permanent
1220	Monopole tower	N/A	Permanent

Street

Emerald Isle

Existing & Proposed ROW

Local; 50' ROW

STAFF ANALYSIS

Comprehensive Plan:

The applicant is proposing to redevelop the site with high density multiple family residential uses.

The continuation of zoning that permits multiple family uses within the area is in compliance with the Housing Element outlined in forwardDallas!

GOAL 3.1 Ensure a sustainable and efficient long-range housing supply.

Policy 3.1.2 Encourage alternatives to single-family housing developments for homeownership.

The applicant is not proposing any additional streetscapes or pedestrian/resident amenities over that required by Article X, which would soften the proposed development and its increase in density and structure height over that normally permitted by low to medium density multifamily districts (as permitted by right along the southwest line of Emerald Isle-across from the site).

For these reasons, the requested development standards outlined in the applicant's request are not in compliance with the Urban Design element outlined in forwardDallas!

GOAL 5.1 Promote a sense of place, safety, and walkability

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Policy 5.1.3 Encourage complementary building height, scale, design and character.

Land Use Compatibility: The request site is currently developed with one story structures utilized for office/medical office uses. The applicant proposes the removal of all structures and redevelop the site with multifamily uses. A medium-density base District [MF-2(A)] is being requested with consideration of increasing structure height and lot coverage over that normally permitted in low to medium density multifamily districts. Additionally, a reduction in required off-street parking as well as providing for on-street parking is part of the request.

The site is situated northwest of Garland Road's alignment through the area. Specifically, various office and retail uses fronting Garland Road are developed to the northeast, with medium density residential uses (multifamily structures utilized for elderly residential quarters/nursing care facility) transitioning to low density single family uses to the southwest across Emerald Isle. Additional medium density residential uses area developed to the north/northwest. It should be noted the site is situated to

benefit from the view corridor looking in a northwesterly direction into the White Rock Lake area.

The proposed use is compatible with the surrounding area. While the proposed density is in excess of that permitted and existing on surrounding residentially zoned properties, staff has determined that the requested increase in density is somewhat offset by compatible structure height. It should be noted that trip generations for multifamily uses in comparison to office/medical office uses are approximately 61 percent less (requested density compared to permitted floor area). In order to support the increase in development standards for these items, staff will be recommending an increase in landscaping along the street frontage to somewhat soften the proposed increases in development standards.

Based on staff's assessment of the established land use and orientation of adjacent single family and multifamily uses, staff supports the applicant's request subject to staff's recommended conditions. The applicant's proposed conditions are attached for consideration as well.

Off-Street Parking: The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the Parking Needs Study submitted by the applicant requesting a reduction in off-street parking. The applicant is proposing what equates to one off-street parking space for each bedroom. Additionally, a ratio of 0.15 spaces per dwelling unit (one space per eight dwelling units) is proposed for required visitor parking. Lastly, the applicant is proposing parallel parking within the Emerald Isle right-of-way.

Staff will recommend that off-street parking be provided per the Dallas Development Code, which requires one space for each 500 square feet of floor area (excluding balconies) with not less than one nor more than two spaces for each dwelling unit. With the applicant proposing that dwelling units contain a minimum of 1,000 square feet of floor area (inclusive of balconies), the minimum spaces required would be two for each dwelling unit.

Assuming that 115 dwelling units are constructed and 30 percent of the units are developed as one bedroom units with the balance being two bedroom units, staff's recommendation would require 230 spaces, while the applicant's proposed conditions would require 195 spaces plus 17 visitor spaces (212 total spaces)

Without knowing the unit mix of the project, it would be difficult to make a comparison of staff's vs. applicant's proposed parking requirements.

Landscaping: The site contains mature landscaping that served the existing office uses. Staff will recommend a tree survey prior to the issuance of a demolition permit so as to ascertain required tree mitigation.

With respect to landscaping, the applicant is proposing certain landscape materials be permitted in the right-of-way. While Property Management does not have any objections to granting a revocable private license to plant in the parkway, development services staff would recommend an enhanced planting area be provided, which includes the parkway plus ten feet of frontage on Emerald Isle. This would assist in softening the increase in intensity (lot coverage, structure height) being proposed.

CPC ACTION

(March 29, 2007)

Motion: It was moved to recommend **denial** of 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.

Maker: Emmons
Second: Hill
Result: Carried: 13 to 1

For: 13 - Strater, Gary, Marshall, Woolen
Lipscomb, Miranda, Bagley, Jones-
Dodd, Weiss, Hill, Buehler, Wolfish,
Ekblad, Emmons

Against: 1 - Cunningham
Absent: 0
Vacancy: 0
Abstained: 1 - Prothro**

** Commissioner abstained, due to bus tour requirements

Note: The bus tour for this item was on March 8, 2007. Commissioner Prothro was not a CPC member at the time of the bus tour.

Notices: Area: 500

Mailed: 45

Replies: For: 3 Against: 11

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Erick, 1014 Erin Dr., Dallas, TX, 75218
William Cothrum, 900 Jackson St., Dallas, TX,
75202
Against: Mary Griggs, 8817 Grenora Dr., Dallas, TX, 75218
Steve Tompkins, 7135 Rollingfork Dr., Dallas, TX,
75227
Michael Jung, 7143 Fisher Rd., Dallas, TX, 75214
Kristin, 8635 Forest Hills Blvd., Dallas, TX
Mark Wilson, 9258 Biscayne Blvd., Dallas, TX,
75218
Brad Rogers, 1306 El Patio Dr., Dallas, TX, 75218
Vincent Zubras, 9015 Angora St., Dallas, TX, 75218
Irma Janicek, 1218 Tranquilla Dr., Dallas, TX, 75218

Broomfield JV, a Texas general partnership

Broomfield, Ltd., a Texas limited partnership 95.4%

General Partner
West Pioneer Management, Inc. 1.0%
a Texas Corporation

Barry Waranch – Individual 50.0%
Keith E. Koop – Individual 50.0%

Limited Partners
Barry Waranch – Individual 49.5%
Keith E. Koop – Individual 49.5%

August Realty Holdings, Ltd., a Texas limited Partnership 4.6%

General Partner
Bow Tie, LLC 1.0%
A Texas limited liability company

Keith E. Koop – Individual 100%
Sole Member

Limited Partners
Barry Waranch – Individual 50.0%
Keith E. Koop – Individual 49.0%

2006 Emerald Isle LP

Kevin Cherry, Sec.
Leon Backes, Pres.

**STAFF RECOMMENDED CONDITIONS FOR A PLANNED DEVELOPMENT
DISTRICT FOR MF-2(A) MULTIFAMILY DISTRICT USES**

An ordinance changing the zoning classification on the following property:

[INSERT CAPTION (SHORT) PROPERTY DESCRIPTION],

from An MU-3 Mixed Use District to Planned Development District No. ____;

amending CHAPTER 51P, "DALLAS DEVELOPMENT CODE: PLANNED
DEVELOPMENT DISTRICT REGULATIONS," of the Dallas City Code, as

amended, by creating a new Article ____; establishing use regulations and
development standards for this planned development district; providing a penalty
not to exceed \$2,000; providing a saving clause; providing a severability clause;
and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance
with the Charter of the City of Dallas, the state law, and the ordinances of the
City of Dallas, have given the required notices and have held the required public
hearings regarding the rezoning of the property hereinafter described; and

WHEREAS, the city council finds that it is in the public interest to establish
this planned development district; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from a[n]
District to Planned Development District No. ____ on the following property ("the
Property"):

[INSERT DETAILED PROPERTY DESCRIPTION].

SECTION 2. That CHAPTER 51P, “DALLAS DEVELOPMENT CODE: PLANNED DEVELOPMENT DISTRICT REGULATIONS,” of the Dallas City Code, as amended, is amended by adding a new Article _____ to read as follows:

“ARTICLE _____.

PD _____.

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 along the northeast line of Emerald Isle, north of Garland Road. The size of PD _____ is approximately 2.012 acres.

SEC. 51P- _____.103.

DEFINITIONS AND INTERPRETATIONS.

- (a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (c) This district is considered to be a residential zoning district.

SEC. 51P- _____.104.

CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit ____). In the event of a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P- _____.105. DEVELOPMENT PLAN.

A development plan that complies with the conceptual plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this District.

SEC. 51P- _____.106. MAIN USES PERMITTED.

The only main uses permitted in this district are those main uses permitted in the MF-2(A) Multifamily District, subject to the same conditions applicable in the MF-2(A) Multifamily District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the MF-2(A) Multifamily District only by specific use permit (SUP) is permitted in this district only by SUP, and a use subject to development impact review (DIR) in the MF-2(A) Multifamily District is subject to DIR in this district.

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.

- (a) In this district, the following accessory uses are not permitted:
 - Accessory outside display of merchandise.
 - Accessory outside sales.
 - Accessory pathological waste incinerator.
- (b) In this district, the following accessory use is permitted by SUP only:
 - Accessory helistop.
 - Accessory medical/infectious waste incinerator. *[See Section 51A-4.217 (3.1)]*

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 MF-2(A) Multifamily District apply.
 - (1) Density. Maximum number of dwelling units is 115.
 - (2) Lot Coverage: Maximum lot coverage is 80 percent.

SEC. 51P- _____.109. OFF-STREET PARKING AND LOADING.

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P- _____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P- _____.111. INGRESS/EGRESS.

Ingress and egress must be provided in the locations shown conceptual plan.

SEC. 51P- _____.112. LANDSCAPING

- (a) In General. Except as provided in this section, landscaping must be provided in accordance with Article X. Plant materials must be maintained in a healthy, growing condition.
- (b) Private License granted. 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 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.

- (c) Parkway landscaping. Parkway landscaping must contain at a minimum of one small tree with a minimum of two caliper inches for each 25 feet of frontage on Emerald Isle exclusive of drive approaches.
- (d) Landscape buffer. In addition to Subparagraph (c), a landscape buffer must be provided on the Property along the Emerald Isle frontage and the north property line. For purposes of this section, required trees in the landscape buffer must be small trees and planted at a ratio of one tree with a minimum of two caliper inches for each 25 feet of property line frontage.

SEC. 51P- _____.113.

SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

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.

SEC. 51P- _____.115.

COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city

specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

SEC. 51P-____.116. ZONING MAP.

PD _____ is located on Zoning Map No. H-9.”

SECTION 3. That, pursuant to Section 51A-4.701 of CHAPTER 51A of the Dallas City Code, as amended, the property description in Section 1 of this ordinance shall be construed as including the area to the centerline of all adjacent streets and alleys.

Applicant'

Ordinance No. _____

LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No. _____ passed by the Dallas City Council on _____, 2007 .

PROPERTY LOCATION AND SIZE.

PD ____ is established on property located on the eastern portion of Emerald Isle Drive, northwest of Garland Road and being part of a lot, tract, or parcel of land out of City Block No. 4413. The size of PD _____ is approximately 2.012 acres.

DEFINITIONS AND INTERPRETATIONS.

Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

“Façade” means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate building faces are oriented in the same direction, or in directions within forty-five (45) degrees of one another, they are considered as part of a single façade.

C. This district is considered to be a residential zoning district.

CONCEPTUAL PLAN

Development and use of the Property must comply with the attached Conceptual Plan (Exhibit A). In the event of a conflict between the text of this article and the Conceptual Plan, the text of this article controls.

DEVELOPMENT PLAN

For all uses, a development plan in compliance with the conceptual plan must be approved by the city plan commission before the issuance of any building permit to authorize work on the property. In the event of a conflict between the provisions of this section and the development plan, the provisions of this section control.

GENERAL PROVISIONS.

Highly Reflective Glass. Highly reflective glass is prohibited. For purposes of this subsection, highly reflective glass means glass with an exterior visible reflectance percentage in an excess of twenty-seven percent (27%). Visible reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass.

Private Refuse Collection. Private refuse collection shall occur between the hours of 7:00 AM and 6:00 PM. All trash dumpsters and compactors located outside must be completely screened, except for one side, which must have a gate approximately equal in height to the screening wall.

C. Architectural Style. The architectural features and building materials of the development must be consistent with those provided in the rendering (Exhibit B) and be consistent with design principles of a Mediterranean style.

MAIN USES PERMITTED

The only uses permitted in this district are those uses permitted in an MF-2(A) Multifamily District.

YARD, LOT, AND SPACE REGULATIONS.

Except as provided in this Section, the yard, lot, and space regulations for an MF-2 (A) Multifamily District apply.

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 of the Dallas Development Code. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

Front yard setback. Minimum setback is 15 feet.

Side yard setback. Minimum setback is 10 feet.

C. Rear yard setback. Minimum setback is 10 feet.

- D. Density. Maximum number of dwelling units is 115.
- E. Height. Maximum structure height is 59 feet above grade to the midpoint of the roofline. The maximum peak height of the structure at any point is 64 feet.
- F. Lot Coverage. Maximum lot coverage is 80 percent.
- G. Minimum unit size. The minimum unit size shall be 1,000 square feet inclusive of balconies, patios, or other outdoor living areas.

SEC.51P—____.108
LOADING

OFF STREET PARKING AND

A. For residential uses, one parking space is required for each dwelling unit with one or fewer bedrooms, and one parking space is required per bedroom for dwelling units with more than one bedroom. Visitor parking must be provided at 0.15 per dwelling unit. Visitor parking must be included in the parking structure in a readily available and identifiable area.

B. Parking garage structures with facades facing Emerald Isle Drive must be either underground or have a façade consisting of any combination of pre-cast concrete (with or without stucco finish), stone, or metal finish provided that the metal finish matches design elements on the main structure for which parking is provided, and glass or louvers. Except for the garage entrances, exits, and openings facing north, openings on this façade must be concealed with louvers or enclosed with glass.

SEC.51P--____.109

ENVIRONMENTAL

PERFORMANCE STANDARDS

See Article VI, "Environmental Performance Standards."

SEC.51P--____.110

LANDSCAPING

A. Except as provided in this Section, landscaping shall comply with the provisions of Article X.

B. All plant materials must be maintained in a healthy, growing condition.

C. Landscaping must be installed within six months after the issuance of a certificate of occupancy for the first dwelling unit.

D. A sub-surface drip irrigation must be provided for the precise application of water.

E. Private license granted. The city council hereby grants a revocable, non-exclusive license to the owners, or with the written consent of the owner, to the tenants ("property owner") of all property in this district for the exclusive purpose of parkway landscaping. A property owner 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 in accordance with the Dallas Building Code. This private license shall not terminate at the end of any specific period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the city council, any time such termination become necessary. Upon termination of the license by the director, each property owner shall remove all improvements and installations in the public rights-of-way in a manner satisfactory to the director of public works and transportation.

SEC.51P--____.111 SIGNS

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC.51P--____.112 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 of Dallas.

**SEC.51P--____.113 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 Planned Development 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--____.114 ZONING MAP.

PD ____ is located on Zoning Map No._____.

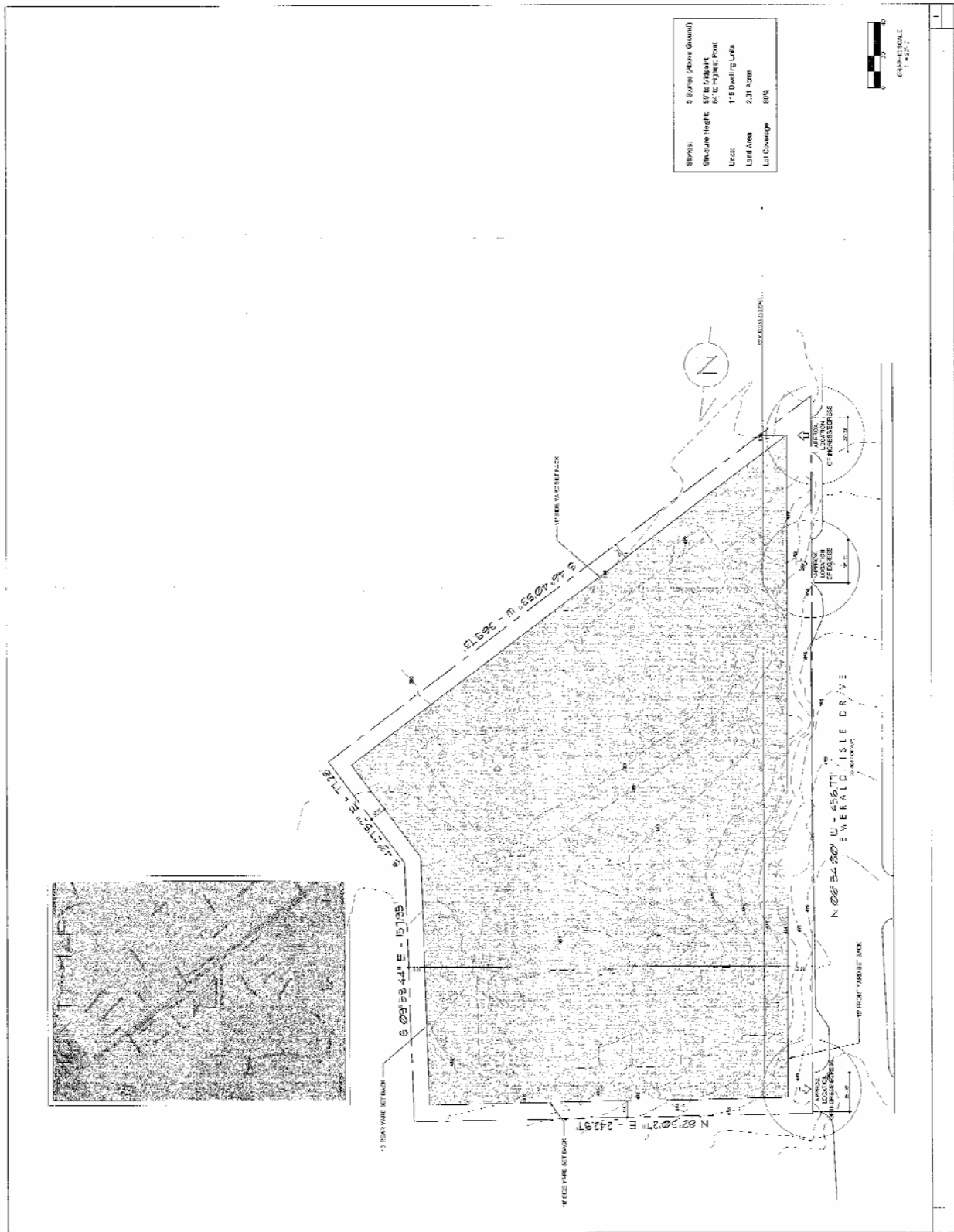
Resubmitted 3 April, 2007



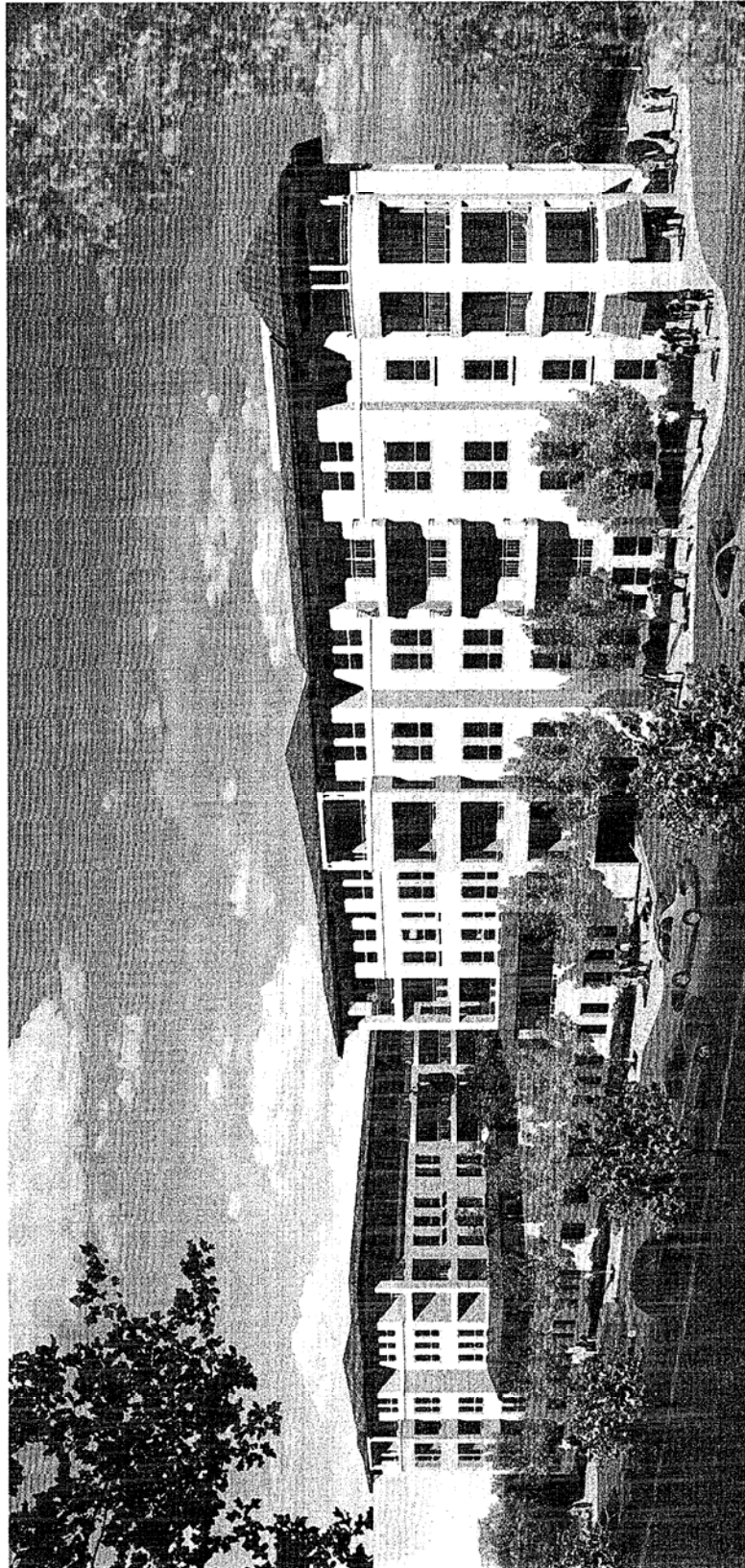
The Emerald
Dales, Texas

Conceptual Plan
Zoning Code
Z99A 99B 98
Scale: 1" = 20' 0"

D1.01



Proposed Conceptual Plan



Proposed Elevation



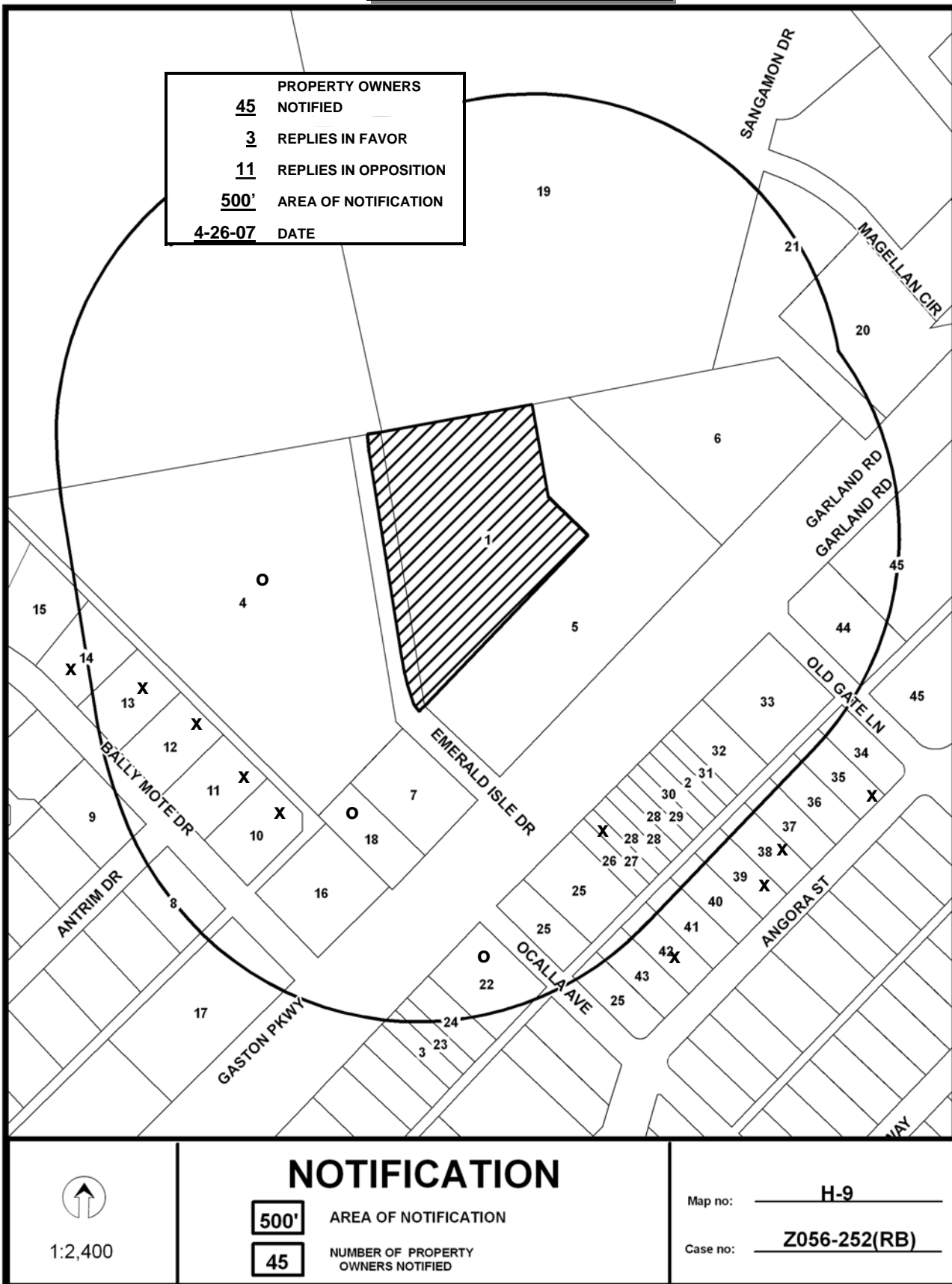
1:8,000

VICINITY MAP

Map no: H-9

Case no: Z056-252(RB)

CPC RESPONSES



Notification List of Property***Z056-252(RB)(aa)******45 Property Owners Notified***

<i>Label</i>	<i>Address</i>	<i>Owne</i>
1	1000 EMERALD ISLE	BROOMFIELD J V
2	9026 GARLAND	CAMPBELL GAVIN D &
3	8922 GARLAND	STEPHENSON J R
o4	1100 EMERALD ISLE	TELESIS AUTUMN LEAVES I
5	9055 GARLAND	WHITE ROCK SC LP
6	9111 GARLAND	SAFEWAY STORES 3013
7	8949 GARLAND	ENG T K TRUSTEE
8	8840 ANTRIM	HATCHER LOUIS G
x9	8839 ANTRIM	FOREMAN SAMUEL A &
x10	1176 BALLYMOTE	WAGNER LEILA C
x11	1170 BALLYMOTE	SEETS LYNN D
x12	1166 BALLYMOTE	WORTMAN DONNA
x13	1160 BALLYMOTE	WILSON RUTH H
x14	1154 BALLYMOTE	STAFFELD BRUCE & JEAN
15	1150 BALLYMOTE	RUCKENSTEIN HARRY
16	8915 GASTON	8861 GASTON PARKWAY LLC
17	8855 GASTON	MADISON DECKER
o18	8989 GARLAND	THEIME JAMES O DR
19	9191 GARLAND	ERP OPERATING LIMITED PS
20	9119 GARLAND	SONIC RESTAURANTS INC
21	9115 GARLAND	BROWN WILLIAMS E &
o22	8940 GARLAND	LUTZ EDWARD G
23	8924 GARLAND	HALLIBURTON SWIMMING POOL
24	8930 GARLAND	WONG CHUCK HUNG &
25	9002 GARLAND	SMITH LARRY D
26	9012 GARLAND	MORGAN PARK LTD

Wednesday, June 07, 2006

<i>Label</i>	<i>Address</i>	<i>Owner</i>
x27	9014 GARLAND	PRECISE HUEY G & JUDY K
28	9020 GARLAND	ROIDOPOULOS CONSTANTINE &
29	9022 GARLAND	ROTH BARRY &
30	9024 GARLAND	PAINTER JOHN &
31	9028 GARLAND	DIBE OMAR L
32	9032 GARLAND	MOTT WILLIAM E JR
33	9040 GARLAND	HOWELL GERALD M
34	9047 ANGORA	PICKREL PATRICIA J
x35	9043 ANGORA	DIETZ MARY J
36	9039 ANGORA	FREEMAN KAREN M
37	9035 ANGORA	DEVINE DENNIS J
x38	9029 ANGORA	DREILING JOHN
x39	9025 ANGORA	WOERNER MICHAEL C
40	9021 ANGORA	KIMBALL JUANITA LIFE EST
x41	9015 ANGORA	ZUBRAS VINCENT G
42	9011 ANGORA	ASHLEY DAVID W
43	9007 ANGORA	OGLESBY MICHAEL R &
44	9102 GARLAND	LOZANO CONCEPCION L
45	9150 GARLAND	LAKESIDE BAPTIST CHURCH

Wednesday, June 07, 2006

Al Romero
PO Box 870875
Mesquite, TX 75150
EN Z056-252(RB)

Anthony Jones
PO Box 0711
Galveston, TX 77553

Betty Wadkins
2843 Modesto Drive
Dallas, TX 75227

Bridge Ballowe c/o Nextel
1680 N. Prosport Dr.
Ricardson, TX 75081

Cindy Harris
4310 Buena Vista #8
Dallas, TX 75205

Clarence F Cope
10404 Ferndale
Dallas, TX 75238

Jane Guerrini
7032 Lupton
Dallas, TX 75225

Jeff Bosse
PO Box 4738
Dallas, TX 75208

Joe Martin
P O Box 4133
Dallas, TX 75208

Katie Pascuzzi
2720 N Stemmons Frwy Suite 900
Dallas, TX 75207

Marcus Wood
6060 N Central Expy Ste 333
Dallas, TX 75206

Mike Sultan
320 E Jefferson #105
Dallas, TX 75203

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

Steven Thiele
564 Blanning Dr
Dallas, TX 75218

Suzanne Steffens
5640 Ellsworth Ave.
Dallas, TX 75206

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

Arborilogical Services, Inc.
Bill Seaman
16 Steel Rd.
Wylie, TX 75098

Dallas ISD
Stan Armstrong
3700 Ross Ave, Box 61
Dallas, TX 75204

Dallas Planning Assoc
Stuart Pully
P O Box 781609
Dallas, TX 75378

FW Dodge Reports
Donna McGuire
9155 Sterling Dr. Ste 160
Dallas, TX 75063

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
Tammy Santi
8821 Hackney Lane
Dallas, TX 75238

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

Neighborhood Improvem Assoc
Sandra Crenshaw
3007 W Pentagon Pkwy #2004
Dallas, TX 75233

Oak Cliff Chamber
Joe Burkleo
545 Lacewood Drive
Dallas, TX 75224

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Reed Construction Data
Renee Williams
11101 Stemmons Frwy Ste. 101
Dallas, TX 75229

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

United Homeowner
Raymond Montgomery
6762 Keswick Dr
Dallas, TX 75232

W.A.R.N.
Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Burk Lowe
6918 Redstart Ln
Dallas, TX 75214

Catrine Sutter
9457 Waterview Rd
Dallas, TX 75218

Laura French
3856 W Beverly
Dallas, TX 75209

Advocate
Rick Wamre
6301 Gaston Ave, Ste 820
Dallas, TX 75214

Casa Linda Estates NA
Brad G Rogers
1306 El Patio Drive
Dallas, TX 75218

Casa Linda Estates NA
Will Galbraith
9817 Angora St.
Dallas, TX 75218

Dixon Branch HOA
Sue Harrington
11118 Yorkspring Dr
Dallas, TX 75218

Emerald Isle HOA
Mary E Griggs
8817 Grenore
Dallas, TX 75218

Ferguson Rd Initiative
Vikki J Martin
8230 Claremont Drive
Dallas, TX 75228

Hollywood Santa Monica NA
Santos T. Martinez
1111 Cordova
Dallas, TX 75223

Junius Heights HOA
Kara Kunkel
5527 Tremont Street
Dallas, TX 75214

OLHNA
Gary Gene
718 N Buckner, Ste 316
Dallas, TX 75218

Orion Real Estate Group
Bill Lamm
729 Robin Lane
Coppell, TX 75019

Van Dyke Point, Inc
Norma Minnis
9729 Van Dyke
Dallas, TX 75218

White Rock NA
Leslie Densmore
4027 Santa Barbara
Dallas, TX 75214
EN Z056-252(RB)

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 V

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict Uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north quadrant of Kings Road and Fairmount Street

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

Z056-284(RB)

Note: This item was considered by the City Council at public hearings on February 28, March 28, and April 25, 2007, and was taken under advisement until June 27, 2007, with the public hearing open.

FILE NUMBER: Z056-284(RB)

DATE FILED: July 12, 2006

LOCATION: Kings Road and Fairmount Street, North Quadrant

COUNCIL DISTRICT: 2

MAPSCO: 34 V

SIZE OF REQUEST: Approx. 10.6 Acres

CENSUS TRACT: 4.04

APPLICANT: Cedar Springs Partners, L.P.

OWNERS: Cedar Springs Partners, LP and City of Dallas

REPRESENTATIVE: Karl Crawley

REQUEST: An application for a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict Uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The applicant is requesting a Planned Development Subdistrict in order to develop the site with a maximum of 425 multiple family dwelling units.

CPC RECOMMENDATION: Approval, subject to a conceptual plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a conceptual plan and conditions.

BACKGROUND INFORMATION:

- The request site consists of multiple parcels. All are developed with a combination of single family (request area fronting along Fairmount Street) and multiple family structures.
- The request site includes existing public street right-of-way, which is currently being considered for abandonment by the City Council on February 28, 2007.
- The applicant is proposing the removal of all existing structures and replatting to include the land area proposed for abandonment. The site will accommodate a maximum of 425 multiple family dwelling units.
- A PDS is being requested for consideration of the following: 1) increase in structure height, and 2) increase in dwelling unit density.

Zoning History: There has been no recent zoning activity relevant to the request.

<u>Street</u>	<u>Existing & Proposed ROW</u>
Kings Road	Local; 50' ROW
Fairmount Street	Local; 40' ROW
Denton Drive*	Local; 47' ROW
Minert Street*	Local; 47' ROW

*Application for abandonment currently being reviewed by staff. City Council consideration of the abandonment and this zoning request to be scheduled for the same public hearing.

STAFF ANALYSIS

Comprehensive Plan:

The applicant is proposing to demolish all existing housing stock and redevelop the site with a multiple family uses. This request, while maintaining similar densities, would provide more efficient and compatible residential development for the immediate area.

For these reasons, the applicant's request is in compliance with the Land Use, Housing, and Neighborhood Elements outlined in forwardDallas!

Land Use Element

Goal 1.1 Align land use strategies with economic development priorities.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

Housing Element

Goal 3.1 Ensure a sustainable and efficient long-range housing supply.

Policy 3.1.2 Encourage alternatives to single-family housing developments for homeownership.

Neighborhood Element

Goal 7.1 Promote vibrant and viable neighborhoods.

Policy 7.1.2 Promote neighborhood-development compatibility.

Land Use Compatibility: The request site consists of multiple parcels, with the westernmost area being developed with single family structures and the balance of the site being developed with multiple family structures. The request site includes public street right-of-way that is being considered for abandonment. The applicant is proposing to develop the site with multiple family uses. A Planned Development Subdistrict is being requested for consideration of the following: 1) increase in density, and 2) increase in structure height.

Exclusive of an undeveloped parcel to the east (zoned for MF-2 Subdistrict Uses), the area is developed with residential uses, consisting of predominately single family structures to the west and northwest, with multiple family uses to the south across Kings Road. Single family (townhouse structures) is being developed on property southwest of the site.

The request represents a continued interest to maintain a residential land use for the site. The applicant's representative has worked with staff to address various concerns. Based on the analysis of the area, staff is supporting the request, subject to staff's recommended conditions.

Density: The existing MF-2 Subdistrict permits a maximum dwelling unit density based on a certain amount of land area for a configured dwelling unit (efficiency, one bedroom, etc.). Assuming all two bedroom units are developed, the existing zoning would yield approximately 349 dwelling units (approximately 36 units per acre).

With respect to the applicant's request for an increase in density it must be put in context with the land area associated with the abandonment. The two streets represent approximately 42,300 square feet of land area. Based on the buildout of all two bedroom units, approximately 35 additional dwelling units could be constructed. As a result, the entire site would generate approximately 384 dwelling units while the applicant is requesting to develop 425 dwelling units (approximately 40 dwelling units per acre).

It should be noted that the actual breakdown of units is not known, nor required, at this time.

Height: The existing MF-2 Subdistrict permits a maximum structure height of 36 feet. The applicant has worked with staff to address the vertical intensity of the development. As a result, a series of height zones have been proposed that 'step up' from the respective site boundaries. Specifically, a varied setback of 20-25 feet exists along all property lines permitting a maximum structure height of 44 feet. A total setback of 100 feet (40 feet along the eastern property line) is required for structure height exceeding 44 feet, to a maximum height of 65 feet. Additionally, no balconies will be permitted above a third level for units facing the Fairmount Street frontage.

Traffic: The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the request and determined it will not impact the surrounding street system.

Landscaping: Many large trees exist on the property, with the majority of them being found along the perimeter of the site. Tree mitigation will apply to the site.

Prior to the issuance of a certificate of occupancy for the development, the applicant will be required to provide landscaping that complies with the provisions outlined in PDD No. 193.

CPC ACTION

(December 7, 2006)

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict Uses, subject to a conceptual plan and revised conditions on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the north quadrant of Kings Road and Fairmount Street.

Maker: Strater

Second: Buehler

Result: Carried: 11 to 0

For: 11 - Neumann, Strater, Gary, Wilson,
Miranda, Bagley, Weiss, Hill, Buehler,
Ekblad, Culbreath

Against: 1 - Emmons

Absent: 2 - Marshall, Burnham

Vacancy: 1 - District 8

Notices: Area: 500

Mailed: 109

Replies: For: 11

Against: 3

Speakers: For: Jeanne Yerskey, 4808 Fairmont St., Dallas, TX,
75219

Karl Crawley, 900 Jackson St., Dallas, TX, 75202

Against: None

OWNERS:

OASIS PLACE, LP; a Texas Limited Partnership
OASIS PLACE GP, LLC, a Texas limited liability company, general partner
Charles P. Carroll, Manager

CIMARRON APARTMENTS, LP; a Texas Limited Partnership
Cedar Springs Partners GP, LLC; a Texas limited liability company, general
partner
Charles P. Carroll, Manager

CEDAR SPRINGS PARTNERS, LP; a Texas Limited Partnership
Cedar Springs Partners GP, LLC; a Texas limited liability company, general
partner
Charles P. Carroll, Manager

VOLKMANN BROS. GREENHOUSES, INC.; a Texas Corporation
Walter Volkmann, Partner
Henry Volkmann, Partner

HENRY AND JANET VOLKMANN

WALTER VOLKMANN

CHARLES P. CARROLL

**CPC RECOMMENDED CONDITIONS FOR A PLANNED
DEVELOPMENT SUBDISTRICT FOR MF-2 MULTIPLE FAMILY
SUBDISTRICT USES**

SEC. S-____.101. LEGISLATIVE HISTORY.

PD Subdistrict ____ was established by Ordinance No. _____,
passed by the Dallas City Council on _____.

SEC. S-____.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict ____ is established on property located in the north quadrant of
Kings Road and Fairmount Street. The size of PD Subdistrict ____ is
approximately 10.6 acres.

SEC. S-____.103. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. In the event of a conflict, this division controls. In the event of a conflict between Chapter 51 and Part I of this article, Part I of this article controls.
- (b) In this division, SUBDISTRICT means a subdistrict of PD 193.
- (c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.
- (d) This subdistrict is considered to be a residential zoning district.

SEC. S-____.104. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit S-____). In the event of a conflict between the text of this division and the conceptual plan, the text of this division controls.

SEC. S-____.105. DEVELOPMENT PLAN.

A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this subdistrict.

SEC. S-____.106.

MAIN USES PERMITTED.

The only main uses permitted in this subdistrict are those main uses permitted in the MF-2 Multiple Family Subdistrict, subject to the same conditions applicable in the MF-2 Multiple Family Subdistrict, as set out in Part I of this article. For example, a use permitted in the MF-2 Multiple Family Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the MF-2 Multiple Family Subdistrict is subject to DIR in this subdistrict.

SEC. S-____.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 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

SEC. S-____.108.

YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. In the event of a conflict between this section and Part I of this article, this section controls.

- (a) In general. Except as provided in this section, the yard, lot, and space regulations for the MF-2 Multiple Family Subdistrict apply to this subdistrict.
- (b) Front yard. Minimum front yard is as shown on the conceptual plan.
- (c) Side and rear yard. Minimum side yard is as shown on the conceptual plan.
- (d) Density. For multiple family uses, maximum number of dwelling units is 425.
- (e) Height. For multiple family uses, maximum structure height is as shown on the attached conceptual plan.

SEC. S-____.109. OFF-STREET PARKING AND LOADING.

Consult Part I of this article for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations of PD 193 for information regarding off-street parking and loading generally.

SEC. S-____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VII.

SEC. S-____.111. LANDSCAPING.

- (a) Landscaping and screening must be provided in accordance with Part I of this ordinance.
- (b) Plant materials must be maintained in a healthy, growing condition.

SEC. S-____.112. SIGNS.

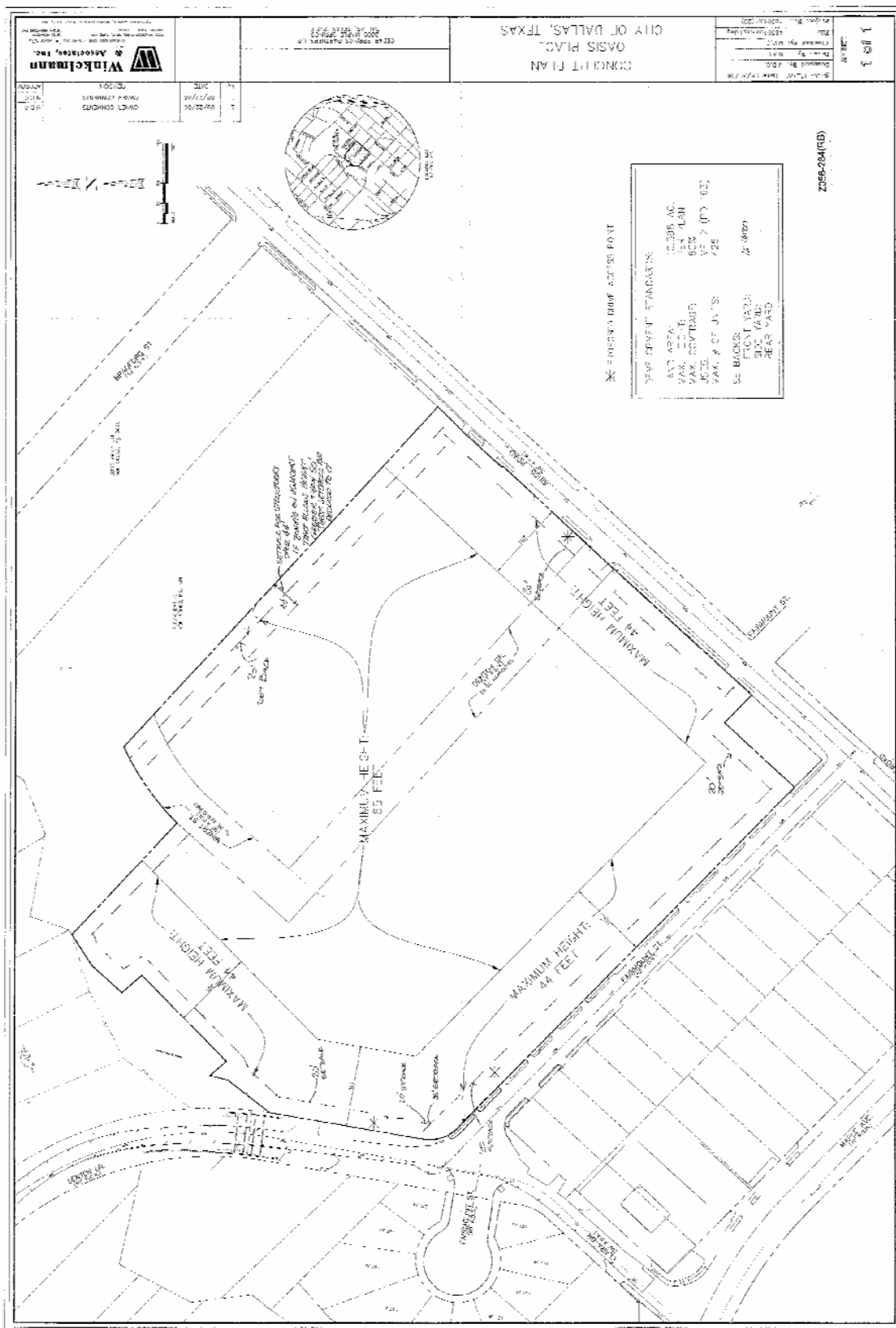
Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. S-____.113. ADDITIONAL PROVISIONS.

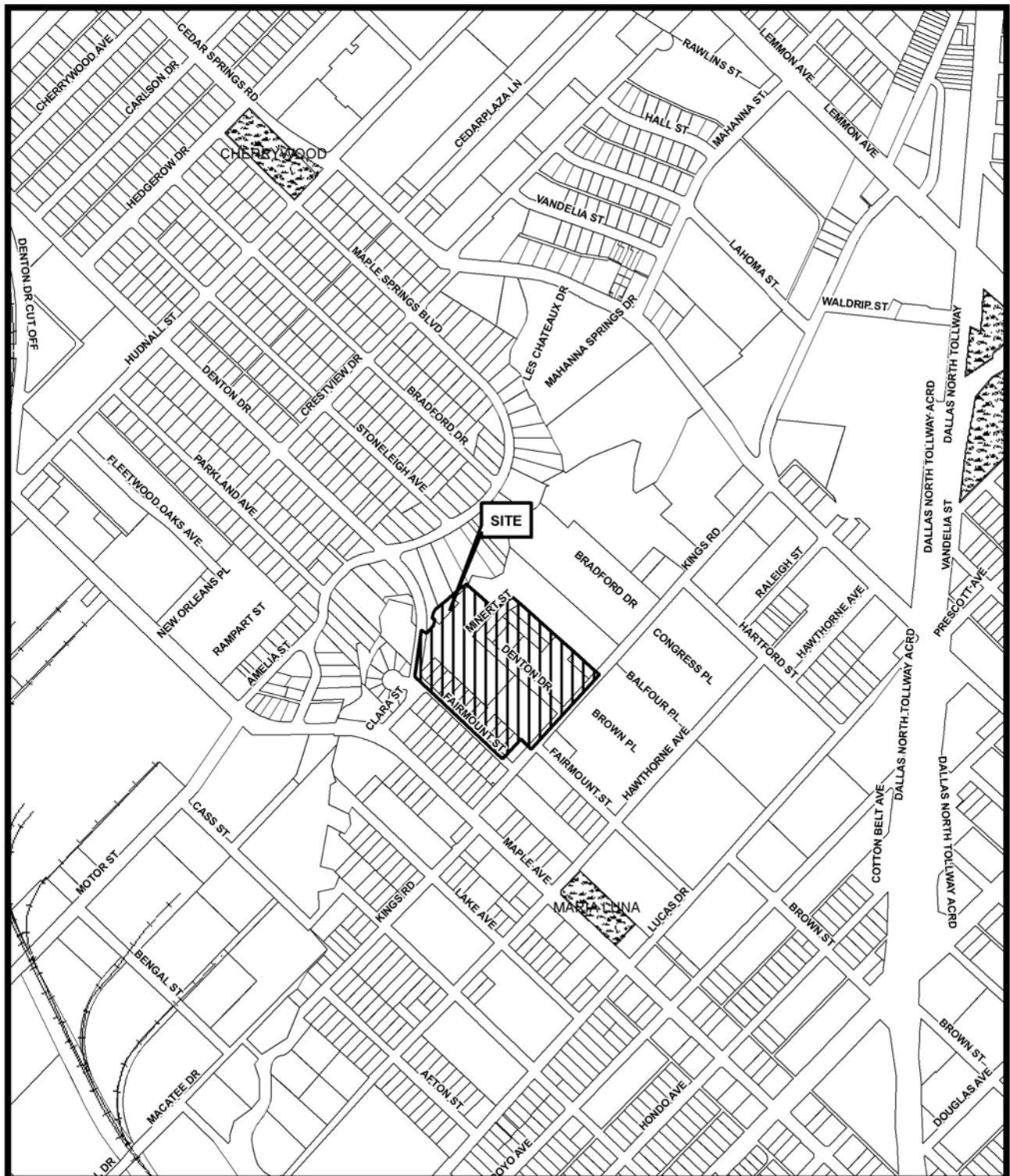
- (a) For a multiple family use, maximum height for the balcony landing is 26 feet for any balcony located on any westernmost building façade that faces Fairmount Street and is located within 100 feet of the Fairmount Street frontage.
- (b) The Property must be properly maintained in a state of good repair and neat appearance.
- (c) 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.
- (d) Except as otherwise provided in this division, development and use of the Property must comply with Part I of this article.

SEC. S-____.113. ZONING MAP.

PD Subdistrict ____ is located on Zoning Map Nos. I-6 and I-7”.



Proposed Conceptual Plan

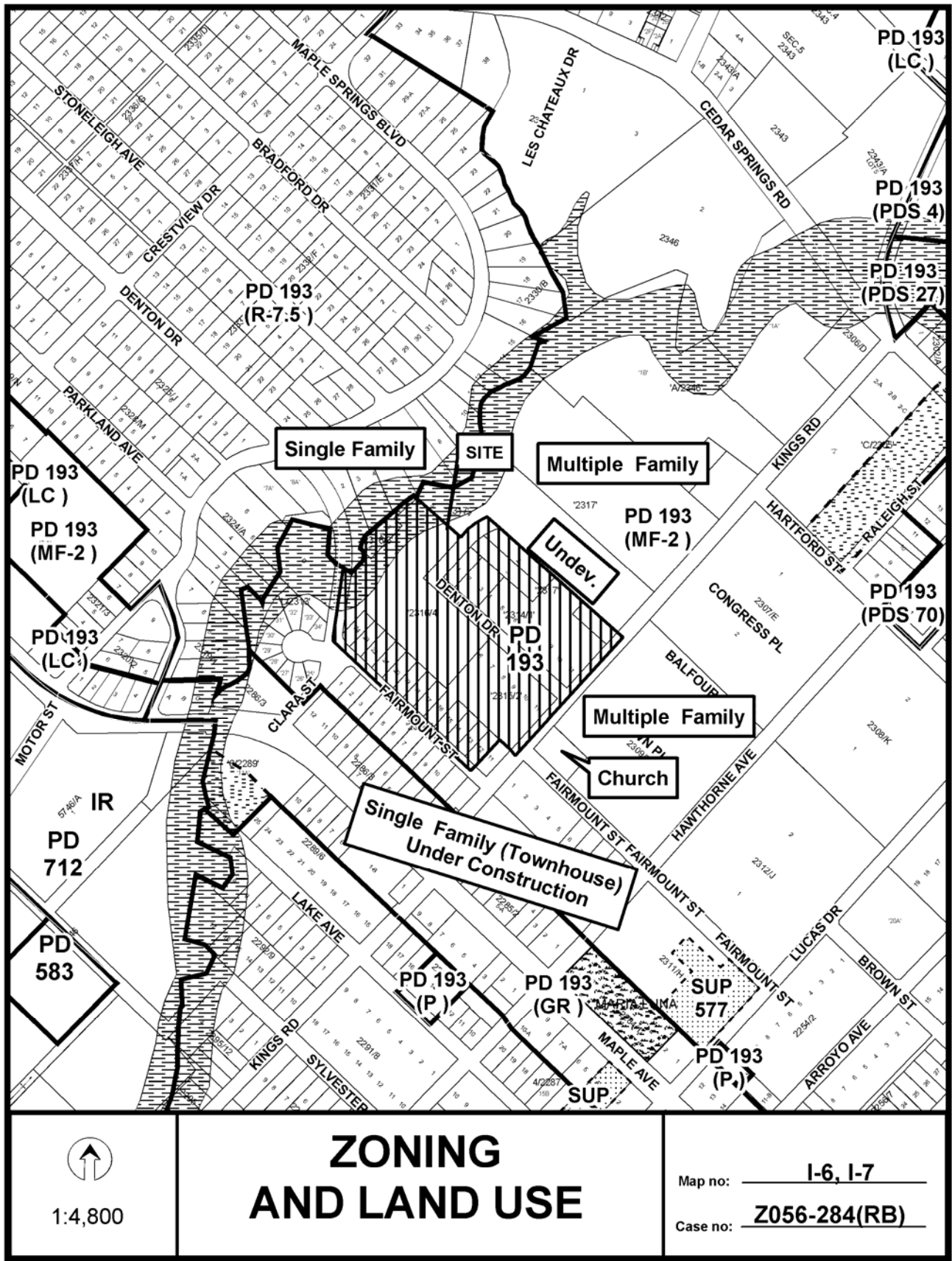


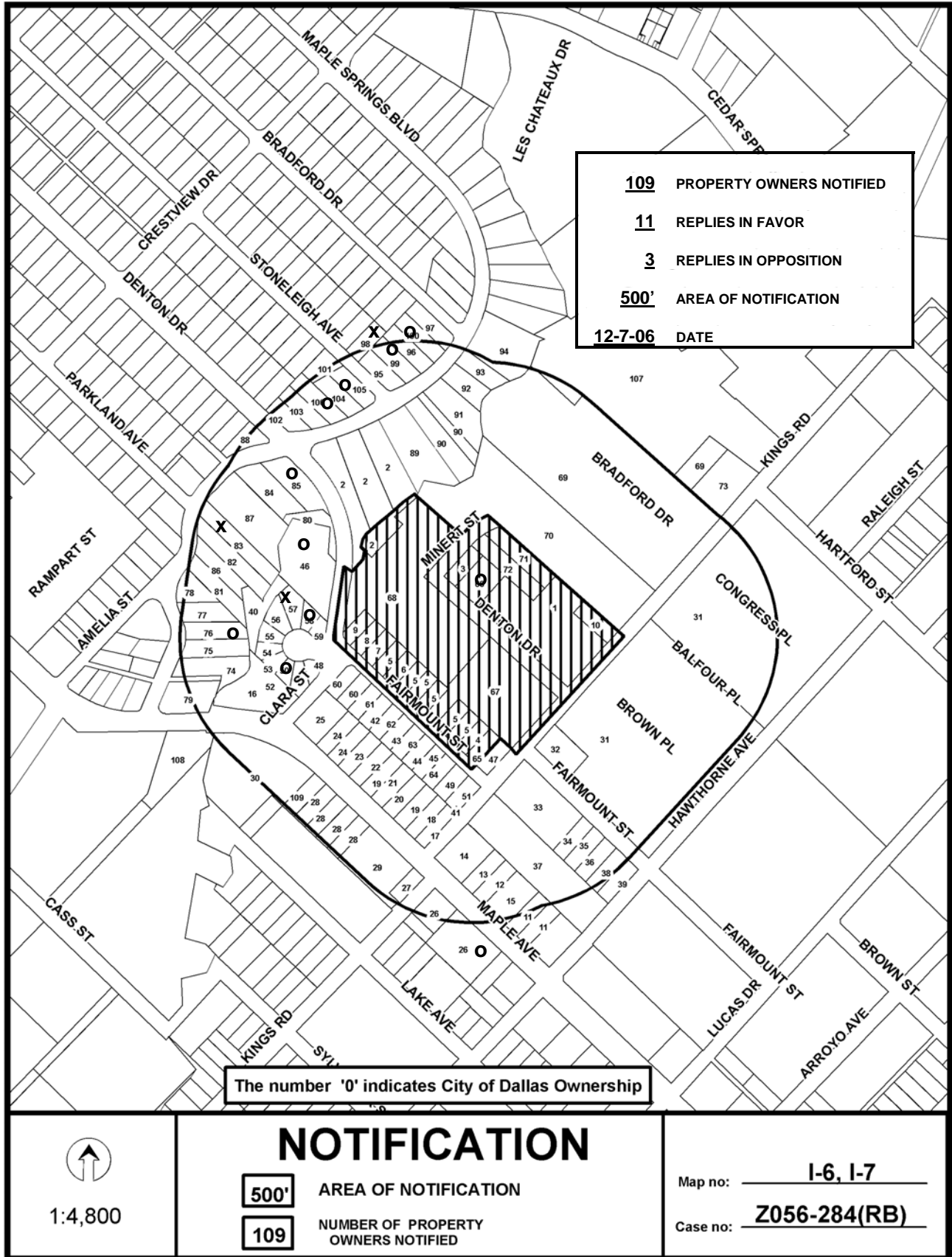
1:8,000

VICINITY MAP

Map no: I-6, I-7

Case no: Z056-284(RB)





Notification List of Property Owners

Z056-284(RB)(aa)

109 Property Owners Notified

<i>Label</i>	<i>Address</i>	<i>Owner</i>
1	4712 DENTON	HL SIDE, LP
2	2814 MAPLE SPRINGS	HENDRIX DAVID & MARGARET
3	4742 DENTON	VOLKMAN WALTER H
4	4710 FAIRMOUNT	CEDAR SPRINGS PARTNERS LP
5	4742 FAIRMOUNT	CEDAR SPRINGS PARTNERS LP
6	4738 FAIRMOUNT	ORTIZ JUAN FRANCISCO &
7	4746 FAIRMOUNT	SANCHEZ MANUEL &
8	4748 FAIRMOUNT	NGUYEN THANH &
9	4752 FAIRMOUNT	VIELMA RAYMOND
10	2715 KINGS	MENDEZ BALDEMAR R &
11	4614 MAPLE	PATINO JUAN J & DELIA
12	4626 MAPLE	FIGUEROA ROSA &
13	4630 MAPLE	MARTINEZ MARY ANN
14	4636 MAPLE	COLEMAN JULIUS H &
15	4622 MAPLE	LA AVENIDA MAPLE L P
16	4810 MAPLE	ICAVI INC
17	4700 MAPLE	HATTEN E T &
18	4706 MAPLE	SHAH MANSOOR ALI
19	4722 MAPLE	CUCOVATZ PAUL C &
20	4714 MAPLE	AVILA OCTAVIO
21	4718 MAPLE	FRIEDEL CORP
22	4724 MAPLE	QUINTANILLA RAMON
23	4730 MAPLE	QUINTANILLA RAMON
24	4736 MAPLE	LOPEZ FERMIN
25	4744 MAPLE	CHURCH S FRIED CHICKEN
26	4631 MAPLE	OJEDA BEN B LP

Wednesday, July 26, 2006

<i>Label</i>	<i>Address</i>	<i>Owner</i>
27	4703 MAPLE	NGO BINH T &
28	4735 MAPLE	LITTLE MEXICO VENTURES
29	4711 MAPLE	QUINTANILLA RAYMOND &
30	4807 MAPLE	SHAFER PLAZA XIX LTD
31	2610 KINGS	DALLAS HOUSING AUTHORITY
32	2602 KINGS	EMMERT LEE BLANKENSHIP
33	4633 FAIRMOUNT	NGUYEN SON T &
34	4619 FAIRMOUNT	ALMARAZ MARIA D &
35	4615 FAIRMOUNT	GUERRERO JOSE M & ROSA
36	4611 FAIRMOUNT	APARICIO MISAEL &
37	2515 HAWTHORNE	BILINGUAL REAL EST SERV
38	4607 FAIRMOUNT	SALDIVAR CELSO G &
39	4603 FAIRMOUNT	GONZALEZ OSCAR G
40	4800 FAIRMOUNT	MAEDC
41	4705 FAIRMOUNT	ENSERCH CORP
42	4735 FAIRMOUNT	RENENDIZ J LUIS
43	4727 FAIRMOUNT	CANTU TIMOTHY B
44	4719 FAIRMOUNT	STONEBRAKER MARY E ET AL
45	4715 FAIRMOUNT	ESCOBEDO JUAN & JULIA
046	4811 DENTON	SKELDALE PROPERTIES INC
47	4702 FAIRMOUNT	NANEZ ANDREW JR & LINDA M
48	4803 FAIRMOUNT	ORTIZ JOSE A & MARIA L
49	4707 FAIRMOUNT	SHAH MANSOOR
050	4807 FAIRMOUNT	YERSKEY MARY
51	4703 FAIRMOUNT	PINONES JESSEE TR
52	4811 FAIRMOUNT	FORTNER GORDON V
53	4815 FAIRMOUNT	MACIAS OCTAVIO &
54	4819 FAIRMOUNT	MEJIA JUAN FRANCISCO &
55	4820 FAIRMOUNT	RODRIGUEZ PAULINO &
56	4816 FAIRMOUNT	SORIANO PASTOR P &
X57	4812 FAIRMOUNT	AYALA MARIO G

Wednesday, July 26, 2006

<i>Label</i>	<i>Address</i>	<i>Owner</i>
058	4808 FAIRMOUNT	YERSKEY JEANNE M
59	4804 FAIRMOUNT	MAI LINH S
60	4743 FAIRMOUNT	MIRAMONTES RAYMOND
61	4739 FAIRMOUNT	CANTU CLARENCE B EST OF
62	4731 FAIRMOUNT	FLORES ARMANDO A
63	4723 FAIRMOUNT	VILLARREAL ERASMO R &
64	4711 FAIRMOUNT	OROZCO MAURICIO
65	4706 FAIRMOUNT	FLORES ROSALIO &
066	4738 DENTON	VOLKMANN WALTER H
67	4709 DENTON	4709 DENTON LP
68	4735 DENTON	RIO VISTA APT LLC
69	2787 KINGS	2809 MINERT LTD
70	2727 KINGS	BARUA PULAK KUMAR
71	2714 MINERT	VOLKMANN WALTER
72	2714 MINERT	VOLKMANN HENRY & JANET
73	2833 KINGS	GOODMAN KINGSMONT LP
74	2510 MAPLE SPRINGS	GONZALES FELIX
75	2514 MAPLE SPRINGS	BALDWIN PHILIP M
076	2518 MAPLE SPRINGS	MAHONEY MICHAEL P
77	2600 MAPLE SPRINGS	LEVA LON E
78	2612 MAPLE SPRINGS	SPARKS GLENN C
79	4906 MAPLE	JIMINEZ GEORGE
80	2500 CLARA	GRAF JOYCE ANN &
81	2616 MAPLE SPRINGS	MOORE MICHAEL B &
82	2624 MAPLE SPRINGS	REDDING CHARLES MICHAEL
X83	2628 MAPLE SPRINGS	CRABTREE ROBERT NORWOOD
84	2718 MAPLE SPRINGS	MENICUCCI GINA M &
085	2724 MAPLE SPRINGS	ROWNTREE ROBERT J II &
86	2620 MAPLE SPRINGS	ROMO RICHARD JR
87	2706 MAPLE SPRINGS	MORROW JAMES C &
88	5005 DENTON	VANHATTUM WILLIAM E

Wednesday, July 26, 2006

<i>Label</i>	<i>Address</i>	<i>Owner</i>
89	2822 MAPLE SPRINGS	SCHUBERT KYLE
90	2904 MAPLE SPRINGS	VONHOLTEN CHRISTOPHER D
91	2910 MAPLE SPRINGS	ELMORE ROBERT E
92	2914 MAPLE SPRINGS	EDWARDS JEFFERY J
93	2918 MAPLE SPRINGS	HENDON MARK D &
94	2926 MAPLE SPRINGS	FANNIN MICHAEL PAT
95	2901 MAPLE SPRINGS	BARNES JOLENE
96	2911 MAPLE SPRINGS	LANE LARRY E
97	2919 MAPLE SPRINGS	RODRIGUEZ ANGEL I
X 98	5012 STONELEIGH	THOMAS TIMOTHY D
O 99	2907 MAPLE SPRINGS	COLLINS MRS ROE L
O 100	2917 MAPLE SPRINGS	NOBLE VERNA CHARLENE
101	5015 STONELEIGH	KESSINGER GAYLE M
102	2803 MAPLE SPRINGS	HERNDON SCOTT
103	2807 MAPLE SPRINGS	TRAVERS TONI
104	2815 MAPLE SPRINGS	PETTIT MARVIN D
O 105	2819 MAPLE SPRINGS	NAPOLI JOAN F
O 106	2811 MAPLE SPRINGS	BUCHANAN MARGARET S
107	2929 KINGS	URBAN AFFORDALE HOUSING
108	4821 MAPLE	MAGIC CARPET LTD
109	4739 MAPLE	QUINTANILLA TECHNOLOGIES

Wednesday, July 26, 2006

Al Romero
PO Box 870875
Mesquite, TX 75150
EN Z056-284(RB)

Anthony Jones
PO Box 0711
Galveston, TX 77553

Betty Wadkins
2843 Modesto Drive
Dallas, TX 75227

Bridge Ballowe c/o Nextel
1680 N. Prospekt Dr.
Ricardson, TX 75081

Cindy Harris
4310 Buena Vista #8
Dallas, TX 75205

Clarence F Cope
10404 Ferndale
Dallas, TX 75238

Jane Guerrini
7032 Lupton
Dallas, TX 75225

Jeff Bosse
PO Box 4738
Dallas, TX 75208

Joe Martin
P O Box 4133
Dallas, TX 75208

Katie Pascuzzi
2720 N Stemmons Frwy Suite 900
Dallas, TX 75207

Marcus Wood
6060 N Central Expy Ste 333
Dallas, TX 75206

Mike Sultan
320 E Jefferson #105
Dallas, TX 75203

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

Suzanne Steffens
5640 Ellsworth Ave.
Dallas, TX 75206

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

Arborillogical Services, Inc.
Bill Seaman
16 Steel Rd.
Wylie, TX 75098

Axley & Hargrove
James Schnurr
3400 Carlisle St, #400
Dallas, TX 75204-1268

Dallas ISD
Stan Armstrong
3700 Ross Ave, Box 61
Dallas, TX 75204

Dallas Planning Assoc
Stuart Pully
P O Box 781609
Dallas, TX 75378

FW Dodge Reports
Donna McGuire
9155 Sterling Dr. Ste 160
Dallas, TX 75063

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 Kimborough
900 Jackson St
Dallas, TX 75202

MetroStudy Corp
Rebecca Webb
14881 Quorum Dr #400
Dallas, TX 75254

Oak Cliff Chamber
Joe Burkleo
545 Lacewood Drive
Dallas, TX 75224

Reed Construction Data
Renee Williams
11101 Stemmons Frwy Ste. 101
Dallas, TX 75229

United HOA
Norma Parry
1515 Reynaldston Ln.
Dallas, TX 75232

W.A.R.N.
Tashia Moseley
5353 Maple Ave. Ste. 200
Dallas, TX 75235

Gabriel Camacho
11002 Creekmere
Dallas, TX 75218

Laura French
3856 W Beverly
Dallas, TX 75209

P D Sterling
P O Box 190511
Dallas, TX 75219

Bordeaux Village HOA
Kristen Toney
6373 Bordeaux
Dallas, TX 75209

Greenway Parks HOA
Lanay Hartmann
P O Box 7482
Dallas, TX 75209

Micheal R Coker Co
Michael R Coker
2700 Swiss Ave. #100
Dallas, TX 75209

PARC DU LAC
Linda Sharp
12126 Vendome Place
Dallas, TX 75230

Robert Reeves & Assoc. Inc.
Robert Reeves
900 Jackson St, Suite 160
Dallas, TX 75202

United HOA
Thelma J. Norman
2628 Blackstone Dr.
Dallas, TX 75237

Alan Pierce
3912 Cedar Springs
Dallas, TX 75219

Jesse Almaguek
7721 Mohawk Dr
Dallas, TX 75235

Margaret L Ray
3211 Cherrywood
Dallas, TX 75235

Robert Dyer
1601 Elm St, Ste 3000
Dallas, TX 75201

Cedar Springs CC
Alice Dykeman
4926 Cedar Springs Rd
Dallas, TX 75235

Harwood International, Inc.
Jerry Jackson
2828 N Harwood, Suite 1600
Dallas, TX 75201

Minyards Properties Inc
Dennis O'Malley
777 Freeport Pkwy
Coppell, TX 75019

Quick Trip Co.
Teri Dorazil
14450 Trinity Blvd. #300
Fort Worth, TX 76155

Signs Manufacturing
William Watson
4610 Mint Way
Dallas, TX 75236

United Homeowner
Raymond Montgomery
6762 Keswick Dr
Dallas, TX 75232

Art Rogers
4523 Holland Ave
Dallas, TX 75219

Judith Hearst
2512 Thomas Ave
Dallas, TX 75201

Pattie Walker
PO Box 7488
Dallas, TX 75209

Bluffview
Chris Richter
8715 Canyon Drive
Dallas, TX 75209

Cochran Heights
Hector Garcia
3601 Turtle Creek Blvd #901
Dallas, TX 75219

N Park Lovefield Civic League
Rick Gonzales
4283 S Cresthaven St.
Dallas, TX 75209
EN Z056-284(RB)

Oak Lawn Committee
P O Box 190912
Dallas, TX 75219

Oak Lawn Comm. Prosecutor
Tanya Oliveira
9801 Harry Hines Blvd
Dallas, TX 75220

Oak Lawn Heights NA
Robert Alexander
5323 Denton Drive
Dallas, TX 75235

Raleigns-Hall Group
Frank M Stick
4224 N Hall St
Dallas, TX 75219

Walnut Hill Business Owners
Jim Wiley/Glen Wiley
P O Box 541323
Dallas, TX 75354

EN Z056-284(RB)

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 45Y

SUBJECT

Municipal Setting Designation at 1809 Rock Island Street

- * A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath property owned by Buckley Oil Company located at 1809 Rock Island Street and adjacent right-of-way – Financing: No cost consideration to the City
- * An ordinance authorizing support of the issuance of a municipal setting designation to Buckley Oil Company by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water – Financing: No cost consideration to the City
Recommendation of Staff: Approval

BACKGROUND

The Texas Health and Safety Code authorized the Texas Commission on Environmental Quality (TCEQ) to certify a municipal setting designation (MSD) for property with contaminated groundwater if the municipality where the property is located supports the application. Dallas City Code Section 51A-6.108 provides a process for City Council authorization of MSD ordinances prohibiting the use of designated groundwater as potable water. A public water supply system must be available to serve all properties within a one-half mile radius of the Designated Property. The MSD provides an alternative means to address contaminated groundwater and thereby may significantly reduce costs and risks associated with development or redevelopment of the designated property. The designated property including the adjacent City right-of-way contains a total of approximately 2.4 acres of land. The designated property is currently used to receive, maintain bulk storage and/or blend solvent and chemical products for distribution to customers located in Dallas and Tarrant Counties. Currently the site has a capacity of over 700,000 gallons of bulk chemical storage.

BACKGROUND (continued)

The designated property is underlain by alluvial soils and shallow groundwater that occurs at depths of approximately 10 to 15 feet below ground surface (bgs). Groundwater flow beneath the designated property appears to be toward the southwest. The alluvium and the designated groundwater (which is not a source of drinking water) are underlain by the Austin Chalk and Eagle Ford Shale Formation, which has an estimated thickness of 650 feet. This groundwater has been affected by petroleum hydrocarbons, chlorinated solvents, and volatile and semi-volatile organic compounds at concentrations above groundwater ingestion standards. The sources of these chemicals appear to be from on-site historical releases from aboveground storage tanks and containers used for chemical storage and underground storage tanks used for storage of petroleum products and hydrocarbons.

The applicant is investigating and addressing potential environmental concerns associated with the property under the TCEQ Corrective Action Program and is assigned Solid Waste Registration No. 33423.

There are no state-registered water wells located within one-half mile of the Site.

The applicant has requested that the City support its application for a MSD. A public meeting was held on May 30, 2007 to receive comments and concerns. Notices of the meeting were sent to 165 property owners within 2,500 feet of the property and private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath the property located at 1809 Rock Island Street and adjacent City right-of-way; and supporting the issuance of a MSD by TCEQ.

The Applicant's current plan is to complete the corrective action process at the facility supported by a MSD.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City

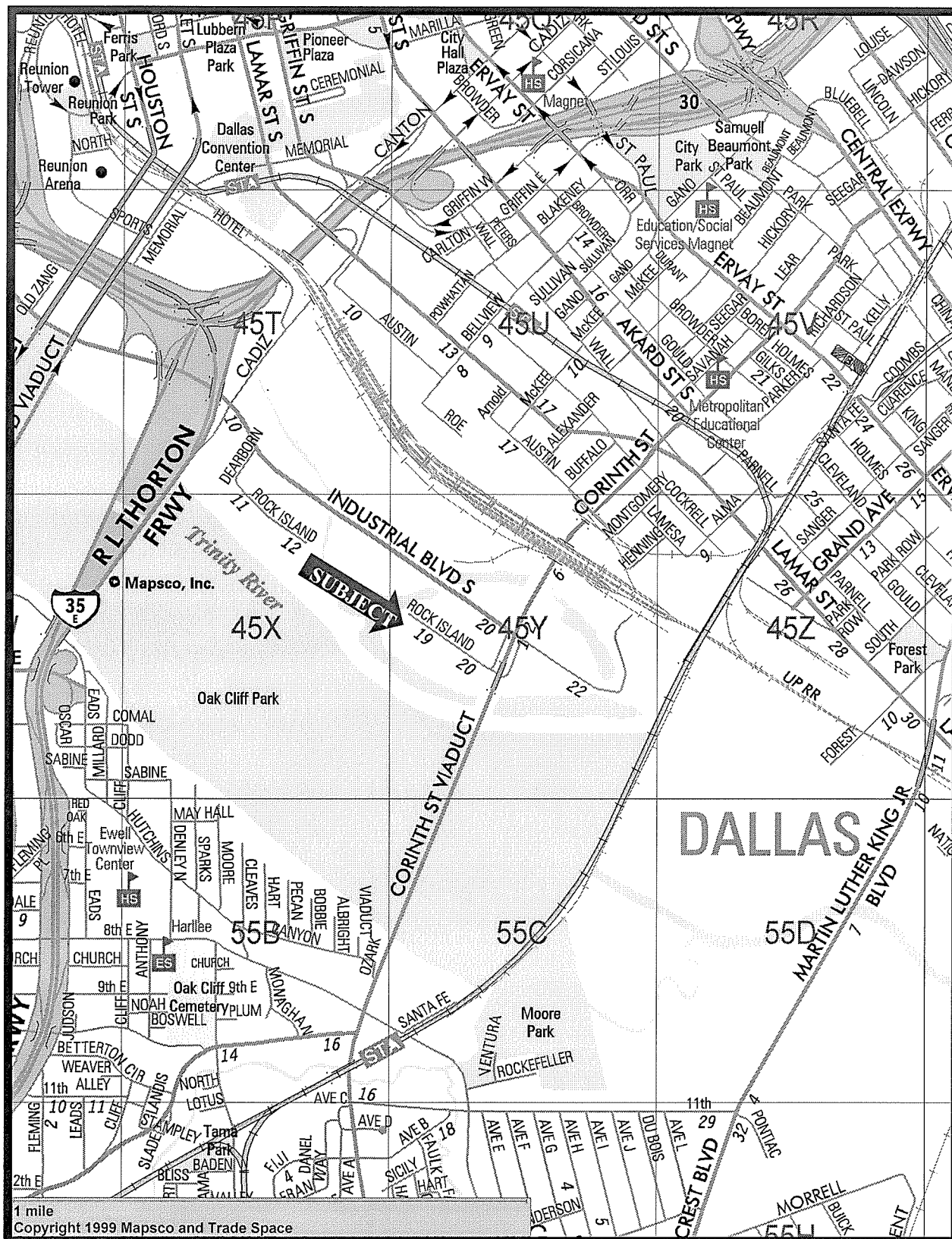
OWNER

Buckley Oil Company

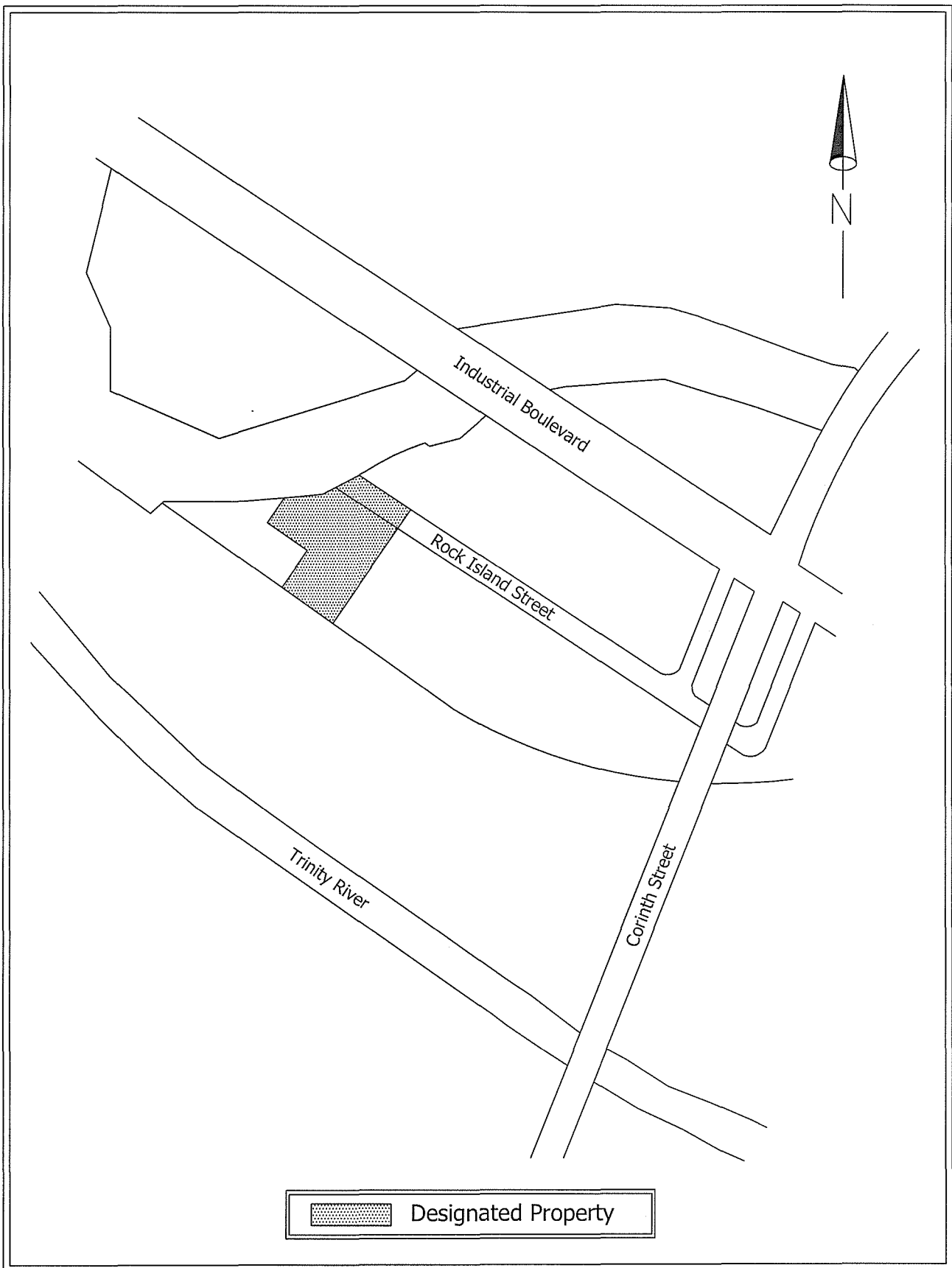
R. E. Dodson, President

MAPS

Attached



MAPSCO 45Y



KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 23E

SUBJECT

Municipal Setting Designation at 10920 Indian Trail

- * A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath property owned by Globus Industrial Partners, Ltd. located at 10920 Indian Trail and adjacent rights-of-way – Financing: No cost consideration to the City
- * An ordinance authorizing support of the issuance of a municipal setting designation to Globus Industrial Partners, Ltd. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water – Financing: No cost consideration to the City
Recommendation of Staff: Approval

BACKGROUND

The Texas Health and Safety Code authorized the Texas Commission on Environmental Quality (TCEQ) to certify a municipal setting designation (MSD) for property with contaminated groundwater if the municipality where the property is located supports the application. Dallas City Code Section 51A-6.108 provides a process for City Council authorization of MSD ordinances prohibiting the use of designated groundwater as potable water. A public water supply system must be available to serve all properties within a one-half mile radius of the designated property. The MSD provides an alternative means to address contaminated groundwater and thereby may significantly reduce costs and risks associated with development or redevelopment of the designated property. The designated property including the adjacent City rights-of-way contains a total of approximately 7 acres of land.

The designated property is currently named Indian Trail Business Park and is a multi-tenant commercial and industrial complex which is occupied by churches and various businesses including auto repair, screen printing, printers, wholesale apparel, auto insurance and tax services.

BACKGROUND(continued)

The designated property is underlain by clays, silts, and sands with the affected groundwater zone at a depth of approximately 20 to 37 feet below ground surface (bgs). The shallow groundwater zone is underlain by the Austin Chalk and Eagle Ford Shale formation, which is approximately 500 feet thick in the area and has extremely low permeability. Groundwater flow beneath the designated property is towards the southwest. The groundwater has been affected by petroleum hydrocarbons (benzene and MTBE) and chlorinated volatile organic compounds (PCE, TCE, and cis-1,2 DCE). The sources of these chemicals include releases from a tanker truck and a former underground gasoline storage tank.

An application to enter the designated property (Site) into the Texas Voluntary Cleanup Program (VCP) administered by TCEQ was submitted in May 2003 and the Site has been designated as VCP Facility ID No. 1590.

There is a state-registered water well located within one-half mile of the Site. The well is located at 10722 Brockbank Drive in Dallas, Texas and a notification letter was sent to the owner via certified mail and delivered on October 23, 2006.

The applicant has requested that the City support its application for a MSD. A public meeting was held on May 31, 2007 to receive comments and concerns. Notices of the meeting were sent to 1217 property owners within 2,500 feet of the property and private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath the property located at 10920 Indian Trail and City rights-of-way; and supporting the issuance of a MSD by TCEQ.

The Applicant's current plan is to obtain a VCP Certificate of Completion, supported by a MSD.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City

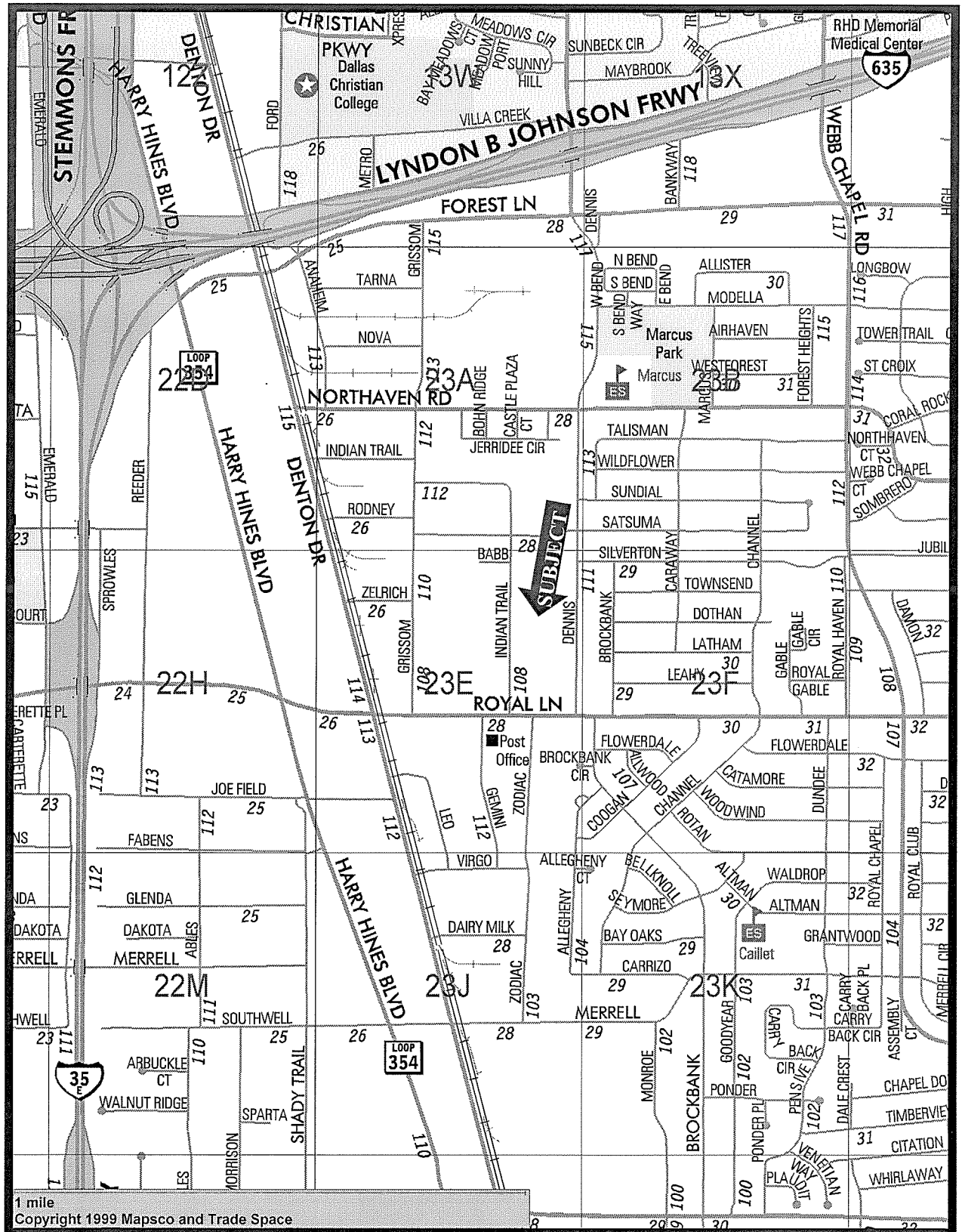
OWNER

Globus Industrial Partners, Ltd.

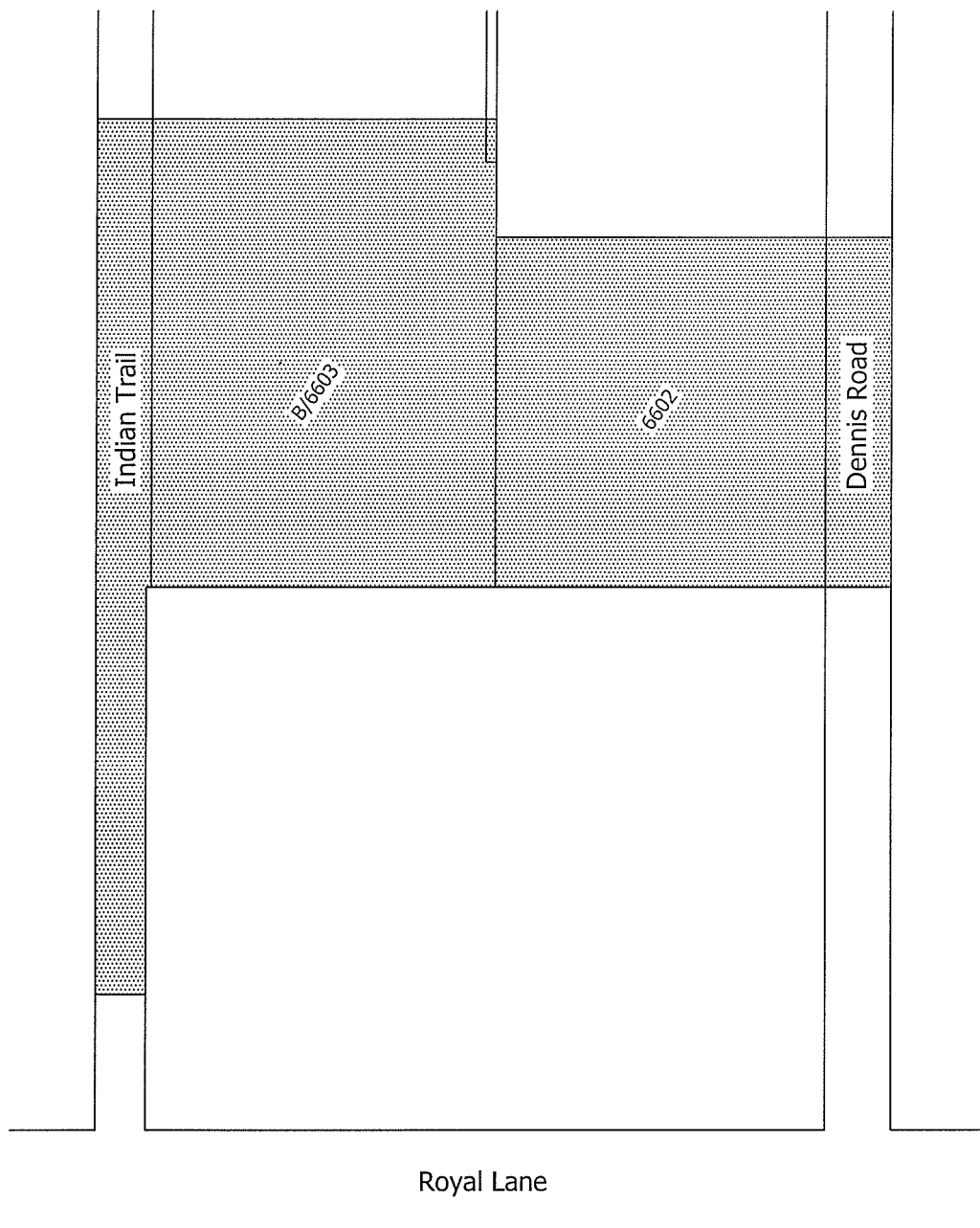
S.B.I.R., Inc., General Partner
Thomas Seidel, President and CEO

MAPS

Attached



MAPSCO 23E



KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 44D H 45E

SUBJECT

Municipal Setting Designation at 46 properties

- * A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath properties located within an approximate 73-acre area generally centered around the intersection of Oak Lawn Avenue and Hi Line Drive, near Turtle Creek and Market Center Boulevard including 1300, 1400, 1401, 1403, 1405, 1501, 1511, 1515 and 1525 Turtle Creek Boulevard; 1708, 1926 and 1930 Market Center Boulevard; 1330, 1350, 1400, 1402, 1500, 1519, 1525, 1532, 1616, 1617, 1626, 1718, 1900, 1909, 1922, 1930 and 1935 Hi Line Drive; 1333, 1401, 1505, 1616, 1620, 1621, 1628, 1630, 1650, 1700 and 1707 Oak Lawn Avenue; 1525, 1605, 1635 and 1645 North Stemmons Freeway; 1600 and 1626 Edison Street; and adjacent rights-of-way – Financing: No cost consideration to the City
- * An ordinance authorizing support of the issuance of a municipal setting designation to JRSHK Investments, LP by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water – Financing: No cost consideration to the City
Recommendation of Staff: Approval

BACKGROUND

The Texas Health and Safety Code authorized the Texas Commission on Environmental Quality (TCEQ) to certify a municipal setting designation (MSD) for property with contaminated groundwater if the municipality where the property is located supports the application. Dallas City Code Section 51A-6.108 provides a process for City Council authorization of MSD ordinances prohibiting the use of designated groundwater as potable water. A public water supply system must be available to serve all properties within a one-half mile radius of the designated property.

BACKGROUND (continued)

The MSD provides an alternative means to address contaminated groundwater and thereby may significantly reduce costs and risks associated with development or redevelopment of the designated property. The designated property including the adjacent City rights-of-way contains a total of approximately 73 acres of land.

The designated property is currently developed with commercial properties improved with retail and office buildings, concrete and asphalt-paved parking and drive areas.

The designated property is underlain by isolated areas of affected groundwater at depths of approximately 15-30 feet below ground surface (bgs). The shallow groundwater zone is underlain by the Eagle Ford Shale, which has an estimated thickness of 200 to 300 feet. Groundwater flow beneath the designated property is generally towards the south-southeast. The groundwater has been affected by TCE, arsenic, benzene, cis-DCE, and ethylbenzene at concentrations above groundwater standards. The sources of these chemicals appear to be from specific locations onsite which had historical releases from ink formulating activities, manufacturing and printing activities, and a former onsite gas station.

1501 Turtle Creek Boulevard was entered in the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in May 2006 and designated VCP Facility ID No. 1927. 1525 Turtle Creek Boulevard was submitted to the VCP on January 11, 2007 and has not yet received a Facility ID. 1926 and 1930 Market Center Boulevard was entered into the TCEQ Liquid Petroleum Storage Tank (LPST) Program and the VCP by the prior owner in June 1997 and was designated LPST ID No. 112370 and VCP Facility ID No. 0546.

There are 13 state-registered water wells located within one-half mile of the Site. All of the wells are listed as industrial, unused, or plugged. One industrial well is listed with a completion depth of 50 feet. This well is located approximately 0.46 mile west of the Site in a cross-gradient to down-gradient position relative to the Site and is not anticipated to be affected. The remaining wells were reportedly completed at depths ranging from 570 feet to 2,758 feet bgs.

The applicant has requested that the City support its application for a MSD. A public meeting was held on May 29, 2007 to receive comments and concerns. Notices of the meeting were sent to 735 property owners within 2,500 feet of the property and private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

BACKGROUND (continued)

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath the property located an approximate 73 acre area generally centered around the intersection of Oak Lawn Avenue and Hi Line Drive, near Turtle Creek and Market Center Blvd which includes: 1300, 1400, 1401, 1403, 1405, 1501, 1511, 1515 and 1525 Turtle Creek Boulevard; 1708, 1926 and 1930 Market Center Boulevard; 1330, 1350, 1400, 1402, 1500, 1519, 1525, 1532, 1616, 1617, 1626, 1718, 1900, 1909, 1922, 1930 and 1935 Hi Line Drive; 1333, 1401, 1505, 1616, 1620, 1621, 1628, 1630, 1650, 1700 and 1707 Oak Lawn Avenue; 1525, 1605, 1635 and 1645 North Stemmons Freeway; 1600 and 1626 Edison Street and including adjacent City rights-of-way; and supporting the issuance of a MSD by TCEQ.

The Applicant's current plan is to obtain VCP Certificates of Completion, supported by a MSD for tracts of land that include 1501 and 1525 Turtle Creek Boulevard and 1926 and 1930 Market Center Boulevard, and redevelop the Site for retail and residential mixed use.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNERS

Block 1500, L.P.

Design Center Holdings, L.L.C., General Partner
TCF Interests Partnership, Ltd., Managing Member
Crow Family, Inc., General Partner
Harlan Crow, Director and CEO

JRSHK Investments, L.P.

JRSHK Investments GP, L.L.C., General Partner
Bruce A. Sifford, President

Decorative Center Building, Ltd.

1533 DCB, LLC, General Partner
Crow Family, Inc., Manager
Harlan Crow, Director and CEO

OWNERS (continued)

AC - Hi Line Realty, Ltd.

Allison & Chris Property Company, General Partner
Kevin Smith, President

TCF Interests Partnership, Ltd.

Crow Family, Inc., General Partner
Harlan Crow, Director and CEO

Feizy Properties, Ltd.

Feizy Management, L.L.C., General Partner
John H. Feizy, President

Pflaster Antiques, Ltd.

Pflaster Property Management, LLC, General Partner
Zygmend Pflaster, Member
Lola Pflaster, Member

SKL Investment Co., Ltd.

SKL-1 Investment Corporation, General Partner
Paul C. Lee, Director and President

Tower Land and Investment Company

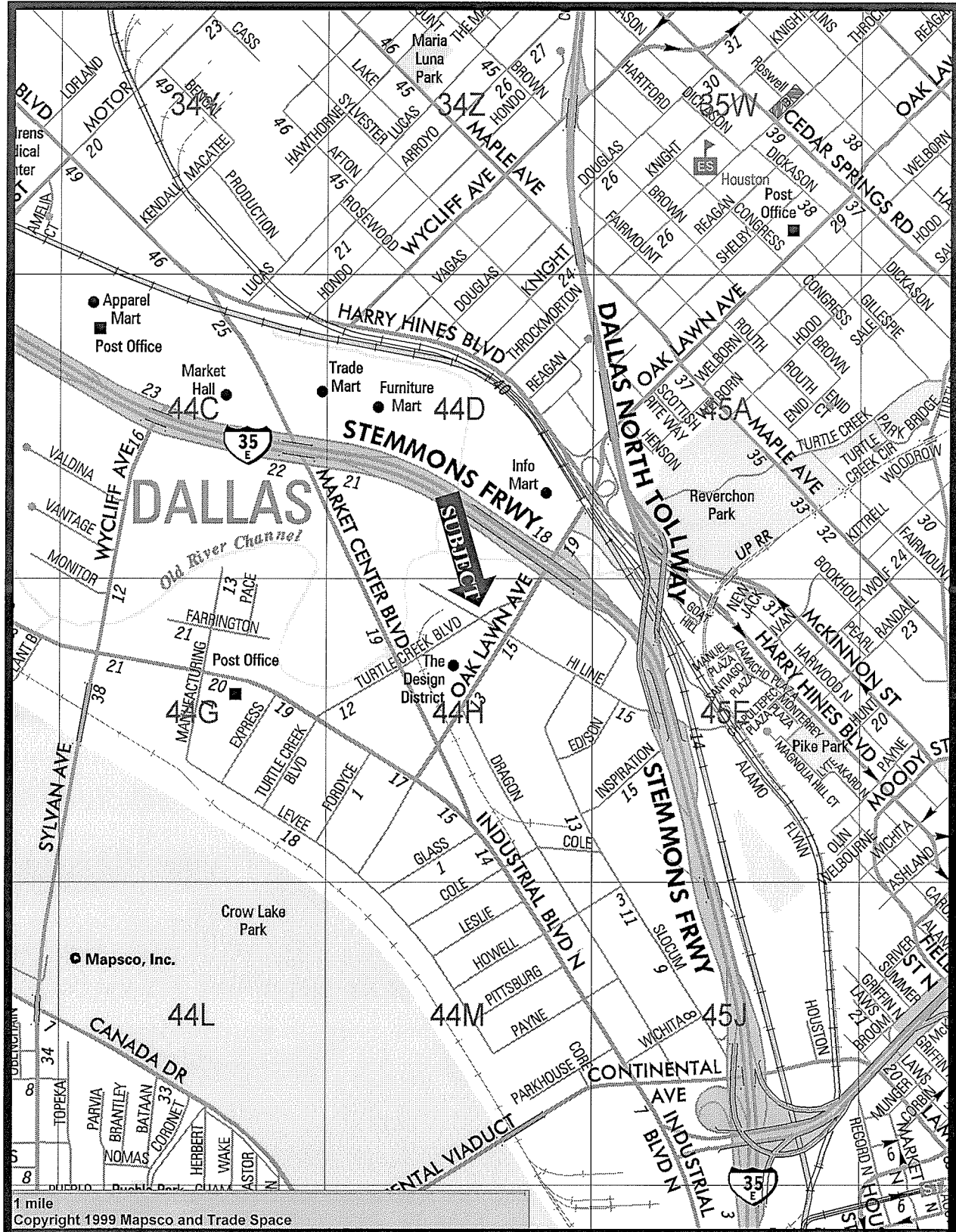
Robert Payne, President

Design District Limited Partnership

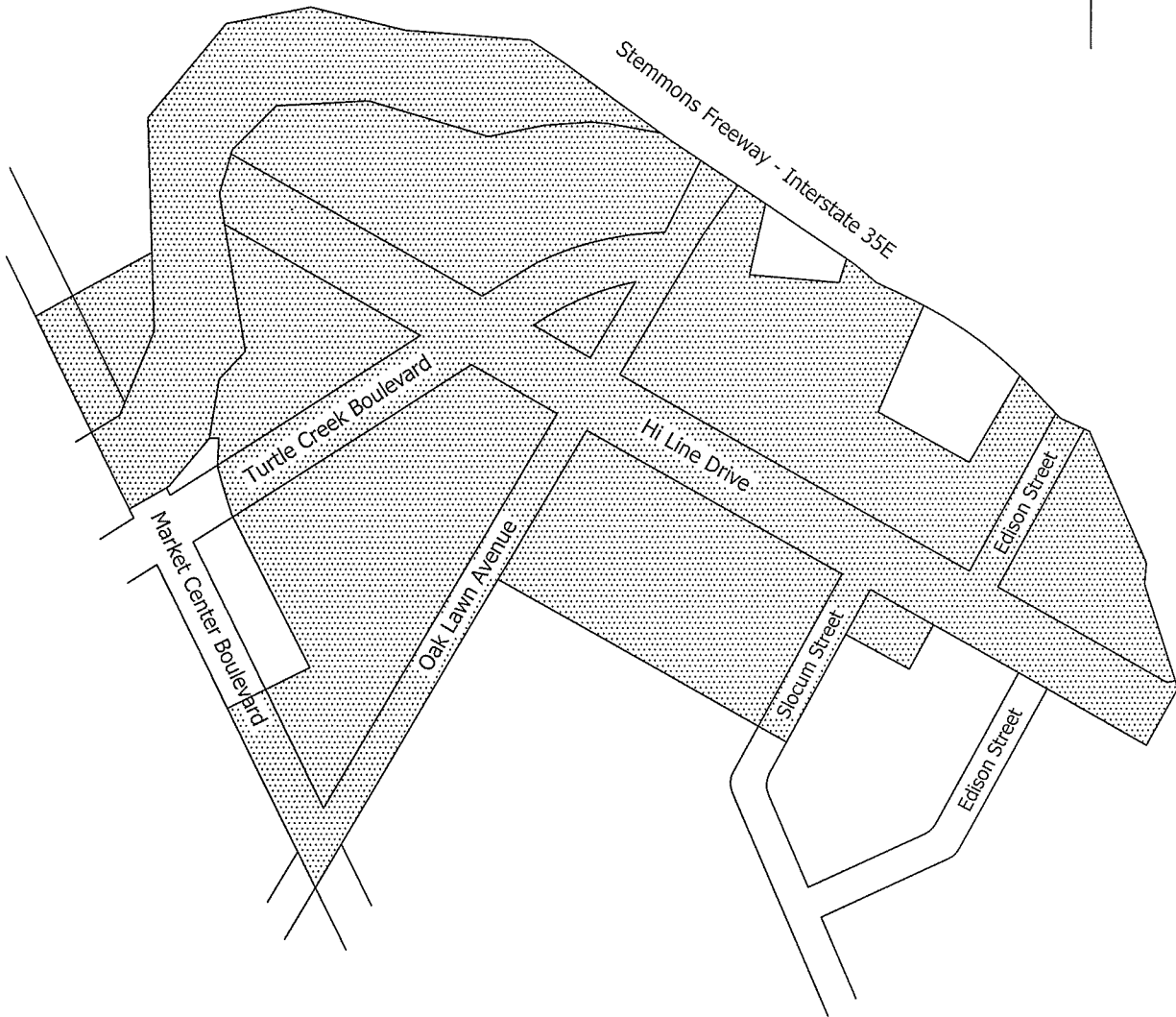
Design Center Holdings, L.L.C., General Partner
TCF Interests Partnership, Ltd., Managing Member
Crow Family, Inc., General Partner
Harlan Crow, Director and CEO

MAPS

Attached



MAPSCO 44D, H, 45E



KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 9
DEPARTMENT: Public Works & Transportation
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: 38F K

SUBJECT

A benefit assessment hearing to receive comments on alley paving, storm drainage and wastewater main improvements on the alley between Casa Vale Drive and Moran Drive from Moran Drive to Losa Drive, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with Canary Construction, Inc., lowest responsible bidder of seven - \$336,886 - Financing: 2003 Bond Funds (\$226,971), Water Utilities Capital Improvement Funds (\$103,315), and Water Utilities Capital Construction Funds (\$6,600)

BACKGROUND

The alley between Casa Vale Drive and Moran Drive from Moran Drive to Losa Drive was requested by property owner petition and accepted August 14, 2002. The improvements will consist of upgrading the unimproved gravel and dirt alley with 10-foot wide concrete pavement and wastewater main improvements.

The paving assessment process requires the following three steps:

- Authorize paving improvements.
- Authorize a benefit assessment hearing.
- Benefit assessment hearing, ordinance levying assessments and authorize contract for construction.

This action is the 3rd step in the process.

Canary Construction, Inc. has no completed contractual projects with the City of Dallas for the past three years.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2006
Completed Design	March 2007
Begin Construction	August 2007
Complete Construction	January 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on April 12, 2006, by Resolution No. 06-1036.

Authorized alley paving improvements and a benefit assessment hearing on May 23, 2007, by Resolution No. 07-1546.

FISCAL INFORMATION

2003 Bond Funds - \$137,889.00
Water Utilities Capital Improvement Funds - \$103,315.00
Water Utilities Capital Construction Funds - \$6,600.00

Design	\$17,855.00
Construction	
Paving & Drainage - (PBW)	\$226,971.00
Wastewater - (WTR)	<u>\$109,915.00</u>
Total Project Cost	\$354,741.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Canary Construction, Inc.

Hispanic Female	0	Hispanic Male	5
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	1	White Male	2

BID INFORMATION

The following bids with quotes were received and opened on April 19, 2007:

*Denotes successful bidder(s)

<u>BIDDERS</u>	<u>BID AMOUNT</u>
*Canary Construction, Inc. 971 Redcedar Way Coppell, TX 75019	\$336,886.00
RKM Utility Services	\$345,740.00
PAEE Engineering Co.	\$368,788.75
P E Contractors Inc.	\$380,337.50
Meztec Contractors Inc.	\$383,892.00
Jeske Construction Co.	\$431,067.00
Camino Construction, L.P.	\$478,490.70
Original estimate: PBW - \$119,964 DWU - \$ <u>99,449</u>	
Total Project	\$219,413

OWNER(S)

Canary Construction, Inc.

Wayne Borstad, President

MAP

Attached.

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: A benefit assessment hearing to receive comments on alley paving, storm drainage and wastewater main improvements on the alley between Casa Vale Drive and Moran Drive from Moran Drive to Losa Drive, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with Canary Construction, Inc., lowest responsible bidder of seven - \$336,886 - Financing: 2003 Bond Funds (\$226,971), Water Utilities Capital Improvement Funds (\$103,315), and Water Utilities Capital Construction Funds (\$6,600)

Canary Construction, Inc. is a local, 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$326,386.00	96.88%
Total non-local contracts	\$10,500.00	3.12%
TOTAL CONTRACT	\$336,886.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Copeland Construction	BMDB33605Y0208	\$70,000.00	21.45%
ARS	IMDB33763Y0308	\$2,000.00	0.61%
Kori's Rebar	WFDB31835Y0807	\$3,000.00	0.92%
Total Minority - Local		\$75,000.00	22.98%

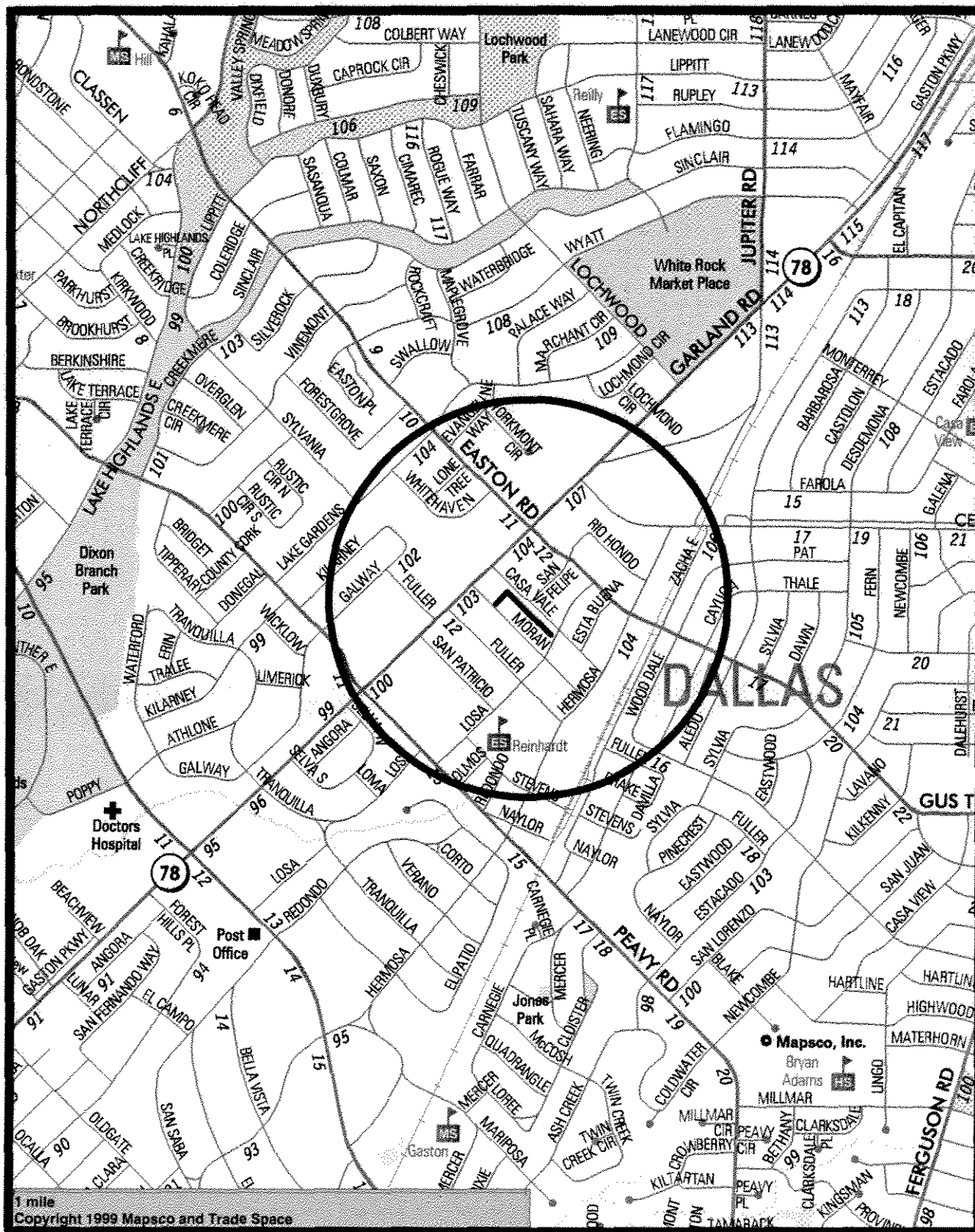
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Lucky Lady Oil	WFWB30711Y0507	\$10,500.00	100.00%
Total Minority - Non-local		\$10,500.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$70,000.00	21.45%	\$70,000.00	20.78%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$2,000.00	0.61%	\$2,000.00	0.59%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$3,000.00	0.92%	\$13,500.00	4.01%
Total	\$75,000.00	22.98%	\$85,500.00	25.38%

Casa Vale Dr & Moran Dr



Mapsco 38F, K

June 27, 2007

WHEREAS, heretofore, a resolution was duly adopted by the City Council of the City of Dallas for the improvement of the following alley between the limits set forth, out of materials specified, ordering that bids be taken for the construction, and ordering that an estimate of the cost of such improvements be prepared, to wit:

Alley between Casa Vale Drive and Moran Drive from Moran Drive to Losa Drive
and,

WHEREAS, by resolution such estimate and specifications were duly adopted therefore, and the Purchasing Agent was authorized to advertise for bids for such construction; and,

WHEREAS, by resolution the City Council determined the necessity for assessing a portion of the cost of such improvements against the property abutting such improvements, and the owners thereof, and duly and legally set a time and place for a public hearing thereon, and provided for notice to be given to such owners, as provided by law; and,

WHEREAS, the said hearing was duly held at said time and place, and,

WHEREAS, the City Council, after fully considering said proposed assessments, and fully considering the benefits that each property owner and his property receive from making said improvements, is of the opinion that the said proposed assessments determined to be levied are fair and equitable, and in accordance with the enhancement report submitted by the Real Estate Manager, Development Services Department, representing the benefits that the said property receives in enhanced values from the making of the said improvements, and that the said assessments should be made, and,

WHEREAS, the Council having no further protest, remonstrance, or objection before it, is of the opinion that the said hearing should be closed;

Now, Therefore,

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

SECTION 1. That the said hearing held on the 27th day of June A.D. 2007 be and the same is hereby ordered closed.

June 27, 2007

SECTION 2. That the City Attorney is hereby directed to prepare an ordinance assessing against the several owners of the abutting property, and against their property abutting upon the alley hereinabove mentioned, the proportionate part of said cost herein adjudged against the said respective owners and their property, such assessments to be in accordance with the attached enhancement report. That the said ordinance shall fix a lien upon said property, and shall declare said respective owners thereof to be respectively liable for the amounts so adjudged against them. Said ordinance shall in all respects comply with the applicable law in such cases made and provided.

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, Athan M. Thompson, OCMC, Room 307
 City Attorney
 Office of Financial Services

III-AP-2

PAVING ASSESSMENT ENHANCEMENT STUDY

DEFINITIONS AND LIMITING CONDITIONS

MARKET VALUE

The most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

The price which the property would bring when it is offered for sale by who desires, but is not obligated to sell, and is bought by one who is no necessity of buying it. State v. Carpenter (Tex Comm App 1936) S.W.2d 194, 2002.

FRONT FOOT RULE

Each front foot of an abutting owner's property is assessed a portion of the total cost of improvements which is equal to the portion of the assessment levied against each front foot of property of other abutting owners along the improved segment of the road. Provided that the assessment must be no greater than the benefit to the particular individual abutting property and there must be an equitable adjustment for any application of the rule in an injustice or inequality, see Dufford v. City of Corpus Christi (Civ.App.1960) 332 S.W.2d 447,450 and Section 313.044, Transportation Code.

SPECIAL BENEFITS

An enhancement more localized than a general improvement in community welfare, but not necessarily unique to a given piece of property. A special benefit is going beyond the general benefits supposed to diffuse itself from the improvements through the municipality. Haynes v. City of Abilene (Tex 1983) 659 S.W.2d 638,641.

LIMITATIONS

1. Ownership information was obtained from information appearing on the Tax Rolls.
2. Information furnished by others is assumed to be correct and reliable.
3. The existence of potentially hazardous materials on or in the properties has not been considered.
4. **THIS IS AN OPINION OF VALUE OR COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL.** In making any decision that relies upon our work, you should know that we have not followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

PAVING ASSESSMENT STUDY BASIC PROCEDURES

The City of Dallas by City Council policy and in accordance with State law assesses abutting property owners a portion of the cost for paving of streets, sidewalks and alleys. This program is administered by the Public Works and Transportation Department (Public Works) with an enhancement review and adjustments as required by the Department of Development Services Real Estate Division (Real Estate.)

The Public Works calculates proposed assessments based upon the Front Foot Rule with adjustments for factors such as irregularly shaped lots, flood plains, zoning and lot orientation. The City council has established policy guidelines to lessen the impact of the Front Foot Rule and to provide for more equitable assessments (Resolution #65-2602 and Resolution #74-1272). The proposed assessments per the construction bid, as adjusted by Public Works, are submitted to Real Estate.

Upon receipt of the preliminary assessment figures from the Public Works, Real Estate staff review each assessment to ensure that special benefits are estimated to ensure that special benefits exceed the assessment, then the assessment is adjusted downward to an amount which, in the opinion of the Real Estate staff, is clearly supported by the special benefits to the property. Real Estate goes through a review process which includes the following:

1. The tax rolls are checked to determine the size of the parcel and the land value on the tax roll;
2. Comparable land sales are checked to assist in determining land value estimates;
3. Zoning maps are checked to determine the correct zoning of each parcel to be assessed;
4. Flood plain and drainage maps are reviewed, where drainage problems appear to significantly affect parcels to be assessed;
5. All parcels are viewed by staff to identify special or unique factors which could affect the level of benefits resulting from the project for each property to be assessed;
6. Paving assessments in connection with other comparable City Projects are reviewed to ensure overall consistency and fairness.

DESCRIPTION OF PROJECT

This project is generally described as follows:

ALLEY BETWEEN CASA VALE DRIVE AND MORAN DRIVE FROM MORAN DRIVE TO LOSA DRIVE SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE.

It appears that the property owners along both sides of the alley are not utilizing the right-of-way for vehicular traffic. The alley, for practical purposes, is unimproved. At best, there is a sparse cover of white gravel.

While acknowledging the positive impact that the proposed improvements will have on the overall aesthetic value of the neighborhood, it is difficult to quantify this value correctly and virtually impossible to present the cost of such improvements as their value-added to property owners. A typical example is landscape or flooring installation. A property owner may spend \$20,000 on such improvements, but these improvements may add not more than \$5,000 to the value of the property.

For this reason, the proposal to assess the property owners for their proportionate cost by the front-foot method is not recommended. We acknowledge that the new improvements will enhance the value of the properties. In our opinion, however, the improvements will not increase values of the properties at the rate indicated.

In an effort to be equitable to the property owners, we recommend that the property owners be assessed as indicated in following tables. We feel that the values presented are a fair and reasonable value for the assessments.

ALLEY BETWEEN CASA VALE DRIVE AND MORAN DRIVE FROM MORAN DRIVE TO LOSA DRIVE SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE.

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT	ASSESSED VALUE - LAND	ZONING	RECOMMENDED ASSESSMENT	
NORTH SIDE OF ALLEY											
	CASA VALE ADDN										
JEFF KING 1217 CASA VALE DR. DALLAS, TX 75218-3141	3	10/5361	68	FT	PMVT	\$15.10	\$1,026.80	\$1,026.80	\$15,000	R-7.5	\$850
LEILA C. WAGNER & CARL F. FAIRCHILD 1176 BALLY MOTE DR. DALLAS, TX 75218-3904	4 1223 CASA VALE DR.	10/5361	75	FT	PMVT	\$15.10	\$1,132.50	\$1,132.50	\$15,000	R-7.5	\$937.50
HERBERT J. MOORE P. O. BOX 16646 WEST PALM BEACH, FL 33416-6646	5 1231 CASA VALE DR.	10/5361	75	FT	PMVT	\$15.10	\$1,132.50	\$1,132.50	\$15,000	R-7.5	\$937.50
OLIVERO AGUILAR II 1237 CASA VALE DR. DALLAS, TX 75218-3141	6	10/5361	70	FT	PMVT	\$15.10	\$1,057.00	\$1,057.00	\$15,000	R-7.5	\$875
JAMES H. MCMULLEN TRUSTEE MAGGIE P. MCMULLEN TRUSTEE 10854 COTILLION DR. DALLAS, TX 75228-2407	7 1243 CASA VALE DR.	10/5361	65	FT	PMVT	\$15.10	\$981.50	\$981.50	\$15,000	R-7.5	\$875
W. JERE BLACKSHEAR 1305 MONTSERRAT CIRCLE ROCKWALL, TX 75032-8901	8 1303 CASA VALE DR.	10/5361	60	FT	PMVT	\$15.10	\$906.00	\$906.00	\$15,000	R-7.5	\$750
UTE GRAEF 1307 CASA VALE DR. DALLAS, TX 75218-3143	9	10/5361	60	FT	PMVT	\$15.10	\$906.00	\$906.00	\$15,000	R-7.5	\$750

ALLEY BETWEEN CASA VALE DRIVE AND MORAN DRIVE FROM MORAN DRIVE TO LOSA DRIVE SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE.

OWNER	LOT	BLOCK	FRONTAGE			RATE	AMOUNT	TOTAL ASSESSMENT	ASSESSED VALUE - LAND	ZONING	RECOMMENDED ASSESSMENT
KARL SYDOW 1315 MORAN DR. DALLAS, TX 75218-3153	10 1313 CASA VALE DR.	10/5361	60	FT	PMVT	\$15.10	\$906.00	\$906.00	\$15,000	R-7.5	\$750
PATRICIA STANLEY 1317 CASA VALE DR. DALLAS, TX 75218-3143	11	10/5361	60	FT	PMVT	\$15.10	\$906.00	\$906.00	\$15,000	R-7.5	\$750
EUGENE D. JOHNSON III & MICHELLE M. JOHNSON 10342 PLUMMER DR. DALLAS, TX 75228-2434	12 1321 CASA VALE DR.	10/5361	60	FT	PMVT	\$15.10	\$906.00	\$906.00	\$15,000	R-7.5	\$750
JO ANN SPRAGUE 1327 CASA VALE DR. DALLAS, TX 75218-3143	13	10/5361									
						ADJ. TO					
			96	117 FT	PVMT	\$15.10	\$1,449.60	\$1,449.60	\$15,000	R-7.5	\$1200
SOUTH SIDE OF STREET											
LAKE PARK ESTATES											
NINA L. SEEDORF 1316 MORAN DR. DALLAS, TX 75218-3152	13	1/5362	58	FT	PVMT	\$15.10	\$875.80	\$875.80	\$15,000	R-7.5	\$725
EATON ROAD LTD & MORGAN PARK LTD P. O. BOX 720104 DALLAS, TX 75372-0104	12 1308 MORAN DR.	1/5362	75	FT	PVMT	\$15.10	\$1,132.50	\$1,132.50	\$15,000	R-7.5	\$937.50
SHELLY ANN WINFORD 2183 MACK CIRCLE DALLAS, TX 75227-9317	11 1302 MORAN DR.	1/5362	65	FT	PVMT	\$15.10	\$981.50	\$981.50	\$15,000	R-7.5	\$812.50
GEORGE C. BREWER 1256 MORAN DR. DALLAS, TX 75218-3150	10	1/5362	65	FT	PVMT	\$15.10	\$981.50	\$981.50	\$15,000	R-7.5	\$812.50

ALLEY BETWEEN CASA VALE DRIVE AND MORAN DRIVE FROM MORAN DRIVE TO LOSA DRIVE SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE.

OWNER	LOT	BLOCK	FRONTAGE			RATE	AMOUNT	TOTAL ASSESSMENT	ASSESSED VALUE - LAND	ZONING	RECOMMENDED ASSESSMENT
LAKE PARK ESTATES											
JUSTIN R. BRODHEAD 1252 MORAN DR. DALLAS, TX 75218-3150	9	1/5362	65	FT	PVMT	\$15.10	\$981.50	\$981.50	\$15,000	R-7.5	\$812.50
WILLIAM C. MORRIS 1246 MORAN DR. DALLAS, TX 75218-3150	8	1/5362	65	FT	PVMT	\$15.10	\$981.50	\$981.50	\$15,000	R-7.5	\$812.50
AGUSTIN & VICKY MURATALLA 5331 PARRY AVE. DALLAS, TX 75223-1854	7 1240 MORAN DR.	1/5362	65	FT	PVMT	\$15.10	\$981.50	\$981.50	\$15,000	R-7.5	\$812.50
SHARON A. ROGERS 1236 MORAN DR. DALLAS, TX 75218-3150	6	1/5362	65	FT	PVMT	\$15.10	\$981.50	\$981.50	\$15,000	R-7.5	\$812.50
TRACY R. DODD 1230 MORAN DR. DALLAS, TX 75218-3150	5	1/5362	65	FT	PVMT	\$15.10	\$981.50	\$981.50	\$15,000	R-7.5	\$812.50
LAKE PARK ESTATES											
ERLINDA CARRIER 7828 BAR X STREET DALLAS, TX 75228-6432	4 1226 MORAN DR.	1/5362	65	FT	PVMT	\$15.10	\$981.50	\$981.50	\$15,000	R-7.5	\$812.50
JOHN EDWARD KELSMARK 1220 MORAN DR. DALLAS, TX 75218-3150	3	1/5362	62.5	FT	PVMT	\$15.10	\$943.75	\$943.75	\$15,000	R-7.5	\$781.25
DENNIS VAN DUSEN & GLORIA VAN DUSEN 1216 MORAN DR. DALLAS, TX 75218-3150	2	1/5362	47.5	FT	PVMT	\$15.10	\$717.25	\$717.25	\$15,000	R-7.5	\$593.75
ELIZABETH JEAN CROW 3922 INWOOD RD. DALLAS, TX 75209-5710	1 10302 GARLAND RD.	1/5362	NO ASSESSMENT NO ACCESS TO ALLEY								

CERTIFICATE

We certify that, except as otherwise noted in this report, that:

1. The statements of fact contained in this report are true and correct to the best of our knowledge.
2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and is our personal, unbiased and professional analyses, opinions and conclusions.
3. We have no present or prospective interest in the property which is the subject of this report and we have no personal interest or bias with respect to the parties involved.
4. Our compensation is not contingent upon an action or event resulting from the analyses, opinions or conclusions in, or the use of, our report.
5. Ownership and site data was obtained from information appearing in the Tax Rolls and for data provided to us by the Department of Public Works and Transportation.
6. The analyses, opinions and conclusions were developed and this report has been prepared in conformity with the rules of the Texas Real Estate Commission.
7. John M. Seay has made a personal inspection of the project area, which is the subject of this report.
8. This assignment was not based on a requested minimum valuation or a specific valuation.
9. Race, color, religion, sex, national origin, handicap or familial status was not considered in estimating the values in this report.
10. **THIS IS NOT AN OPINION OF VALUE; IT IS A COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL.** In making any decision that relies upon this report, you should know that we have NOT followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

Gladys Bowers
Gladys Bowers
Real Estate Manager

4-18-07
Date

ORDINANCE NO. _____

AN ORDINANCE LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING ALLEY IN THE CITY OF DALLAS, TEXAS, TO WIT:

Alley between Casa Vale Drive and Moran Drive from Moran Drive to Losa Drive

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE, THE RATE OF INTEREST, AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY AND MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID ALLEY, AND PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvements of

Alley between Casa Vale Drive and Moran Drive from Moran Drive to Losa Drive

by filling, raising, grading, and paving same; and,

WHEREAS, pursuant to said resolution, specifications and an estimate of the cost of such improvements were prepared for said work by the Interim Director of Public Works and Transportation (City Engineer), filed with said Council, examined, approved, and adopted by it, all as required by applicable law; and,

WHEREAS, in compliance with the law the City Engineer prepared her statements or lists showing the names of property owners upon said alley the description of their property, the total cost of the said improvements, the cost there of per front foot and cost to each property owner, said statements possessing all the other requisites required by law; and,

WHEREAS, thereafter the said statements were filed with the City Council and by them examined and approved and a resolution was passed by said Council determining the necessity of making an assessment for part of the cost of said pavement against property owners and their property, and fixing a time and providing for a hearing to such property owners, all in accordance with the terms of applicable law, at which hearing to such property owners were to be heard as to the benefits of the said improvements to their property, as to any error or invalidity in said proceedings, or to any matter or thing connected with the said improvements and,

WHEREAS, the said resolution in connection with the improvement of said alley was duly adopted in compliance with the law on the 23rd day of May, 2007; and,

WHEREAS, in accordance with the terms of the law, the City Secretary of the City of Dallas gave notice to the property owners on said alleys of said hearing, by publishing a copy of said notice in the Dallas Morning News, a daily paper of general circulation in the City of Dallas, for three successive days prior to the days set for the hearing, to wit, the 27th day of June, 2007; and the City Secretary also gave notice of said hearing by mailing letters containing the same to said property owners at least fourteen (14) days before the said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate these proceedings; and,

WHEREAS, said hearing was held at the time and place mentioned in the said resolution and notice, to wit, on the 27th day of June, 2007 at 1:00 o'clock P.M. at the Council Chamber in the City Hall of the City of Dallas, Texas, which hearing was then closed; and,

WHEREAS, at said hearing, all desiring to contest the said assessments, correct the same, or in any manner be heard concerning the benefits thereof, or in any related matter, were heard, and errors and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected;

Now, Therefore,

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

SECTION 1. That the action of the City Council closing the hearing and overruling the protests at the public hearing on the 27th day of June, 2007, in these proceedings is hereby ratified and confirmed by this ordinance. That the City Council, from the evidence, finds that the assessments herein levied should be made and levied against the respective parcels of property abutting upon the alley herein below mentioned and against the owners thereof; that such assessments and charges are right and proper, and are substantially in proportion to the benefits to the respective parcels of property by means of the improvement in the unit or district for which such assessments are levied, and establish substantial justice, equality, and uniformity between the respective owners of the respective properties between all parties concerned, considering the benefits received and burdens imposed.

SECTION 1. (Continued)

The Council further finds that in each case the abutting property assessed is specially benefited in enhanced value to the said properties by means of the said improvements in the unit or district upon which the particular property abuts, and for which assessment is levied and charge made, in a sum in excess of the said assessment and charge made against the same by this ordinance. The Council further finds that the apportionment of the cost of the improvements is in accordance with the law in force in this City and that the proceedings of the City heretofore had with reference to said improvements are in all respects valid and regular.

SECTION 2. That there shall be and is hereby levied and assessed against the parcels of property hereinbelow mentioned, and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money below mentioned and itemized shown opposite the description of the respective parcels of property, and the several amounts assessed against the same and the owners thereof, as far as such owners are known, being as follows:

ALLEY BETWEEN CASA VALE DRIVE AND MORAN DRIVE FROM MORAN DRIVE TO LOSA DRIVE
 SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED
 CONCRETE 10 FEET WIDE.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
NORTH SIDE OF ALLEY						
CASA VALE ADDN						
JEFF KING 1217 CASA VALE DR. DALLAS, TX 75218-3141	3	10/5361	68 FT PMVT	\$15.10	\$1,026.80	
			ADJ PER ENHANCEMENT EVAL		\$176.80	
			NET DUE BY OWNER			\$850.00
LEILA C. WAGNER & CARL F. FAIRCHILD 1176 BALLY MOTE DR. DALLAS, TX 75218-3904	4 1223 CASA VALE DR.	10/5361	75 FT PMVT	\$15.10	\$1,132.50	
			ADJ PER ENHANCEMENT EVAL		\$195.00	
			NET DUE BY OWNER			\$937.50
HERBERT J. MOORE P. O. BOX 16646 WEST PALM BEACH, FL 33416-6646	5 1231 CASA VALE DR.	10/5361	75 FT PMVT	\$15.10	\$1,132.50	
			ADJ PER ENHANCEMENT EVAL		\$195.00	
			NET DUE BY OWNER			\$937.50
OLIVERO AGUILAR II 1237 CASA VALE DR. DALLAS, TX 75218-3141	6	10/5361	70 FT PMVT	\$15.10	\$1,057.00	
			ADJ PER ENHANCEMENT EVAL		\$182.00	
			NET DUE BY OWNER			\$875.00
JAMES H. MCMULLEN TRUSTEE MAGGIE P. MCMULLEN TRUSTE 10854 COTILLION DR. DALLAS, TX 75228-2407	7 1243 CASA VALE DR.	10/5361	65 FT PMVT	\$15.10	\$981.50	
			ADJ PER ENHANCEMENT EVAL		\$106.50	
			NET DUE BY OWNER			\$875.00
W. JERE BLACKSHEAR 1305 MONTSERRAT CIRCLE ROCKWALL, TX 75032-8901	8 1303 CASA VALE DR.	10/5361	60 FT PMVT	\$15.10	\$906.00	
			ADJ PER ENHANCEMENT EVAL		\$156.00	
			NET DUE BY OWNER			\$750.00

ALLEY BETWEEN CASA VALE DRIVE AND MORAN DRIVE FROM MORAN DRIVE TO LOSA DRIVE
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED
CONCRETE 10 FEET WIDE.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
UTE GRAEF 1307 CASA VALE DR. DALLAS, TX 75218-3143	9	10/5361	60 FT PMVT ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	\$15.10	\$906.00 \$156.00	\$750.00
KARL SYDOW 1315 MORAN DR. DALLAS, TX 75218-3153	10 1313 CASA VALE DR.	10/5361	60 FT PMVT ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	\$15.10	\$906.00 \$156.00	\$750.00
PATRICIA STANLEY 1317 CASA VALE DR. DALLAS, TX 75218-3143	11	10/5361	60 FT PMVT ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	\$15.10	\$906.00 \$156.00	\$750.00
EUGENE D. JOHNSON III & MICHELLE M. JOHNSON 10342 PLUMMER DR. DALLAS, TX 75228-2434	12 1321 CASA VALE DR.	10/5361	60 FT PMVT ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	\$15.10	\$906.00 \$156.00	\$750.00
JO ANN SPRAGUE 1327 CASA VALE DR. DALLAS, TX 75218-3143	13	10/5361	117 FT ADJ. TO 96 FT PVMT ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	\$15.10	\$1,449.60 \$249.60	\$1,200.00
SOUTH SIDE OF STREET						
LAKE PARK ESTATES						
NINA L. SEEDORF 1316 MORAN DR. DALLAS, TX 75218-3152	13	1/5362	58 FT PVMT ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	\$15.10	\$875.80 \$150.80	\$725.00

ALLEY BETWEEN CASA VALE DRIVE AND MORAN DRIVE FROM MORAN DRIVE TO LOSA DRIVE
 SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED
 CONCRETE 10 FEET WIDE.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
EATON ROAD LTD & MORGAN PARK LTD P. O. BOX 720104 DALLAS, TX 75372-0104	12 1308 MORAN DR.	1/5362 ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	75 FT PVMT	\$15.10	\$1,132.50 \$195.00	\$937.50
SHELLY ANN WINFORD 2183 MACK CIRCLE DALLAS, TX 75227-9317	11 1302 MORAN DR.	1/5362 ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	65 FT PVMT	\$15.10	\$981.50 \$169.00	\$812.50
GEORGE C. BREWER 1256 MORAN DR. DALLAS, TX 75218-3150	10	1/5362 ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	65 FT PVMT	\$15.10	\$981.50 \$169.00	\$812.50
LAKE PARK ESTATES						
JUSTIN R. BRODHEAD 1252 MORAN DR. DALLAS, TX 75218-3150	9	1/5362 ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	65 FT PVMT	\$15.10	\$981.50 \$169.00	\$812.50
WILLIAM C. MORRIS 1246 MORAN DR. DALLAS, TX 75218-3150	8	1/5362 ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	65 FT PVMT	\$15.10	\$981.50 \$169.00	\$812.50
AGUSTIN & VICKY MURATALLA 5331 PARRY AVE. DALLAS, TX 75223-1854	7 1240 MORAN DR	1/5362 ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	65 FT PVMT	\$15.10	\$981.50 \$169.00	\$812.50
SHARON A. ROGERS 1236 MORAN DR. DALLAS, TX 75218-3150	6	1/5362 ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	65 FT PVMT	\$15.10	\$981.50 \$169.00	\$812.50
TRACY R. DODD 1230 MORAN DR. DALLAS, TX 75218-3150	5	1/5362 ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	65 FT PVMT	\$15.10	\$981.50 \$169.00	\$812.50

ALLEY BETWEEN CASA VALE DRIVE AND MORAN DRIVE FROM MORAN DRIVE TO LOSA DRIVE
 SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED
 CONCRETE 10 FEET WIDE.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
LAKE PARK ESTATES						
ERLINDA CARRIER	4	1/5362	65 FT PVMT	\$15.10	\$981.50	
7828 BAR X STREET	1226 MORAN DR.	ADJ PER ENHANCEMENT EVAL			\$169.00	
DALLAS, TX 75228-6432		NET DUE BY OWNER				\$812.50
JOHN EDWARD KELSMARK	3	1/5362	62.5 FT PVMT	\$15.10	\$943.75	
1220 MORAN DR.		ADJ PER ENHANCEMENT EVAL			\$162.50	
DALLAS, TX 75218-3150		NET DUE BY OWNER				\$781.25
DENNIS VAN DUSEN & GLORIA VAN DUSEN	2	1/5362	47.5 FT PVMT	\$15.10	\$717.25	
1216 MORAN DR.		ADJ PER ENHANCEMENT EVAL			\$123.50	
DALLAS, TX 75218-3150		NET DUE BY OWNER				\$593.75
ELIZABETH JEAN CROW	1	1/5362				
3922 INWOOD RD.	10302					
DALLAS, TX 75209-5710	GARLAND RD.					
			NO ASSESSMENT			
			NO ACCESS TO ALLEY			

Alley between Casa Vale Drive and Moran Drive from Moran Drive to Losa Drive

Total Property Owners' Cost - Assessments	\$22,831.20	
Adjustments Per Enhancement Evaluation	\$3,868.70	
Net Due by Owner		\$18,962.50
Total City of Dallas' Cost - Paving	\$103,901.00	
Total City of Dallas' Cost - Drainage	\$104,107.50	
Total Dallas Water Utilities Cost Wastewater Main	\$109,915.00	
Total City of Dallas' Cost		\$317,923.50
Total Cost of Improvements		\$336,886.00

SECTION 3. That where more than one person, firm or corporation owns an interest in any property above described, each said person, firm or corporation shall be personally liable for its, his or her pro rata of the total assessment against such property in proportion as its, his or her respective interest bears to the total ownership of such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of such proportionate sum.

SECTION 4. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight per centum (8.00%) per annum, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be a first paramount lien thereon, superior to all other liens and claims except State, County, School District and City ad valorem taxes.

The sums so assessed against the abutting property and the owners thereof, shall be and become due and payable as follows, to wit, in twelve (12) equal installments, the first payable on or before thirty (30) days after the acceptance of the completed improvements by the City, and one (1) each month thereafter until the total amount is paid; deferred payments shall bear interest from the date of such completion and acceptance at the rate of eight per centum (8.00%) per annum, payable monthly with each installment, so that upon the completion and acceptance of the improvements in a particular unit or district, assessments against such completed and accepted unit or district shall be and become due and payable in such installments and with interest from the date of such completion and acceptance. Provided, however, that any owner shall have the right to pay the entire assessment, or any installment thereof, before maturity, by payment of principal and accrued interest, and further provided that if default shall be made in the payment of any installment of principal or interest promptly as the same matures, then the entire amount of the assessment upon which such default is made shall, at the option of the said City of Dallas, or its assigns, be and become immediately due and payable, and shall be collectible, together with reasonable attorney's fees and costs of collection, if incurred. Any assessed property owner, however, shall have the right to execute a mechanics and materialman's lien contract and a promissory note whereby the assessments due, together with interest at the rate mentioned above, shall be payable over a period of not longer than ten years in equal monthly payments, but each monthly payment shall never be less than \$5.00.

SECTION 5. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof shall be enforced either by suit in any court having jurisdiction or by lien foreclosure.

SECTION 6. That for the purpose of evidencing the several sums payable by said property owners and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates may be issued by the City of Dallas upon the completion and acceptance of the said work of improvement, which shall be executed by the Mayor, signing the same or by his facsimile signature impressed thereon, attested by the City Secretary, under the impress of the corporate seal, and shall be payable to the City of Dallas, or its assigns, which certificate shall declare the said amounts and the time and terms of payment thereof, and the said rate of interest payable thereof, and shall contain the name of the owner and the description of his property by Lot or Block Number of front feet thereof, or such description as may otherwise identify the same by reference to any other fact, and if said property shall be owned by an estate, then the description thereof as so owned shall be sufficient.

And the said certificates shall further provide that if default shall be made in the payment of any installment of principal or interest thereon, when due then at the option of the said City of Dallas being the owner and holder thereof, the whole of the said assessment shall at once become due and payable and shall be collectible with reasonable attorney's fees and costs if incurred.

And, that the said certificates shall further set forth and evidence the said personal liability of the owner and the lien upon his premises and shall provide that if default shall be made in the payment thereof, the same may be enforced as above provided.

And, that the said certificates shall further recite that the proceedings with reference to making said improvements have been regularly had in compliance with the terms of the applicable law, and that all prerequisites to the fixing of the lien and claims of personal liability evidenced by such certificates have been performed, which recitals shall be prima facie evidence of the facts so recited and no further proof thereof shall be required.

That the said certificates shall also provide that the amounts payable thereunder shall be paid to the City Controller of the City of Dallas, who shall credit said payments upon the said certificates, and shall immediately deposit the amounts so collected with the City Treasurer of the City of Dallas, to be kept and held by him in a special fund, which is hereby designated as Capital Assessments Fund and which payments shall be by the Treasurer paid to the said City of Dallas or other holder of the said certificates, on presentation thereof to him, duly credited by the City Controller the said credit by said City Controller being the Treasurer's Warranty for making such payment and the said City of Dallas or other holder of said certificate, shall receipt in writing to said Treasurer when paid in full, together with all costs of collection.

SECTION 6. (Continued)

And, that the said certificates shall further provide that the City of Dallas shall exercise all legal power, when requested so to do by the holder of said certificate, to aid in the collection thereof; but the City of Dallas shall in nowise be liable to the holder of said certificates in any manner for payment of the amount evidenced by the said certificates or for any costs or expense in the premises, or for any failure of the said City Council or any of its officers in connection therewith.

That full power to make and levy reassessments, and to correct mistakes, errors, invalidates or irregularities, either in the assessments or in the certificates issued in evidence thereof, is in accordance with the law in force in this City, vested in the City.

SECTION 7. That all assessments levied are a personal liability and charged against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 8. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law has been adopted as an alternative method for the construction of street improvements in the City of Dallas, Texas, by Chapter XX of the Charter of the City of Dallas.

SECTION 9. That the assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments for the improvements in one unit or district are in nowise related to or connected with the improvements in any other unit or district, and in making assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the assessments therefore in any other unit or district.

SECTION 10. That the City Manager, or her designee, is hereby authorized to execute releases of any paving assessment liens herein levied and assessed against the parcels of property and owners thereof, if same are fully paid, such releases to be approved as to form by the City Attorney and attested by the City Secretary.

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 ordained.


Distribution: Public Works and Transportation, Cheryl Nichols, OCMC, Room 101
Public Works and Transportation, Athan M. Thompson, OCMC, Room 307
City Attorney
Office of Financial Services

APPROVED AS TO FORM:

Thomas P. Perkins, Jr.
City Attorney

By 
Assistant City Attorney

Prepared by 
Paving Assessment Coordinator

Approved by  For Liz Fernandez
Interim Director of Public Works & Transportation

Passed and correctly enrolled _____

June 27, 2007

WHEREAS, on April 12, 2006, Resolution No. 06-1036 authorized a professional services contract; and,

WHEREAS, on May 23, 2007, Resolution No. 07-1546 authorized improvements and the public hearing; and,

WHEREAS, bids were received on April 19, 2007, for the alley paving, storm drainage and wastewater main improvements, as follows:

*Denotes successful bidder(s)

<u>BIDDERS</u>	<u>AMOUNT OF BID</u>
*Canary Construction, Inc.	\$336,886.00
RKM Utility Services	\$345,740.00
PAEE Engineering Co	\$368,788.75
P E Contractors Inc.	\$380,337.50
Meztec Contractors Inc.	\$383,892.00
Jeske Const. Co.	\$431,067.00
Camino Construction, L.P.	\$478,490.70

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 Canary Construction, Inc. for paving of the alley between Casa Vale Drive and Moran Drive from Moran Drive to Losa Drive, in an amount not to exceed \$336,886.00, this being the lowest responsive bid received as indicated by the tabulation of bids.

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

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

June 27, 2007

Street and Transportation Improvements Fund
Fund 3R22, Department PBW, Unit R081, Act. APET
Obj. 4510, Program #PB03R081, CT PBW03R081I1-01
Vendor #VC0000002719, in an amount not to exceed \$108,437.00

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R081, Act. APET
Obj. 4510, Program #PB03R081, CT PBW03R081I1-02
Vendor #VC0000002719, in an amount not to exceed \$118,534.00

Wastewater Capital Improvement Fund
Fund 0116, Department DWU, Unit PS42, Act. RELP
Obj. 4560, Program #707128, Reporting TL87, CT PBW707128CP
Vendor #VC0000002719, in an amount not to exceed \$103,315.00

Wastewater Construction Fund
Fund 0103, Department DWU, Unit CS42, Act. RELP
Obj. 3222, Program #707128X, Reporting TL87, CT PBW707128EN
Vendor #VC0000002719, in an amount not to exceed \$6,600.00

Total in an amount not to exceed \$336,886.00

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, Dell Cole, OCMC, Room 307
 City Attorney
 Water, Esther Darden, 5AN

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007
COUNCIL DISTRICT(S): 5
DEPARTMENT: Public Works & Transportation
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: 59K

SUBJECT

A benefit assessment hearing to receive comments on street paving, storm drainage, water and wastewater main improvements on Memory Lane from Lake June Road to Eloise Street, and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: No cost consideration to the City

BACKGROUND

Memory Lane from Lake June Road to Adell Drive to Eloise Street was requested by property owner petition and accepted in August 5, 2002. The street improvements will consist of upgrading the existing unimproved two-lane asphalt street with 26-foot wide concrete pavement with curbs, sidewalks, drive approaches, storm drainage, water and wastewater main improvements.

The paving assessment process requires the following three steps:

- Authorize paving improvements.
- Authorize a benefit assessment hearing.
- Benefit assessment hearing, ordinance levying assessments and authorize contract for construction.

This action is the 3rd step in the process. This project will be awarded on August 8, 2007.

ESTIMATED SCHEDULE OF PROJECT

Began Design	July 2006
Completed Design	March 2007
Begin Construction	September 2007
Complete Construction	January 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on April 12, 2006, by Resolution No. 06-1036.

Authorized street paving improvements and a benefit assessment hearing on May 23, 2007, by Resolution No. 07-1547.

FISCAL INFORMATION

No cost consideration to the City.

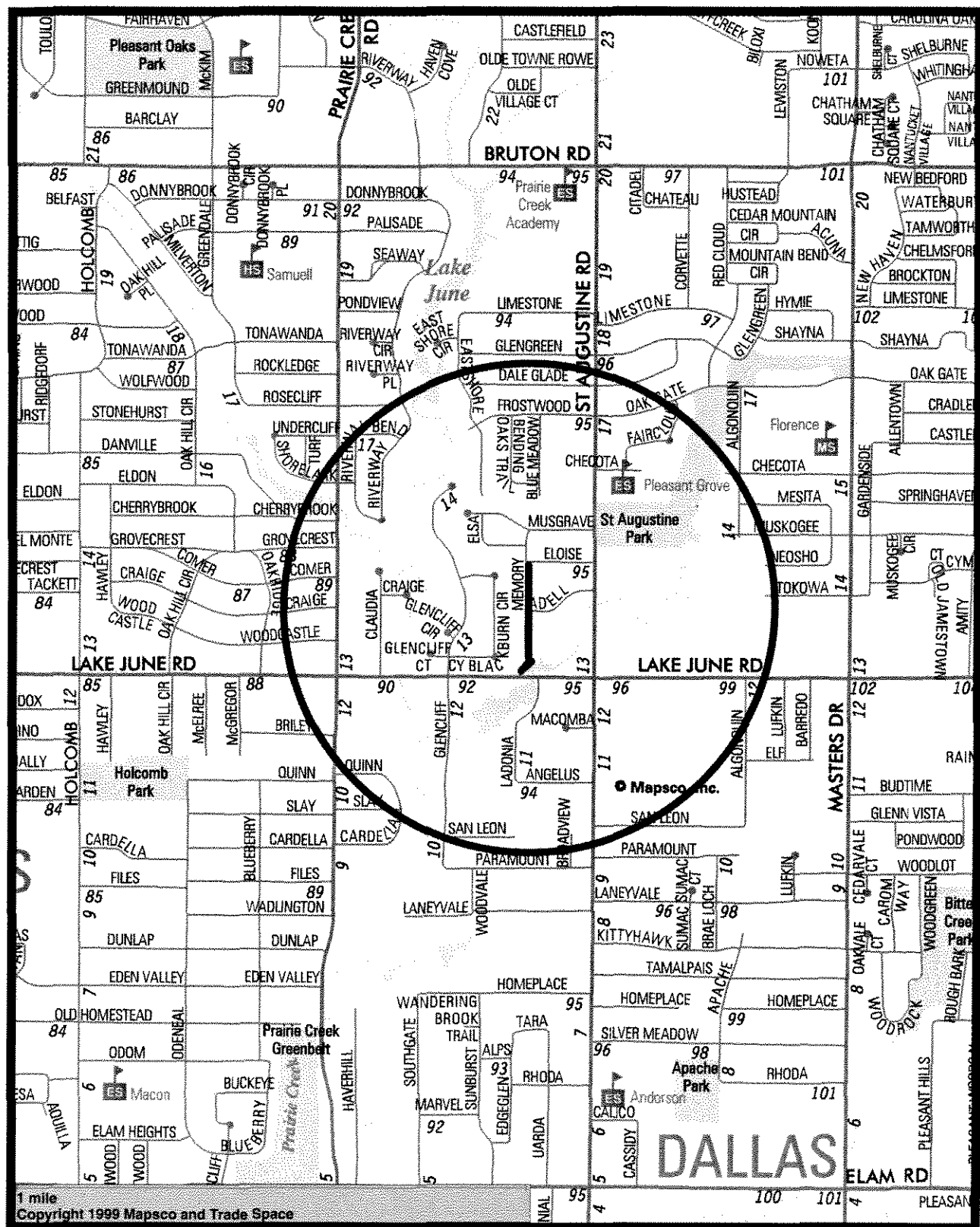
Design	\$ 85,182
Construction	
Paving & Drainage (PBW)	\$613,723 (est.)
Water & Wastewater (WTR)	<u>\$268,000 (est.)</u>
Total Project Cost	\$966,905 (est.)

This project does involve assessments.

MAP

Attached.

MEMORY LANE

**Mapsc0 59K**

June 27, 2007

WHEREAS, heretofore, a resolution was duly adopted by the City Council of the City of Dallas for the improvement of the following street between the limits set forth, out of materials specified, ordering that bids be taken for the construction, and ordering that an estimate of the cost of such improvements be prepared, to wit:

Memory Lane from Lake June Road to Adell Drive to Eloise Street

and,

WHEREAS, by resolution such estimate and specifications were duly adopted therefore, and the Purchasing Agent was authorized to advertise for bids for such construction; and,

WHEREAS, by resolution the City Council determined the necessity for assessing a portion of the cost of such improvements against the property abutting such improvements, and the owners thereof, and duly and legally set a time and place for a public hearing thereon, and provided for notice to be given to such owners, as provided by law; and,

WHEREAS, the said hearing was duly held at said time and place, and,

WHEREAS, the City Council, after fully considering said proposed assessments, and fully considering the benefits that each property owner and his property receive from making said improvements, is of the opinion that the said proposed assessments determined to be levied are fair and equitable, and in accordance with the enhancement report submitted by the Real Estate Manager, Development Services Department, representing the benefits that the said property receives in enhanced values from the making of the said improvements, and that the said assessments should be made, and,

WHEREAS, the Council having no further protest, remonstrance, or objection before it, is of the opinion that the said hearing should be closed;

Now, Therefore,

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

SECTION 1. That the said hearing held on the 27th day of June A.D. 2007 be and the same is hereby ordered closed.

June 27, 2007

SECTION 2. That the City Attorney is hereby directed to prepare an ordinance assessing against the several owners of the abutting property, and against their property abutting upon the street hereinabove mentioned, the proportionate part of said cost herein adjudged against the said respective owners and their property, such assessments to be in accordance with the attached enhancement report. That the said ordinance shall fix a lien upon said property, and shall declare said respective owners thereof to be respectively liable for the amounts so adjudged against them. Said ordinance shall in all respects comply with the applicable law in such cases made and provided.

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, Athan M. Thompson, OCMC, Room 307
 City Attorney
 Office of Financial Services

III-SP-2

PAVING ASSESSMENT ENHANCEMENT STUDY – MEMORY LANE FROM LAKE JUNE ROAD TO ADELL DRIVE TO ELOISE STREET

DEFINITIONS AND LIMITING CONDITIONS

MARKET VALUE

The most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

The price which the property would bring when it is offered for sale by who desires, but is not obligated to sell, and is bought by one who is no necessity of buying it. State v. Carpenter (Tex Comm App 1936) S.W.2d 194, 2002.

FRONT FOOT RULE

Each front foot of an abutting owner's property is assessed a portion of the total cost of improvements which is equal to the portion of the assessment levied against each front foot of property of other abutting owners along the improved segment of the road. Provided that the assessment must be no greater than the benefit to the particular individual abutting property and there must be an equitable adjustment for any application of the rule in an injustice or inequality, see Dufford v. City of Corpus Christi (Civ.App.1960) 332 S.W.2d 447,450 and Section 313.044, Transportation Code.

SPECIAL BENEFITS

An enhancement more localized than a general improvement in community welfare, but not necessarily unique to a given piece of property. A special benefit is going beyond the general benefits supposed to diffuse itself from the improvements through the municipality. Haynes v. City of Abilene (Tex 1983) 659 S.W.2d 638,641.

LIMITATIONS

1. Ownership information was obtained from information appearing on the Tax Rolls.
2. Information furnished by others is assumed to be correct and reliable.
3. The existence of potentially hazardous materials on or in the properties has not been considered.
4. **THIS IS AN OPINION OF VALUE OR COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL.** In making any decision that relies upon our work, you should know that we have not followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

PAVING ASSESSMENT STUDY BASIC PROCEDURES

The City of Dallas by City Council policy and in accordance with State law assesses abutting property owners a portion of the cost for paving of streets, sidewalks and alleys. This program is administered by the Public Works and Transportation Department (Public Works) with an enhancement review and adjustments as required by the Department of Development Services Real Estate Division (Real Estate.)

The Public Works calculates proposed assessments based upon the Front Foot Rule with adjustments for factors such as irregularly shaped lots, flood plains, zoning and lot orientation. The City council has established policy guidelines to lessen the impact of the Front Foot Rule and to provide for more equitable assessments (Resolution #65-2602 and Resolution #74-1272). The proposed assessments per the construction bid, as adjusted by Public Works, are submitted to Real Estate.

Upon receipt of the preliminary assessment figures from the Public Works, Real Estate staff review each assessment to ensure that special benefits are estimated to ensure that special benefits exceed the assessment, then the assessment is adjusted downward to an amount which, in the opinion of the Real Estate staff, is clearly supported by the special benefits to the property. Real Estate goes through a review process which includes the following:

1. The tax rolls are checked to determine the size of the parcel and the land value on the tax roll;
2. Comparable land sales are checked to assist in determining land value estimates;
3. Zoning maps are checked to determine the correct zoning of each parcel to be assessed;
4. Flood plain and drainage maps are reviewed, where drainage problems appear to significantly affect parcels to be assessed;
5. All parcels are viewed by staff to identify special or unique factors which could affect the level of benefits resulting from the project for each property to be assessed;
6. Paving assessments in connection with other comparable City Projects are reviewed to ensure overall consistency and fairness.

DESCRIPTION OF PROJECT

This project is generally described as follows:

MEMORY LANE FROM LAKE JUNE ROAD TO ADELL DRIVE TO ELOISE STREET SHALL BE PAVED WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURB; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 or 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

While acknowledging the positive impact that the proposed improvements will have on the overall aesthetic value of the neighborhood, it is difficult to quantify this value correctly and virtually impossible to present the cost of such improvements as their value-added to property owners. A typical example is landscape or flooring installation. A property owner may spend \$20,000 on such improvements, but these improvements may add not more than \$5,000 to the value of the property.

For this reason, the proposal to assess the property owners for their proportionate cost by the front-foot method is not recommended. We acknowledge that the new improvements will enhance the value of the properties. In our opinion, however, the improvements will not increase values of the properties at the rate indicated.

In an effort to be equitable to the property owners, we recommend that the property owners be assessed as indicated in following tables. We feel that the values presented are a fair and reasonable value for the assessments.

MEMORY LANE FROM LAKE JUNE ROAD TO ADELL DRIVE TO ELOISE STREET SHALL BE PAVED WITH 6-INCH THICKNESS 4000 POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURB; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY WILL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT	ASSESSED VALUE-LAND	ZONING	RECOMMEND ASSESSMENT
WEST SIDE OF STREET									
	<i>Cole Estates</i>								
EUGENE V. & JOSEFINA RUIZ 1305 MEMORY LN. DALLAS, TX 75217-2609	PT. LOT 1 74X153.7 X150X119.26 X40	1/6698	159.2 FT 69.2 FT 50 FT 109.2 FT 18.3 SY	ADJ. TO PMVT PMVT WALK DR.(10')	\$60.55 \$4,190.06 \$58.65 \$2,932.50 \$7.92 \$864.86 \$40.80 \$746.64				
						\$8,734.06	\$8,000	R-7.5	\$3,293.30
LONIA M. GRAY 1319 MEMORY LN. DALLAS, TX 75217-2609	1A	1/6698	100 FT 90 FT 12 FT	PMVT WALK DRIVE	\$60.55 \$6,055.00 \$7.92 \$712.80 NO COST \$0.00				
						\$6,767.80	\$8,000	R-7.5	\$2,635.00
STELLA LEE FITZGERALD 1325 MEMORY LN. DALLAS, TX 75217-2609	2	1/6698	80 FT 70 FT 10 FT	PMVT WALK DRIVE	\$60.55 \$4,844.00 \$7.92 \$554.40 NO COST \$0.00				
						\$5,398.40	\$8,000	R-7.5	\$2,105.00
WANDA & ERIC WILLIAMS 1335 MEMORY LN. DALLAS, TX 75217-2609	3	1/6698	80 FT 70 FT 10 FT	PMVT WALK DRIVE	\$60.55 \$4,844.00 \$7.92 \$554.40 NO COST \$0.00				
						\$5,398.40	\$8,000	R-7.5	\$2,105.00
AUDREY SANDERS ET AL P. O. BOX 756 ROCKWALL, TX 75087-0756	4 1339 MEMORY LN.	1/6698	80 FT 70 FT 10 FT	PMVT WALK DRIVE	\$60.55 \$4,844.00 \$7.92 \$554.40 NO COST \$0.00				
						\$5,398.40	\$8,000	R-7.5	\$2,105.00

<i>Cole Estates</i>									
NATHANIEL & VONITA NEEDUM	5	1/6698	80 FT	PMVT	\$60.55	\$4,844.00			
			70 FT	WALK	\$7.92	\$554.40			
1345 MEMORY LN.			10 FT	DRIVE	NO COST	\$0.00			
DALLAS, TX 75217-2609							\$5,398.40	\$8,000	R-7.5 \$2,105.00
JAIME & YOLANDA MUNOZ	6	1/6698	80 FT	PMVT	\$60.55	\$4,844.00			
			70 FT	WALK	\$7.92	\$554.40			
1351 MEMORY LN.			10 FT	DRIVE	NO COST	\$0.00			
DALLAS, TX 75217-2609							\$5,398.40	\$8,000	R-7.5 \$2,105.00
MANUEL O. RAMIREZ	7	1/6698	75 FT	PMVT	\$60.55	\$4,541.25			
			65 FT	WALK	\$7.92	\$514.80			
1403 MEMORY LN.			10 FT	DRIVE	NO COST	\$0.00			
DALLAS, TX 75217-2611							\$5,056.05	\$8,000	R-7.5 \$1,972.50
W.J. & AUDREY SANDERS	8	1/6698	75 FT	PMVT	\$60.55	\$4,541.25			
P. O. BOX 756	1409		65 FT	WALK	\$7.92	\$514.80			
ROCKWALL, TX 75087-0756	MEMORY LN.		10 FT	DRIVE	NO COST	\$0.00			
							\$5,056.05	\$8,000	R-7.5 \$1,972.50
JOSE L. MENDEZ	9	1/6698	75 FT	PMVT	\$60.55	\$4,541.25			
			65 FT	WALK	\$7.92	\$514.80			
1415 MEMORY LN.			10 FT	DRIVE	NO COST	\$0.00			
DALLAS, TX 75217-2611							\$5,056.05	\$8,000	R-7.5 \$1,972.50
BLAS GARZA	10	1/6698	75 FT	PMVT	\$60.55	\$4,541.25			
	1419		65 FT	WALK	\$7.92	\$514.80			
306 MCVEY AVE.	MEMORY LN.		10 FT	DRIVE	NO COST	\$0.00			
DALLAS, TX 75224-3520							\$5,056.05	\$8,000	R-7.5 \$1,972.50
MARIA ARREOLA	11	1/6698	75 FT	PMVT	\$60.55	\$4,541.25			
	1425		65 FT	WALK	\$7.92	\$514.80			
659 PLEASANT OAKS DR.	MEMORY LN.		10 FT	DRIVE	NO COST	\$0.00			
DALLAS, TX 75217-3667							\$5,056.05	\$8,000	R-7.5 \$1,972.50

MARIA ORALIA GARZA & JUAN C. VERASTEGUI 1431 MEMORY LN. DALLAS, TX 75217-2611	12	1/6698	105 FT 80 FT 70 FT 10 FT	ADJ. TO PMVT WALK DRIVE	\$60.55 \$7.92 NO COST	\$4,844.00 \$554.40 \$0.00	\$5,398.40	\$8,000	R-7.5	\$2,105.00
EAST SIDE OF STREET										
<i>Cole Estates</i>										
ARTHUR L. & CYNTHIA A. GARCIA 1430 MEMORY LN. DALLAS, TX 75217-2610	1	2/6698	120 FT 95 FT 85 FT 18.3 SY	ADJ. TO PMVT WALK DR. (10')	\$60.55 \$7.92 \$40.80	\$5,752.25 \$673.20 \$746.64	\$7,172.09	\$8,000	R-7.5	\$2,770.00
RODRIGO HERNANDEZ 1424 MEMORY LN. DALLAS, TX 75217-2610	2	2/6698	75 FT 65 FT 10 FT	PMVT WALK DRIVE	\$60.55 \$7.92 NO COST	\$4,541.25 \$514.80 \$0.00	\$5,056.05	\$8,000	R-7.5	\$1,972.50
OLGA CORLEY 1418 MEMORY LN. DALLAS, TX 75217-2610	3	2/6698	75 FT 63 FT 12 FT	PMVT WALK DRIVE	\$60.55 \$7.92 NO COST	\$4,541.25 \$498.96 \$0.00	\$5,040.21	\$8,000	R-7.5	\$1,969.50
AMERICAN INVESTORS IN REAL ESTATE INC. 1824 SYLVAN AVE. DALLAS, TX 75208-2038	4	2/6698	75 FT 63 FT 12 FT	PMVT WALK DRIVE	\$60.55 \$7.92 NO COST	\$4,541.25 \$498.96 \$0.00	\$5,040.21	\$8,000	R-7.5	\$1,969.50
JACQUELINE E. ROBERTSON 1404 MEMORY LN. DALLAS, TX 75217-2610	5	2/6698	115 FT 90 FT 80 FT 10 FT	ADJ. TO PMVT WALK DRIVE	\$60.55 \$7.92 NO COST	\$5,449.50 \$633.60 \$0.00	\$6,083.10	\$8,000	R-7.5	\$2,370.00

ADELL DRIVE INTERSECTS

Cole Estates

EARL D. PARKER	5	3/6698	120	FT	ADJ. TO			
1348 MEMORY LN.			95	FT	PMVT	\$60.55	\$5,752.25	
DALLAS, TX 75217-2608			95	FT	WALK	\$7.92	\$752.40	
			NO DRIVEWAY			\$0.00		
						\$6,504.65	\$8,000 R-7.5	\$2,517.50

OSCAR J. STROEHMER	4	3/6698	75	FT	PMVT	\$60.55	\$4,541.25	
P. O. BOX 170275	1338		65	FT	WALK	\$7.92	\$514.80	
DALLAS, TX 75217-0275	MEMORY LN.		10	FT	DRIVE	NO COST	\$0.00	
						\$5,056.05	\$8,000 R-7.5	\$1,969.50

EDUARDO &	3	3/6698	87.5	FT	PMVT	\$60.55	\$5,298.13	
MARTHA ESPINOZA			77.5	FT	WALK	\$7.92	\$613.80	
1334 MEMORY LN.			10	FT	DRIVE	NO COST	\$0.00	
DALLAS, TX 75217-2608						\$5,911.93	\$10,000 R-7.5	\$2,303.75

JOSE F. &	2	3/6698	87.5	FT	PMVT	\$60.55	\$5,298.13	
MARIA CERVANTES			77.5	FT	WALK	\$7.92	\$613.80	
1324 MEMORY LN.			10	FT	DRIVE	NO COST	\$0.00	
DALLAS, TX 75217-2608						\$5,911.93	\$9,200 R-7.5	\$2,303.75

***Cole Estates
No. 1***

KENNETH B. &	PT. LOT 1	3/6698	203	FT	PMVT	\$60.55	\$12,291.65	
SANDRA WINN	1.861 ACS.		50	FT	PMVT	\$58.65	\$2,932.50	
1310 MEMORY LN.	2.2377		253	FT	WALK	\$7.92	\$2,003.76	
DALLAS, TX 75217-2608	ACS. - 16.432'		25.6	SY	DR. (16')	\$40.80	\$1,044.48	
	DRAINAGE EASEMENT					\$18,272.39	\$21,490 R-7.5	\$7,240.00

CERTIFICATE

We certify that, except as otherwise noted in this report, that:

1. The statements of fact contained in this report are true and correct to the best of our knowledge.
2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and is our personal, unbiased and professional analyses, opinions and conclusions.
3. We have no present or prospective interest in the property which is the subject of this report and we have no personal interest or bias with respect to the parties involved.
4. Our compensation is not contingent upon an action or event resulting from the analyses, opinions or conclusions in, or the use of, our report.
5. Ownership and site data was obtained from information appearing in the Tax Rolls and for data provided to us by the Department of Public Works and Transportation.
6. The analyses, opinions and conclusions were developed and this report has been prepared in conformity with the rules of the Texas Real Estate Commission.
7. Mark Gooch has made a personal inspection of the project area, which is the subject of this report.
8. This assignment was not based on a requested minimum valuation or a specific valuation.
9. Race, color, religion, sex, national origin, handicap or familial status was not considered in estimating the values in this report.
10. **THIS IS NOT AN OPINION OF VALUE; IT IS A COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL.** In making any decision that relies upon this report, you should know that we have NOT followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

Gladys Bowens
Gladys Bowens
Real Estate Manager

5-9-07
Date

ORDINANCE NO. _____

AN ORDINANCE LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREET IN THE CITY OF DALLAS, TEXAS, TO WIT:

Memory Lane from Lake June Road to Adell Drive to Eloise Street

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE, THE RATE OF INTEREST, AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY AND MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID STREET, AND PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvements of

Memory Lane from Lake June Road to Adell Drive to Eloise Street

by filling, raising, grading, and paving same; and,

WHEREAS, pursuant to said resolution, specifications and an estimate of the cost of such improvements were prepared for said work by the Interim Director of Public Works and Transportation (City Engineer), filed with said Council, examined, approved, and adopted by it, all as required by applicable law; and,

WHEREAS, in compliance with the law the City Engineer prepared her statements or lists showing the names of property owners upon said street the description of their property, the total cost of the said improvements, the cost there of per front foot and cost to each property owner, said statements possessing all the other requisites required by law; and,

WHEREAS, thereafter the said statements were filed with the City Council and by them examined and approved and a resolution was passed by said Council determining the necessity of making an assessment for part of the cost of said pavement against property owners and their property, and fixing a time and providing for a hearing to such property owners, all in accordance with the terms of applicable law, at which hearing to such property owners were to be heard as to the benefits of the said improvements to their property, as to any error or invalidity in said proceedings, or to any matter or thing connected with the said improvements and,

WHEREAS, the said resolution in connection with the improvement of said street was duly adopted in compliance with the law on the 23rd day of May, 2007; and,

WHEREAS, in accordance with the terms of the law, the City Secretary of the City of Dallas gave notice to the property owners on said street of said hearing, by publishing a copy of said notice in the Dallas Morning News, a daily paper of general circulation in the City of Dallas, for three successive days prior to the days set for the hearing, to wit, the 27th day of June, 2007; and the City Secretary also gave notice of said hearing by mailing letters containing the same to said property owners at least fourteen (14) days before the said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate these proceedings; and,

WHEREAS, said hearing was had at the time and place mentioned in the said resolution and notice, to wit, on the 27th day of June 2007 at 1:00 o'clock P.M. at the Council Chamber in the City Hall of the City of Dallas, Texas, which hearing was then closed; and,

WHEREAS, at said hearing, all desiring to contest the said assessments, correct the same, or in any manner be heard concerning the benefits thereof, or in any related matter, were heard, and errors and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected;

Now, Therefore,

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

SECTION 1. That the action of the City Council closing the hearing and overruling the protests at the public hearing on the 27th day of June, 2007, in these proceedings is hereby ratified and confirmed by this ordinance. That the City Council, from the evidence, finds that the assessments herein levied should be made and levied against the respective parcels of property abutting upon the street herein below mentioned and against the owners thereof; that such assessments and charges are right and proper, and are substantially in proportion to the benefits to the respective parcels of property by means of the improvement in the unit or district for which such assessments are levied, and establish substantial justice, equality, and uniformity between the respective owners of the respective properties between all parties concerned, considering the benefits received and burdens imposed.

SECTION 1 (Continued)

The Council further finds that in each case the abutting property assessed is specially benefited in enhanced value to the said properties by means of the said improvements in the unit or district upon which the particular property abuts, and for which assessment is levied and charge made, in a sum in excess of the said assessment and charge made against the same by this ordinance. The Council further finds that the apportionment of the cost of the improvements is in accordance with the law in force in this City and that the proceedings of the City heretofore had with reference to said improvements are in all respects valid and regular.

SECTION 2. That there shall be and is hereby levied and assessed against the parcels of property hereinbelow mentioned, and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money below mentioned and itemized shown opposite the description of the respective parcels of property, and the several amounts assessed against the same and the owners thereof, as far as such owners are known, being as follows:

MEMORY LANE FROM LAKE JUNE ROAD TO ADELL DRIVE TO ELOISE STREET
 SHALL BE PAVED WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED
 CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED SUBGRADE; WITH 6-INCH HEIGHT
 INTEGRAL CURB; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH;
 WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 or 5 FEET WIDE WHERE
 SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET						
	<i>Cole Estates</i>					
EUGENE V. & JOSEFINA RUIZ 1305 MEMORY LN. DALLAS, TX 75217-2609	PT. LOT 1 74X153.7 X150X119.26 X40	1/6698	159.2 FT 69.2 FT 50 FT 109.2 FT 18.3 SY	ADJ. TO PMVT PMVT WALK DR.(10')	\$60.55 \$4,190.06 \$58.65 \$2,932.50 \$7.92 \$864.86 \$40.80 \$746.64	
			TOTAL		\$8,734.06	
			ADJ PER ENHANCEMENT EVAL		\$5,440.76	
			NET DUE BY OWNER			\$3,293.30
LONIA M. GRAY 1319 MEMORY LN. DALLAS, TX 75217-2609	1A	1/6698	100 FT 90 FT 12 FT	PMVT WALK DRIVE	\$60.55 \$6,055.00 \$7.92 \$712.80 NO COST \$0.00	
			TOTAL		\$6,787.80	
			ADJ PER ENHANCEMENT EVAL		\$4,132.80	
			NET DUE BY OWNER			\$2,635.00
STELLA LEE FITZGERALD 1325 MEMORY LN. DALLAS, TX 75217-2609	2	1/6698	80 FT 70 FT 10 FT	PMVT WALK DRIVE	\$60.55 \$4,844.00 \$7.92 \$554.40 NO COST \$0.00	
			TOTAL		\$5,398.40	
			ADJ PER ENHANCEMENT EVAL		\$3,293.40	
			NET DUE BY OWNER			\$2,105.00
WANDA & ERIC WILLIAMS 1335 MEMORY LN. DALLAS, TX 75217-2609	3	1/6698	80 FT 70 FT 10 FT	PMVT WALK DRIVE	\$60.55 \$4,844.00 \$7.92 \$554.40 NO COST \$0.00	
			TOTAL		\$5,398.40	
			ADJ PER ENHANCEMENT EVAL		\$3,293.40	
			NET DUE BY OWNER			\$2,105.00
AUDREY SANDERS ET AL P. O. BOX 756 ROCKWALL, TX 75087-0756	4 1339 MEMORY LN.	1/6698	80 FT 70 FT 10 FT	PMVT WALK DRIVE	\$60.55 \$4,844.00 \$7.92 \$554.40 NO COST \$0.00	
			TOTAL		\$5,398.40	
			ADJ PER ENHANCEMENT EVAL		\$3,293.40	
			NET DUE BY OWNER			\$2,105.00

MEMORY LANE FROM LAKE JUNE ROAD TO ADELL DRIVE TO ELOISE STREET
 SHALL BE PAVED WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED
 CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED SUBGRADE; WITH 6-INCH HEIGHT
 INTEGRAL CURB; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH;
 WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 or 5 FEET WIDE WHERE
 SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
Cole Estates						
NATHANIEL & VONITA NEEDUM 1345 MEMORY LN. DALLAS, TX 75217-2609	5	1/6698	80 FT PMVT 70 FT WALK 10 FT DRIVE	\$60.55 \$7.92 NO COST	\$4,844.00 \$554.40 \$0.00	\$5,398.40 \$3,293.40 \$2,105.00
TOTAL						\$5,398.40
ADJ PER ENHANCEMENT EVAL						\$3,293.40
NET DUE BY OWNER						\$2,105.00
JAIME & YOLANDA MUNOZ 1351 MEMORY LN. DALLAS, TX 75217-2609	6	1/6698	80 FT PMVT 70 FT WALK 10 FT DRIVE	\$60.55 \$7.92 NO COST	\$4,844.00 \$554.40 \$0.00	\$5,398.40 \$3,293.40 \$2,105.00
TOTAL						\$5,398.40
ADJ PER ENHANCEMENT EVAL						\$3,293.40
NET DUE BY OWNER						\$2,105.00
MANUEL O. RAMIREZ 1403 MEMORY LN. DALLAS, TX 75217-2611	7	1/6698	75 FT PMVT 65 FT WALK 10 FT DRIVE	\$60.55 \$7.92 NO COST	\$4,541.25 \$514.80 \$0.00	\$5,056.05 \$3,083.55 \$1,972.50
TOTAL						\$5,056.05
ADJ PER ENHANCEMENT EVAL						\$3,083.55
NET DUE BY OWNER						\$1,972.50
W.J. & AUDREY SANDERS P. O. BOX 756 ROCKWALL, TX 75087-0756	8 1409 MEMORY LN.	1/6698	75 FT PMVT 65 FT WALK 10 FT DRIVE	\$60.55 \$7.92 NO COST	\$4,541.25 \$514.80 \$0.00	\$5,056.05 \$3,083.55 \$1,972.50
TOTAL						\$5,056.05
ADJ PER ENHANCEMENT EVAL						\$3,083.55
NET DUE BY OWNER						\$1,972.50
JOSE L. MENDEZ 1415 MEMORY LN. DALLAS, TX 75217-2611	9	1/6698	75 FT PMVT 65 FT WALK 10 FT DRIVE	\$60.55 \$7.92 NO COST	\$4,541.25 \$514.80 \$0.00	\$5,056.05 \$3,083.55 \$1,972.50
TOTAL						\$5,056.05
ADJ PER ENHANCEMENT EVAL						\$3,083.55
NET DUE BY OWNER						\$1,972.50

MEMORY LANE FROM LAKE JUNE ROAD TO ADELL DRIVE TO ELOISE STREET
 SHALL BE PAVED WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED
 CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED SUBGRADE; WITH 6-INCH HEIGHT
 INTEGRAL CURB; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH;
 WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 or 5 FEET WIDE WHERE
 SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
BLAS GARZA	10	1/6698	75 FT PMVT	\$60.55	\$4,541.25	
306 MCVEY AVE.	1419		65 FT WALK	\$7.92	\$514.80	
DALLAS, TX 75224-3520	MEMORY LN.		10 FT DRIVE	NO COST	\$0.00	
		TOTAL			\$5,056.05	
		ADJ PER ENHANCEMENT EVAL			\$3,083.55	
		NET DUE BY OWNER				\$1,972.50
MARIA ARREOLA	11	1/6698	75 FT PMVT	\$60.55	\$4,541.25	
659 PLEASANT OAKS DR.	1425		65 FT WALK	\$7.92	\$514.80	
DALLAS, TX 75217-3667	MEMORY LN.		10 FT DRIVE	NO COST	\$0.00	
		TOTAL			\$5,056.05	
		ADJ PER ENHANCEMENT EVAL			\$3,083.55	
		NET DUE BY OWNER				\$1,972.50
MARIA ORALIA GARZA & JUAN C. VERASTEGUI	12	1/6698	105 FT ADJ. TO			
1431 MEMORY LN.			80 FT PMVT	\$60.55	\$4,844.00	
DALLAS, TX 75217-2611			70 FT WALK	\$7.92	\$554.40	
			10 FT DRIVE	NO COST	\$0.00	
		TOTAL			\$5,396.40	
		ADJ PER ENHANCEMENT EVAL			\$3,293.40	
		NET DUE BY OWNER				\$2,105.00
EAST SIDE OF STREET						
<i>Cole Estates</i>						
ARTHUR L. & CYNTHIA A. GARCIA	1	2/6698	120 FT ADJ. TO			
1430 MEMORY LN.			95 FT PMVT	\$60.55	\$5,752.25	
DALLAS, TX 75217-2610			85 FT WALK	\$7.92	\$673.20	
			18.3 SY DR.(10')	\$40.80	\$746.64	
		TOTAL			\$7,172.09	
		ADJ PER ENHANCEMENT EVAL			\$4,402.09	
		NET DUE BY OWNER				\$2,770.00
RODRIGO HERNANDEZ	2	2/6698	75 FT PMVT	\$60.55	\$4,541.25	
1424 MEMORY LN.			65 FT WALK	\$7.92	\$514.80	
DALLAS, TX 75217-2610			10 FT DRIVE	NO COST	\$0.00	
		TOTAL			\$5,056.05	
		ADJ PER ENHANCEMENT EVAL			\$3,083.55	
		NET DUE BY OWNER				\$1,972.50

MEMORY LANE FROM LAKE JUNE ROAD TO ADELL DRIVE TO ELOISE STREET
 SHALL BE PAVED WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED
 CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED SUBGRADE; WITH 6-INCH HEIGHT
 INTEGRAL CURB; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH;
 WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 or 5 FEET WIDE WHERE
 SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
OLGA CORLEY	3	2/6698	75 FT	PMVT	\$60.55	\$4,541.25	
1418 MEMORY LN.			63 FT	WALK	\$7.92	\$498.96	
DALLAS, TX 75217-2610			12 FT	DRIVE	NO COST	\$0.00	
		TOTAL				\$5,040.21	
		ADJ PER ENHANCEMENT EVAL				\$3,070.71	
		NET DUE BY OWNER					\$1,969.50
AMERICAN INVESTORS IN	4	2/6698	75 FT	PMVT	\$60.55	\$4,541.25	
REAL ESTATE INC.	1412		63 FT	WALK	\$7.92	\$498.96	
1824 SYLVAN AVE.	MEMORY LN.		12 FT	DRIVE	NO COST	\$0.00	
DALLAS, TX 75208-2038		TOTAL				\$5,040.21	
		ADJ PER ENHANCEMENT EVAL				\$3,070.71	
		NET DUE BY OWNER					\$1,969.50
JACQUELINE E. ROBERTSON	5	2/6698	115 FT	ADJ. TO			
1404 MEMORY LN.			90 FT	PMVT	\$60.55	\$5,449.50	
DALLAS, TX 75217-2610			80 FT	WALK	\$7.92	\$633.60	
			10 FT	DRIVE	NO COST	\$0.00	
		TOTAL				\$6,083.10	
		ADJ PER ENHANCEMENT EVAL				\$3,713.10	
		NET DUE BY OWNER					\$2,370.00
ADELL DRIVE INTERSECTS							
	Cole Estates						
EARL D. PARKER	5	3/6698	120 FT	ADJ. TO			
1348 MEMORY LN.			95 FT	PMVT	\$60.55	\$5,752.25	
DALLAS, TX 75217-2608			95 FT	WALK	\$7.92	\$752.40	
			NO DRIVEWAY			\$0.00	
		TOTAL				\$6,504.65	
		ADJ PER ENHANCEMENT EVAL				\$3,987.15	
		NET DUE BY OWNER					\$2,517.50
OSCAR J. STROEHMER	4	3/6698	75 FT	PMVT	\$60.55	\$4,541.25	
P. O. BOX 170275	1338		65 FT	WALK	\$7.92	\$514.80	
DALLAS, TX 75217-0275	MEMORY LN.		10 FT	DRIVE	NO COST	\$0.00	
		TOTAL				\$5,056.05	
		ADJ PER ENHANCEMENT EVAL				\$3,086.55	
		NET DUE BY OWNER					\$1,969.50

MEMORY LANE FROM LAKE JUNE ROAD TO ADELL DRIVE TO ELOISE STREET
 SHALL BE PAVED WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED
 CONCRETE PAVEMENT; WITH 6-INCH LIME STABILIZED SUBGRADE; WITH 6-INCH HEIGHT
 INTEGRAL CURB; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH;
 WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 or 5 FEET WIDE WHERE
 SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
EDUARDO & MARTHA ESPINOZA 1334 MEMORY LN. DALLAS, TX 75217-2608	3	3/6698	87.5 FT PMVT 77.5 FT WALK 10 FT DRIVE	\$60.55 \$7.92 NO COST	\$5,298.13 \$613.80 \$0.00	
		TOTAL			\$5,911.93	
		ADJ PER ENHANCEMENT EVAL			\$3,608.18	
		NET DUE BY OWNER				\$2,303.75
JOSE F. & MARIA CERVANTES 1324 MEMORY LN. DALLAS, TX 75217-2608	2	3/6698	87.5 FT PMVT 77.5 FT WALK 10 FT DRIVE	\$60.55 \$7.92 NO COST	\$5,298.13 \$613.80 \$0.00	
		TOTAL			\$5,911.93	
		ADJ PER ENHANCEMENT EVAL			\$3,608.18	
		NET DUE BY OWNER				\$2,303.75
<i>Cole Estates No. 1</i>						
KENNETH B. & SANDRA WINN 1310 MEMORY LN. DALLAS, TX 75217-2608	PT. LOT 1 1.861 ACS. 2.2377 ACS. - 16,432'	3/6698	203 FT PMVT 50 FT PMVT 253 FT WALK 25.6 SY DR.(16')	\$60.55 \$58.65 \$7.92 \$40.80	\$12,291.65 \$2,932.50 \$2,003.76 \$1,044.48	
		TOTAL			\$18,272.39	
	DRAINAGE	ADJ PER ENHANCEMENT EVAL			\$11,032.39	
	EASEMENT	NET DUE BY OWNER				\$7,240.00

Memory Lane from Lake June Road to Adell Drive to Eloise Street

Total Property Owners' Cost - Assessments	\$143,221.12	
Adjustments Per Enhancement Evaluation	\$87,414.32	
Net Due by Owner		\$55,806.80
Total Estimated City of Dallas' Cost - Paving	\$437,916.20	
Total Estimated City of Dallas' Cost - Drainage	\$120,000.00	
Total Estimated Water Utilities Department Cost	\$268,000.00	
Total Estimated City of Dallas' Cost		\$825,916.20
Total Estimated Cost of Improvements		\$881,723.00

SECTION 3. That where more than one person, firm or corporation owns an interest in any property above described, each said person, firm or corporation shall be personally liable for its, his or her pro rata of the total assessment against such property in proportion as its, his or her respective interest bears to the total ownership of such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of such proportionate sum.

SECTION 4. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight per centum (8.00%) per annum, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be a first paramount lien thereon, superior to all other liens and claims except State, County, School District and City ad valorem taxes.

That the sums so assessed against the abutting property and the owners thereof, shall be and become due and payable as follows, to wit, in twelve (12) equal installments, the first payable on or before thirty (30) days after the acceptance of the completed improvements by the City, and one (1) each month thereafter until the total amount is paid; deferred payments shall bear interest from the date of such completion and acceptance at the rate of eight per centum (8.00%) per annum, payable monthly with each installment, so that upon the completion and acceptance of the improvements in a particular unit or district, assessments against such completed and accepted unit or district shall be and become due and payable in such installments and with interest from the date of such completion and acceptance. Provided, however, that any owner shall have the right to pay the entire assessment, or any installment thereof, before maturity, by payment of principal and accrued interest, and further provided that if default shall be made in the payment of any installment of principal or interest promptly as the same matures, then the entire amount of the assessment upon which such default is made shall, at the option of the said City of Dallas, or its assigns, be and become immediately due and payable, and shall be collectible, together with reasonable attorney's fees and costs of collection, if incurred. Any assessed property owner, however, shall have the right to execute a mechanics and materialman's lien contract and a promissory note whereby the assessments due, together with interest at the rate mentioned above, shall be payable over a period of not longer than ten years in equal monthly payments, but each monthly payment shall never be less than \$5.00.

SECTION 5. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof shall be enforced either by suit in any court having jurisdiction or by lien foreclosure.

SECTION 6. That for the purpose of evidencing the several sums payable by said property owners and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates may be issued by the City of Dallas upon the completion and acceptance of the said work of improvement, which shall be executed by the Mayor, signing the same or by his facsimile signature impressed thereon, attested by the City Secretary, under the impress of the corporate seal, and shall be payable to the City of Dallas, or its assigns, which certificate shall declare the said amounts and the time and terms of payment thereof, and the said rate of interest payable thereof, and shall contain the name of the owner and the description of his property by Lot or Block Number of front feet thereof, or such description as may otherwise identify the same by reference to any other fact, and if said property shall be owned by an estate, then the description thereof as so owned shall be sufficient.

And, that the said certificates shall further provide that if default shall be made in the payment of any installment of principal or interest thereon, when due then at the option of the said City of Dallas being the owner and holder thereof, the whole of the said assessment shall at once become due and payable and shall be collectible with reasonable attorney's fees and costs if incurred.

And, that the said certificates shall further set forth and evidence the said personal liability of the owner and the lien upon his premises and shall provide that if default shall be made in the payment thereof, the same may be enforced as above provided.

And, that the said certificates shall further recite that the proceedings with reference to making said improvements have been regularly had in compliance with the terms of the applicable law, and that all prerequisites to the fixing of the lien and claims of personal liability evidenced by such certificates have been performed, which recitals shall be prima facie evidence of the facts so recited and no further proof thereof shall be required.

That the said certificates shall also provide that the amounts payable thereunder shall be paid to the City Controller of the City of Dallas, who shall credit said payments upon the said certificates, and shall immediately deposit the amounts so collected with the City Treasurer of the City of Dallas, to be kept and held by him in a special fund, which is hereby designated as Capital Assessments Fund and which payments shall be by the Treasurer paid to the said City of Dallas or other holder of the said certificates, on presentation thereof to him, duly credited by the City Controller the said credit by said City Controller being the Treasurer's Warranty for making such payment and the said City of Dallas or other holder of said certificate, shall receipt in writing to said Treasurer when paid in full, together with all costs of collection.

And, that the said certificates shall further provide that the City of Dallas shall exercise all legal power, when requested so to do by the holder of said certificate, to aid in the collection thereof; but the City of Dallas shall in nowise be liable to the holder of said certificates in any manner for payment of the amount evidenced by the said certificates or for any costs or expense in the premises, or for any failure of the said City Council or any of its officers in connection therewith.

Full power to make and levy reassessments, and to correct mistakes, errors, invalidates or irregularities, either in the assessments or in the certificates issued in evidence thereof, is in accordance with the law in force in this City, vested in the City.

SECTION 7. That all assessments levied are a personal liability and charged against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 8. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law has been adopted as an alternative method for the construction of street improvements in the City of Dallas, Texas, by Chapter XX of the Charter of the City of Dallas.

SECTION 9. That the assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments for the improvements in one unit or district are in nowise related to or connected with the improvements in any other unit or district, and in making assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the assessments therefore in any other unit or district.

SECTION 10. That the City Manager, or her designee, is hereby authorized to execute releases of any paving assessment liens herein levied and assessed against the parcels of property and owners thereof, if same are fully paid, such releases to be approved as to form by the City Attorney and attested by the City Secretary.

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 ordained.

Distribution: Public Works and Transportation, Cheryl Nichols, OCMC, Room 101
Public Works and Transportation, Athan M. Thompson, OCMC, Room 307
City Attorney
Office of Financial Services

APPROVED AS TO FORM:

Thomas P. Perkins, Jr.
City Attorney

By 
Assistant City Attorney

Prepared by 
Paving Assessment Coordinator

Approved by 
Interim Director of Public Works & Transportation

Passed and correctly enrolled _____

KEY FOCUS AREA: Economic Development

AGENDA DATE: June 27, 2007

COUNCIL DISTRICT(S): 3, 8, 13

DEPARTMENT: Public Works & Transportation

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

MAPSCO: 64 F 59Y Z 26K

SUBJECT

A public hearing to receive comments on correcting, adjusting and canceling the assessments for the cost of the improvements against the abutting property owners at 10901 Seagoville Road, 5515 Glen Lakes Drive and 4243 South Polk Street; and at the close of the hearing, authorize an ordinance amending Ordinance No. 26289, previously approved on March 8, 2006, and Ordinance No. 24734, previously approved on September 26, 2001, to reflect these corrections, adjustments and cancellations - Financing: No cost consideration to the City

BACKGROUND

The property owner at 10901 Seagoville Road was assessed for 75 feet of sidewalk improvements in connection with Sidewalk Safety Group 03-128, Seagoville Road from Masters Drive to Edgeworth Drive. The citizen contacted the City and provided documentation that the front foot width of his property was less than 75 feet wide because part of his property is within the Dallas city limits and the remainder of his property is within the Balch Springs city limits. Staff investigated the request and discovered that the property was platted with 15 feet of frontage within the City of Dallas, and thus, the assessment should be corrected to 15 feet of sidewalk pavement. The amended ordinance will adjust the property owner's assessment cost to reflect an adjustment in the front foot width.

The property at 5515 Glen Lakes Drive was assessed for sidewalk improvements in connection with Sidewalk Safety Group 03-128, Glen Lakes Drive/Walnut Hill Lane from Manderville Lane to Rambler Road. The public hearing and construction authorization for the six sidewalk projects within this group was March 8, 2006. Construction work for this group began June 14, 2006. Prior to the construction, staff discovered that the sidewalks at 5515 Glen Lakes Drive had already been constructed. Further investigation revealed that the sidewalks were constructed by Presbyterian Hospital of Dallas. The amended ordinance will reflect the cancellation of the property owner's assessment cost.

BACKGROUND (Continued)

The property at 4243 S. Polk Street was assessed for sidewalk improvements in connection with Sidewalk Group 98-112, South Polk Street from Ledbetter Drive to Brook Spring Drive (west side only). In March 2007, the director of Infrastructure Services & Risk Management, Texas Workforce Commission, contacted Special Collections Office to advise them that this property was owned by the State of Texas at the time the paving assessment was levied. Special Collections contacted Public Works and Transportation to advise staff that the state discovered the lien in the process of selling the property and that the state should not have been assessed for paving improvements. Staff reviewed this claim and found that property owned by the state or a political subdivision of the state is exempt from special assessments for paving improvements. The amended ordinance will reflect the cancellation of the assessment.

This council action is to give notice of a public hearing to receive comments regarding the correction to the property owners' assessments.

The state statutes indicate that correction to any existing assessment ordinance can be made by the governing body after a new notice is given and a public hearing is ordered and held (Texas Transportation Code Annotated, Section 313.048 and 313.05). Since assessments are levied by an ordinance, the need to revise assessments will require an ordinance.

The corrections to paving assessments require the following two steps:

- Authorize a public hearing.
- Public hearing and an amended ordinance to make corrections, adjustments, and cancellation of assessments.

This action is the 2nd step in the process.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized sidewalk paving improvements and a benefit assessment hearing for Sidewalk Safety Group 03-128 on February 8, 2006, by Resolution No. 06-0520.

Authorized an ordinance levying benefit assessments for Sidewalk Safety Group 03-128 by Ordinance No. 26289.

Authorized a contract for the construction of sidewalk paving, water and wastewater adjustments on Sidewalk Group 03-128 on March 8, 2006, by Resolution No. 06-0833.

Authorized sidewalk paving improvements for Sidewalk Group 98-112 on August 8, 2001, by Resolution No. 01-2190.

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

Authorized a benefit assessment hearing for Sidewalk Group 98-112 on August 8, 2001, by Resolution No. 01-2191.

Authorized an ordinance levying benefit assessments for Sidewalk Group 98-112 by Ordinance No. 24734.

Authorized a contract for construction of sidewalk paving, water and wastewater adjustments on September 26, 2001, by Resolution No. 01-2828.

Authorized a benefit assessment hearing for correcting, adjusting and canceling the assessments for 10901 Seagoville Road, 5515 Glen Lakes Drive, and 4243 S. Polk Street on May 23, 2007, by Resolution No. 07-1543.

FISCAL INFORMATION

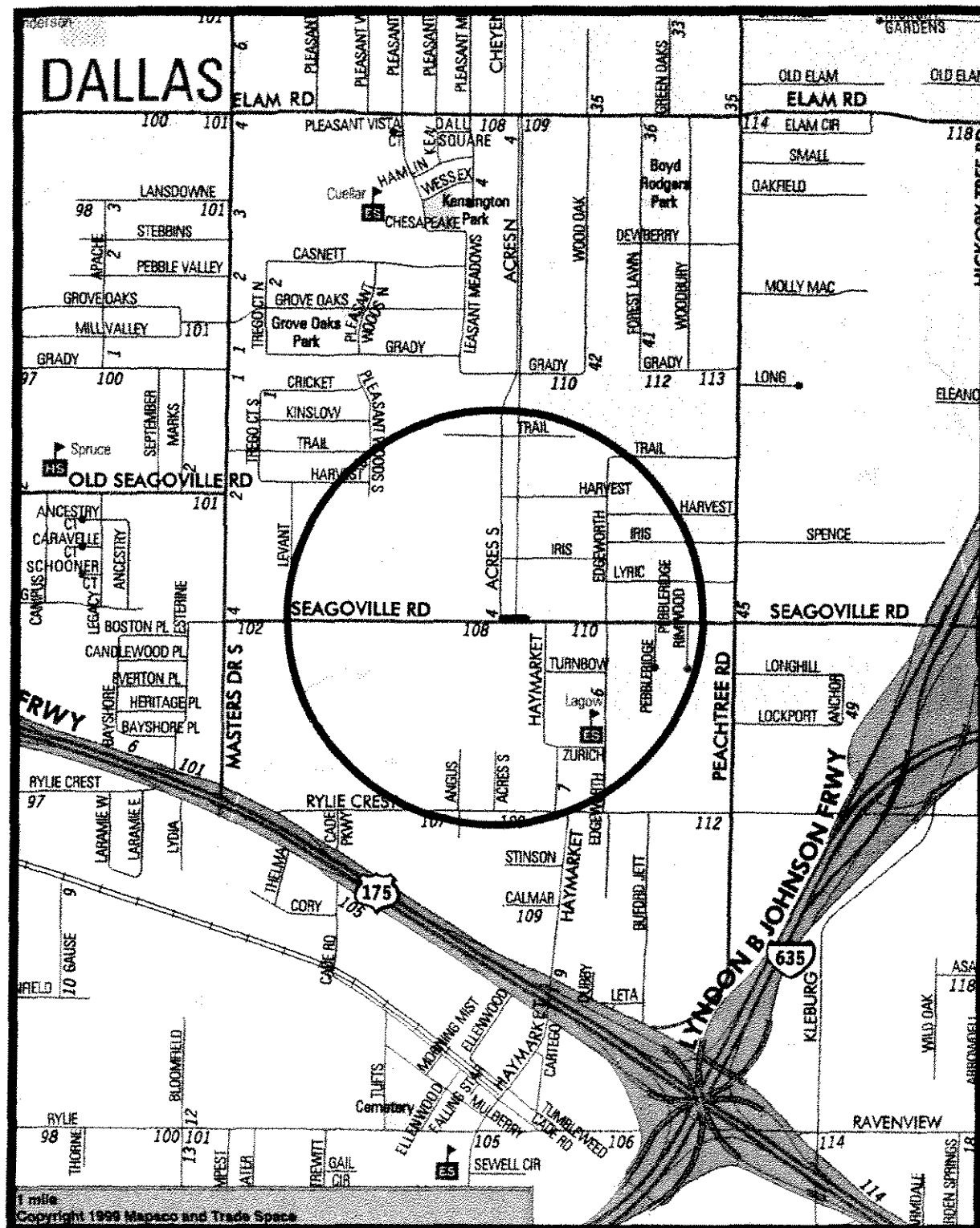
No cost consideration to the City.

This project does involve assessments.

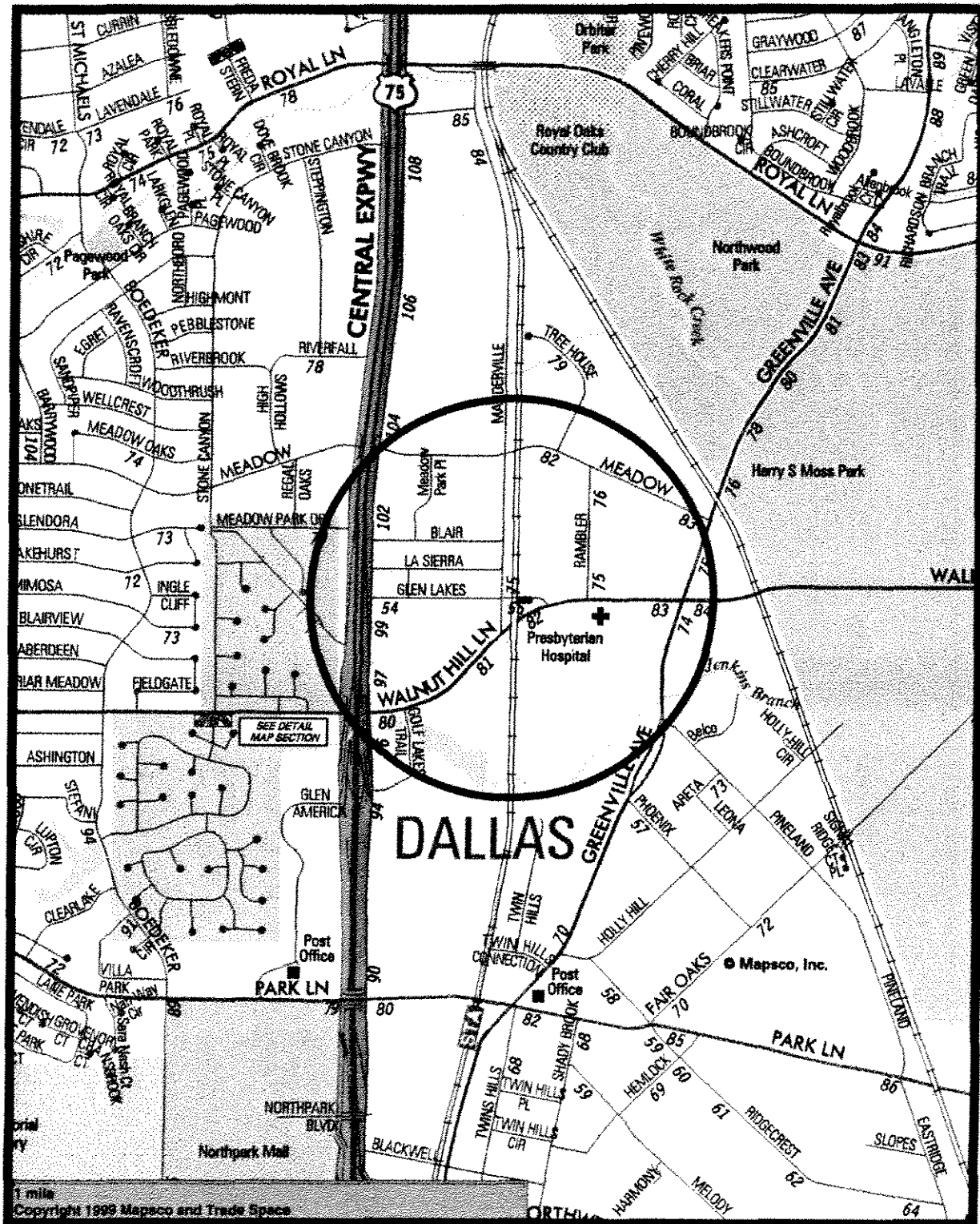
MAP

Attached.

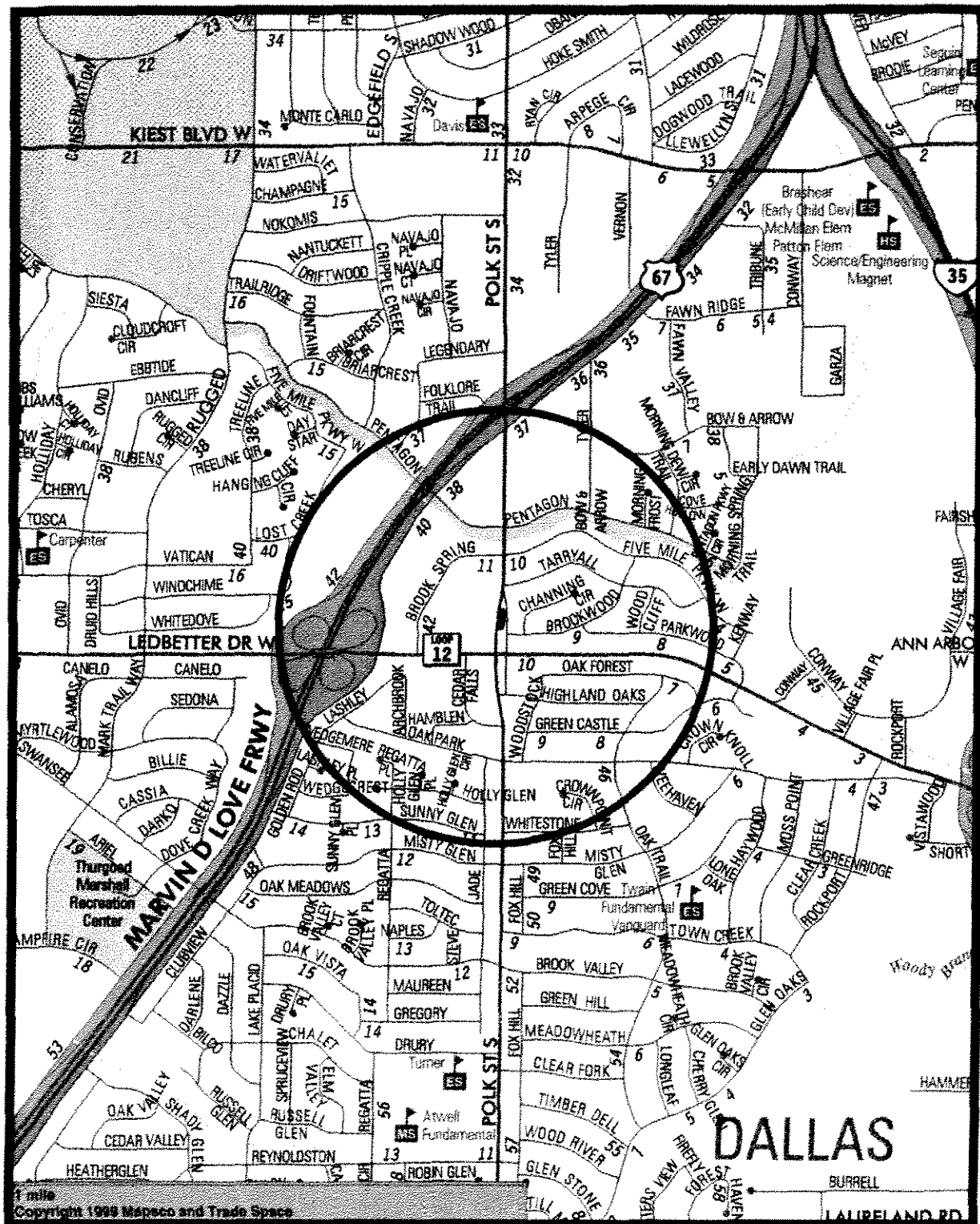
10901 Seagoville Road

**Mapscot 59Y**

5515 Glen Lakes Drive



4243 S. Polk Street



Mapsco 64F

June 27, 2007

WHEREAS, certain adjustments and corrections will be made to Ordinance No. 26289, approved by City Council on March 8, 2006, levying an assessment against the abutting property and the owner thereof for Sidewalk Safety Group 03-128, Seagoville Road from Masters Drive to Edgeworth Drive to reflect the change in the front foot width of the property from 75 feet to 15 feet at Lot 1, Block 7779, 10901 Seagoville Road due to incorrect measurement of property frontage.

WHEREAS, certain adjustments and corrections will be made to Ordinance No. 26289, approved by City Council on March 8, 2006, levying an assessment against the abutting property and the owner thereof for Sidewalk Safety Group 03-128, Glen Lakes Drive/Walnut Hill Lane from Manderville Lane to Rambler Road to reflect the cancellation of the assessment at 1/2 Lot 4B, 0.7985 Acres, Block 5213, 5515 Glen Lakes Drive due to private construction of the sidewalk prior to the City's construction.

WHEREAS, certain adjustments and corrections will be made to Ordinance No. 24734, approved by City Council on September 26, 2001, levying an assessment against the abutting property and the owner thereof for Sidewalk Group 98-112, South Polk Street from Ledbetter Drive to Brook Spring Drive to reflect the cancellation of the assessment at Lot 4, Block A/6037, 4243 South Polk Street due to state held property for public purposes is exempt from taxation and/or assessment amounts.

WHEREAS, the City Council called for a public hearing thereon, and provided for notice to be given to such owners, as provided by law; and,

WHEREAS, the said hearing was duly held at said time and place; and,

WHEREAS, the City Council, after fully considering said proposed corrections and adjustments and fully considering the benefits that each property owner and his property receive from making said improvements, is of the opinion that the said proposed assessments determined to be levied are fair and equitable, and that the said corrections and adjustments to the assessment ordinance should be made; and,

WHEREAS, the City Council having no further protest, remonstrance, or objection before it, is of the opinion that the said hearing should be closed.

Now, Therefore,

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

SECTION 1. That the said hearing held on the 27th day of June A.D. 2007 be and the same is hereby ordered closed.

June 27, 2007

SECTION 2. That the City Attorney is hereby directed to prepare an Ordinance amending Ordinance No. 26289, approved by City Council on March 8, 2006, to reflect the corrections and adjustments to certain assessments against the affected owners and abutting properties at 10901 Seagoville Road, Lot 1, Block 7779; and, 5515 Glen Lakes Drive, 1/2 Lot 4B, 0.7985 Acres, Block 5213; and an Ordinance amending Ordinance No. 24734, approved by City Council on September 26, 2001, to reflect the corrections and adjustments to certain assessments against the affected owner and abutting property at 4243 South Polk Street, Lot 4, Block A/6037. That the said Ordinance as amended shall release the lien against 5515 Glen Lakes Drive, 1/2 Lot 4B, 0.7985 Acres, Block 5213, and 4243 South Polk Street, Lot 4, Block A/6037 and adjust all interest and penalties. Said Ordinance shall in all respects comply with the applicable law in such cases made and provided.

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, Athan M. Thompson, OCMC, Room 307
 City Attorney
 Office of Financial Services

ORDINANCE NO. _____

AN ORDINANCE CLOSING THE HEARING TO CORRECT, ADJUST AND CANCEL ASSESSMENTS, AMENDING ORDINANCE NO. 26289, ADOPTED BY THE CITY COUNCIL ON MARCH 8, 2006, TO REFLECT THE CHANGE IN THE FRONT FOOT WIDTH OF THE PROPERTY FROM 75 FEET TO 15 FEET AT LOT 1, BLOCK 7779, 10901 SEAGOVILLE ROAD; AND AMENDING ORDINANCE NO. 26289, ADOPTED BY THE CITY COUNCIL ON MARCH 8, 2006, TO REFLECT THE CANCELLATION OF THE ASSESSMENT AT 1/2 LOT 4B, 0.7985 ACRES, BLOCK 5213, 5515 GLEN LAKES DRIVE; AND AMENDING ORDINANCE NO. 24734 ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 26, 2001, TO REFLECT THE CANCELLATION OF THE ASSESSMENT AT LOT 4, BLOCK A/6037, 4243 SOUTH POLK STREET; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council determined the necessity to make certain corrections, adjustments and cancellations for the cost of the improvements against abutting property owners, and fixing a time and providing for a hearing to such property owners, all in accordance with the terms of applicable law, at which hearing said owners were to be heard as to the comments and concerns regarding certain corrections and reassessments for the costs of improvements against abutting property owners, as to any error or invalidity in said proceedings, or to any matter of thing connected with the said improvements; and,

WHEREAS, the said resolution to make certain corrections and adjustments in connection with the cost of improvements against abutting property owners, was duly adopted in compliance with the law on the 23rd day of May 2007; and,

WHEREAS, in accordance with the terms of the law, the City Secretary of the City of Dallas gave notice to the property owners of said hearing, by publishing a copy of said notice in the Dallas Morning News, a daily paper of general circulation in the City of Dallas, for three successive days, the first publication made at least twenty-one (21) days prior to the days set for the hearing, to wit, the 27th day of June 2007; and the City Secretary also gave notice of said hearing by mailing letters containing the same to said property owners at least fourteen (14) days before said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate these proceedings; and,

WHEREAS, said hearing was held at the time and place mentioned in the said resolution and notice, to wit, on the 27th day of June 2007, at 1:00 o'clock p.m. at the Council Chamber in the City Hall of the City of Dallas, Texas, which hearing was then closed; and,

WHEREAS, at said hearing, all desiring to contest the said corrections, adjustments or reassessments, correct the same, or in any manner to be heard concerning the benefits thereof, or in any related matter, were heard, and errors and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected.

Now, therefore,

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

SECTION 1. That the City Council hereby closing the hearing and overruling the protests at the public hearing on the 27th day of June 2007, in these proceedings is hereby ratified and confirmed by this ordinance.

SECTION 2. That the below listed ordinance providing for certain assessments is hereby revised as follows:

1. Section 2 of Ordinance No. 26289, passed by the City Council on March 8, 2006, for Sidewalk Safety Group 03-128, Seagoville Road from Masters Drive to Edgeworth Drive, levying assessments against the abutting property and owner thereof is amended as follows:

Sidewalk Safety Group - 03-128 - Seagoville Road from Masters Drive to Edgeworth Drive

Original Assessment

Community Water Services, Inc., Lot 1, Block 7779, 10901 Seagoville Road	
75 ft walk @ \$7.24	\$543.00
Adjustment per Enhancement Evaluation	<u>\$271.50</u>
Net due by owner	\$271.50

Revised Assessment

Community Water Services, Inc., Lot 1, Block 7779, 10901 Seagoville Road	
15 ft walk @ \$7.24	\$108.60
Adjustment per Enhancement Evaluation	<u>\$ 54.30</u>
Net due by owner	\$ 54.30

*This reduction of \$217.20 is to reflect the change in the front foot width of the property from 75 feet to 15 feet due to incorrect measurement of property frontage.

SECTION 2. (Continued)

2. Section 2 of Ordinance No. 26289, passed by the City Council on March 8, 2006, for Sidewalk Safety Group 03-128, Glen Lakes Drive/Walnut Hill Lane from Manderville Lane to Rambler Road, levying assessments against the abutting property and owner thereof is amended as follows:

Sidewalk Safety Group - 03-128 - Glen Lakes Drive/Walnut Hill Lane from Manderville Lane to Rambler Road

Original Assessment

Telesis II, 1/2 of Lot 4B, 0.7985 Acres, Block 5213, 5515 Glen Lakes Drive	
133 ft walk @ \$7.24	\$962.92
Adjustment per Enhancement Evaluation	<u>\$481.46</u>
Net due by owner	\$481.46

Revised Assessment

Telesis II, 1/2 of Lot 4B, 0.7985 Acres, 5515 Glen Lakes Drive

No Assessment. Existing sidewalk in place **\$ 0.00**

*This reduction of \$481.46 is to reflect the cancellation of the assessment due to private construction of the sidewalk prior to the City's construction.

3. Section 2 of Ordinance No. 24734, passed by the City Council on September 26, 2001, for Sidewalk Group 98-112, South Polk Street from Ledbetter Drive to Brook Spring Drive (west side only), levying assessments against the abutting property and owner thereof is amended as follows:

Sidewalk Group 98-112 - South Polk Street from Ledbetter Drive to Brook Spring Drive (west side only)

Original Assessment

Texas Employment Commission, Lot 4, Block A/6037, 4243 S. Polk Street	
438 ft walk @ \$4.85	\$2,124.30

Revised Assessment

Texas Employment Commission, Lot 4, Block A/6037, 4243 S. Polk Street

No Assessment - State of Texas owned property **\$ 0.00**

*This reduction of \$2,124.30 is to reflect the cancellation of the assessment due to the property being state held property for public purposes and is exempt from taxation and or/assessment amounts.

SECTION 3. That Section 2 of Ordinance No. 26289, passed by the City Council on March 8, 2006, is further amended to reflect the necessary corrections and adjustments as follows:

Sidewalk Safety Group 03-128

- 1. Lovers Lane (E) from Fisher Road to E. Northwest Highway**
- 2. Duncanville Road (west side) from W. Illinois Avenue to Keeneland Parkway**
- 3. Scyene Road from Belle Starr Drive to Blaine Drive**
- 4. Seagoville Road from Masters Drive to Edgeworth Drive**
- 5. Ferguson Road from Barnes Bridge Road to Woodmeadow Parkway**
- 6. Glen Lakes Drive/Walnut Hill Lane from Manderville Lane to Rambler Road**

Original Cost

Total Property Owners' Cost - Assessments	\$58,244.42	
Adjustments Per Enhancement Evaluation	\$29,137.40	
Net Due by Owner		\$29,107.02
Grand Total City of Dallas' Cost - Paving	\$385,839.23	
Grand Total Dallas Water Utilities Cost	\$32,150.00	
Water and Wastewater Adjustments		
Grand Total City of Dallas' Cost		\$417,989.23
Grand Total Cost of Improvements		\$447,096.25

Revised Cost

Total Property Owners' Cost - Assessments	\$56,847.10	
Adjustments Per Enhancement Evaluation	\$28,438.74	
Net Due by Owner		\$28,408.36
Grand Total City of Dallas' Cost - Paving	\$386,537.89	
Grand Total Dallas Water Utilities Cost	\$32,150.00	
Water and Wastewater Adjustments		
Grand Total City of Dallas' Cost		\$418,687.89
Grand Total Cost of Improvements		\$447,096.25

Section 2 of Ordinance No. 24734, passed by the City Council on September 26, 2001, is further amended to reflect the necessary corrections and adjustments as follows:

SECTION 3. (Continued)

Sidewalk Group 98-112

- 1. South Polk Street from Ledbetter Drive to Brook Spring Drive (west side only)**
- 2. Lake June Road from Masters Drive to Amity Lane to Friendship Drive to Rain Forest Drive**
- 3. Masters Drive from Big Thicket Drive/Kittyhawk Lane to Laneyvale Avenue to Woodlot Drive to Glenn Vista Drive to Budtime Lane to Lake June Road**

Original Cost

Grand Total Property Owners' Cost - Assessments		\$15,062.62
City of Dallas' Cost - Paving	\$175,255.08	
Total Dallas Water Utilities Cost	\$17,300.00	
Water and Wastewater Adjustments		
Total City of Dallas' Cost		\$192,555.08
Total Cost of Improvements		\$207,617.70

Revised Cost

Grand Total Property Owners' Cost - Assessments		\$12,938.32
City of Dallas' Cost - Paving	\$177,379.38	
Total Dallas Water Utilities Cost	\$17,300.00	
Water and Wastewater Adjustments		
Total City of Dallas' Cost		\$194,679.38
Total Cost of Improvements		\$207,617.70

SECTION 4. That the assessments herein levied are made and levied under and by virtue of the terms, powers, and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law has been adopted as an alternative method for the construction of street improvements in the City of Dallas, Texas by Chapter XX of the Charter of the City of Dallas.

SECTION 5. That the assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments for the improvements in one unit or district are in no wise related to or connected with the improvements in any other unit or district, and in making assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in no wise affected by any fact in any wise connected with the improvements or the assessments thereto in any other unit or district.

SECTION 6. That the City Manager, or her designee, is hereby authorized to execute a release of paving assessment lien for 1/2 of Lot 4B, 0.7985 Acres, Block 5213, 5515 Glen Lakes Drive and Lot 4, Block A/6037, 4243 S. Polk Street, including all interest and penalties and such release to be approved as to form by the City Attorney and attested by the City Secretary.

SECTION 7. That Ordinance No. 26289, approved by City Council on March 8, 2006, and Ordinance No. 24734, approved by City Council on September 26, 2001, save and except as amended herein, shall remain in full force and effect.

SECTION 8. That this Ordinance 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 ordained.

Distribution: Public Works and Transportation, Cheryl Nichols, OCMC, Room 101
 Public Works and Transportation, Athan M. Thompson, OCMC, Room 307
 City Attorney
 Office of Financial Services

APPROVED AS TO FORM:

Thomas P. Perkins, Jr
City Attorney

By 
Assistant City Attorney

Prepared by 
Paving Assessment Coordinator


Approved by _____
Interim Director
Public Works and Transportation