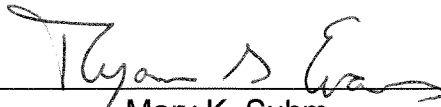


**SEPTEMBER 12, 2007 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated September 12, 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

9/7/07

Date



Edward Scott
City Controller

9/7/07

Date

RECEIVED

2007 SEP -7 PM 3: 31

CITY SECRETARY
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 12, 2007
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.**

REVISED ORDER OF BUSINESS

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

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

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 48

CONSENT ADDENDUM

Items 1 - 18

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:30 a.m.

Items 49 - 53
Addendum Item 19

PUBLIC HEARINGS AND RELATED ACTIONS

11:00 a.m.

Item 56

To be considered after 1:00 p.m.

Items 54 - 55, 57 - 59
Addendum Items 20 - 21

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 12, 2007
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

CONSENT ADDENDUM

Business Development & Procurement Services

1. Authorize a forty-eight-month contract, with two twelve-month renewal options, to provide group term life (basic and supplemental), voluntary dependent life, and accidental death and dismemberment insurance coverage - Unimerica Insurance Company, most advantageous proposer of five - Not to exceed \$1.45 per employee per month for group basic term life - Financing: Human Resource Department Current Funds (subject to annual appropriations)
2. Authorize the purchase of a thirty-six-month insurance policy for Commercial Property Insurance for property, fine arts, boiler and machinery, and money and securities - Wachovia Insurance Services, Inc., most advantageous proposer of seven - Not to exceed \$7,700,523 - Financing: Current Funds (subject to annual appropriations)
3. Authorize the purchase of a thirty-six-month insurance policy for Excess Workers' Compensation Insurance - McGriff, Seibels & Williams, Inc., through Star Insurance Company, only proposer - Not to exceed \$1,215,000 - Financing: Human Resource Department Current Funds (subject to annual appropriations)
4. Authorize Supplemental Agreement No. 1 to the contract with ACS State and Local Solutions, Inc. to **(1)** exercise a second term option to increase the contract amount; **(2)** provide a two-year extension of the existing contract; and **(3)** expand the automated red light enforcement program (Safelight) by forty additional cameras, including the relocation or modification of existing camera locations - Not to exceed \$15,815,823, from \$13,291,083 to \$29,106,906 - Financing: Current Funds

Department of Development Services

5. An ordinance abandoning a detention area and drainage easement to TCDFW I-20 I, LP, the abutting owner, containing approximately 4 acres of land located near the intersection of Hampton and Daniel Dale Roads - Revenue: \$5,400 plus the \$20 ordinance publication fee

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 12, 2007**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Housing

6. Authorize an amendment to Resolution No. 07-2029, previously approved on June 27, 2007, rescinding the requirement that the execution of a Community Development Block Grant loan agreement by the City is subject to 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 and rehabilitation of the property located at 201 Fran Way - No cost consideration to the City

Office of Financial Services

7. Authorize annual adjustments to appropriations for the FY 2005-06 year-end close - Financing: No cost consideration to the City
8. Authorize the preparation of plans for the issuance of up to \$33,000,000 Downtown Dallas Development Authority Tax Increment Contract Revenue Bonds for the Mercantile development project located in Reinvestment Zone Number Eleven (Downtown Connection TIF District) - Financing: This action has no cost consideration to the City

Park & Recreation

9. Authorize a contract for the installation of a new playground at Kiest Park located at 3080 South Hampton Road - Phoenix I Restoration and Construction, Ltd., lowest responsible bidder of two - \$571,000 - Financing: 2003 Bond Funds (\$225,292), 2006 Bond Funds (\$160,668) and Capital Gifts, Donation and Development Funds (\$185,040)
10. Authorize a thirty-six-month contract with two twelve-month renewal options beginning October 1, 2007 through September 30, 2010 with the Youth Services Council of the Richardson Independent School District to provide after-school programs at Skyview Elementary School, Forest Lane Academy, Audelia Creek Elementary School, Forest Meadow Junior High School and Lake Highlands Junior High School - Not to exceed \$194,382 - Financing: Current Funds (\$171,882) (subject to annual appropriations); Department of Education Grant Funds (\$22,500)

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 12, 2007**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Park & Recreation (Continued)

11. Authorize an increase in the contract with Shirley and Sons Construction Company, Inc. for additional pumping and piping to drain Turtle Creek for erosion inspection under the Stonebridge Drive dam within the Turtle Creek Parkway - \$121,232, from \$839,534 to \$960,766 - Financing: 2003 Bond Funds (\$76,775) and 2006 Bond Funds (\$44,457)
12. Authorize **(1)** an increase in the contract with Sedalco, LP for the construction of the discovery garden, evaporative condensed water chiller, TXU service and transformer cost, and additional select fill for the construction of the Trinity River Audubon Center; and, **(2)** the establishment of appropriations in the amount of \$730,000 in the Capital Gifts, Donation and Development Funds - \$813,147, from \$10,801,483 to \$11,614,630 - Financing: 1998 Bond Funds (\$83,147) and Capital Gifts, Donation and Development Funds (\$730,000)

Public Works & Transportation

13. Authorize the City to enter into an Interlocal Agreement with the Texas Department of Transportation for the Woodall Rodgers Deck Plaza Project and to provide advance funding for the engineering review - Not to exceed \$118,397 - Financing: 2006 Bond Funds
14. Authorize an increase in the contract with TMV LLC dba Triune Associates for renovation of the Moorland YMCA building located at 2700 Flora Street for the Dallas Black Dance Theatre to provide restoration of existing wood windows - \$251,609, from \$3,998,811 to \$4,250,420 - Financing: Private Funds

Local Air Quality Program

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

15. * Authorize **(1)** an Interlocal Agreement with the North Central Texas Council of Governments for reimbursement of funds for traffic engineering services and City staff expenses to update traffic signal timings and replace broken vehicle detectors at 98 locations (list attached) in an amount not to exceed \$597,875; and **(2)** a required City local match in an amount not to exceed \$149,469 - Total not to exceed \$747,344 - Financing: North Central Texas Council of Governments Funds (\$597,875), Current Funds (\$149,469)

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 12, 2007**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Public Works & Transportation (Continued)

Local Air Quality Program (Continued)

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

16. * Authorize an Interlocal Agreement with the Texas Department of Transportation for reimbursement of funds for traffic engineering services and City staff expenses to update traffic signal timings and replace broken vehicle detectors at 73 locations (list attached) - Not to exceed \$520,112 - Financing: Texas Department of Transportation Grant Funds

Thoroughfare Assessment Program

Note: Item Nos. 17 and 18 must be considered collectively.

17. * Authorize an amendment to the Interlocal Agreement with the North Central Texas Council of Governments to provide local matching funds for traffic engineering services to update traffic signal timings and signal progression at 241 additional locations (list attached) - \$223,560, from \$166,320 to \$389,880 - Financing: Dallas Area Rapid Transit Funds (\$203,040), Current Funds (\$20,520)
18. * Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation for reimbursement of material and labor provided by the City for signal timing improvements at 241 locations (list attached) in an amount not to exceed \$80,890; **(2)** the receipt and deposit of funds in an amount not to exceed \$15,642 from Dallas Area Rapid Transit for reimbursement of a portion of the required local match; and **(3)** a required City local match in an amount not to exceed \$1,581 - Total not to exceed \$98,113 - Financing: Texas Department of Transportation Grant Funds (\$80,890), Dallas Area Rapid Transit Funds (\$15,642), Current Funds (\$1,581)

ITEMS FOR INDIVIDUAL CONSIDERATION

Mayor and City Council

19. An ordinance amending Chapter 15C of the Dallas City Code to remove the requirement for verified burglar alarm notification at commercial sites prior to the dispatch of the Dallas Police Department and provide for alarm permit fees, false alarm notification fees, fines and penalties, and other matters related thereto - Estimated Annual Revenue \$1,155,000 (via Mayor Leppert)

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 12, 2007**

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Development Services

DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

20. A public hearing to receive comments regarding consideration of amendments to Chapters 51 and 51A, "The Dallas Development Code", of the Dallas City Code by amending existing regulations and adding new sections providing for gas drilling and production regulations and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA 067-006

MISCELLANEOUS HEARINGS

Department of Development Services

21. A public hearing to receive comments regarding an application for and an ordinance changing the name of Boll Street between Ross Avenue and Flora Street to Arts Plaza - Financing: No cost consideration to the City

CORRECTION:

Public Works and Transportation

37. Authorize an increase in the contract with Northern Pipeline Construction Company for the construction of streetscape improvements on Field Street from Wood Street to Pacific Avenue, Ervay Street from Young Street to Pacific Avenue, St. Paul Street from Young Street to Bryan Street, and Harwood Street from Young Street to Bryan Street for the Dallas City Center TIF District to provide for revised quantities and costs for the streetscape items, pedestrian lighting, street furniture, tree/paver grates and art component - \$44,025, from \$2,780,691 to \$2,824,716 - Financing: City TIF Center TIF District Funds

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 12, 2007**

CORRECTION: (Continued)

Economic Development

52. Authorize an amendment to Supplemental Agreement No. 3 to the development agreement with Forest City previously approved on June 13, 2007, Resolution No. 07-1821, Section 2B, Subsection (b) in Section 2 of Resolution No. 07-1821, previously approved on June 13, 2007 to **(1)** clarify that Forest City shall initiate a due diligence process on the Atmos Complex and advise the City by December 31, 2007, of their future intentions regarding redevelopment of the property; ~~**(2)**~~ and provide a timetable, including a construction schedule and completion date for the Atmos Complex if Forest City decides to go forward with such redevelopment and, further, ~~**(3)**~~ that if Forest City decides not to go forward with such redevelopment at that time, then Forest City maintains its election currently described in Section 3.03 of the Development Agreement pertaining to ownership, payments and reversion of the Atmos Complex until October 31, 2009 - Financing: No cost consideration to the City

**Traffic Signal Timings and Vehicle Detector Repairs funded through
an Interlocal Agreement with the North Central Texas Council of Governments**
Addendum Item #15

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Brookriver Drive	Mockingbird Lane	2
Cedar Springs Road	Inwood Road	2
Cedar Springs Road	Manor Way	2
Denton Drive	Inwood Road	2
Denton Drive	Maple Avenue	2
Elmbrook Drive	Mockingbird Lane	2
Forest Park Road	Inwood Road	2
Forest Park Road	Mockingbird Lane	2
Harry Hines Boulevard	Mockingbird Lane	2
Inwood Road	Maple Avenue	2
Inwood Road	Medical Center Drive	2
Inwood Road	Redfield Street	2
Inwood Road	St Paul Street	2
Irving Boulevard	Manufacturing Street	2
Maple Avenue	Mockingbird Lane	2
Mockingbird Lane	Oakbrook Boulevard	2
Parry Avenue	Peak Street	2
Airdrome Drive	Lemmon Avenue	2, 14
Airdrome Drive	Mockingbird Lane	2, 14
Cedar Springs Road	Mockingbird Lane	2, 14
Denton Drive	Mockingbird Lane	2, 14
East Grand Avenue	La Vista Drive	2, 14
Haggard Way	Lemmon Avenue	2, 14
Lemmon Avenue	Manor Way/Roper	2, 14
Lemmon Avenue	Mockingbird Lane	2, 14
Dolphin Road	Haskell Avenue	2, 7
East Grand Avenue	Haskell Avenue	2, 7
Haskell Avenue	Parry Avenue	2, 7
Garland Road	San Rafael Drive	2, 9, 14
Garland Road	Winsted Drive	2, 9, 14
Dallas N Tollway NB	Lovers Lane	3
Dallas N Tollway SB	Lovers Lane	3
Dallas N Tollway NB	Mockingbird Lane	3
Dallas N Tollway SB	Mockingbird Lane	3
Jim Miller Road	Seco Boulevard	4
Everglade Road	Jim Miller Road	4, 7
Forney Road	Jim Miller Road	4, 7
Jim Miller Road	Military Parkway	4, 7
Jim Miller Road	Samuell Boulevard	4, 7
Elam Road	Jim Miller Road	5
Military Parkway	Prairie Creek Road	5
Military Parkway	Sam Houston Road	5

**Traffic Signal Timings and Vehicle Detector Repairs funded through
an Interlocal Agreement with the North Central Texas Council of Governments**
Addendum Item #15 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Military Parkway	St. Augustine	5
Elam Road	Prairie Creek Road	5, 8
Ambassador Row	Mockingbird Lane	6
Conveyor/Lupo Drive	Inwood Road	6
Halifax Street	Mockingbird Lane	6
Inwood Road	Irving Boulevard	6
Irving Boulevard	Lakawana Street	6
Lemmon Avenue	Shorecrest Drive	6, 14
Atlanta Street	M.L. King Boulevard	7
Colonial Avenue	M.L. King Boulevard	7
Crosstown Expressway	Haskell Avenue	7
Exposition Avenue	Parry Avenue	7
First Avenue	Parry Avenue	7
Fitzhugh Avenue	Haskell Avenue	7
Forest Ave	M.L. King Boulevard	7
Harwood Street	M.L. King Boulevard	7
Holmes Street	M.L. King Boulevard	7
M.L. King Boulevard	Malcolm X Boulevard	7
M.L. King Boulevard	Meadow Street	7
Samuell Boulevard	St Francis Avenue	7
Elam Road	Masters Drive	8
Elam Road	St. Augustine Road	8
Barnes Bridge Road	Shiloh Road	9
Garland Road	Lakeland Drive	9
Garland Road	Old Gate Lane	9
Hillside Drive	Mockingbird Lane	9
Mockingbird Lane	Williamson Road	9
Northwest Highway	Shiloh Road	9
Abrams Road	Kenwood Avenue	9, 14
Abrams Road	Lovers Lane	9, 14
Abrams Road	Mockingbird Lane	9, 14
Abrams Road	Monticello Avenue	9, 14
Gaston Avenue	Westshore Drive	9, 14
Douglas Avenue	Luther Lane	13
Douglas Avenue	Sherry Lane	13
Abrams Road	Fisher Road	14
Aviation Place	Cedar Springs Road	14
Bluffview Boulevard	Lemmon Avenue	14
Bluffview Boulevard	Lovers Lane	14
Cedar Springs Road	Tom Braniff Lane	14
Devonshire Drive	Lovers Lane	14

**Traffic Signal Timings and Vehicle Detector Repairs funded through
an Interlocal Agreement with the North Central Texas Council of Governments**
Addendum Item #15 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
E. Grand/Garland Road	Gaston Avenue	14
Greenville Avenue	Mockingbird Lane	14
Inwood Road	Lovers Lane	14
Inwood Road	Mockingbird Lane	14
Inwood Road	University Blvd	14
Lemmon Avenue	Lovers Lane	14
Lemmon Avenue	University Boulevard	14
Lovers Lane	Preston Park Lane	14
Matilda Street	McCommas Boulevard	14
Matilda Street	Mockingbird Lane	14
Matilda Street	Richmond Avenue	14
McMillan Avenue	Mockingbird Lane	14
Mockingbird Lane	Mockingbird Station	14
Mockingbird Lane	Roper Street	14
Mockingbird Lane	Skillman Street	14

**Traffic Signal Timings and Vehicle Detector Repairs funded through
an Interlocal Agreement with the Texas Department of Transportation**
Addendum Item #16

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Carroll Avenue	R L Thornton Freeway EB	2
Carroll Avenue	R L Thornton Freeway WB	2
Inwood Road	Stemmons Freeway NB	2
Inwood Road	Stemmons Freeway SB	2
M.L. King Boulevard	S.M. Wright Freeway NB	2
M.L. King Boulevard	S.M. Wright Freeway SB	2
Peak Street	R L Thornton Freeway EB	2
Peak Street	R L Thornton Freeway WB	2
Prairie Creek Road	Scyene Road	2
Mockingbird Lane	Stemmons Freeway	2, 6
Jim Miller Road	R L Thornton Freeway	4, 7
Jim Miller Road	Scyene Road	4, 7
Lawnview Avenue	Scyene Road	4, 7
Masters Drive	Scyene Road	5
Sam Houston Road	Scyene Road	5
Scyene Road	St. Augustine Road	5
Carpenter Freeway NB	Mockingbird Lane	6
Carpenter Freeway SB	Mockingbird Lane	6
Irving Boulevard	Mockingbird Lane	6
Irving Boulevard	Norwood Road	6
Buckner Boulevard	Chenault Street	7
Buckner Boulevard	John West Road	7
Buckner Boulevard	Peavy Road	7
Dixon Road	Scyene Road	7
Fitzhugh Avenue	R. B. Cullum Boulevard	7
Grand Avenue	R. B. Cullum Boulevard	7
Hatcher Boulevard	Scyene Road	7
M.L. King Boulevard	R. B. Cullum Boulevard	7
Metropolitan Avenue	R. B. Cullum Boulevard	7
Pennsylvania Avenue	R. B. Cullum Boulevard	7
Scyene Road	Second Avenue	7
Barnes Bridge Road	Garland Road	9
Buckner Boulevard	Casa Linda Plaza	9
Buckner Boulevard	Garland Road	9
Buckner Boulevard	Hermosa Drive	9
Buckner Boulevard	Lake Highlands Drive	9
Buckner Boulevard	Mercer Drive	9
Buckner Boulevard	Northcliff Drive	9
Buckner Boulevard	Poppy/Atholone Drive	9
Casa Linda Plaza	Garland Road	9
Centerville Road	Garland Road	9
Easton Road	Garland Road	9

**Traffic Signal Timings and Vehicle Detector Repairs funded through
an Interlocal Agreement with the Texas Department of Transportation**
Addendum Item #16 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Executive Drive	Northwest Highway	9
Garland Road	Jupiter Road	9
Garland Road	Lochwood Boulevard	9
Garland Road	Northwest Highway	9
Garland Road	Peavy Road	9
Jupiter Road	Northwest Highway	9
Lawther Drive	Northwest Highway	9
McCree Road	Northwest Highway	9
Northwest Highway	Trammel/Walling Drive	9
Northwest Highway	White Rock Station	9
Audelia Road	Northwest Highway	9, 10
Buckner Boulevard	Northwest Highway	9, 10
Easton/Ferndale Road	Northwest Highway	9, 10
Northwest Highway	Plano/L.Highlands Drive	9, 10
Abrams Road	Northwest Highway	9, 14
Northwest Highway	Shady Brook Lane	9, 14
Boedeker Street	Northwest Highway	13
Central Expwy SBSR	Northwest Highway	13
Dallas North Tollway NB	Northwest Highway	13
Dallas North Tollway SB	Northwest Highway	13
Douglas Avenue	Northwest Highway	13
Hillcrest Avenue	Northwest Highway	13
Inwood Road	Northwest Highway	13
Northwest Highway	Pickwick Lane	13
Northwest Highway	Preston Road	13
Northwest Highway	Thackery Street	13
Central Expwy NBSR	Northwest Highway	13, 14
Central Expwy	Mockingbird Lane	14

Traffic Signal Timings and Signal Progression at 241 additional locations
Addendum Items #17, 18

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Akard Street	Cadiz Street	2
Akard Street	Canton Street	2
Akard Street	Griffin EB Street	2
Akard Street	Griffin WB Street	2
Akard Street	Wood Street	2
Akard Street	Young Street	2
All Star Way	Houston Street	2
All Star Way	Victory Avenue	2
Austin Street	Commerce Street	2
Austin Street	Elm Street	2
Austin Street	Jackson Street	2
Austin Street	Main Street	2
Bryan Street	Thanksgiving Square	2
Cadiz Street	Ervay Street	2
Cadiz Street	Griffin Street	2
Cadiz Street	Lamar Street	2
Cadiz Street	St. Paul Street	2
Canton Street	Ervay Street	2
Canton Street	Griffin Street	2
Canton Street	Lamar Street	2
Canton Street	St. Paul Street	2
Ceremonial Drive	Griffin Street	2
Ceremonial Drive	Lamar Street	2
Commerce Street	Houston Street	2
Commerce Street	Lamar Street	2
Commerce Street	Market Street	2
Commerce Street	Murphy Street Cross Walk	2
Commerce Street	Record Street	2
Continental Avenue	Houston Street	2
Continental Avenue	Stemmons Frwy NBSR	2
Continental Avenue	Stemmons Frwy SBSR	2
Corbin Street	Lamar Street	2
Elm Street	Houston Street	2
Elm Street	Lamar Street	2
Elm Street	Market Street	2
Elm Street	Record Street	2
Ervay Street	Griffin EB Street	2
Ervay Street	Griffin WB Street	2
Ervay Street	Marilla Street	2
Ervay Street	Wood Street	2
Ervay Street	Young Street	2
Field Street	Wood Street	2
Field Street	Young Street	2

Traffic Signal Timings and Signal Progression at 241 additional locations
Addendum Items #17, 18 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Griffin Street	Memorial Drive	2
Griffin Street	Young Street	2
Griffin EBSR Street	St. Paul Street	2
Griffin WBSR Street	St. Paul Street	2
Harry Hines Blvd	Wolf Street	2
Harwood Street	RI Thornton Frwy EBSR	2
Hiline Dr/Victory Ave	Stemmons Frwy NBSR	2
Hiline Dr/Victory Ave	Stemmons FrwySBSR	2
Hotel Street	Reunion Blvd EB	2
Hotel Street	Reunion Blvd WB	2
Houston Street	Jackson Street	2
Houston Street	Lamar Street	2
Houston Street	Main Street	2
Houston Street	McKinney Avenue	2
Houston Street	Pacific Avenue	2
Houston Street	Payne Street	2
Houston Street	Ross Avenue	2
Houston Street	Victory Avenue	2
Houston Street	Wichita Street	2
Houston Street	Wood St Blvd WB	2
Houston St EB	Young Street	2
Jackson Street	Lamar Street	2
Jackson Street	Market Street	2
Lamar Street	Main Street	2
Lamar Street	McKinney Avenue	2
Lamar Street	Memorial Drive	2
Lamar Street	Munger Avenue	2
Lamar Street	Pacific Avenue	2
Lamar Street	Ross Avenue	2
Lamar Street	Victory Avenue	2
Lamar Street	Wood Street	2
Lamar Street	Young Street	2
Main Street	Market Street	2
Main Street	Murphy Street Cross Walk	2
Main Street	Record Street	2
Market Street	Pacific Avenue	2
Market Street	Wood Street	2
Market Street	Young Street	2
Pacific Avenue	Record Street	2
Record Street	Wood Street	2
Record Street	Young Street	2
Reunion Blvd	Stemmons Frwy	2
St. Paul Street	Wood Street	2

Traffic Signal Timings and Signal Progression at 241 additional locations
Addendum Items #17, 18 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
St. Paul Street	Young Street	2
Victory Avenue	Wichita Street	2
Canton Street	Exposition Avenue	2
Canton Street	Hall Street	2
Canton Street	Malcolm X Blvd	2
Commerce Street	Hall Street	2
Commerce Street	Malcolm X	2
Elm Street	Hall Street	2
Elm Street	Haskell Avenue	2
Elm Street	Malcolm X Blvd	2
Elm Street	Peak Street	2
Exposition Avenue	First Avenue	2
Exposition Avenue	Main Street	2
Good Latimer Expwy	Main Street	2
Hall Street	Main Street	2
Main Street	Malcolm X Blvd	2
Main Street	Peak Street	2
Cadiz St/ Marilla St	Harwood Street	2, 14
Field Street	Woodall Rodgers EBSR	2, 14
Field Street	Woodall Rodgers WBSR	2, 14
Griffin Street	Ross Avenue	2, 14
Griffin Street	Wood Street	2, 14
Harwood Street	RL Thornton Frwy WBSR	2, 14
Harwood Street	Wood Street	2, 14
Harwood Street	Young Street	2, 14
Canton Street	Good Latimer Expwy	2, 14
Commerce Street	Good Latimer Expwy	2, 14
Akard Street	Cedar Springs Rd	14
Akard Street	Commerce Street	14
Akard Street	Elm Street	14
Akard Street	Jackson Street	14
Akard Street	Main Street	14
Akard Street	McKinney Avenue	14
Akard Street	Munger Avenue	14
Akard Street	Pacific Avenue	14
Akard Street	Patterson Avenue	14
Akard Street	Woodall Rodgers EBSR	14
Akard Street	Woodall Rodgers WBSR	14
Akard St/ Ervay St	Ross Avenue	14
Akard St/ Ervay St	San Jacinto Street	14
Browder Street	Commerce Street	14
Browder Street	Jackson Street	14
Bryan Street	Central Expwy NBSR	14

Traffic Signal Timings and Signal Progression at 241 additional locations
Addendum Items #17, 18 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Bryan Street	Central Expwy SBSR	14
Bryan Street	Crockett Street	14
Bryan Street	Ervay Street	14
Bryan Street	Harwood Street	14
Bryan Street	Leonard Street	14
Bryan Street	Olive Street	14
Bryan Street	Pearl Street	14
Bryan Street	St. Paul Street	14
Canton Street	Central Expwy	14
Canton Street	Pearl Street	14
Cedar Springs Road	Fairmount Street	14
Cedar Springs Road	Field Street	14
Cedar Springs Road	Harwood Street	14
Cedar Springs Road	Maple Avenue	14
Cedar Springs Road	Olive Street	14
Cedar Springs Road	Pearl Street	14
Central Expwy	Commerce Street	14
Central Expwy	Elm Street	14
Central Expwy	Live Oak Street	14
Central Expwy	Main Street	14
Central Expwy	Marilla Street	14
Central Expwy	Pacific Avenue	14
Central Expwy	RL Thornton Frwy	14
Central Expwy NBSR	Ross Avenue	14
Central Expwy SBSR	Ross Avenue	14
Commerce Street	Ervay Street	14
Commerce Street	Field Street	14
Commerce Street	Griffin Street	14
Commerce Street	Harwood Street	14
Commerce Street	Lane Street	14
Commerce Street	Pearl Street	14
Commerce Street	Prather Street	14
Commerce Street	St. Paul Street	14
Crockett Street	Pearl Street	14
Elm Street	Ervay Street	14
Elm Street	Field Street	14
Elm Street	Good Latimer Expwy	14
Elm Street	Griffin Street	14
Elm Street	Harwood Street	14
Elm Street	Pearl Street	14
Elm Street	St. Paul Street	14
Elm Street	Stone Place	14
Ervay Street	Federal Street	14

Traffic Signal Timings and Signal Progression at 241 additional locations
Addendum Items #17, 18 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Ervay Street	Jackson Street	14
Ervay Street	Main Street	14
Ervay Street	Pacific Avenue	14
Ervay Street	Patterson Avenue	14
Fairmount Street	McKinney Avenue	14
Federal Street	Harwood Street	14
Federal Street	St. Paul Street	14
Field Street	Griffin Street	14
Field Street	Jackson Street	14
Field Street	Main Street	14
Field Street	Pacific Avenue	14
Field Street	Ross Avenue	14
Field Street	San Jacinto Street	14
Field Street	Wichita Street	14
Flora Street	Harwood Street	14
Flora Street	Olive Street	14
Flora Street	Pearl Street	14
Good Latimer Expwy	Live Oak Street	14
Good Latimer Expwy	Swiss Avenue	14
Griffin Street	Jackson Street	14
Griffin Street	Main Street	14
Griffin Street	Pacific Avenue	14
Griffin Street	San Jacinto Street	14
Harry Hines Blvd	Moody Street	14
Harry Hines Blvd	Wichita Street	14
Harwood Street	Jackson Street	14
Harwood Street	Live Oak Street	14
Harwood Street	Main Street	14
Harwood Street	McKinney Avenue	14
Harwood Street	Ross Avenue	14
Harwood Street	San Jacinto Street	14
Harwood Street	Woodall Rodgers EBSR	14
Harwood Street	Woodall Rodgers WBSR	14
Harwood St/Olive St	Pacific Avenue	14
Jackson Street	St. Paul Street	14
Jackson St/ Wood St	Pearl Street	14
Leonard Street	Ross Avenue	14
Live Oak Street	Olive Street	14
Live Oak Street	Pear Street I	14
Live Oak Street	St. Paul Street	14
Main Street	Pearl Street	14
Main Street	St. Paul Street	14
Main Street	Stone Place	14

Traffic Signal Timings and Signal Progression at 241 additional locations
Addendum Items #17, 18 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Maple Avenue	McKinney Avenue	14
Maple Avenue	Wolf Street	14
McKinney Avenue	Olive Street	14
McKinney Avenue	Pearl Street	14
McKinney Avenue	Routh Street	14
McKinney Avenue	St. Paul Street	14
McKinnon Street	Moody Street	14
McKinnon Street	Wolf Street	14
Olive Street	Ross Avenue	14
Olive Street	San Jacinto Street	14
Olive Street	Woodall Rodgers EBSR	14
Olive Street	Woodall Rodgers WBSR	14
Pacific Avenue	Pearl Street	14
Pacific Avenue	Thanksgiving Sq.	14
Pearl Street	Ross Avenue	14
Pearl Street	San Jacinto Street	14
Pearl Street	Woodall Rodgers EBSR	14
Pearl Street	Woodall Rodgers WBSR	14
Ross Avenue	Routh Street	14
Ross Avenue	St. Paul Street	14
Routh Street	San Jacinto Street	14
Routh Street	Woodall Rodgers EBSR	14
Routh Street	Woodall Rodgers WBSR	14
San Jacinto Street	St. Paul Street	14
St. Paul Street	Woodall Rodgers EBSR	14
St. Paul Street	Woodall Rodgers WBSR	14

ADDENDUM DATE September 12, 2007

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	C	PBD, HRD	\$1.45	100.00%	0.00%	Authorize a forty-eight-month contract, with two twelve-month renewal options, to provide group term life (basic and supplemental), voluntary dependent life, and accidental death and dismemberment insurance coverage
2			All	C	PBD, HRD	\$7,700,523.00	99.66%	0.34%	Authorize the purchase of a thirty-six-month insurance policy for Commercial Property Insurance for property, fine arts, boiler and machinery, and money and securities
3			All	C	PBD, HRD	\$1,215,000.00	99.21%	0.79%	Authorize the purchase of a thirty-six-month insurance policy for Excess Workers' Compensation Insurance
4			All	C	PBD, PWT	\$15,815,823.00	15.14%	26.84%	Authorize Supplemental Agreement No. 1 to the contract with ACS State and Local Solutions, Inc. to exercise a second term option to increase the contract amount, provide a two-year extension of the existing contract and expand the automated red light enforcement program for 40 addl cameras, incl relocation or modification of existing locations
5			8	C	DDS	REV \$5,400	NA	NA	An ordinance abandoning a detention area and drainage easement to TCDFW I-20 I, LP, the abutting owner, containing approximately 4 acres of land located near the intersection of Hampton and Daniieldale Roads
6			4	C	HSG	NC	NA	NA	Authorize an amendment to Resolution No. 07-2029, previously approved on June 27, 2007, rescinding the requirement that the execution of a Community Development Block Grant loan agreement is subject to obtaining 9% tax credit financing or tax-exempt bond financing & 4% tax credit financing or conventional financing for completion & rehab of property located at 201 Fray Way
7			All	C	OFS	NC	NA	NA	Authorize annual adjustments to appropriations for the FY 2005-06 year-end close
8			2, 14	C	ECO, OFS	NC	NA	NA	Authorize the preparation of plans for the issuance of up to \$33,000,000 Downtown Dallas Development Authority Tax Increment Contract Revenue Bonds for the Mercantile development project located in Reinvestment Zone Number Eleven (Downtown Connection TIF District)
9			3	C	PKR	\$571,000.00	75.31%	25.66%	Authorize a contract for the installation of a new playground at Kiest Park located at 3080 South Hampton Road
10			10	C	PKR	\$194,382.00	NA	NA	Authorize a thirty-six-month contract with two twelve-month renewal options beginning October 1, 2007 through September 30, 2010 with the Youth Services Council of the Richardson Independent School District to provide after-school programs
11			14	C	PKR	\$121,231.85	0.00%	23.57%	Authorize an increase in the contract with Shirley and Sons Construction Company, Inc. for additional pumping and piping to drain Turtle Creek for erosion inspection under the Stonebridge Drive dam within the Turtle Creek Parkway
12			5	C	PKR, TRC	\$813,147.00	67.12%	37.27%	Authorize an increase in the contract with Sedalco, LP for the construction of the discovery garden, evaporative condensed water chiller, TXU service and transformer cost, and additional select fill for the construction of the Trinity River Audubon Center
13			14	C	PWT	\$118,397.00	NA	NA	Authorize the City to enter into an Interlocal Agreement with the Texas Department of Transportation for the Woodall Rodgers Deck Plaza Project, and to provide advance funding for the engineering review
14			14	C	PWT, OCA	\$251,609.00	1.19%	16.58%	Authorize an increase in the contract with TMV LLC dba Triune Associates for renovation of the Moorland YMCA building located at 2700 Flora Street for the Dallas Black Dance Theatre to provide restoration of existing wood windows
15			2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14	C	PWT	\$149,469.00	NA	NA	Local Air Quality Program: Authorize an Interlocal Agreement with the North Central Texas Council of Governments for reimbursement of funds for traffic engineering services and City staff expenses to update traffic signal timings & replace broken detectors at 98 locations
16			2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14	C	PWT	GT	NA	NA	Local Air Quality Program: Authorize an Interlocal Agreement with the Texas Department of Transportation for reimbursement of funds for traffic engineering services and City staff expenses to update traffic signal timings & replace broken vehicle detectors at 73 locations

ADDENDUM DATE September 12, 2007

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
17			2, 14	C	PWT	\$223,560.00	NA	NA	Thoroughfare Assessment Program: Authorize an amendment to the Interlocal Agreement with the North Central Texas Council of Governments to provide local matching funds for traffic engineering services to update traffic signal timings & signal progression @ 241 additional locations
18			2, 14	C	PWT	\$98,113.00	NA	NA	Thoroughfare Assessment Program: Authorize an Interlocal Agreement with the Texas Department of Transportation for reimbursement of material and labor provided by the City for signal timing improvements at 241 locations
19			All	I	MCC	REV \$1,155,000	NA	NA	An ordinance amending Chapter 15C of the Dallas City Code to remove the requirement for verified burglar alarm notification at commercial sites prior to the dispatch of the Dallas Police Department and provide for alarm permit fees, false alarm notification fees, fines & penalties, and other matters related thereto (via Mayor Leppert)
20			All	PH	DDS	NC	NA	NA	A public hearing to receive comments regarding consideration of amendments to Chapters 51 and 51A, "The Dallas Development Code", of the Dallas City Code by amending existing regulations and adding new sections providing for gas drilling and production regulations and an ordinance granting the amendments
21			14	PH	DDS	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance changing the name of Boll Street between Ross Avenue and Flora Street to Arts Plaza

GRAND TOTAL \$27,272,256.30

KEY FOCUS AREA: Staff Accountability

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Human Resources

CMO: Dave Cook, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a forty-eight-month contract, with two twelve-month renewal options, to provide group term life (basic and supplemental), voluntary dependent life, and accidental death and dismemberment insurance coverage - Unimerica Insurance Company, most advantageous proposer of five - Not to exceed \$1.45 per employee per month for group basic term life - Financing: Human Resource Department Current Funds (subject to annual appropriations)

BACKGROUND

The City of Dallas Life Insurance Program consists of group basic term life, voluntary dependent life, and AD&D. The City currently offers \$40,000 basic life insurance coverage to full-time employees at a cost of \$2.20 per month per employee (there is no cost to the employee). Full-time employees can voluntarily purchase additional group (supplemental) life coverage up to three times their annual base salary not to exceed \$500,000, as well as dependent life and AD&D coverage via payroll deduction. The City is currently contracting with The Standard Insurance Company to provide group basic term life, voluntary dependent life and AD&D benefits for employees. The contract with The Standard Insurance Company will expire December 31, 2007.

In June 2007, the City issued a Request For Competitive Sealed Proposal (RFCSP) to identify insurers best suited to administer the City of Dallas' Life Insurance Program. Deloitte Consulting, LLP analyzed and evaluated the proposals and recommended Unimerica Insurance Company as the City's administrator of the Life Insurance Program effective January 1, 2008.

BACKGROUND (Continued)

The successful proposer was recommended on the basis of their demonstrated competence and qualifications under the following criteria:

- Coverage and Limits Provided 40 points
- Cost 40 points
- Insurer Qualifications 10 points
- Services Rendered 10 points

Deloitte Consulting, LLP presented the following reasons for recommending Unimerica Insurance Company as the most advantageous proposer:

- The City would realize an annual cost reduction from 2007 of approximately \$160,000 for the next four years. In fact the employee basic life benefit could be provided at no cost to the City in the first year of the contract because of subsidies proposed by Unimerica Insurance Company.
- Employees will see an approximate 23% decrease from 2007 rates overall for all employee-pay-all products.
- Unimerica Insurance Company will replicate all benefits proposed.
- Based on the Unimerica Insurance Company RFCSP response, all services currently offered to the City will continue.
- Financial ratings indicate that Unimerica Insurance Company is a financially stable organization.

Our recommendation is to increase the basic life insurance benefit of eligible employees from \$40,000 to \$50,000 at a reduced cost to the City of \$112,000 per year. The awarded contract will commence on January 1, 2008 and will be in effect for four years, with two one-year renewal options.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 10, 2005, the City Council authorized two one-year renewal options to the contract with Standard Insurance Company for group basic term life, voluntary dependent life, and accidental death and dismemberment insurance coverage by Resolution #05-2201.

On August 8, 2005, the Finance, Audit and Accountability Committee was briefed on Life/AD&D Insurance Benefits.

FISCAL INFORMATION

Not to exceed \$1.45 per employee per month for group basic term life - Human Resource Department Current Funds (subject to annual appropriations)

M/WBE INFORMATION

18 - Vendors Contacted
18 - No Response
0 - Response (Bid)
0 - Response (No Bid)
0 - Successful

488 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

Unimerica Insurance Company

Black Females	20	Black Males	10
Hispanic Females	5	Hispanic Males	3
White Females	532	White Males	339
Other Females	34	Other Males	23

PROPOSAL INFORMATION

The following proposals were received and opened on July 11, 2007. This contract is being awarded to the most advantageous proposer.

*Denotes most advantageous proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Cost</u>
*Unimerica Insurance Company	6300 Olson Memorial Highway Golden Valley, MN 55427	96.9	\$174,641.00
Aetna Life Insurance Co.	151 Farmington Avenue Hartford, CT 06156	96.5	\$632,319.00
Hartford Life and Accident Insurance Company	200 Hopmeadow Street Simsbury, CT 06089	91.9	\$325,193.00
Standard Insurance Co.	920 SW Sixth Avenue Portland, OR 97204	91.2	\$270,993.00
Minnesota Life Insurance Co.	400 Robert Street North St. Paul, MN 55101	89.5	\$331,215.00

OWNER

Unimerica Insurance Company

Paul Gulstrand, President and CEO
Roger A Weber, Vice President

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a forty-eight-month contract, with two twelve-month renewal options, to provide group term life (basic and supplemental), voluntary dependent life, and accidental death and dismemberment insurance coverage - Unimerica Insurance Company, most advantageous proposer of five - Not to exceed \$1.45 per employee per month for group basic term life - Financing: Human Resource Department Current Funds (subject to annual appropriations)

Unimerica Insurance Company 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	\$1.45	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	<u>\$1.45</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>

September 12, 2007

WHEREAS, the City of Dallas desires to continue the Employee Benefits Life Insurance Program; and,

WHEREAS, the City of Dallas desires to continue to provide group term life (basic and supplemental), voluntary dependent life and accidental death and dismemberment life insurance program; and,

WHEREAS, the City of Dallas desires to award a forty-eight month contract with two twelve-month renewal options to Unimerica Insurance Company effective January 1, 2008 to December 31, 2012 for group term life (basic and supplemental), voluntary dependent life and accidental death and dismemberment (AD&D) life coverage for active full-time employees and their dependents;

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 excise the forty-eight month contract with two twelve-month renewal options to the contract with Unimerica Insurance Company for group term life insurance coverage (basic and supplemental), voluntary dependent life, and accidental death and dismemberment (AD&D) after approval as to form by the City Attorney.

Section 2. That the City Controller be authorized to disburse funds from Dept PER, Fund 0265, Unit 7915, Object 3539 and 3534, Vendor No. VS0000021905 to Unimerica Insurance Company in the amount not to exceed \$1.45 per full-time employee per month for group (basic) term life insurance coverage. (subject to annual appropriations)

Section 3. That the City Controller be authorized to remit the employee premiums collected via payroll deduction from the appropriate funding sources to Unimerica Insurance Company for coverage as listed:

<u>Dept</u>	<u>Fund</u>	<u>Unit</u>	<u>Object</u>	<u>Type of Coverage</u>
PER	0265	7925	3539	Voluntary Dependent Life
PER	0265	7925	3539	Accidental Death/Dismemberment
PER	0265	7915	3534	Supplemental Life Insurance

September 12, 2007

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

Distribution:

Business Development and Procurement Services, 3FS

Human Resources, 6AS

Office of Financial Services, 4FN

City Attorney's Office, 7DN

KEY FOCUS AREA: Staff Accountability

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Human Resources

CMO: Dave Cook, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize the purchase of a thirty-six-month insurance policy for Commercial Property Insurance for property, fine arts, boiler and machinery, and money and securities - Wachovia Insurance Services, Inc., most advantageous proposer of seven - Not to exceed \$7,700,523 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

The insurance policies covering City-owned buildings, contents, equipment, fine arts, boilers and machinery, money and securities at more than 440 locations will expire on October 1, 2007.

The City's property values total approximately \$3.4 billion. Nine Insurance companies and the Texas Municipal League, in conjunction with the selected proposer, will provide a blanket property loss limit of \$1.5 billion per occurrence insuring All Risk of Direct Physical Loss. Claims to be paid at replacement cost. The deductible remains at \$1,000,000 per occurrence.

The Terrorism Risk Insurance Act of 2002 (TRIA), a federal program put in place after the events of 9/11 to limit insurance companies exposure due to acts of terrorism, will expire on December 31, 2007. Most industry experts expect some form of TRIA coverage to be renewed. This purchase includes a \$250 million endorsement to cover the City's assets in the event of foreign or domestic acts of terrorism.

BACKGROUND(Continued)

In 2006 Council charged the Human Resources staff to identify more vendor participation & secure a three-year term for property insurance. Staff created a two phase RFCSP process thru the Procurement Business Development Department.

- Phase one requested vendors to provide proposals focused on service and the estimated cost the primary layer of coverage.
- Phase two selected one proposer to continue the RFCSP process and authorized the proposer to solicit property insurance carriers for the various layers of coverage.

Proposals for this contract were presented to a five member selection committee. This committee was comprised of representatives from four departments within the City of Dallas organization with knowledge of the particular work areas.

- Human Resources (2)
- Efficiency Team
- City Attorney
- Housing

The successful Proposer was recommended on the basis of the demonstrated competence and qualification under the following criteria:

- | | |
|--------------------------------------|-----------|
| ● Responsiveness to the RFCSP | 10 points |
| ● Cost | 40 points |
| ● Prosper and Insurer Qualifications | 20 points |
| ● Services Rendered | 30 points |

The policies (contracts) will be effective for a one-year period beginning 12:01am on October 1, 2007, ending 12:01am October 1, 2010. This item will cover City-owned buildings, contents, equipment, fine arts, boilers and machinery, and money and securities at more than 440 locations.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On September 13, 2006, City Council approved the purchase of a twelve-month Commercial Insurance Policy by Resolution #06-2422.

On August 28, 2006, Finance, Audit and Accountability Council Committee was briefed.

On September 28, 2005, City Council approved the purchase of insurance policies, by Resolution #05-2829.

On September 26, 2005, Finance, Audit and Accountability Council Committee was briefed.

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

On September 22, 2004, City Council approved the purchase of insurance policies, by Resolution #04-2771.

On September 24, 2003, City Council approved the purchase of insurance policies, by Resolution #03-2589.

FISCAL INFORMATION

\$7,700,523.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

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

M/WBE INFORMATION (Continued)

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

Wachovia Insurance Services, Inc.

Hispanic Female	2	Hispanic Male	0
Black Female	3	Black Male	1
Other Female	0	Other Male	1
White Female	25	White Male	14

PROPOSAL INFORMATION

The following proposals were received and opened on July 25, 2007. This purchase is being awarded to the most advantageous proposer.

*Denotes successful proposer

<u>Proposer</u>	<u>Address</u>	<u>Score</u>	<u>Cost</u>
*Wachovia Insurance Service, Inc.	5956 Sherry Lane Suite 2000 Dallas, Texas 75225	460	\$1.3M
Arthur J. Gallagher Risk Management Services, Inc.	14241 Dallas Parkway Suite 300 Dallas, TX 75254	443	\$1.2M
Key & Piskuran Insurance Agency, LLC	2313-A Roosevelt Drive Arlington, TX 76016	426	\$1.3M
McGriff Seibels & Williams of Texas, Inc.	5949 Sherry Lane Suite 1300 Dallas, TX 75225	401	\$1.3M
Scarbrough Medlin Associates, Inc.	5700 Granite Parkway Suite 500 Plano, Texas 75024	392	\$2.5M
Wm. Rigg Co.	777 Main Street, Suite C-50 Fort Worth, Texas 76102	111	\$1.9M
Texas Municipal League Intergovernmental	1821 Rutherford Lane, 1st Floor Austin, Texas 78754 (Coverage for first layer)	0	

OWNER

Wachovia Insurance Services, Inc.

Stewart McDowell, President

Robert S. Brookhammer III, ARM-P, Senior Client Executive/Vice President

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize the purchase of a thirty-six-month insurance policy for Commercial Property Insurance for property, fine arts, boiler and machinery, and money and securities - Wachovia Insurance Services, Inc., most advantageous proposer of seven - Not to exceed \$7,700,523 - Financing: Current Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$7,674,123.00	99.66%
Total non-local contracts	\$26,400.00	0.34%
TOTAL CONTRACT	\$7,700,523.00	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>
The Jenkins Agency, Inc.	BFDB34062Y0608	\$26,400.00	100.00%
Total Minority - Non-local		\$26,400.00	100.00%

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%	\$26,400.00	0.34%
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%	\$26,400.00	0.34%

September 12, 2007

WHEREAS, property, fine arts, boiler and machinery, and money and securities insurance is deemed necessary and prudent in the operation of the City of Dallas; and,

WHEREAS, property, fine arts, boiler and machinery, and money and securities insurance may be required by various bond covenants imposed on the City; and,

WHEREAS, the City's insurance policies for property, fine arts, boiler and machinery, and money and securities expires 12:01am October 1, 2007; and,

WHEREAS, insurance companies, represented by Wachovia Insurance Services, provided the terms, conditions and cost most favorable to the City;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a contract with Wachovia Insurance Services for Commercial Property Insurance for a term of thirty-six months in an amount not to exceed \$7,700,523.00, for the period of October 1, 2007 to October 1, 2010, 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 Wachovia Insurance Services be based only on the amount of the services directed to be performed by the City and properly performed by Wachovia Insurance Services under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriations, to Wachovia Insurance Services, Inc. in an amount not to exceed \$7,700,523.00:

<u>Dept</u>	<u>Fund</u>	<u>Unit</u>	<u>Obj</u>	<u>Encumbrance No.</u>	<u>Amount</u>
PER 0194	3840	3310	ORM3840WACHPIY1	\$2,509,263.00	(subject to annual appropriations)
PER 0194	3840	3310	ORM3840WACHPIY2	\$2,501,810.00	(subject to annual appropriations)
PER 0194	3840	3310	ORM3840WACHPIY3	\$2,689,450.00	(subject to annual appropriations)

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

DISTRIBUTION:

Business Development and Procurement Services, 3FN
Office of Financial Service, 4FN
Human Resources Department, 6AN
City Attorney's Office, 7DN

KEY FOCUS AREA: Staff Accountability

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Human Resources

CMO: Dave Cook, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize the purchase of a thirty-six-month insurance policy for Excess Workers' Compensation Insurance - McGriff, Seibels & Williams, Inc., through Star Insurance Company, only proposer - Not to exceed \$1,215,000 - Financing: Human Resource Department Current Funds (subject to annual appropriations)

BACKGROUND

The City provides benefits in accordance with the Texas Workers' Compensation Act. The benefits are funded annually through the budget process. This purchase of an Excess Workers' Compensation Insurance policy will reimburse the City for loss payments exceeding \$750,000 per incident, thereby limiting the City's financial exposure. The current policy with McGriff, Seibels & Williams, Inc., State National Insurance Company will expire on October 1, 2007.

A Request for Competitive Sealed Proposal (RFCSP) was issued on June 29, 2007. One proposal was received on July 25, 2007 from McGriff, Seibels & Williams, Inc.

Two no bid letters were also received on July 25, 2007.

- Texas Municipal League Intergovernmental Risk Pool (no bid due to third party claims handling)
- Arthur J. Gallagher Risk Management Services, Inc. (no bid due to excess number of claims)

BACKGROUND (Continued)

The successful Proposer submittals would be evaluated based on the following criteria:

- Responsiveness to the RFCSP 50 points
- Cost 40 points
- Agency and Insurer Qualifications 10 points

It is recommended that McGriff, Seibels & Williams, Inc. meets the requirements and specifications of the City. This insurance policy will provide Excess Workers' Compensation coverage for thirty-six-months payable in annual installments of \$405,000. This thirty-six-month insurance policy is being awarded at the same cost as the previous thirty-six-month policy.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On September 22, 2004, City Council authorized the purchase of a thirty-six-month insurance policy for Excess Workers' Compensation Insurance by Resolution #04-2784.

FISCAL INFORMATION

\$1,215,000.00 - Human Resource Department Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

169 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

McGriff, Seibels & Williams, Inc.

Hispanic Female	4	Hispanic Male	0
Black Female	1	Black Male	1
Other Female	0	Other Male	2
White Female	29	White Male	27

PROPOSAL INFORMATION

The following proposal was received and opened on July 25, 2007. This purchase is being awarded to the only proposer.

Proposer

McGriff, Seibels & Williams, Inc.

Address

5959 Sherry Lane, Ste. 1300
Dallas, TX 75225

OWNER

McGriff, Seibels & Williams, Inc.

Johnny Fontenot, Senior Vice President

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize the purchase of a thirty-six-month insurance policy for Excess Workers' Compensation Insurance - McGriff, Seibels & Williams, Inc., through Star Insurance Company, only proposer - Not to exceed \$1,215,000 - Financing: Human Resource Department Current Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$1,205,361.00	99.21%
Total non-local contracts	<u>\$9,639.00</u>	<u>0.79%</u>
TOTAL CONTRACT	\$1,215,000.00	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>
The Jenkins Agency, Inc.	BFDB34062Y0608	<u>\$9,639.00</u>	<u>100.00%</u>
Total Minority - Non-local		\$9,639.00	100.00%

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%	\$9,639.00	0.79%
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	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>
Total	\$0.00	0.00%	\$9,639.00	0.79%

September 12, 2007

WHEREAS, on September 22, 2004, City Council authorized the purchase of a three-year insurance policy for Excess Workers' Compensation insurance by Resolution #04-2784; and,

WHEREAS, the City's policy with State National Insurance Company through McGriff, Seibels & Williams of Texas, Inc., for Excess Workers' Compensation Insurance expires for the period of October 1, 2007; and,

WHEREAS, Excess Workers' Compensation Insurance is deemed necessary and prudent in the operation of the City of Dallas; and,

WHEREAS, Excess Workers' Compensation Insurance will provide the City with a mechanism to limit the economic impact of catastrophic claims resulting from on the job injuries incurred by City employees; and,

WHEREAS, there was one proposal received. It is our recommendation that McGriff, Seibels & Williams, Inc. through Star Insurance Company, be awarded a thirty-six month policy;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a contract with McGriff, Seibels & Williams, Inc., through Star Insurance Company for the purchase of an insurance policy for Excess Workers' Compensation Insurance for a term of thirty-six months in an amount not to exceed \$1,215,000.00, for the period of October 1, 2007 to October 1, 2010, 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 McGriff, Seibels & Williams, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by McGriff, Seibels & Williams, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds, subject to annual appropriations of funding by the City Council from the following appropriations, in an amount not to exceed \$1,215,000.00:

Fund 0194	Dept ORM	Unit 3860	Obj 3310	Encumbrance	ORM3860XSWCY1	\$405,000.00
Fund 0194	Dept ORM	Unit 3860	Obj 3310	Encumbrance	ORM3860XSWCY2	\$405,000.00
Fund 0194	Dept ORM	Unit 3860	Obj 3310	Encumbrance	ORM3860XSWCY3	\$405,000.00

September 12, 2007

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, 3FN
Office of Financial Service, 4FN
Human Resources Department, Employee Benefits, 6AN
City Attorney's Office, 7DN

KEY FOCUS AREA: Public Safety & Homeland Security

AGENDA DATE: September 12, 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 Supplemental Agreement No. 1 to the contract with ACS State and Local Solutions, Inc. to **(1)** exercise a second term option to increase the contract amount; **(2)** provide a two-year extension of the existing contract; and **(3)** expand the automated red light enforcement program (Safelight) by forty additional cameras, including the relocation or modification of existing camera locations - Not to exceed \$15,815,823, from \$13,291,083 to \$29,106,906 - Financing: Current Funds

BACKGROUND

The City of Dallas ranked 7th highest in red light running fatalities among a list of 70 large cities nationwide, according to the 2000 report from the Insurance Institute for Highway Safety. Texas ranked fourth highest in the nation. The Insurance Institute for Highway Safety reports a national increase of 10% in traffic signal fatalities since 1993. An Automated Red Light Enforcement Program has been determined to reduce red light running by up to 60%. The Federal Highway Administration reports that nationwide, intersections average a 25 percent reduction in red light related collisions after installing photo enforcement systems.

The City Council approved a contract with ACS State and Local Solutions, Inc. on September 13, 2006 to provide implementation, maintenance and operation of sixty cameras for the automated red light enforcement program. The original contract was for a period of 60 months with an option to renew for a second 5-year term. It is necessary to exercise the second term option in order to increase the contract amount and expand the program. The new contract amount is a 9% increase to the amount for the combined initial term and option term.

BACKGROUND (Continued)

This supplemental agreement will add forty cameras, extend the contract for two (2) additional years and provide the funds needed to relocate some of the installed cameras to more vulnerable locations, and to meet the requirements established by the new Act relating to the implementation of red light enforcement systems approved by the Texas legislature, which will be effective beginning September 1, 2007.

The purpose of the red light program is to improve public safety by increasing enforcement of red light laws. The City currently operates approximately 7300 traffic signals citywide. The goal of the Dallas program is to reduce the number of right angle collisions and related injuries/fatalities citywide by 25% through the incremental expansion of automated photo and video cameras within the City of Dallas. A preliminary analysis of intersections with photo enforcement for the past six months indicate that Dallas has experienced a reduction of 80% in right angle accidents, 4% in accidents caused by left turns and a 40% reduction in rear end collisions. Although preliminary, these results begin to show the effectiveness of the red light enforcement program in the City of Dallas.

A review of the program has also identified additional locations vulnerable to unsafe driving habits. The addition of forty cameras will further increase the effectiveness of this program. The City's objective is to change the driving habits of the citizens of Dallas to increase public safety.

The following changes were adopted by Senate Bill 1119, effective September 1, 2007, which apply to this service contract:

- Clearly defines the point of violation
- Requires revenue sharing - 50% of the Net Revenue collected from the use of red light cameras will be paid to the State

Program Overview:

Current Year Estimates (prior to the new state law) effective 9/1/07

Gross revenue	\$8,026,247.00
Less costs	\$2,497,206.00
Net revenue	\$5,529,041.00
Net revenue-State of Texas	\$ 164,388.00
Net revenue-City of Dallas	\$5,364,653.00

BACKGROUND (Continued)

Anticipate Revenue (for six subsequent years)

Gross revenue	\$69,955,156.00
Less costs	\$30,967,560.00
Net revenue	\$38,987,596.00
Net revenue-State of Texas	\$19,493,798.00
Net revenue-City of Dallas	\$19,493,798.00

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 13, 2006, City Council authorized a sixty-month contract, with one sixty-month renewal option for the installation, maintenance and operation of an automated red light camera enforcement system by Resolution #06-2492.

On September 5, 2006, the Public Safety Committee was briefed and recommended approval.

On August 7, 2006, the Public Safety Committee was briefed.

On April 12, 2006, the City Council authorized an amendment to Chapter 28 of the Dallas City Code to create a civil offense for a red light violation at a camera-enforced intersection by Ordinance No. 26305.

On January 20, 2006, the City Council was briefed.

FISCAL INFORMATION

\$15,815,823.00 - Current Funds

M/WBE INFORMATION

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

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

ACS State & Local Solutions, Inc.

White Female	8	White Male	37
Hispanic Female	2	Hispanic Male	3
Black Female	2	Black Male	4
Other Female	1	Other Male	3

PROPOSAL INFORMATION

Proposer

ACS State & Local Solutions, Inc.

Address

1800 M. Street NW
Washington, DC 20036

OWNER

ACS State & Local Solutions, Inc.

Tom Burlin, President
Michael P. Huerta, Vice President
William L. Deckelman, Jr., Secretary
Nancy P. Vineyard, Treasurer

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the contract with ACS State and Local Solutions, Inc. to **(1)** exercise a second term option to increase the contract amount; **(2)** provide a two-year extension of the existing contract; and **(3)** expand the automated red light enforcement program (Safelight) by forty additional cameras, including the relocation or modification of existing camera locations - Not to exceed \$15,815,823, from \$13,291,083 to \$29,106,906 - Financing: Current Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$2,394,000.00	15.14%
Non-local contracts	\$13,421,823.00	84.86%
TOTAL THIS ACTION	\$15,815,823.00	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>
Wai-Wize	BMDB30316Y0307	\$1,239,000.00	51.75%
Pinnacle Technical Resources	HFWB32804Y1107	\$870,000.00	36.34%
Parking Company of America	HMMB33406N0208	\$285,000.00	11.90%
Total Minority - Local		\$2,394,000.00	100.00%

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	\$1,239,000.00	7.83%	\$3,016,804.00	10.36%
Hispanic American	\$1,155,000.00	7.30%	\$4,795,503.00	16.48%
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	\$2,394,000.00	15.14%	\$7,812,307.00	26.84%

September 12, 2007

WHEREAS, on January 20, 2006, the City Council was briefed; and,

WHEREAS, on April 12, 2006, the City Council authorized an amendment to Chapter 28 of the Dallas City Code to create a civil offense for a red light violation at a camera-enforced intersection by Ordinance No. 26305; and,

WHEREAS, on August 7, 2006, the Public Safety Committee was briefed; and,

WHEREAS, on September 5, 2006, the Public Safety Committee was briefed and recommended approval; and,

WHEREAS, On September 12, 2007, the City Council authorized a sixty-month contract, with one sixty-month renewal option for the installation, maintenance and operation of an automated red light camera enforcement system by Resolution #06-2492;

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 approve Supplemental Agreement No. 1 to the contract with ACS State & Local Solutions, Inc. (VS0000005027) to **(1)** exercise second term option to increase the contract amount; **(2)** provide a two-year extension of the existing contract; and **(3)** expand the automated red light enforcement program (Safelight) by forty additional cameras, including the relocation or modification of existing camera locations, in an amount not to exceed \$15,815,823.00, from \$13,291,083.00 to \$29,106,906.00.

Section 2. That the City Controller is authorized to disburse funds to ACS State & Local Solutions, Inc., in an amount not to exceed \$15,815,823.00 from:

Fund: 0001, Dept: PBW, Unit: 3037, Object: 3072

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, 4FS

Public Works and Transportation

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007
COUNCIL DISTRICT(S): 8
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 74E

SUBJECT

An ordinance abandoning a detention area and drainage easement to TCDFW I-20 I, LP, the abutting owner, containing approximately 4 acres of land located near the intersection of Hampton and Daniieldale Roads – Revenue: \$5,400 plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a detention area and drainage easement to TCDFW I-20 I, LP, the abutting owner, containing approximately 4 acres of land. The area will be included with the property of the abutting owner for the construction of a distribution center in connection with Home Depot.

The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

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

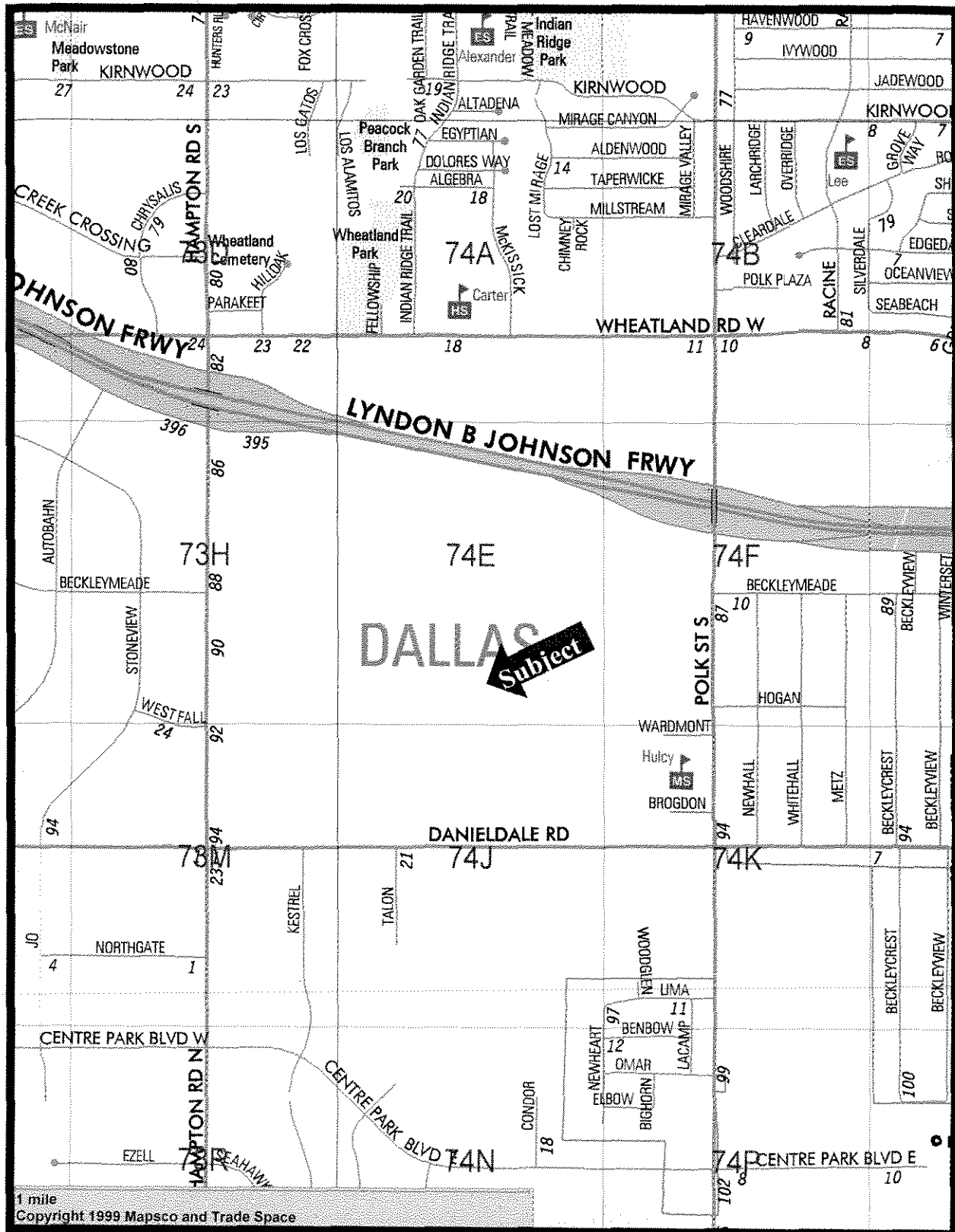
OWNER

TCDFW I-20 I, LP

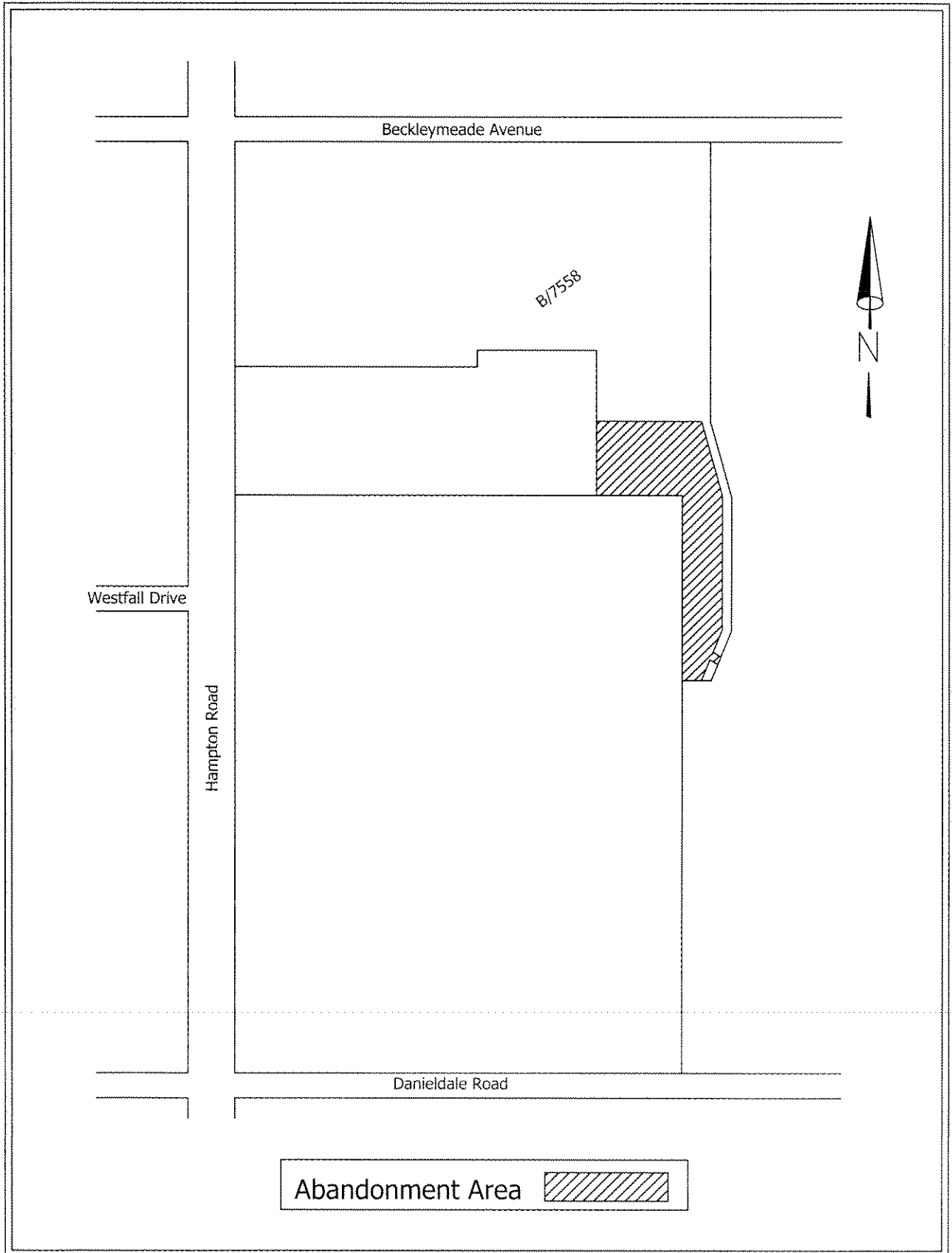
TCDFW Investment and Development, Inc., General Partner
S. Denton Walker III, President

MAPS

Attached



Mapsco 74E



ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a detention area and drainage easement, located in City Block B/7558 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to TCDFW I-20 I, LP; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of TCDFW I-20 I, LP, a Delaware limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 10, the City of Dallas does by these presents forever **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to that certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

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

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

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

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

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

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said detention area and drainage easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement to be provided by **GRANTEE** and acceptable to the Director of Development Services, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Development Services; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Development Services. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Development Services.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey to the City of Dallas, a detention area and drainage easement acceptable to the Director of Development Services, within 60 days after passage of this ordinance. Failure to convey the above described easement as set forth shall render this ordinance null and void and of no further effect.

SECTION 11. That as such time as the instrument described in Section 10 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Development Services is authorized and directed to record said instrument in the Deed Records of Dallas, Texas; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

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 her designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Development Services, or her designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Development Services, or her 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

BY 
Assistant City Attorney

THERESA O'DONNELL
Director of Development Services

BY 
Assistant Director

Passed _____.

EXHIBIT A

DETENTION AREA AND DRAINAGE
EASEMENT ABANDONMENT
BEING PART OF LOT 4, CITY OF DALLAS BLOCK B/7558
BECKLEYMEADE ADDITION

BEING a 4.116 acre tract of land situated in the John Stephens Survey Abstract Number 1302, City of Dallas, Dallas County, Texas being part of Lot 4, Block B/7558 of Beckleymeade Addition, an addition to the City of Dallas as recorded in County Clerk's Document No. 200600436953 and also being part of that tract of land described in Special Warranty Deed to TCDFW I-20 I, LP as recorded in Volume 2005167, Page 2467 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at the southwest corner of said Lot 4 on the east right-of-way line of Hampton Road (100 foot right-of-way);

THENCE South 90 degrees 00 minutes 00 seconds East, along a southerly line of said Lot 4, Block B/7558, a distance of 815.01 feet to an Aluminum Monument stamped "Lot 4, Block B/7558, RPLS 5017" (hereafter referred to as "monument found") found for corner;

THENCE North 00 degrees 00 minutes 00 seconds East, continuing along said southerly line, a distance of 46.00 feet to a point for corner;

THENCE South 90 degrees 00 minutes 00 seconds East, continuing along said southerly line, a distance of 392.00 feet to a point for corner;

THENCE South 00 degrees 00 minutes 00 seconds East, along an easterly west line of said Lot 4, a distance of 248.11 feet to the POINT OF BEGINNING;

THENCE South 89 degrees 47 minutes 11 seconds East, departing said west line, a distance of 377.33 feet to a point at the beginning of a non-tangent curve to the left with a radius of 440.00 feet and a chord bearing South 11 degrees 53 minutes 05 seconds East, a distance of 152.14 feet;

THENCE southeasterly along said curve, through a central angle of 19 degrees 54 minutes 41 seconds, an arc distance of 152.91 feet to a point for corner;

THENCE South 21 degrees 50 minutes 33 seconds East, a distance of 15.56 feet to the beginning of a tangent curve to the right with a radius of 390.00 feet and a chord bearing South 10 degrees 48 minutes 51 seconds East, a distance of 149.21 feet;

THENCE southeasterly along said curve, through a central angle of 22 degrees 03 minutes 26 seconds, an arc distance of 150.14 feet to the point of tangency;

THENCE South 00 degrees 12 minutes 52 seconds West, a distance of 353.36 feet to a point for corner;

(For SPRG use only)

Reviewed By: _____
Date: _____
SPRG NO.: _____

REVIEWED BY

JR 08.17.2007

DETENTION AREA AND DRAINAGE EASEMENT ABANDONMENT BEING PART OF LOT 4, CITY OF DALLAS BLOCK B/7558 BECKLEYMEADE ADDITION

THENCE South 26 degrees 31 minutes 54 seconds West, a distance of 105.28 feet to a point for corner;

THENCE South 63 degrees 28 minutes 06 seconds East, a distance of 28.00 feet to a point on the east line of said Beckleymeade Addition;

THENCE South 26 degrees 31 minutes 54 seconds West, along said east line, a distance of 20.00 feet to a point for corner;

THENCE North 63 degrees 28 minutes 06 seconds West, departing said east line, a distance of 28.00 feet to a point for corner;

THENCE South 26 degrees 31 minutes 54 seconds West, a distance of 87.32 feet to a point for corner on the southernmost line of said Lot 4;

THENCE North 89 degrees 46 minutes 35 seconds West, along said south line, a distance of 54.79 feet to a point for corner, being the most southerly southwest corner of said Lot 4, said point being on the east line of a tract of land described in deed to Sadat Bassampour, as recorded in Volume 2003209, Page 2954, D.R.D.C.T.;

THENCE North 00 degrees 04 minutes 02 seconds East, along an easterly west line of Lot 4 and the east line of said Bassampour tract, passing at a distance of 315.92 feet the northeast corner of said Bassampour tract, same being the southeast corner of Lot 1, Gainey Park Addition, an Addition to the City of Dallas, as recorded in Volume 96242, Page 4094, D.R.D.C.T., and continuing along the east line of said Gainey Park Addition, in all a total distance of 616.16 feet to a monument found for corner;

THENCE South 90 degrees 00 minutes 00 seconds West, continuing along said west line of Lot 4 and along the north line of said Gainey Park Addition, a distance of 292.09 feet to a monument found for corner, said point being on the east line of a tract of land described in deed to TMJ Partnership, as recorded in Volume 85174, Page 4626, D.R.D.C.T.;

THENCE North 00 degrees 00 minutes 00 seconds East, continuing along said west line of Lot 4 and along the east line of said TMJ Partnership tract, passing at a call distance of 181.71 feet the southeast of a tract of land described in deed to Bobby Lee McCord, Trustee, as recorded in Volume 2003179, Page 0283, D.R.D.C.T., and continuing along the west line of Lot 4 and the east line of said McCord tract, in all a total distance of 238.48 feet to the POINT OF BEGINNING AND CONTAINING 179,281 square feet, or 4.116 acres of land, more or less.

(For SPRG use only)

Reviewed By: _____
Date: _____
SPRG NO.: _____

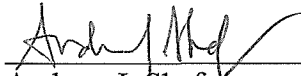
REVIEWED BY

08.17.2007

DETENTION AREA AND DRAINAGE
EASEMENT ABANDONMENT
BEING PART OF LOT 4, CITY OF DALLAS BLOCK B/7558
BECKLEYMEADE ADDITION

Basis of bearings is South 90 degrees 00 minutes 00 seconds East, being the northerly most south line of Lot 4 of the Beckleymeade Addition, as recorded in County Clerk's Document No. 200600436953, Deed Records of Dallas County, Texas.

Signed on this 17th day of August, 2007.



Andrew J. Shafer
Registered Professional Land Surveyor
Texas No. 5017



REVIEWED BY

JH 08.17.2007

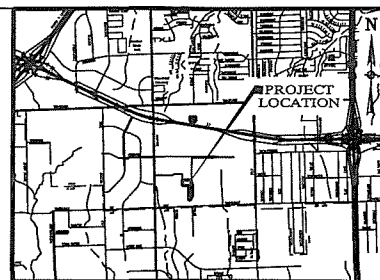
(For SPRG use only)

Reviewed By: _____

Date: _____

SPRG NO.: _____

0 50 100 200 300 400 600
SCALE IN FEET



LOCATION MAP
NOT TO SCALE

BECKLEYMEADE ADDITION
LOT 4, BLOCK B/7558
CCD#200600436953

OWNER:

TCDFW 1-20, I, LP
(VOL.2005167, PG.2467)
D.R.D.C.T.

HAMPTON ROAD
(100' RIGHT-OF-WAY)

20' WATER EASEMENT
(CCD# 200600436953)

20' STORM DRAIN EASEMENT
(CCD# 200600436953)

EXHIBIT A

BLOCK 7558

OWNER:
TCDFW 1-20 II, LP
VOL. 2005167, PG. 2481
D.R.D.C.T.

POINT OF
COMMENCING

BLOCK 7558
TMJ PARTNERSHIP
VOL. 85174, PG. 4626
D.R.D.C.T.

JOHN STEPHENS SURVEY
ABSTRACT NO. 1302

POINT OF
BEGINNING

BLOCK 7558
GINBERG FAMILY TRUST
VOL. 93187, PG. 2289
D.R.D.C.T.

BLOCK 7558
BOBBY LEE MCCORD, TRUSTEE
VOL. 2003179, PG. 0283
D.R.D.C.T.

OWNER:
TCDFW 1-20, I, LP
(VOL.2005167, PG.2467)
D.R.D.C.T.

$\Delta = 19^{\circ}54'41''$
 $R = 440.00'$
 $T = 77.23'$
 $L = 152.91'$
 $CL = 152.14'$
 $CB = S11^{\circ}53'05''E$

$S21^{\circ}50'33''E$
 $15.56'$

$\Delta = 22^{\circ}03'26''$
 $R = 390.00'$
 $T = 76.01'$
 $L = 150.14'$
 $CL = 149.21'$
 $CB = S10^{\circ}48'51''E$

GAINEY REALTY & INV. CORP.
(VOL. 95171, PG. 1194)
LOT 1, BLOCK B/7558
GAINEY PARK ADDITION
VOL. 96242, PG. 4094
D.R.D.C.T.

FMON
(C.M.)

FMON

DETENTION AREA &
DRAINAGE EASEMENT
ABANDONMENT
179,281 SQUARE FEET
(4.116 ACRES)

BLOCK 7558
SADAT BASSAMPOUR
VOL. 2003209, PG. 2954
D.R.D.C.T.

LEGEND:

FMON FOUND ALUMINUM MONUMENT STAMPED
(C.M.) "LOT 4, BLOCK B/7558, RPLS 5017"
FX CONTROL MONUMENT
FOUND "X" CUT IN CONCRETE
BREAK LINE

Signed on this 17th day of August, 2007

Andrew J. Shafer

ANDREW J. SHAFER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 5017

Notes:

1.) The Basis of Bearing is South 90 degrees 00 minutes 00 seconds East, being the northerly most south line of Lot 4 of the Beckleymeade Addition, as recorded in County Clerk's Document No. 200600436953.

2.) A legal description of even survey data herewith accompanies this plat of survey.

(For SPRG use only)

Reviewed By: _____
Date: _____
SPRG NO.: _____



DETENTION AREA AND DRAINAGE
EASEMENT ABANDONMENT
BEING PART OF LOT 4
CITY OF DALLAS BLOCK B/7558
BECKLEYMEADE ADDITION

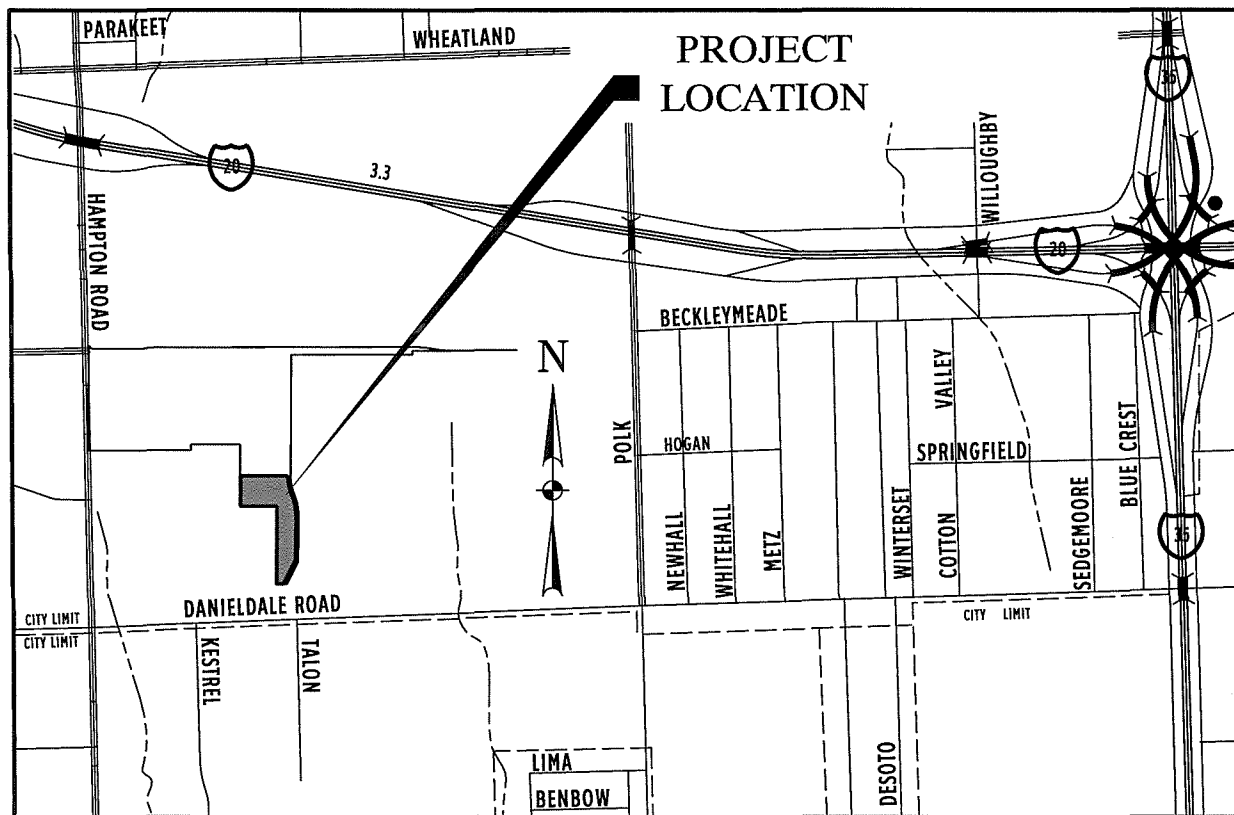
BY
Half Associates, Inc.

ENGINEERS ARCHITECTS SCIENTISTS PLANNERS SURVEYORS
3801 PARKWOOD BLVD., SUITE 500
FRISCO, TEXAS 75034
TEL (214) 618-4570
FAX (214) 618-4574

SCALE 1" = 200' AV0 = 22217 JULY 31, 2007

EXHIBIT A

DETENTION AREA AND DRAINAGE EASEMENT ABANDONMENT BEING PART OF LOT 4 CITY OF DALLAS BLOCK B/7558 BECKLEYMEADE ADDITION



LOCATION MAP NOT TO SCALE

DALLAS MAPSCO PG 73-74

(For SPRG use only)

Reviewed By: _____
Date: _____
SPRG NO.: _____

KEY FOCUS AREA: Economic Development
Neighborhood Quality of Life

AGENDA DATE: September 12, 2007
COUNCIL DISTRICT(S): 4
DEPARTMENT: Housing
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 55F

SUBJECT

Authorize an amendment to Resolution No. 07-2029, previously approved on June 27, 2007, rescinding the requirement that the execution of a Community Development Block Grant loan agreement by the City is subject to 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 and rehabilitation of the property located at 201 Fran Way - No cost consideration to the City

BACKGROUND

On October 12, 2006, Sphinx Development Corporation (SDC) requested a \$1,200,000 loan for acquisition and demolition of improved property located at 201 Fran Way, Dallas, Texas. The property is currently valued on the tax rolls for \$1,209,600. The SDC Senior Villas Project is part of the SDC Fiji-Compton mixed-use transit-oriented development (TOD) located within a quarter mile of two DART Stations at 8th and Corinth and the Morrell Street Stations which will provide viable work force commuter options. The Fiji-Compton development has previously been awarded \$2,811,986 from the Regional Transportation Council of North Texas Council of Governments and a City of Dallas 20% match for \$702,000 (provided by Council Resolution No. 06-1536 on June 7, 2006) for infrastructure support.

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

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

BACKGROUND (continued)

On February 28, 2007, the City Council approved by Resolution No. 07-0710 which authorized the TDHCA 9% tax credits for the SDC Senior Villas Project and support of the future approval of a subsequent City Council Resolution approving a loan or grant in an amount not to exceed \$1,200,000.

The loan or grant would gain 18 qualifying points for the final 9% tax credit application.

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

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

On June 27, 2007, the City Council approved by Resolution No. 07-2029 a \$1,200,000 loan at a one percent (1%) interest rate with interest only payable from available cash flow which will accrue and will be due and payable along with the full principal amount of the debt as a balloon payment upon the later of thirty years from the closing of the City's loan or upon the refunding, redemption or payment of all outstanding tax-exempt bonds, if any, or upon the sale or refinancing of the project. The City's loan will be in second or third lien position behind the interim construction loan and the subsequent permanent loan, and behind the tax-exempt bonds used to finance the project, if any. The collateral will be the 130-unit project site, which will be deed restricted during the term of the City's loan to require that 51% of the units be rented low- to moderate-income households with incomes of 80% or less of the Dallas County median income at affordable rents. Additionally, Jay O. Oji and Joseph Agumadu, the Applicants, will execute unconditional personal guarantees in favor of the City for \$1,200,000 for the commencement of construction by 24 months from the date of the contract, but in no event any later than August 31, 2009 and also the completion of the construction of the property within 48 months of the date of the contract, but in no event any later than August 31, 2011.

The project has already been approved for \$702,997 in 2003 General Obligation Bonds from the City of Dallas.

BACKGROUND (continued)

This action will rescind the requirement that execution of a CDBG loan agreement by the City is subject to obtaining 9% tax credit financing or tax-exempt bond financing and 4% tax credit financing or conventional financing satisfactory to the City for completion and rehabilitation of the Property, with all other requirements of the June 27, 2007 Council Resolution remaining in place.

The property has been under contract for two years and the Applicant is in danger of losing the parcel which is required to complete the TOD as proposed. The developer has already secured funding for infrastructure and landscaping of the immediate area around and for this parcel. Because the parcel is located adjacent to the DART rail station at corner of 8th and Corinth, the property will increase in value and can be developed if the current developer were unable to complete the projects as proposed. The Applicant will re-apply for the next round of Texas Department of Housing and Community Affairs 9% tax credits for a FY 2008 award.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

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

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

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

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

On June 27, 2007, the City Council approved the \$1,200,000 acquisition and demolition loan with Sphinx Development Corporation by Resolution No. 07-2029.

FISCAL INFORMATION

No cost consideration to the City

OWNER

Sphinx Development Corporation

Jay O. Oji, President
Joseph Agumadu, Vice President

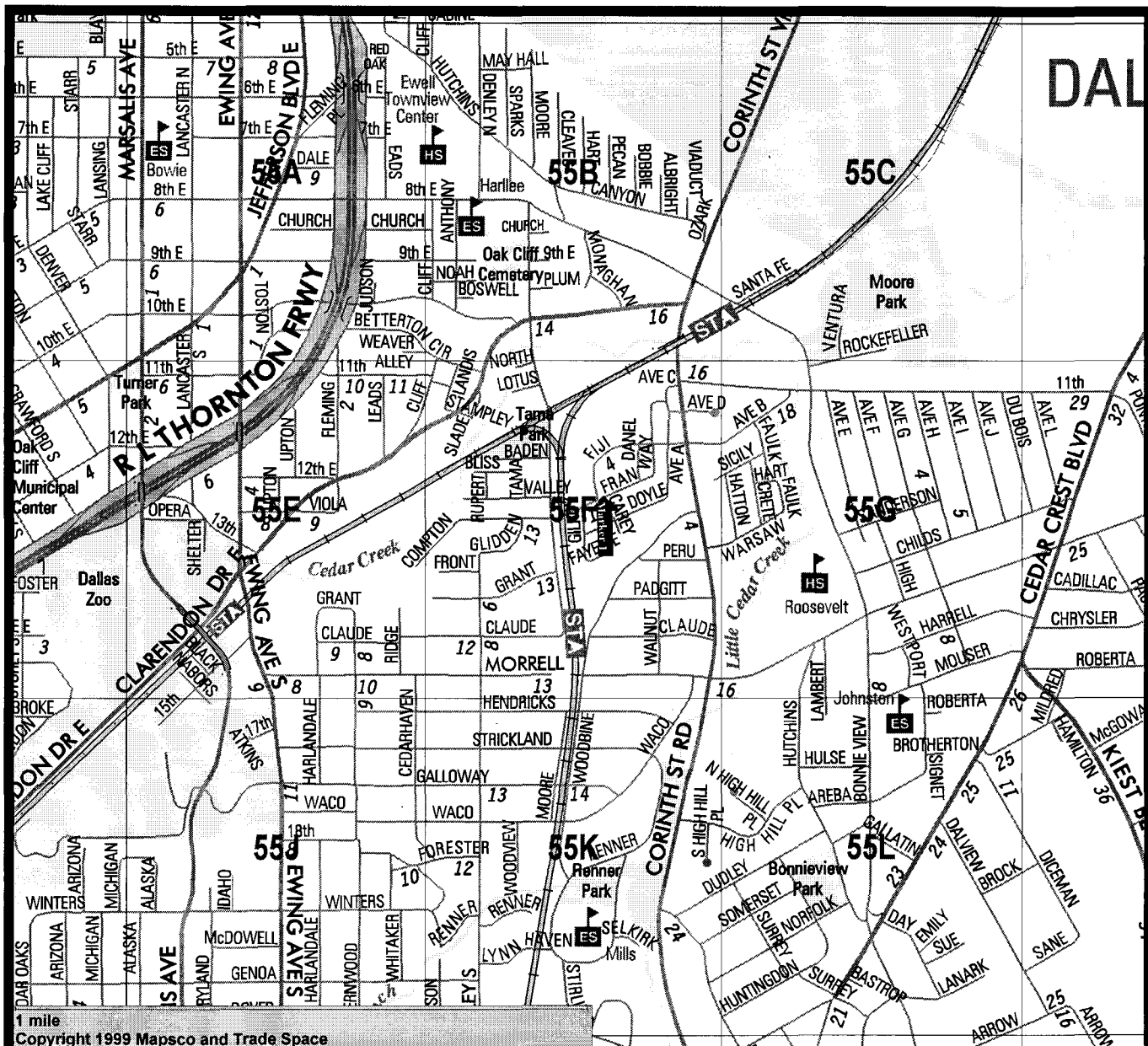
MAP

Attached

DEVELOPER

Sphinx Development Corporation

Jay O. Oji, President
Joseph Agumadu, Vice President



1 : 201 Fran Way

September 12, 2007

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

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

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

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

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

WHEREAS, on May 21, 2007, the \$1,200,000 eligible soft costs, acquisition and demolition loan with the Sphinx Development Corporation was included on the Economic Development and Housing Committee briefing agenda and did not require that the CDBG loan be contingent on obtaining 9% tax credit financing or tax-exempt bond financing and 4% tax credit financing or conventional financing; and

WHEREAS, the City Council desires to provide a \$1,200,000 CDBG loan to the Sphinx Development Corporation for the acquisition and demolition of the improved property at 201 Fran Way, for the new construction of a 130-unit multi-family rental project for seniors; and

September 12, 2007

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

WHEREAS, the City Council desires to authorize an amendment to Resolution No. 07-2029, previously approved on June 27, 2007, rescinding the requirement that execution of a CDBG loan agreement by the City is subject to obtaining 9% tax credit financing or tax-exempt bond financing and 4% tax credit financing or conventional financing satisfactory to the City for completion and rehabilitation of the property located at 201 Fran Way; **NOW, THEREFORE**,

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

SECTION 1. That the City desires to authorize an amendment to Resolution No. 07-2029, previously approved on June 27, 2007, rescinding the requirement that execution of a CDBG loan agreement by the City is subject to obtaining 9% tax credit financing or tax-exempt bond financing and 4% tax credit financing or conventional financing satisfactory to the City for completion and rehabilitation of the property located at 201 Fran Way .

SECTION 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute loan documents to Sphinx Development Corporation (SDC) for the acquisition, demolition, and eligible soft costs associated with the construction of a 130-unit multi-family residential development for seniors located at 201 Fran Way.

SECTION 3. That the execution of a CDBG loan agreement by the City is subject to all applicable CDBG requirements and is further subject executing unconditional personal guarantees in favor of the City for \$1,200,000 for the commencement of construction by 24 months from the date of the contract, but in no event any later than August 31, 2009 and also the completion of the construction of the property within 48 months of the date of the contract, but in no event any later than August 31, 2011, and (3) filing of deed restrictions to rent to low to moderate income tenants at affordable rents.

September 12, 2007

SECTION 3. (continued) 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 thirty years from the closing of the loan or upon the refunding, redemption or payment of all outstanding tax-exempt bonds, if any, or upon the sale or refinancing of the Project. The closing of the City's CDBG fund loan must occur no later than December 31, 2008.

SECTION 4. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the CDBG loan, until such time as the loan documents are duly approved by all parties and executed.

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

DISTRIBUTION:

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

KEY FOCUS AREA: Staff Accountability

AGENDA DATE: September 12, 2007
COUNCIL DISTRICT(S): All
DEPARTMENT: Office of Financial Services
CMO: Dave Cook, 670-7804
MAPSCO: N/A

SUBJECT

Authorize annual adjustments to appropriations for the FY 2005-06 year-end close - Financing: No cost consideration to the City

BACKGROUND

The End of Year Report for FY 2005-06 indicates the final status of expenditures and revenues compared to budget. It reflects adjustments to appropriations to balance the fifteen (15) General Fund departments (Building Services, Business Development & Procurement Services, City Attorney's Office, City Manager's Office, City Secretary's Office, Dallas County Tax Collection, Housing, Human Resources, Independent Audit, Non-Departmental, Office of Cultural Affairs, Office of Environmental Quality, Office of Financial Services, Sanitation, and Street Lighting) that are over budget with departments that are under budget. The General Fund and other fund adjustments are shown below.

General Fund

Building Services – exceeds budget by \$233,722 primarily due to higher than anticipated utility payments.

Business Development & Procurement Services – exceeds budget by \$422,089 primarily due to the Surety Support contract.

City Attorney's Office – exceeds budget by \$373,898 primarily due to computer hardware and software purchases.

City Manager's Office – exceeds budget by \$71,237 primarily due to executive search expenses along with lower than budgeted reimbursements from various departments.

City Secretary's Office – exceeds budget by \$6,814 due to retirement related salary expenses offset by lower than anticipated charges for records storage.

BACKGROUND (Continued)

Dallas County Tax Collection – exceeds budget by \$6,419 due to higher than estimated number of accounts.

Housing – exceeds budget by \$12,233 primarily due to salary related expenses.

Human Resources – exceeds budget by \$18,708 due to less than anticipated participation by employees in the DART pass program offset by savings in salaries.

Independent Audit – exceeds budget by \$771,550 due to additional charges for work related to fiscal years 2004-05 and 2005-06.

Non-Departmental – exceeds budget by \$227,595 primarily due to interest payment to Hensley Fund and unbudgeted transfer to Insurance Fund.

Office of Cultural Affairs – exceeds budget by \$554,575 primarily due to higher than anticipated utility payments.

Office of Environmental Quality – exceeds budget by \$152,973 primarily due to costs associated with additional environmental impact compliance activities.

Office of Financial Services – exceeds budget by \$514,292 primarily due to retirement related salary expenses, temporary help, and less than budgeted reimbursements.

Sanitation – exceeds budget by \$1,424,862 primarily due to an unbudgeted transfer to capital construction to help fund the construction of the next landfill cell.

Street Lighting – exceeds budget by \$1,455,787 due to higher than anticipated utility costs.

The above fifteen (15) items require an appropriation increase of \$6,246,754. The increase is offset by appropriation decreases in other General Fund departments.

Non-General Fund

An additional appropriation adjustment is needed for five (5) Non-General Fund departments that are over budget. Sufficient revenues or fund balance have been generated by the respective departments to offset these expenditures.

Aviation – exceeds budget by \$681,735 due to higher than anticipated utility expenses.

Convention and Event Services – exceeds budget by \$2,753,821 primarily due to expenses related to non-budgeted events.

BACKGROUND (Continued)

Water – exceeds budget by \$7,449,678 primarily due to increased costs of power and chemicals.

Equipment Services – exceeds budget by \$1,041,650 due to equipment maintenance contract fees.

911 System Operation – exceeds budget by \$371,639 primarily due to repayment of loan to Aviation.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

September 12, 2007

WHEREAS, appropriation adjustments are necessary to provide funds for service delivery through September 30, 2006; and

WHEREAS, other transfers to funds and accounts are necessary for annual end of year financial adjustments;

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 adjust FY 2005-06 budget appropriations as detailed in Attachment A.

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.

ATTACHMENT A

GENERAL FUND APPROPRIATION ADJUSTMENTS

Increases:

Building Services	\$	233,722
Business Development & Procurement Services		422,089
City Attorney's Office		373,898
City Manager's Office		71,237
City Secretary's Office		6,814
Dallas County Tax Collection		6,419
Housing		12,233
Human Resources		18,708
Independent Audit		771,550
Non-Departmental		227,595
Office of Cultural Affairs		554,575
Office of Environmental Quality		152,973
Office of Financial Services		514,292
Sanitation Services		1,424,862
Street Lighting		<u>1,455,787</u>
	\$	6,246,754

Decreases:

Code Compliance	\$	1,020,983
City Secretary's Office – Elections		144,355
Environmental & Health Services		114,208
Fire		1,377,113
Judiciary		124,672
Library		59,998
Office of Economic Development		273,349
Office of Emergency Management		41,399
Parks & Recreation		118,132
Police		1,234,308
Public Works & Transportation		999,553
Salary & Benefit Reserve		19,047
Street Services		<u>719,637</u>
	\$	6,246,754

Net increase in General Fund Expenditure Appropriations	\$	0
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NON-GENERAL FUND APPROPRIATION ADJUSTMENTS

Increase/Decrease from respective fund balance:

Aviation Fund 0130	\$ 683,912
Convention & Event Services Fund 0080	2,753,821
Water Utilities Fund 0100	7,434,195
Equipment Services Fund 0196	1,041,650
911 System Operations Fund 0191	371,639
Law Enforcement Officers Standards & Education Fund S104	14,734
Energy Emergency Assistance Fund 0312	94,475
Water Purification – Employee Fund 0921	9,000
Security Fee Fund 0G88	405,000
CCT Revenue Contingency Fund 0083	9,650,000
Demolition Fund 0011	1,090,012
Animal Control Enhancements Fund 0878	40,000
Mayor's Back to School Fair Fund 0T24	99,192
Westmorland Heights Neighborhood Assoc. Fund 0696	25,000
Foundation for Community Empowerment Fund 0475	<u>2,500</u>
	\$ 23,715,130

CAPITAL IMPROVEMENT FUND APPROPRIATION ADJUSTMENTS

Increase/Decrease from respective fund balance:

2004 City Place TIF Bond Fund 0043	\$ 204,295
2005 Equipment Acquisition Notes Fund 0588	55,285
Animal Control Facilities Fund 1P46	(137,708)
Animal Control Facilities Fund 3R46	137,708
Arena Interest (Taxable) Fund 0075	89,893
Arena Interest (Tax-Exempt) Fund 0165	264,949
Capital Construction Fund 0671	61,121
City Facilities Fund 0M60	(30,725)
City Service and Maintenance Facilities Fund 3R60	50,000
Cultural Arts Facilities Fund 3R49	29,073
Cultural Arts Facilities Fund 4R49	(52,442)
Cultural Arts Facilities Fund 5R49	59,372
Cultural Arts Facilities Fund 9P49	(74,037)
Flood Protection and Storm Drainage Fund 0523	(32,993)
Flood Protection and Storm Drainage Fund 0I23	5,776
Flood Protection and Storm Drainage Fund 0J23	6,812
Flood Protection and Storm Drainage Fund 0P23	26,848
Flood Protection and Storm Drainage Fund 3R23	(17,898)
Flood Protection and Storm Drainage Fund 4R23	5,664
Flood Protection and Storm Drainage Fund 5R23	5,801
Illegal Landfill Remediation 0559	1,175,500
Land Acquisition for Low/Mod Income Single Family Homes Fund 3R10	143,894
Library Facilities Fund 0P42	19,342
Library Facilities Fund 1P42	(1,975)
Library Facilities Fund 3R42	268,603

CAPITAL IMPROVEMENT FUND APPROPRIATION ADJUSTMENTS (continued)

Increase/Decrease from respective fund balance:

Library Facilities Fund 4R42	207,022
Library Facilities Fund 5R42	115,000
Library Facilities Fund 8P42	(607,992)
Performing Arts Theater Fund 5R07	34,995
Police and Multiple Facilities Fund 0D44	65,869
Specified Street Projects Fund 4R21	63,491
Specified Street Projects Fund 5R21	(300,000)
Street and Thoroughfare Improvements Fund 0L22	(433)
Street and Thoroughfare Improvements Fund 0M22	451,639
Street and Thoroughfare Improvements Fund 0P22	734,484
Street and Thoroughfare Improvements Fund 1P22	552,116
Street and Transportation Improvements Fund 5R22	(1,000,000)
Street and Transportation Improvements Fund 3R22	(367,663)
Street and Transportation Improvements Fund 4R22	<u>(32,746)</u>
	\$ 2,177,940

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Office of Economic Development
Office of Financial Services

CMO: A. C. Gonzalez, 671-8925
Dave Cook, 670-7804

MAPSCO: All

SUBJECT

Authorize the preparation of plans for the issuance of up to \$33,000,000 Downtown Dallas Development Authority Tax Increment Contract Revenue Bonds for the Mercantile development project located in Reinvestment Zone Number Eleven (Downtown Connection TIF District) – Financing: This action has no cost consideration to the City

BACKGROUND

On June 8, 2005, City Council approved Resolution No. 05-1779 and Ordinance No. 26020 establishing Reinvestment Zone Number Eleven (the Downtown Connection TIF District).

The Downtown Connection TIF District represents an important opportunity to fund key downtown development projects. In addition, the Downtown Connection TIF District is a way to increase the focus on downtown

The Downtown Connection TIF District Final Project Plan and Reinvestment Zone Financing Plan covers the 30-year period of the District and details the planned catalyst project expenditures. The District may terminate before December 30, 2035, or upon the completion of all designated TIF District projects and retirement of any debt obligations of the TIF of the City's local government corporation. The Downtown Connection TIF District Project and Financing Plan (the "Plan") states that the City of Dallas will participate at a rate equal to approximately 90% of incremental value during the thirty-year term of the TIF or until the budget of \$189,807,592 (net present value) is reached. It is projected that the City of Dallas will contribute approximately \$171,450,158 in tax increment revenues to the Downtown Connection TIF District (in 2006 dollars).

BACKGROUND (continued)

Dallas County has agreed to participate in the Downtown Connection TIF District, and to contribute tax increment at a rate equal to 55% during a twenty-year term under the County's TIF policy. It is projected that the county will contribute approximately \$18,477,037 (in 2006 dollars) to the Downtown Connection TIF District.

The reinvestment zone financing plan for the Downtown Connection TIF District consists of a program of various projects, under the authority of the TIF Act, which is intended to stimulate private investment and leasing demand that would not otherwise occur.

The proceeds from the sale of the bonds will be used to pay projects costs, issuance costs, insurance policy and to fund a 1 year debt service reserve.

Catalyst Projects:

Environmental remediation, demolition, historic façade restoration, street and utility improvements and streetscape improvements, acquisition, and non project costs, including, but not limited to, machinery, equipment, materials and supplies.

Redevelopment of Vacant/Underutilized Downtown Buildings:

Environmental remediation, demolition, historic façade restoration, street and utility improvements and streetscape improvements, acquisition, Uptown/Downtown connection improvements, park and plaza design and acquisition, affordable housing.

City Council authorization is necessary to begin preparations for the October 10, 2007 sale of bonds by the Downtown Dallas Development Authority (DDDA).

The Downtown Dallas Development Authority Tax Increment Contract Revenue Bonds, Series 2007 will be a negotiated sale. Authorized staff and co-financial advisors will negotiate the sale with the underwriting syndicate.

ESTIMATED SCHEDULE

Authorize preparation for issuance of bonds – September 12, 2007

Council approval of sale of DDDA Bonds – October 10, 2007

DDDA to execute the Bond Purchase Agreement – October 10, 2007

Delivery of Proceeds – November 15, 2007

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 8, 2005, City Council established the Downtown Connection TIF District in accordance with the Tax Increment Financing Act as amended, to promote development and redevelopment in the downtown area through use of tax increment financing by Ordinance No. 26020, and authorized the adoption of the Bylaws for Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) by Resolution No. 05-1779.

On August 26, 2005, the Downtown Connection TIF District Board of Directors approved a proposal for the sale of the bonds by the Downtown Dallas Development Authority (DDDA) to fund some of the remaining infrastructure requirements of the District.

On August 29, 2005, City Council approved the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) by Ordinance No. 26096.

On August 29, 2005 City Council authorized a participation agreement with Dallas County for the Downtown Connection TIF District by Resolution No. 05-2544.

On October 5, 2005, the Downtown Connection TIF District Board of Directors approved an amendment to Ordinance No. 26020, creating the Downtown Connection TIF District Zone, to allow for commercial tax abatements pursuant to Chapter 312 to be granted prior to the issuance of any debt obligation.

On January 23, 2006, the Finance and Audit and Accountability Committee was briefed on the preparations for the sale of the Downtown Connection TIF District Bonds, Series 2006 for the renovations of the Mercantile Block.

On February 9, 2006, the Downtown Dallas Development Authority Board voted to recommend approval of the bond sale structure to the City Council.

On March 8, 2006, the City Council authorized the issuance and sale of \$50,605,343 in Downtown Dallas Development Authority Contract Tax Increment Revenue Bonds, Series 2006.

FISCAL INFORMATION

This action has no cost consideration to the City.

See Attachment 1

M/WBE INFORMATION

The total estimated bond issuance costs are \$195,300. This amount includes \$54,480 or 28.0% to be paid to M/WBE firms for various services (see Attachment 1 for cost and M/WBE participation information).

Attachment 1

\$33,000,000

Downtown Dallas Development Authority, Series 2007

Estimate of Total Contract Revenue Bonds Issuance Costs and M/WBE Participation

	Cost	Percent
Co-Bond Counsel		
McCall, Parkhurst & Horton L.L.P. (Vendor #193173)	\$ 35,000	17.9%
Escamilla & Ponnick (Vendor #518903)	25,000	12.8%
Co-Financial Advisors		
First Southwest Company (Vendor #193056)	25,080	12.8%
Estrada Hinojosa (Vendor #259910)	16,720	8.6%
Debt Analysis/Structuring Fees		
First Southwest Company (Vendor #193056)	20,000	10.2%
Estrada Hinojosa - (Vendor #259910)	5,000	2.6%
Out-of-Pocket Expenses		
First Southwest Company (Vendor #193056)	10,000	5.1%
Official Statement Typing		
First Southwest Company (Vendor #193056)	1,500	0.8%
Official Statement Printing		
Munoz Printing Co. (Vendor #129044)	8,000	4.1%
Rating Agencies		
Moody's Investors Service (Vendor #951236)	17,000	8.7%
Standard & Poor's (Vendor #954974)	14,000	7.2%
Auditor		
KPMG L.L.P. (Vendor #092122)	5,000	2.6%
Trustee Counsel		
US Bank, National Association (Vendor #355655)	3,500	1.8%
Filing Fee		
Attorney General (Vendor #344989)	9,500	4.9%
Total Issuance Costs	\$ 195,300	100.0%
Total M/WBE Participation as % of Total Issuance Costs:	28.0%	

September 12, 2007

WHEREAS, on June 8, 2005, the City Council approved Ordinance 26020 as amended by Ordinance No. 26096 approved on August 29, 2005, establishing Tax Increment Financing Reinvestment Zone Number Eleven, City of Dallas Texas (the "Zone") in accordance with the Tax Increment Financing Act, as amended (Chapter 311, Texas Tax Code, and referred to herein as the "Act") to promote development and redevelopment of property in the Zone through the use of tax increment financing; and

WHEREAS, on August 26, 2005, the Downtown Connection TIF District Board of Directors approved a proposal for the sale of the bonds by the Downtown Dallas Development Authority (DDDA) to fund some of the remaining infrastructure requirements of the District; and

WHEREAS, on August 29, 2005 the City Council in accordance with provisions of Section 311.01 of the Act, approved Ordinance No 26096 approving the Downtown Connection Tax Increment Financing District Project and Financing Plan (as amended from time to time by ordinance approved by the City, the "Plan"); and

WHEREAS, on August 29, 2005, the City Council, approved Resolution No. 05-2545 and the subsequent development agreement between the City, the Downtown Dallas Development Authority (DDDA) and Forest City, which states, that the City will use reasonable efforts to authorize the issuance and sale of or cause the issuance and sale of bonds by the Downtown Dallas Development Authority (DDDA) based on the increased increment occurring in Downtown Connection TIF District in the highest amount consistent with the Financial Management Performance Criteria; and

WHEREAS, it is desired to proceed with the preparatory work necessary to issue bonds through a negotiated sale, with the proceeds from the sale of bonds to be received on November 15, 2007.

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

SECTION 1. That the City Manager is authorized to proceed with the necessary preparations for the sale of Downtown Dallas Development Authority Tax Increment Contract Revenue Bonds, in an aggregate principal amount not to exceed \$33,000,000 , with such sale to occur on or about October 10, 2007.

September 12, 2007

SECTION 2. That the City Manager, the City's Co-Financial Advisors, and the City's Co-Bond Counsel are hereby authorized and directed to prepare an Official Statement with respect to such bonds and to take such other action and prepare such other documents as are necessary and incidental to the issuance, sale and delivery of the bonds.

SECTION 3. That the City Manager is authorized to use the previously contracted professional services of First Southwest Company and Estrada Hinojosa & Company, Inc. as co-financial advisors for the proposed bond sale. If the bonds are issued, payment for the advisory services and out-of-pocket expenses of First Southwest Company (Vendor #193056) are estimated to be \$56,580 and payment for the advisory services and out-of-pocket expenses of Estrada Hinojosa & Company, Inc. (Vendor #259910) are estimated to be \$21,720 and shall be made from the proceeds of the proposed bond sale.

SECTION 4. That the City Manager is authorized to use the previously contracted professional services of McCall, Parkhurst & Horton, L.L.P. and Escamilla & Poneck Inc. as co-bond counsel in connection with the sale and delivery of the bonds. If the bonds are issued, payment for such services shall not exceed \$35,000 for McCall, Parkhurst & Horton L.L.P. (Vendor# 193173) and shall not exceed \$25,000 for Escamilla & Poneck Inc. (Vendor# 518903) and shall be made from the proceeds of the proposed bond sale.

SECTION 5. That the City Manager is authorized to obtain a bond rating from Moody's Investors Service (Vendor #951236) and from Standard & Poor's, Inc. (Vendor #954974) in connection with the sale of the bonds. Payment for the bond ratings are estimated to be \$17,000 and \$14,000 respectively and shall be made from the proceeds of the proposed bond sale.

SECTION 6. That the City Manager is authorized to use Munoz Printing Co. to print and mail official statements. Payment for the services of Munoz Printing Co. (Vendor No. 129044) shall not exceed \$8,000 and shall be made from the proceeds of the proposed bond sale.

SECTION 7. That the City Manager is authorized to use the previously contracted professional services of KPMG L.L.P. to obtain an independent auditor's consent letter in connection with the sale and delivery of the bonds. If bonds are issued payment for the services of KPMG L.L.P. (Vendor #092122) are estimated to be \$5,000 and shall be made from the proceeds of the proposed bond sale.

September 12, 2007

SECTION 8. That the City Manager is authorized and directed to file an Official Statement with respect to such bonds and prepare such other documents as are necessary and incidental to the issuance, sale and delivery of the bonds with the Attorney General (Vendor #344989); and that the City Controller be and is hereby authorized to make the payment for filing with the Attorney General's office prior to receiving the Bond Proceeds (no later than October 10, 2007). It is estimated to be \$9,500 and shall be made from the incremental TIF revenue fund and reimbursed from the bond proceeds of the proposed bond sale.

SECTION 9. That the City Manager be and is hereby authorized to pay a one time fee of \$3,500, with respect to the Bonds, to US Bank, National Association (Vendor #355655) for legal fees relating to the Trustee contract; and that the City Controller be and is hereby authorized to make payments for services provided as trustee/paying agent/registrar with respect to the bonds at an annual cost of \$2,000 plus payment processing expenses from the incremental TIF revenue fund.

SECTION 10. That the proceeds from the bond sale shall be deposited with the Trustee in the funds and accounts established under the bond indenture of trust, as shall be directed by the City's Chief Financial Officer, acting in the capacity of Treasurer to the Downtown Dallas Development Authority (DDDA).

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

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 3

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 53-Z

SUBJECT

Authorize a contract for the installation of a new playground at Kiest Park located at 3080 South Hampton Road - Phoenix I Restoration and Construction, Ltd., lowest responsible bidder of two - \$571,000 - Financing: 2003 Bond Funds (\$225,292), 2006 Bond Funds (\$160,668) and Capital Gifts, Donation and Development Funds (\$185,040)

BACKGROUND

On August 16, 2007, two bids were received for the installation of a new playground at Kiest Park located at 3080 South Hampton Road. This item authorizes award of the construction contract to Phoenix I Restoration and Construction, Ltd., lowest responsible bidder for Base Bid, with a bid of \$571,000.

The following chart illustrates Phoenix I Restoration and Construction, Ltd.'s contractual activities with the City of Dallas for the past three years:

	<u>PWT</u>	<u>DWU</u>	<u>PKR</u>
Project Completed	0	0	12
Change Orders	0	0	18
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	May 2007
Completed Design	June 2007
Begin Construction	October 2007
Complete Construction	December 2007

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized the advertisement for bids on June 21, 2007.

The Park and Recreation Board authorized award of the contract on September 6, 2007.

FISCAL INFORMATION

2003 Bond Funds - \$225,291.86
2006 Bond Funds - \$160,668.14
Capital Gifts, Donation and Development Funds - \$185,040.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Phoenix I Restoration and Construction, Ltd.

White Male	16	White Female	2
Black Male	1	Black Female	0
Hispanic Male	49	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following two bids were received and opened on August 16, 2007:

*Denotes successful bidder

<u>Bidder</u>	<u>Amount</u>
*Phoenix I Restoration and Construction, Ltd. 9411 Hargrove, Dallas, Tx	\$571,000
Reeves Construction Services, Inc.	\$688,100

OWNER

Phoenix I Restoration and Construction, Ltd.

Dale C. Sellers, President

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the installation of a new playground at Kiest Park located at 3080 South Hampton Road - Phoenix I Restoration and Construction, Ltd., lowest responsible bidder of two - \$571,000 - Financing: 2003 Bond Funds (\$225,292), 2006 Bond Funds (\$160,668) and Capital Gifts, Donation and Development Funds (\$185,040)

Phoenix I Restoration and Construction, Ltd. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$430,000.00	75.31%
Total non-local contracts	\$141,000.00	24.69%
TOTAL CONTRACT	\$571,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Instant Rain Design	WFWB31836N0807	\$5,500.00	1.28%
Total Minority - Local		\$5,500.00	1.28%

Non-Local Contractors / Sub-Contractors

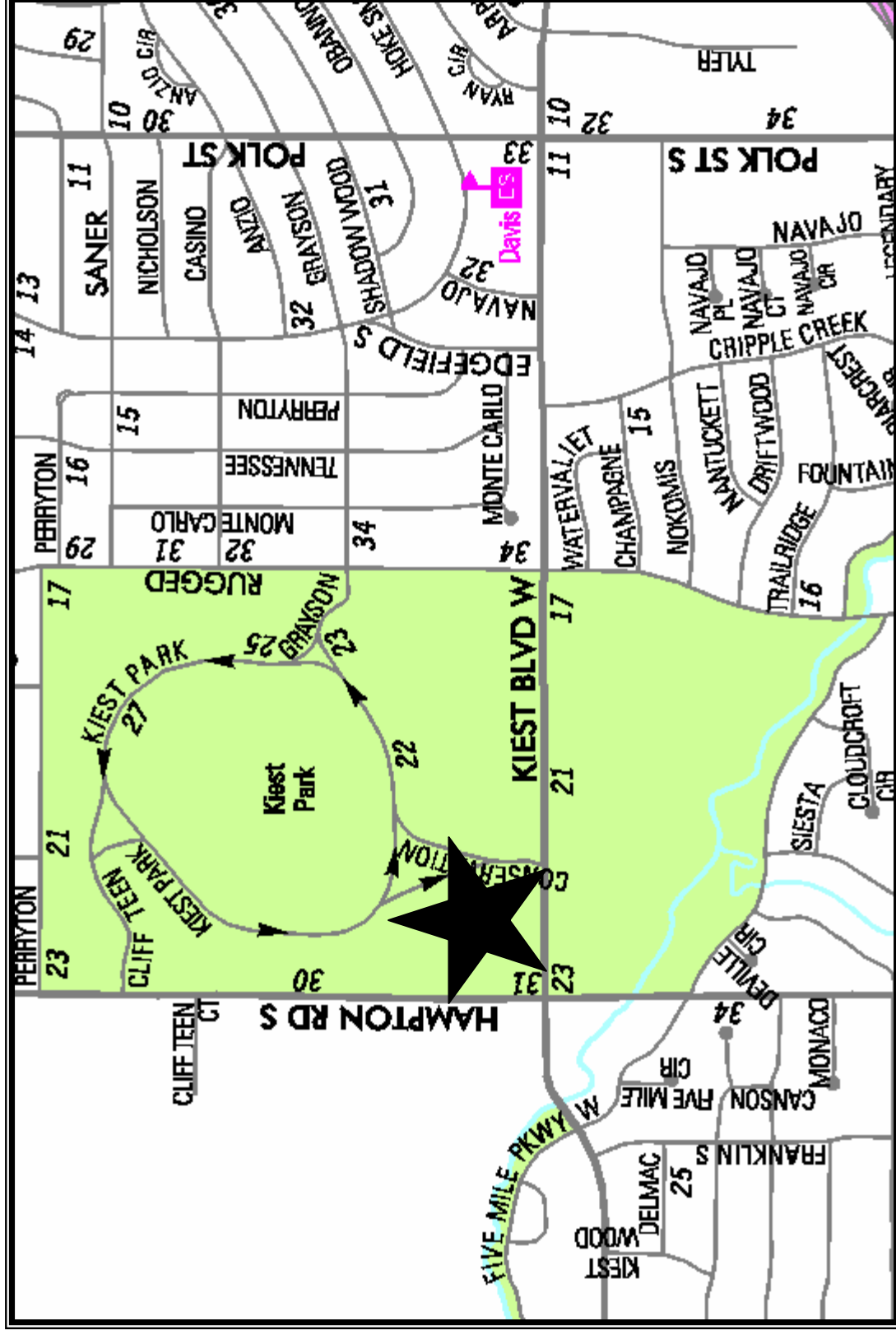
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Cross Country Corporation	WFWB31836N0807	\$141,000.00	100.00%
Total Minority - Non-local		\$141,000.00	100.00%

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	\$5,500.00	1.28%	\$146,500.00	25.66%
Total	\$5,500.00	1.28%	\$146,500.00	25.66%

Kiest Park

Council District 3



3080 S. Hampton Rd.

Mapsco# 53-Z

September 12, 2007

WHEREAS, on August 16, 2007, two bids were received for the installation of a new playground at Kiest Park located at 3080 South Hampton Road.

<u>Bidders</u>	<u>Amount</u>
Phoenix I Restoration and Construction, Ltd.	\$571,000
Reeves Construction Services, Inc.	\$688,100

Now, Therefore,

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

SECTION 1. That the 2003 Bond Funds originally allocated as indicated below be reprogrammed for the installation of a new playground at Kiest Park as approved by the Park and Recreation Board.

Westmont Park	2003 Bond Program (K290)	\$24,250
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SECTION 2. That the City Manager is hereby authorized to enter into a contract with Phoenix I Restoration and Construction, Ltd. for the installation of a new playground at Kiest Park located at 3080 South Hampton Road, in an amount not to exceed \$571,000.

SECTION 3. That the President of the Park and Recreation Board and the City Manager be authorized to execute the contract with Phoenix I Restoration and Construction, Ltd., after approval as to form by the City Attorney's Office.

SECTION 4. That the City Controller be and is hereby authorized to pay the amount of \$571,000 to Phoenix I Restoration and Construction, Ltd., as follows:

CT-PKR07018925, Department PKR, Unit P367, Object 4599, Program PK06P367, Commodity 91200, Vendor VC0000003594:

Capital Gifts, Donation and Development	Fund 0530	PLGI	\$185,040.00
2003 Bond Program	Fund 3R05	PLGI	\$119,299.00
2003 Bond Program	Fund 4R05	PLGI	\$65,757.00
2003 Bond Program	Fund 5R05	PLGI	\$9,040.00
2003 Bond Program	Fund 6R05	PLGI	\$9,075.00
2006 Bond Program	Fund 6T00	PLGI	\$160,668.14

September 12, 2007

SECTION. 4. Continued

CT-PKR07018925, Department PKR, Unit K172, Object 4599, Program PK06P367, Commodity 91200, Vendor VC0000003594;

2003 Bond Program

Fund 3R05 PLGI \$22,120.86

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.

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007
COUNCIL DISTRICT(S): 10
DEPARTMENT: Park & Recreation
CMO: Paul D. Dyer, 670-4071
MAPSCO: N/A

SUBJECT

Authorize a thirty-six-month contract with two twelve-month renewal options beginning October 1, 2007 through September 30, 2010 with the Youth Services Council of the Richardson Independent School District to provide after-school programs at Skyview Elementary School, Forest Lane Academy, Audelia Creek Elementary School, Forest Meadow Junior High School and Lake Highlands Junior High School - Not to exceed \$194,382 - Financing: Current Funds (\$171,882) (subject to annual appropriations); Department of Education Grant Funds (\$22,500)

BACKGROUND

The Youth Services Council was created in 1993 as an outgrowth of the Texas Community Collaboration Institute for Children and Youth and serves as a forum for collaboration among youth serving agencies in the Richardson Independent School District. Since its inception, Youth Services Council has established itself as a leader in after school programming serving low income, disenfranchised children and youth in Richardson Independent School District.

Youth Services Programs are designed to meet the needs of youth who are most likely to be leaving school to go home to an empty house or who may be susceptible to peer-pressure and become part of high-risk behavior groups or gang activity. Eighty-five percent of these students are economically disadvantaged and eighty-eight percent live in high density apartment complexes.

BACKGROUND (CONTINUED)

The Park and Recreation Department contracted in 1999 with Youth Services Council to provide after school programs at Skyview Elementary School and Forest Lane Academy. The programs were directed at developing academic and life-enhancing skills, developing character, preventing risk-taking behaviors, appreciating the arts, understanding cultural differences, providing positive recreation activities and wholesome nutritious snacks. The term of the initial contract with Youth Services Council was for one year with two one-year renewal options. A new contract was entered into in Fiscal Year 2002-2003 for a three-year contract with two one-year renewal options.

The Park and Recreation Department received a Federal Department of Education Grant in Fiscal Year 2005-2006 for \$520,000 to be expended over three years for after school programs at middle schools. Fiscal Year 2007-2008 is the third and final year of the grant. For the first two years of the grant the Park and Recreation Department entered into an agreement through Administrative Action for \$22,500 per year to provide after-school programs at Forest Meadow Junior High School and Lake Highlands Junior High School for Dallas students attending Richardson Independent School District campuses. Services and administration of these funds provided by Youth Services Council has been excellent during the first two years of the grant.

It is proposed that the Park and Recreation Board enter into a new contract with Youth Services Council to continue providing elementary and junior high after school programs at Skyview Elementary School, Forest Lane Academy, Audelia Creek Elementary School, Forest Meadow Junior High School and Lake Highlands Junior High School, all of which serve at-risk City of Dallas students attending the Richardson Independent School District. Approximately 227 children in the three elementary schools will be served through the proposed programs. More than 200 youth ages 12-15 will be served in the Junior High School programs. The term of the contract is for three years with two one-year renewal options. The annual cost for the five sites is \$79,794 during Fiscal Year 2007-2008; \$57,294 during Fiscal Year 2008-2009 and \$57,294 during Fiscal Year 2009-2010.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Approved by the Park and Recreation Board on August 16, 2007.

FISCAL INFORMATION

\$171,882 - Current Funds (subject to annual appropriations)
\$22,500 - Department of Education Grant Funds

September 12, 2007

WHEREAS, the Park and Recreation Department has provided afterschool programs within the City of Dallas at elementary schools since 1994 and at middle schools since 2005; and

WHEREAS, the Park and Recreation Department has contracted with Youth Services Council to provide afterschool enrichment programs at three elementary schools beginning 2002 and two middle schools beginning 2005; and

WHEREAS, the 2007-2008 budget scheduled for approval by the City Council on September 26, 2007 includes funding for Park and Recreation Department afterschool enrichment programs; and

WHEREAS, the Department of Education Grant received by the Park and Recreation Department on October 1, 2005 funds afterschool enrichment programs through September 30, 2008; **Now, Therefore,**

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

SECTION 1. That a three-year contract with two one-year renewal options, beginning October 1, 2007 through September 30, 2010, be approved to provide afterschool programs with Youth Services Council for Forest Lane Academy, Audelia Creek Elementary School, and Skyview Elementary School.

SECTION 2. That the term of this contract for Forest Meadow Junior High School and Lake Highlands Junior High School begin October 1, 2007 and be limited to one year or the expenditure of the full funding as described below.

SECTION 3. That the President of the Park and Recreation Board and the City Manager be authorized to execute the agreements after approval as to form by the City Attorney's Office.

SECTION 4. That the City Controller be and is hereby authorized to disburse funds to Youth Services Council, Vendor #345452, not to exceed \$194,382 as follows:

FISCAL YEAR 2007-2008

<u>DESCRIPTION</u>	<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>
Forest Lane Academy	0001	PKR	5295	3070	\$19,098
Audelia Creek Elementary	0001	PKR	5295	3070	\$19,098

September 12, 2007**FISCAL YEAR 2007-2008 (continued)**

<u>DESCRIPTION</u>	<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>
Skyview Elementary	0001	PKR	5195	3070	\$19,098
Forest Meadow Junior High	F103	CMO	1108	3099	\$11,250
Lake Highlands Junior High	F103	CMO	1108	3099	\$11,250

FISCAL YEAR 2008-2009

Forest Lane Academy	0001	PKR	5295	3070	\$19,098
Audelia Creek Elementary	0001	PKR	5295	3070	\$19,098
Skyview Elementary	0001	PKR	5195	3070	\$19,098

FISCAL YEAR 2009-2010

Forest Lane Academy	0001	PKR	5295	3070	\$19,098
Audelia Creek Elementary	0001	PKR	5295	3070	\$19,098
Skyview Elementary	0001	PKR	5195	3070	\$19,098

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.

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007
COUNCIL DISTRICT(S): 14
DEPARTMENT: Park & Recreation
CMO: Paul D. Dyer, 670-4071
MAPSCO: 35-X

SUBJECT

Authorize an increase in the contract with Shirley and Sons Construction Company, Inc. for additional pumping and piping to drain Turtle Creek for erosion inspection under the Stonebridge Drive dam within the Turtle Creek Parkway - \$121,232, from \$839,534 to \$960,766 - Financing: 2003 Bond Funds (\$76,775) and 2006 Bond Funds (\$44,457)

BACKGROUND

The original contract with Shirley and Sons Construction Company, Inc. for the dredging and erosion control improvements for Stonebridge and Blackburn Ponds within the Turtle Creek Parkway in the amount of \$839,533.80 was approved by Council on June 13, 2007, by Resolution No. 07-1754.

Change Order No. 1 provides for additional pumping and piping to drain down Turtle Creek on both sides of Stonebridge Drive Dam for the inspection of erosion under the dam within the Turtle Creek Parkway in the amount of \$121,231.85, making a revised contract amount of \$960,765.65.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	October 2007
Complete Construction	November 2007

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized the advertisement for bids on October 19, 2006.

PRIOR ACTION/REVIEW (Council, Boards, Commissions) (Continued)

The Park and Recreation Board authorized award of the contract on April 19, 2007.

City Council authorized award of the contract on June 13, 2007, by Resolution No. 07-1754.

The Park and Recreation Board authorized Change Order No. 1 on September 6, 2007.

FISCAL INFORMATION

2003 Bond Funds - \$76,775.10

2006 Bond Funds - \$44,456.75

Original Contract	\$839,533.80
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Change Order No. 1 (this action)	<u>\$121,231.85</u>
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Total	\$960,765.65
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M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Shirley and Sons Construction Company, Inc.

White Male	5	White Female	3
Black Male	0	Black Female	0
Hispanic Male	9	Hispanic Female	0
Other Male	0	Other Female	0

OWNERS

Shirley and Sons Construction Company, Inc.

Ronald R. Shirley, President

Grover D. Shirley, Secretary

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Shirley and Sons Construction Company, Inc. for additional pumping and piping to drain Turtle Creek for erosion inspection under the Stonebridge Drive dam within the Turtle Creek Parkway - \$121,232, from \$839,534 to \$960,766 - Financing: 2003 Bond Funds (\$76,775) and 2006 Bond Funds (\$44,457)

Shirley and Sons Construction Company, 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	\$0.00	0.00%
Non-local contracts	\$121,231.85	100.00%
TOTAL THIS ACTION	\$121,231.85	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

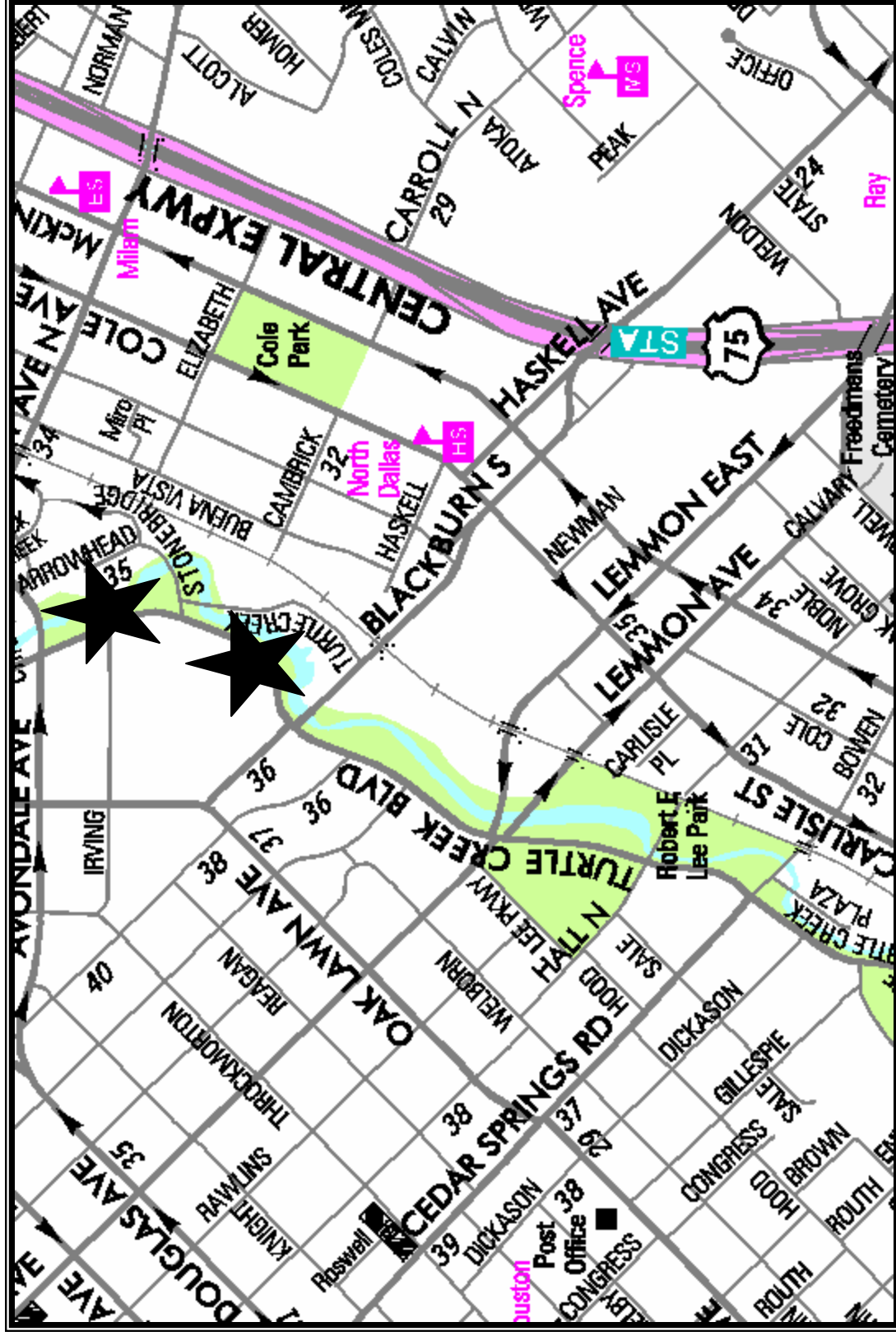
None

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%	\$226,480.00	23.57%
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%	\$226,480.00	23.57%

Turtle Creek Parkway

Council District 14



Blackburn and Stonebridge Ponds

Mapsco # 35-X

September 12, 2007

WHEREAS, on June 13, 2007 (Resolution No. 07-1754), Shirley and Sons Construction Company, Inc. was awarded a contract for the dredging and erosion control improvements for Stonebridge and Blackburn Ponds within the Turtle Creek Parkway in the amount of \$839,533.80; and

WHEREAS, this Change Order provides for additional pumping and piping to drain Turtle Creek for erosion inspection under the Stonebridge Drive dam within the Turtle Creek Parkway, Change Order No. 1 in an amount not to exceed \$121,231.85, increasing the original contract amount from \$839,533.80 to \$960,765.65.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Change Order No. 1 with Shirley and Sons Construction Company, Inc. to the contract for the dredging and erosion control improvements for Stonebridge and Blackburn Ponds within the Turtle Creek Parkway for additional pumping and piping to drain Turtle Creek for erosion inspection under the Stonebridge Drive dam within the Turtle Creek Parkway, in an amount not to exceed \$121,231.85, increasing the original contract amount from \$839,533.80 to \$960,765.65.

SECTION 2. That the City Controller be and is hereby authorized to pay the amount of \$121,231.85 to Shirley and Sons Construction Company, Inc., as follows:

(2006) Park and Recreation Facilities Improvement Fund 6T00, Unit T305, Department PKR, Object 4599, Program PK03K281, CT-PKR07018902, Commodity 91200, Vendor VS0000017948	\$44,456.75
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(2003) Neighborhood Park and Recreation Facilities Fund 5R05, Unit K154, Department PKR, Object 4599, Program PK03K281, CT-PKR07018902, Commodity 91200, Vendor VS0000017948	\$76,775.10
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SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 5

DEPARTMENT: Park & Recreation
Trinity River Corridor Project

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

MAPSCO: 68-A

SUBJECT

Authorize **(1)** an increase in the contract with Sedalco, LP for the construction of the discovery garden, evaporative condensed water chiller, TXU service and transformer cost, and additional select fill for the construction of the Trinity River Audubon Center; and, **(2)** the establishment of appropriations in the amount of \$730,000 in the Capital Gifts, Donation and Development Funds - \$813,147, from \$10,801,483 to \$11,614,630 - Financing: 1998 Bond Funds (\$83,147) and Capital Gifts, Donation and Development Funds (\$730,000)

BACKGROUND

The original contract with Sedalco, LP for the construction of the Trinity River Audubon Center and additional work associated with the Deepwood Landfill closure, including utilities, landscaping, and a barrier fence in the amount of \$10,789,400 was approved by Council on February 14, 2007, by Resolution No. 07-0470.

On July 17, 2007 (Administrative Action No. 07-2231), approved Change Order No. 1 for labor and materials for two additional fire hydrants and associated components along the Trinity River Audubon Center entrance road, in an amount not to exceed \$12,083, making a revised contract amount of \$10,801,483.

Change Order No. 2 provides for the construction of the discovery garden, evaporative condensed water chiller, TXU service and transformer cost, and additional select fill for the construction of the Trinity Audubon Center (formerly "Trinity Interpretive Center") in the amount of \$813,147, making a revised contract amount of \$11,614,630.

BACKGROUND (Continued)

The Discovery Garden and the evaporated condensed water chiller upgrade were included as add alternates when the project was bid. The original contract included an air cooled condensing system. The evaporated condensed water chiller is an upgrade to this equipment that will provide between 20-30% greater energy efficiency. There were insufficient funds to include these items at the time the contract was awarded. The Audubon received a grant from the Meadows Foundation which now allows the Discovery Garden and evaporated condensed water chiller upgrade to be added by change order. Additionally, it is necessary to add the removal and relocation of an electric pole and the provision of new electric service by TXU. Ordinarily, the City purchases electric service directly from TXU; however, adding this work to Sedalco's contract will allow the electric service to be expedited and coordinated with the other construction activities so as to not impact the project schedule.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	October 2007
Complete Construction	June 2008

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized advertisement for a Request for Competitive Sealed Proposals on June 1, 2006.

The Park and Recreation Board authorized rejection of the only proposal received and authorized re-advertisement for a new Request for Competitive Sealed Proposals on September 7, 2006.

City Council authorized rejection of the only proposal received and authorized re-advertisement for a new Request for Competitive Sealed Proposals on September 13, 2006, by Resolution No. 06-2478.

The Park and Recreation Board authorized award of the contract on January 18, 2007.

City Council authorized award of the contract on February 14, 2007, by Resolution No. 07-0470.

The Park and Recreation Board authorized Change Order No. 2 on September 6, 2007.

FISCAL INFORMATION

1998 Bond Funds - \$83,147

Capital Gifts, Donation and Development Funds - \$730,000

Original Contract	\$10,789,400
Change Order No. 1	\$12,083
Change Order No. 2 (this action)	<u>\$813,147</u>
Total	\$11,614,630

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Sedalco, LP

White Male	26	White Female	5
Black Male	0	Black Female	0
Hispanic Male	6	Hispanic Female	2
Other Male	0	Other Female	0

OWNER

Sedalco, LP

Tom Kader, President

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize **(1)** an increase in the contract with Sedalco, LP for the construction of the discovery garden, evaporative condensed water chiller, TXU service and transformer cost, and additional select fill for the construction of the Trinity River Audubon Center; and, **(2)** the establishment of appropriations in the amount of \$730,000 in the Capital Gifts, Donation and Development Funds - \$813,147, from \$10,801,483 to \$11,614,630 - Financing: 1998 Bond Funds (\$83,147) and Capital Gifts, Donation and Development Funds (\$730,000)

Sedalco, LP 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	\$545,752.42	67.12%
Non-local contracts	\$267,394.58	32.88%
TOTAL THIS ACTION	\$813,147.00	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>
Alpha Excavation	BMDB32426Y1007	\$1,768.00	0.32%
MetalMan Design Build Corporation	PFDB33060Y1207	\$398,286.00	72.98%
Maroney Excavation	WFDB28309N0807	\$34,833.00	6.38%
Curtis Mechanical Construction	WFWB34153N0608	\$12,399.42	2.27%
Total Minority - Local		\$447,286.42	81.96%

Non-Local Contractors / Sub-Contractors

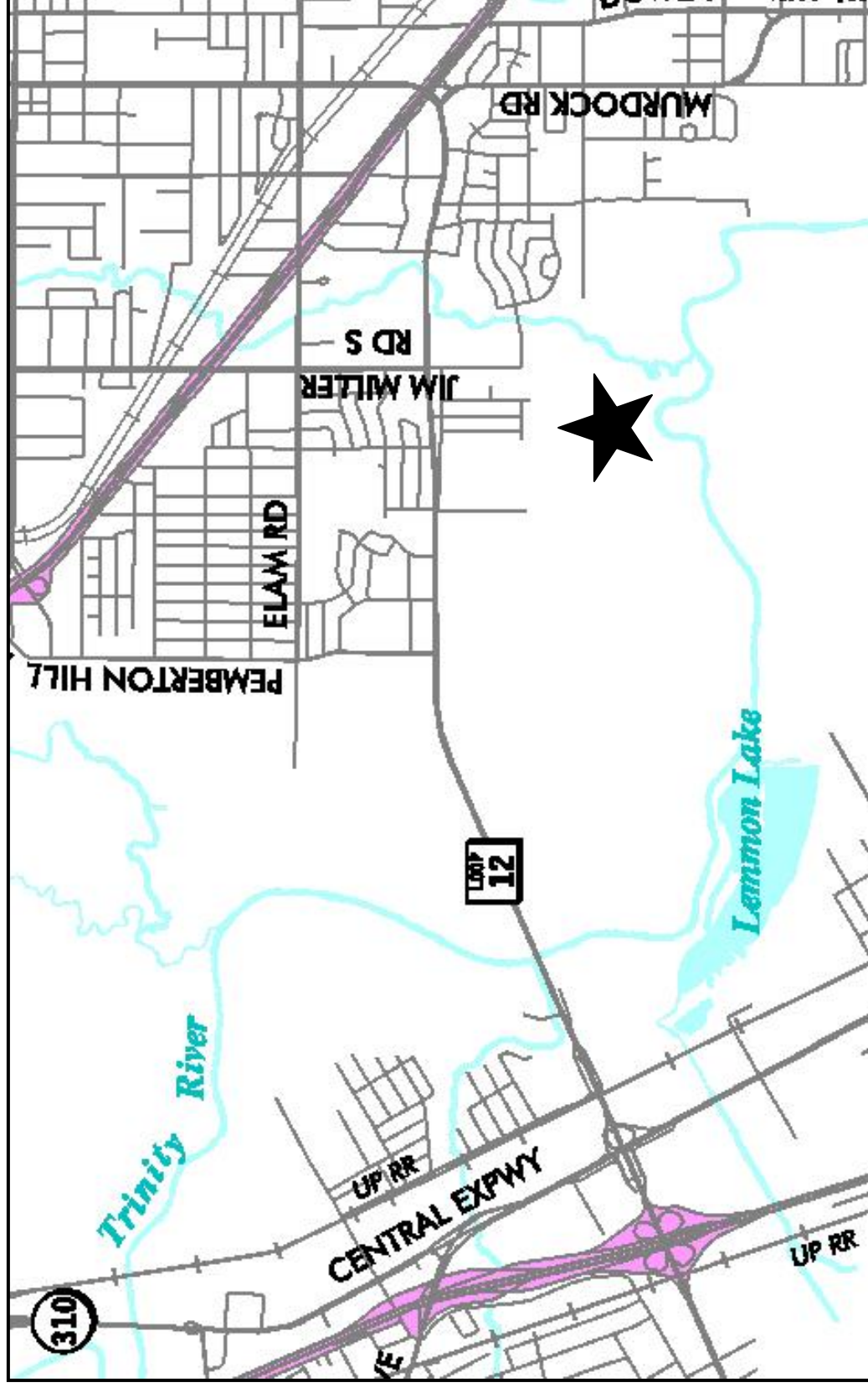
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Ironhorse Ironworks	WFWB32972Y1207	\$2,700.00	1.01%
Total Minority - Non-local		\$2,700.00	1.01%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$1,768.00	0.22%	\$100,468.00	0.87%
Hispanic American	\$0.00	0.00%	\$1,973,409.00	16.99%
Asian American	\$398,286.00	48.98%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$49,932.42	6.14%	\$2,255,425.40	19.42%
Total	\$449,986.42	55.34%	\$4,329,302.40	37.27%

Trinity River Audubon Center

Council District 5



Mapsc0 #68-A

September 12, 2007

WHEREAS, on February 14, 2007 (Resolution No. 07-0470), Sedalco, LP was awarded a contract for the construction of the Trinity River Audubon Center (formerly "Trinity Interpretive Center") and additional work associated with the Deepwood Landfill closure, including utilities, landscaping, and a barrier fence for a contract amount of \$10,789,400; and

WHEREAS, on July 17, 2007 (Administrative Action No. 07-2231), Change Order No. 1 was approved for labor and materials for two additional fire hydrants and associated components along the Trinity River Audubon Center (formerly "Trinity Interpretive Center") entrance road, in an amount not to exceed \$12,083, increasing the original contract amount from \$10,789,400 to \$10,801,483; and

WHEREAS, this Change Order provides for the construction of the discovery garden, evaporative condensed water chiller, TXU service and transformer cost, and additional select fill for the construction of the Trinity River Audubon Center (formerly "Trinity Interpretive Center") in an amount not to exceed \$813,147, increasing the original contract amount from \$10,801,483 to \$11,614,630.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Change Order No. 2 with Sedalco, LP to the contract for the construction of the Trinity River Audubon Center (formerly "Trinity Interpretive Center") for the construction of the discovery garden, evaporative condensed water chiller, TXU service and transformer cost, and additional select fill, in an amount not to exceed \$813,147, increasing the original contract amount from \$10,801,483 to \$11,614,630.

SECTION 2. That the City Controller be and is hereby authorized to receive and deposit the funds from the National Audubon Society, Inc. in the amount of \$730,000 in Fund 0530, Department PKR, Unit N966, Revenue Code 8411.

SECTION 3. That the City Manager be and is hereby authorized to establish appropriations in an amount not to exceed \$730,000 in Fund 0530, Department PKR, Unit N966, Object 4599.

September 12, 2007

SECTION 4. That the City Controller be and is hereby authorized to pay the amount of \$813,147 to Sedalco, LP as follows:

Capital Gifts, Donation and Development Fund
0530, Unit N966, Department PKR, Object 4599,
Activity TRPP, Program PB98N966, CT-PBW98N966E1,
Commodity 91200, Vendor 500168 \$730,000

(1998) Trinity River Corridor Fund 5P14, Unit N966,
Department PBW, Object 4310, Activity TRPP,
Program PB98N966, CT-PBW98N966E1,
Commodity 91200, Vendor 500168 \$83,147

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

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 14

DEPARTMENT: Public Works & Transportation

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

MAPSCO: 45F K

SUBJECT

Authorize the City to enter into an Interlocal Agreement with the Texas Department of Transportation for the Woodall Rodgers Deck Plaza Project, and to provide advance funding for the engineering review - Not to exceed \$118,397 - Financing: 2006 Bond Funds

BACKGROUND

On August 10, 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was authorized by the United States Congress to guide surface transportation policy and provide transportation program funding through September 30, 2009. SAFETEA-LU builds on the initiatives and keeps many of the same programs established in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 and its successor the Transportation Equity Act for the 21st Century (TEA 21) of 1998 which was the last authorizing federal legislation for surface transportation.

The Surface Transportation Enhancement Program (STEP) is a program funded through SAFETEA-LU and is administered by the Texas Department of Transportation (TxDOT) for the Federal Highway Administration (FHWA). Ten percent of surface transportation program funds are set aside for enhancement activities. Eligible projects under STEP include development of bicycle and pedestrian facilities, landscaping of transportation facilities, preservation of abandoned rail corridors, and rehabilitation of historic transportation structures, among others.

BACKGROUND Continued

The Texas Department of Transportation announced a "Call for Projects" in the Statewide Transportation Enhancement Program on November 1, 2005. The call for projects was coordinated with and through the North Central Texas Council of Governments (NCTCOG), and project nominations were due to NCTCOG on or before February 17, 2006. This project, the Woodall Rodgers Deck Park, was the sole STEP project selected for the region in February 2007, and it was funded with a legislative rider to the TxDOT appropriations bill.

STEP is a reimbursement program and is not a grant. The federal matching funds are not available in advance, and the local authority sponsoring the project will be reimbursed up to 80% of eligible costs for planning, development, and implementation (depending on the agreed upon funding split). The local government is responsible for the remainder of funding. In this case, TxDOT will be providing \$10 M, the City of Dallas \$20 M, and the private sector \$40 M.

The scope of this project includes the design and construction of a 5.2 acre park, which will be built on a deck over Woodall Rodgers Freeway between Pearl Street and St. Paul Street. An Interlocal Agreement between the City of Dallas and TxDOT needed to provide the advance funding amount of \$118,397 in order to start TxDOT's environmental and engineering review. TxDOT will not begin the engineering or environmental review until the agreement is executed. The environmental review will impact the project schedule if delayed.

This action will authorize the City of Dallas to enter into an Interlocal Agreement with TxDOT and provide the advance funding to TxDOT for environmental and engineering review in the amount of \$118,397.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	January 2008
Complete Construction	December 2010

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized submission of candidate STEP projects to the North Central Texas Council of Governments on February 8, 2006, by Resolution No. 06-0521.

Briefed the Park and Recreation Board on the Woodall Rodgers Deck Plaza Deal Points on January 25, 2007.

Briefed the Quality Life Committee on the Woodall Rodgers Deck Plaza Deal Points on February 12, 2007.

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

Briefed the City Council on the Woodall Rodgers Deck Plaza Deal Points on February 21, 2007.

Briefed the Park and Recreation Board on the Woodall Rodgers Deck Plaza Update Deal Points on March 22, 2007.

The Park and Recreation Board authorized the development agreement and use agreement with the Woodall Rodgers Park Foundation on March 22, 2007.

Authorized a development agreement for the construction and use agreement with the Woodall Rodgers Park Foundation for the operation and maintenance on May 23, 2007, by Resolution No. 07-1536.

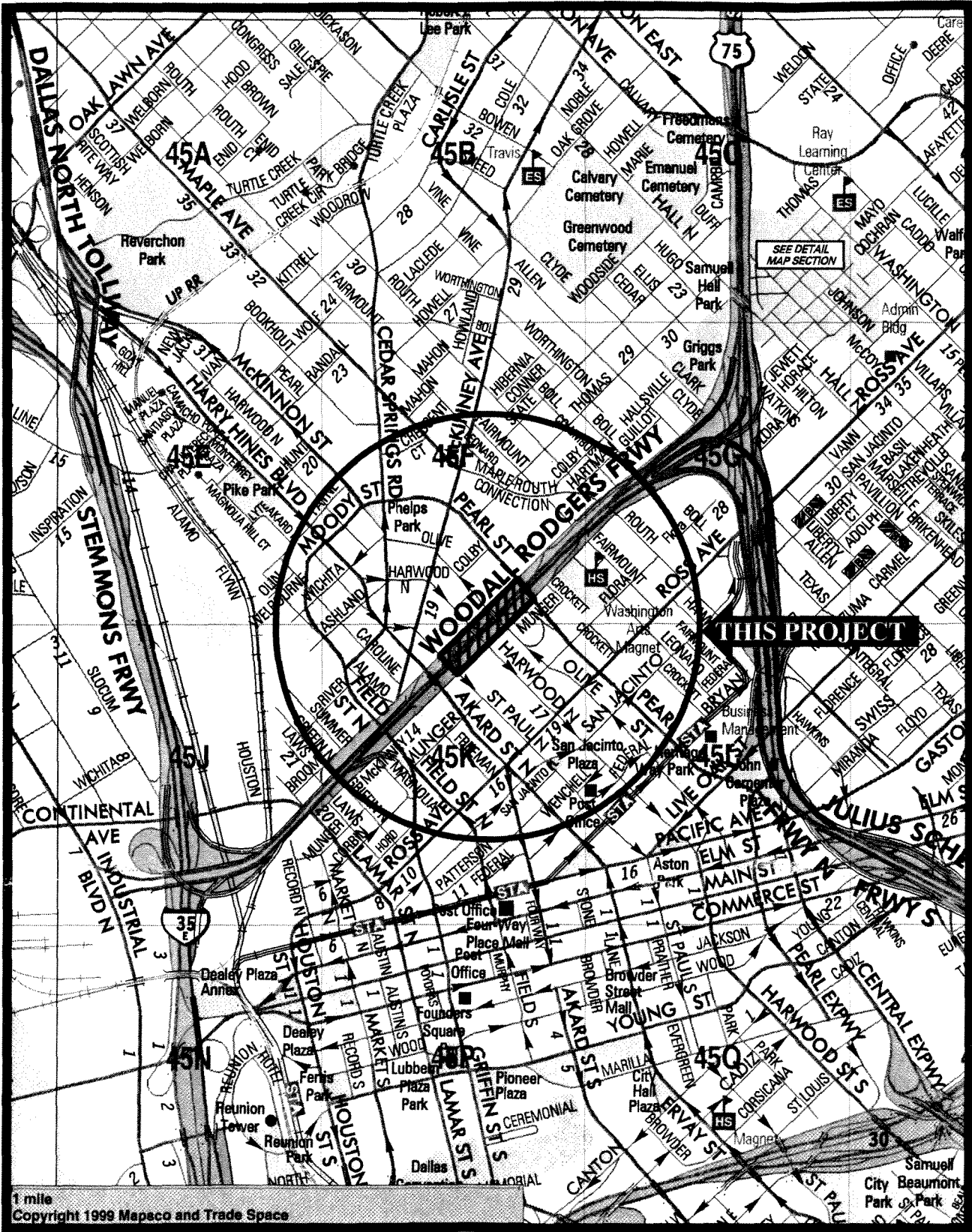
FISCAL INFORMATION

2006 Bond Funds - \$118,397

MAP

Attached.

WOODALL RODGERS DECK PLAZA PROJECT



MAPSCO 45F,K

September 12, 2007

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was authorized by the United States Congress on August 10, 2005 to guide surface transportation policy and provide transportation program funding through September 30, 2009; and

WHEREAS, the Surface Transportation Enhancement Program (STEP) is a program funded through SAFETEA-LU and is administered by the Texas Department of Transportation (TxDOT) for the Federal Highway Administration (FHWA); and

WHEREAS, eligible projects under STEP include development of bicycle and pedestrian facilities, landscaping of transportation facilities, preservation of abandoned rail corridors, and rehabilitation of historic transportation structures, among others; and

WHEREAS, TxDOT announced a "Call for Projects" in the Statewide Transportation Enhancement Program on November 1, 2005, and the Woodall Rodgers Deck Park, was the sole STEP project selected for the region in February 2007; and

WHEREAS, an interlocal agreement between the City of Dallas and the Texas Department of Transportation is required to document the individual responsibilities of each agency; and

WHEREAS, the City of Dallas will provide the advance funding amount of \$118,397 to TxDOT upon execution of the Interlocal Agreement in order to begin TxDOT's environmental and engineering review.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF DALLAS:

SECTION 1. That the City Manager be authorized to execute an Interlocal Agreement with the Texas Department of Transportation for the design review and approval of the Woodall Rodgers Deck Plaza and to provide advance funding for the plan review in an amount not to exceed \$118,397, after approval as to form by the City Attorney's Office.

Park and Recreation Facilities Improvement Fund
Fund 6T00, Dept. PKR, Unit T342, Act. DWTN
Obj. 4111, Program No. PK06T342, CT #: PKR07018926
Vendor No. 239588, in an amount not to exceed \$118,397.00

September 12, 2007

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, Jean Mitchell, Agenda Coordinator, OCMC, Room 101
 Public Works and Transportation, Dell Cole, OCMC, Room 307

KEY FOCUS AREA: Economic Development
Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 14

DEPARTMENT: Public Works & Transportation
Office of Cultural Affairs

CMO: Ramon F. Miguez, P.E., 670-3308
Charles W. Daniels, 670-3390

MAPSCO: 45Q

SUBJECT

Authorize an increase in the contract with TMV LLC dba Triune Associates for renovation of the Moorland YMCA building located at 2700 Flora Street for the Dallas Black Dance Theatre to provide restoration of existing wood windows, \$251,609, from \$3,998,811 to \$4,250,420 - Financing: Private Funds

BACKGROUND

On August 8, 2007, Resolution No. 07-2195 authorized **(1)** the receipt and deposit of funds in the amount of \$486,331 in participation costs in the Dallas Black Dance Theatre Participation Fund, and **(2)** an increase in appropriations in the amount of \$486,331 in the Dallas Black Dance Theatre Participation Fund.

The Dallas Black Dance Theatre has determined that it is advantageous to restore the existing wood windows in lieu of replacement to maintain the historical significance of the Moorland Building in the Dallas community for future generation to experience the rich history found in this structure.

This action will authorize an increase in the contract with TMV LLC dba Triune Associates for renovation of the Moorland YMCA building located at 2700 Flora Street for the Dallas Black Dance Theatre, in the amount of \$251,609, increasing the contract from \$3,998,811 to \$4,250,420.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2006
Completed Design	November 2006
Began Construction	April 2007
Complete Construction	December 2007

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed the Arts, Education, and Libraries Committee on April 15, 2005.

Briefed the Quality of Life Committee on December 12, 2005.

Authorized the development agreement on December 14, 2005, by Resolution No. 05-3604.

Authorized a professional services contract on May 10, 2006, by Resolution No. 06-1411.

Authorized construction contract on February 28, 2007, by Resolution No. 07-0742.

Authorized Change Order No. 1 to the construction contract on June 13, 2007 by Resolution No. 07-1824.

Authorized receipt and deposit of funds and increased appropriations on August 8, 2007, by Resolution No. 07-2195.

FISCAL INFORMATION

Private Funds - \$251,609

Design	\$ 538,692.00
Construction	\$ 3,941,766.00
Change Order No. 1	\$ 57,045.00
Change Order No. 2 (this action)	\$ 251,609.00
Miscellaneous Expenses	<u>\$ 710,734.00</u>
Total Project Cost	\$ 5,499,846.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

TMV LLC dba Triune Associates

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

OWNER(S)

TMV LLC dba Triune Associates

Vince Fudzie, President
Traver Hill, Vice President
Patricia Fudzie, Esq., Secretary

MAP

Attached.

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with TMV LLC dba Triune Associates for renovation of the Moorland YMCA building located at 2700 Flora Street for the Dallas Black Dance Theatre to provide restoration of existing wood windows, \$251,609, from \$3,998,811 to \$4,250,420 - Financing: Private Funds

TMV LLC dba Triune Associates 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 - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$2,984.00	1.19%
Non-local contracts	\$248,625.00	98.81%
TOTAL THIS ACTION	\$251,609.00	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>
TMV LLC dba Triune Associates	BMDB30499N0407	\$2,984.00	100.00%
Total Minority - Local		\$2,984.00	100.00%

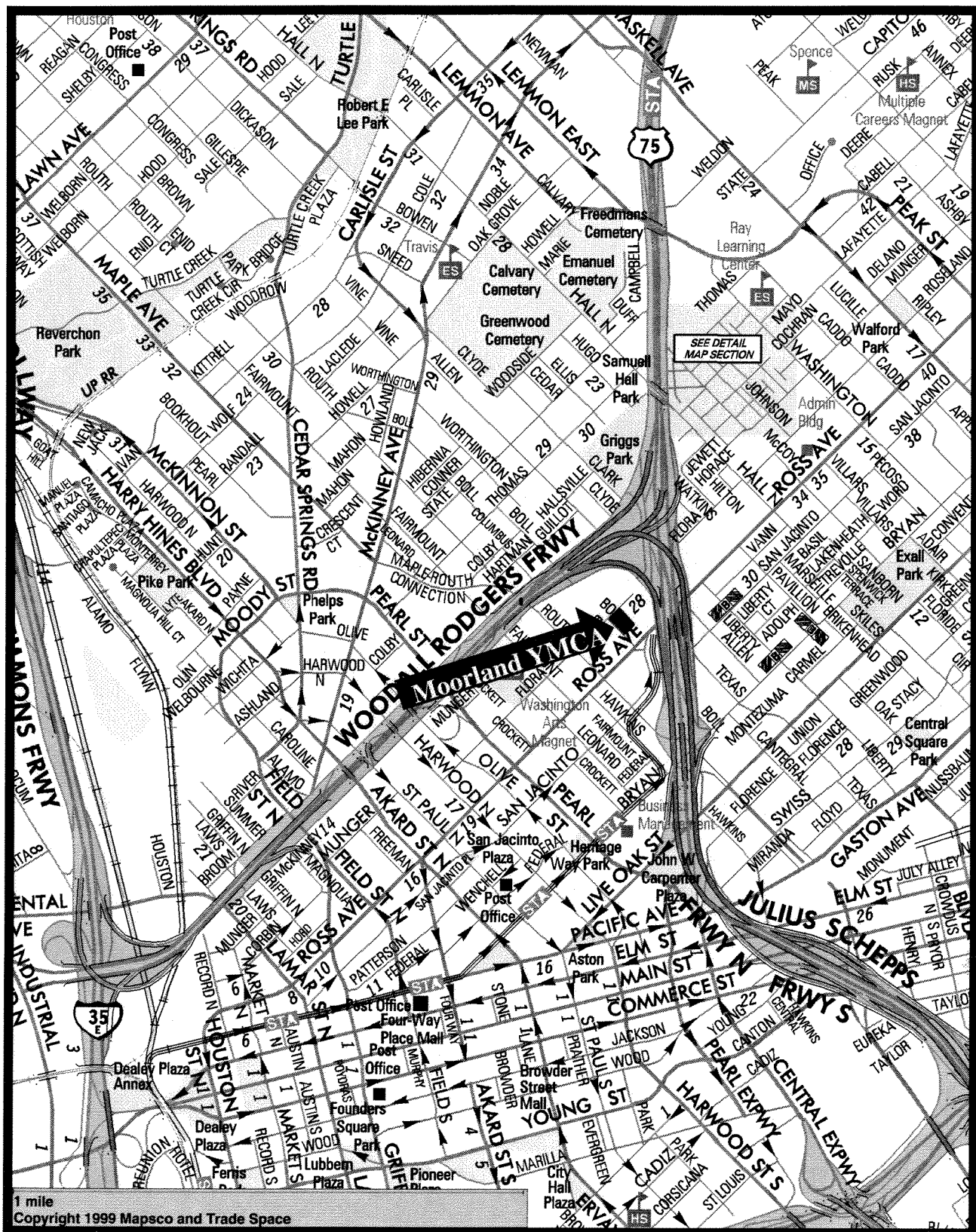
Non-Local Contractors / Sub-Contractors

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	\$2,984.00	1.19%	\$582,520.86	13.71%
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%	\$122,320.80	2.88%
Total	\$2,984.00	1.19%	\$704,841.66	16.58%

Black Dance Theatre



September 12, 2007

WHEREAS, the Dallas Black Dance Theatre ("DBDT") is a world-class modern dance company whose mission is to achieve artistic excellence through performance and educational programs bridging cultures, reaching diverse communities and encompassing ever-expanding national and international audiences; and,

WHEREAS, in 1999, the DBDT acquired the former Moorland Y.M.C.A. building, an approximately 20,058 square foot tract of land improved with a building located at 2700 Flora Street, for conversion into a multi-use dance rehearsal, instructional and administrative office facility for the DBDT; and,

WHEREAS, in the City's 2003 Bond election, the voters approved a proposition which included \$3,263,976 for the planning, design, construction and renovation of the former Moorland Y.M.C.A. building as a multi-use dance rehearsal, instructional and administrative office facility for the DBDT; and,

WHEREAS, on December 14, 2005, Resolution No. 05-3604 authorized a development agreement with the Dallas Black Dance Theatre for the renovation of the Moorland Y.M.C.A. building; and,

WHEREAS, on February 28, 2007, Resolution No. 07-0742 authorized a contract with TMV LLC dba Triune Associates for the renovation of the Moorland Y.M.C.A. building for the Dallas Black Dance Theatre, in an amount not to exceed \$3,941,766.00; and,

WHEREAS, on June 13, 2007, Resolution No. 07-1824 authorized Change Order No. 1 to the contract for the renovation of the Moorland Y.M.C.A. building for the Dallas Black Dance Theatre, in the amount of \$57,045, increasing the contract from \$3,941,766 to \$3,998,811.

WHEREAS, on August 8, 2007, Resolution No. 07-2195 authorized **(1)** the receipt and deposit of funds in the amount of \$486,331 in participation costs in the Dallas Black Dance Theatre Participation Fund, and **(2)** an increase in appropriations in the amount of \$486,331 in the Dallas Black Dance Theatre Participation Fund.

WHEREAS, it is now desirable to authorize Change Order No. 2 to the contract with TMV LLC dba Triune Associates for renovation of the Moorland YMCA building located at 2700 Flora Street for the Dallas Black Dance Theatre to provide restoration of existing wood windows, in the amount of \$251,609, from \$3,998,811 to \$4,250,420.

Now, Therefore,

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

September 12, 2007

Section 1. That the City Manager is hereby authorized to increase the contract with TMV LLC dba Triune Associates for the renovation of the Moorland Y.M.C.A. building for the Dallas Black Dance Theatre, in the amount of \$251,609, from \$3,998,811 to \$4,250,420, under Change Order No. 2.

Section 2. That the City Controller is authorized to disburse funds from the following accounts:

Dallas Black Dance Theatre Participation Fund
Fund DB49, Dept. PBW, Unit R917, Act. CULF
Obj. 4310, Program #PB03R917, CT PBW03R917E1
Vendor #512794, in an amount not to exceed \$251,609

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

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Robert Durham, OCMC, Room 321
Office of Cultural Affairs
Office of Financial Services
City Attorney

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14

DEPARTMENT: Public Works & Transportation

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

MAPSCO: 24W V 25S U V W X 26W X Z 27X Y Z 28V W Y Z 29W 32Z
33 Q U V X Z 34 B D E F H K L M N P Q T U W 35 A J 36 C D
J K L M P Q T 37A H R S U X 38C F G J K N P Y 39A 44 A G
46 K L M P Q T U V W 47J S T U 48C E F J N S 49 S T U W
X Y 58 E S 59 S T U

SUBJECT

Local Air Quality Program

- * Authorize **(1)** an Interlocal Agreement with the North Central Texas Council of Governments for reimbursement of funds for traffic engineering services and City staff expenses to update traffic signal timings and replace broken vehicle detectors at 98 locations (list attached) in an amount not to exceed \$597,875; and **(2)** a required City local match in an amount not to exceed \$149,469 - Total not to exceed \$747,344 – Financing: North Central Texas Council of Governments Funds (\$597,875) Current Funds (\$149,469)
- * Authorize an Interlocal Agreement with the Texas Department of Transportation for reimbursement of funds for traffic engineering services and City staff expenses to update traffic signal timings and replace broken vehicle detectors at 73 locations (list attached) - Not to exceed \$520,112 - Financing: Texas Department of Transportation Grant Funds

BACKGROUND

The North Central Texas Council of Governments (NCTCOG) and the Regional Transportation Council have created several funding initiatives to reduce traffic congestion and meet the region's air quality requirements using federal and regional funds. Through these initiatives, funding has been authorized for several traffic signal timing improvement projects in the City of Dallas, with 486 locations contracted to date.

BACKGROUND (Continued)

One of these projects, the Local Air Quality Program, is administered by NCTCOG. It allows cities to review arterial streets, measure roadway travel performance, design/implement signal timing improvements, and repair broken in-pavement vehicle detectors. 171 City of Dallas signalized locations have been selected for funding.

To fund this project, the City must enter into interlocal agreements with both NCTCOG and the Texas Department of Transportation. The City locations that are not part of the State Highway System (Off-System) will be funded with regional monies, through an agreement with NCTCOG. The locations that are on the State Highway System (On-System) will be funded with federal monies, through an agreement with TxDOT. The agreement with TxDOT is required because TxDOT is the only agency in the region authorized to distribute federal funds to local agencies.

The first subject in this agenda item will authorize the interlocal agreement with NCTCOG to fund the required local match for 98 Off-System locations. The total project cost for this resolution is \$747,344. 80% of the project cost (\$597,875) will be funded through NCTCOG with regional monies. The required 20% local match (\$149,469) will be provided by the City using current funds. If the project is completed under budget, any remaining funds will be reimbursed to the City.

The second subject in this agenda item will authorize the interlocal agreement with TxDOT. The 73 On-System signal locations in this project will be funded 100% with federal and state monies. However, the project will be implemented by City staff. Therefore, the other resolution in this agenda item will authorize an interlocal agreement with TxDOT to reimburse the City for project costs. The total project cost for this resolution is \$520,112. 80% of the project cost (\$416,090) will be funded with federal monies administered by TxDOT. The 20% local match (\$104,022) will be provided with TxDOT funds.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	October 2008
Complete Construction	June 2009

FISCAL INFORMATION

Current Funds - \$ 149,469

North Central Texas Council of Governments Funds - \$ 597,875

Texas Department of Transportation Funds - \$ 520,112

<u>Council District</u>	<u>Amount</u>
2	\$254,373
3	25,520
4	33,775
5	62,238
6	81,282
7	213,296
8	17,840
9	237,520
10	14,172
13	89,230
14	<u>238,210</u>
Total	\$ 1,267,456

MAP

Attached

**Traffic Signal Timings and Vehicle Detector Repairs funded through
an Interlocal Agreement with the North Central Texas Council of Governments**
Addendum Item #15

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Brookriver Drive	Mockingbird Lane	2
Cedar Springs Road	Inwood Road	2
Cedar Springs Road	Manor Way	2
Denton Drive	Inwood Road	2
Denton Drive	Maple Avenue	2
Elmbrook Drive	Mockingbird Lane	2
Forest Park Road	Inwood Road	2
Forest Park Road	Mockingbird Lane	2
Harry Hines Boulevard	Mockingbird Lane	2
Inwood Road	Maple Avenue	2
Inwood Road	Medical Center Drive	2
Inwood Road	Redfield Street	2
Inwood Road	St Paul Street	2
Irving Boulevard	Manufacturing Street	2
Maple Avenue	Mockingbird Lane	2
Mockingbird Lane	Oakbrook Boulevard	2
Parry Avenue	Peak Street	2
Airdrome Drive	Lemmon Avenue	2, 14
Airdrome Drive	Mockingbird Lane	2, 14
Cedar Springs Road	Mockingbird Lane	2, 14
Denton Drive	Mockingbird Lane	2, 14
East Grand Avenue	La Vista Drive	2, 14
Haggard Way	Lemmon Avenue	2, 14
Lemmon Avenue	Manor Way/Roper	2, 14
Lemmon Avenue	Mockingbird Lane	2, 14
Dolphin Road	Haskell Avenue	2, 7
East Grand Avenue	Haskell Avenue	2, 7
Haskell Avenue	Parry Avenue	2, 7
Garland Road	San Rafael Drive	2, 9, 14
Garland Road	Winsted Drive	2, 9, 14
Dallas N Tollway NB	Lovers Lane	3
Dallas N Tollway SB	Lovers Lane	3
Dallas N Tollway NB	Mockingbird Lane	3
Dallas N Tollway SB	Mockingbird Lane	3
Jim Miller Road	Seco Boulevard	4
Everglade Road	Jim Miller Road	4, 7
Forney Road	Jim Miller Road	4, 7
Jim Miller Road	Military Parkway	4, 7
Jim Miller Road	Samuell Boulevard	4, 7
Elam Road	Jim Miller Road	5
Military Parkway	Prairie Creek Road	5
Military Parkway	Sam Houston Road	5

**Traffic Signal Timings and Vehicle Detector Repairs funded through
an Interlocal Agreement with the North Central Texas Council of Governments**
Addendum Item #15 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Military Parkway	St. Augustine	5
Elam Road	Prairie Creek Road	5, 8
Ambassador Row	Mockingbird Lane	6
Conveyor/Lupo Drive	Inwood Road	6
Halifax Street	Mockingbird Lane	6
Inwood Road	Irving Boulevard	6
Irving Boulevard	Lakawana Street	6
Lemmon Avenue	Shorecrest Drive	6, 14
Atlanta Street	M.L. King Boulevard	7
Colonial Avenue	M.L. King Boulevard	7
Crosstown Expressway	Haskell Avenue	7
Exposition Avenue	Parry Avenue	7
First Avenue	Parry Avenue	7
Fitzhugh Avenue	Haskell Avenue	7
Forest Ave	M.L. King Boulevard	7
Harwood Street	M.L. King Boulevard	7
Holmes Street	M.L. King Boulevard	7
M.L. King Boulevard	Malcolm X Boulevard	7
M.L. King Boulevard	Meadow Street	7
Samuell Boulevard	St Francis Avenue	7
Elam Road	Masters Drive	8
Elam Road	St. Augustine Road	8
Barnes Bridge Road	Shiloh Road	9
Garland Road	Lakeland Drive	9
Garland Road	Old Gate Lane	9
Hillside Drive	Mockingbird Lane	9
Mockingbird Lane	Williamson Road	9
Northwest Highway	Shiloh Road	9
Abrams Road	Kenwood Avenue	9, 14
Abrams Road	Lovers Lane	9, 14
Abrams Road	Mockingbird Lane	9, 14
Abrams Road	Monticello Avenue	9, 14
Gaston Avenue	Westshore Drive	9, 14
Douglas Avenue	Luther Lane	13
Douglas Avenue	Sherry Lane	13
Abrams Road	Fisher Road	14
Aviation Place	Cedar Springs Road	14
Bluffview Boulevard	Lemmon Avenue	14
Bluffview Boulevard	Lovers Lane	14
Cedar Springs Road	Tom Braniff Lane	14
Devonshire Drive	Lovers Lane	14

**Traffic Signal Timings and Vehicle Detector Repairs funded through
an Interlocal Agreement with the North Central Texas Council of Governments**
Addendum Item #15 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
E. Grand/Garland Road	Gaston Avenue	14
Greenville Avenue	Mockingbird Lane	14
Inwood Road	Lovers Lane	14
Inwood Road	Mockingbird Lane	14
Inwood Road	University Blvd	14
Lemmon Avenue	Lovers Lane	14
Lemmon Avenue	University Boulevard	14
Lovers Lane	Preston Park Lane	14
Matilda Street	McCommas Boulevard	14
Matilda Street	Mockingbird Lane	14
Matilda Street	Richmond Avenue	14
McMillan Avenue	Mockingbird Lane	14
Mockingbird Lane	Mockingbird Station	14
Mockingbird Lane	Roper Street	14
Mockingbird Lane	Skillman Street	14

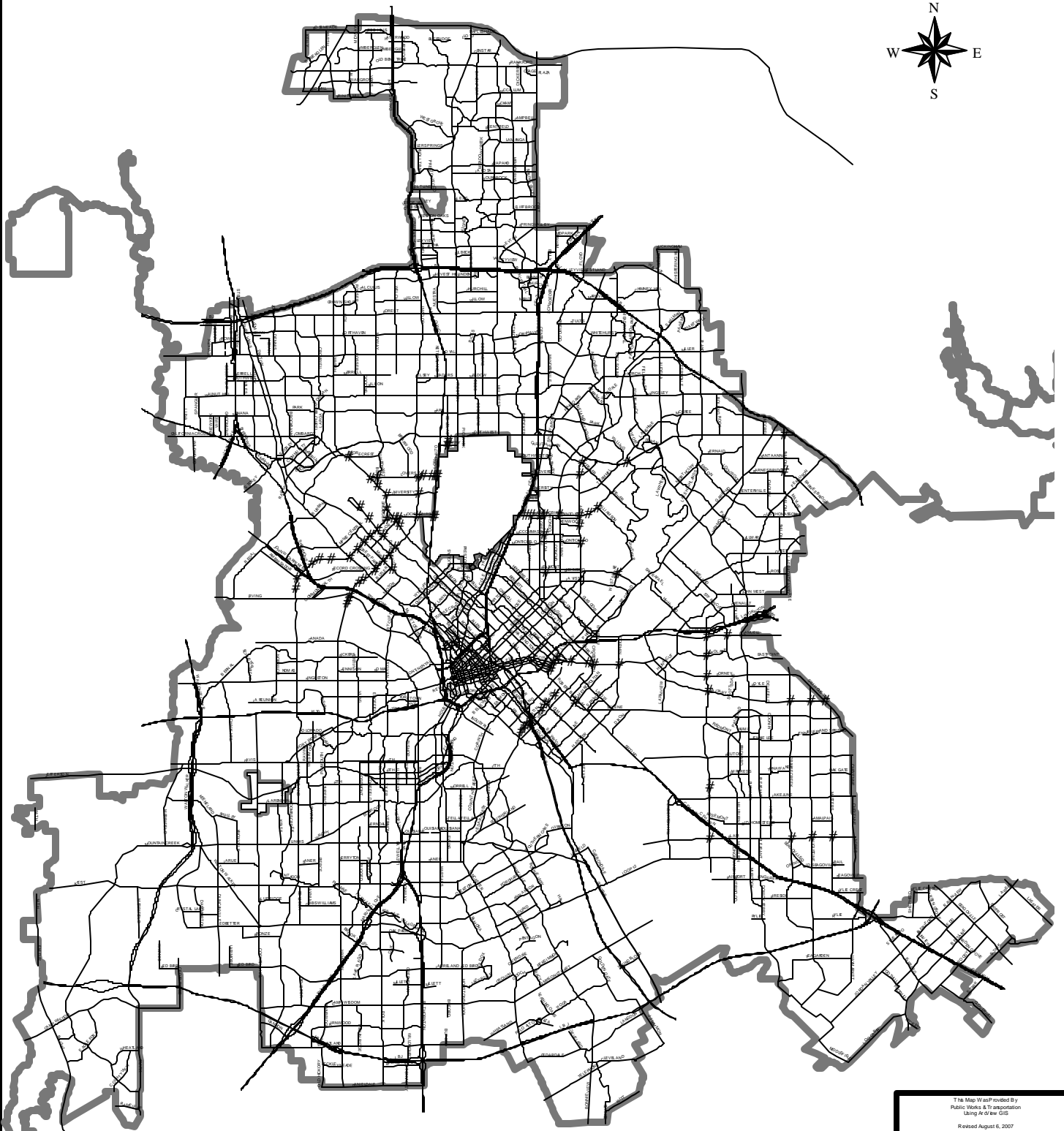
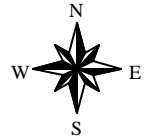
**Traffic Signal Timings and Vehicle Detector Repairs funded through
an Interlocal Agreement with the Texas Department of Transportation**
Addendum Item #16

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Carroll Avenue	R L Thornton Freeway EB	2
Carroll Avenue	R L Thornton Freeway WB	2
Inwood Road	Stemmons Freeway NB	2
Inwood Road	Stemmons Freeway SB	2
M.L. King Boulevard	S.M. Wright Freeway NB	2
M.L. King Boulevard	S.M. Wright Freeway SB	2
Peak Street	R L Thornton Freeway EB	2
Peak Street	R L Thornton Freeway WB	2
Prairie Creek Road	Scyene Road	2
Mockingbird Lane	Stemmons Freeway	2, 6
Jim Miller Road	R L Thornton Freeway	4, 7
Jim Miller Road	Scyene Road	4, 7
Lawnview Avenue	Scyene Road	4, 7
Masters Drive	Scyene Road	5
Sam Houston Road	Scyene Road	5
Scyene Road	St. Augustine Road	5
Carpenter Freeway NB	Mockingbird Lane	6
Carpenter Freeway SB	Mockingbird Lane	6
Irving Boulevard	Mockingbird Lane	6
Irving Boulevard	Norwood Road	6
Buckner Boulevard	Chenault Street	7
Buckner Boulevard	John West Road	7
Buckner Boulevard	Peavy Road	7
Dixon Road	Scyene Road	7
Fitzhugh Avenue	R. B. Cullum Boulevard	7
Grand Avenue	R. B. Cullum Boulevard	7
Hatcher Boulevard	Scyene Road	7
M.L. King Boulevard	R. B. Cullum Boulevard	7
Metropolitan Avenue	R. B. Cullum Boulevard	7
Pennsylvania Avenue	R. B. Cullum Boulevard	7
Scyene Road	Second Avenue	7
Barnes Bridge Road	Garland Road	9
Buckner Boulevard	Casa Linda Plaza	9
Buckner Boulevard	Garland Road	9
Buckner Boulevard	Hermosa Drive	9
Buckner Boulevard	Lake Highlands Drive	9
Buckner Boulevard	Mercer Drive	9
Buckner Boulevard	Northcliff Drive	9
Buckner Boulevard	Poppy/Atholone Drive	9
Casa Linda Plaza	Garland Road	9
Centerville Road	Garland Road	9
Easton Road	Garland Road	9

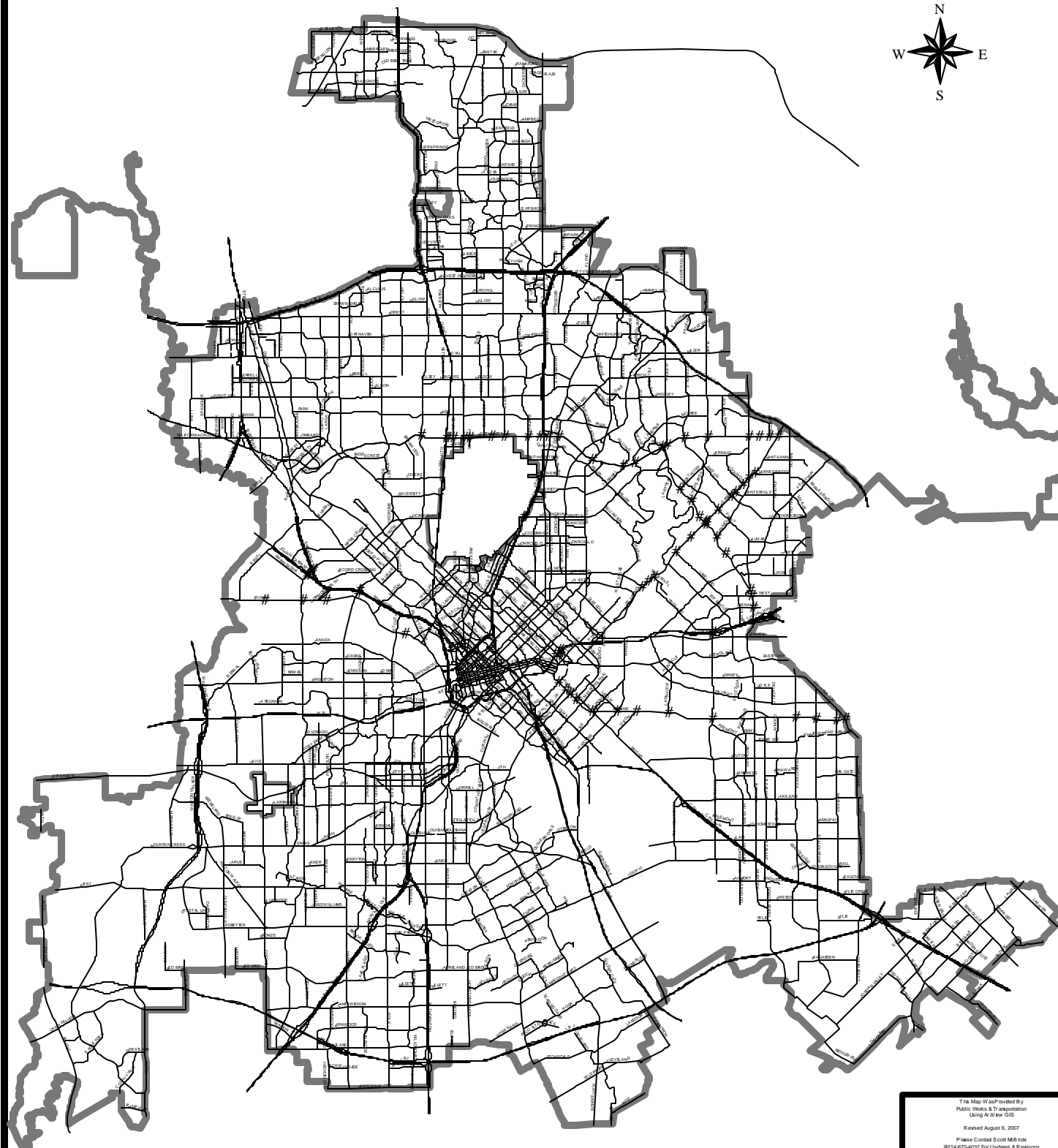
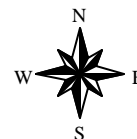
**Traffic Signal Timings and Vehicle Detector Repairs funded through
an Interlocal Agreement with the Texas Department of Transportation**
Addendum Item #16 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Executive Drive	Northwest Highway	9
Garland Road	Jupiter Road	9
Garland Road	Lochwood Boulevard	9
Garland Road	Northwest Highway	9
Garland Road	Peavy Road	9
Jupiter Road	Northwest Highway	9
Lawther Drive	Northwest Highway	9
McCree Road	Northwest Highway	9
Northwest Highway	Trammel/Walling Drive	9
Northwest Highway	White Rock Station	9
Audelia Road	Northwest Highway	9, 10
Buckner Boulevard	Northwest Highway	9, 10
Easton/Ferndale Road	Northwest Highway	9, 10
Northwest Highway	Plano/L.Highlands Drive	9, 10
Abrams Road	Northwest Highway	9, 14
Northwest Highway	Shady Brook Lane	9, 14
Boedeker Street	Northwest Highway	13
Central Expwy SBSR	Northwest Highway	13
Dallas North Tollway NB	Northwest Highway	13
Dallas North Tollway SB	Northwest Highway	13
Douglas Avenue	Northwest Highway	13
Hillcrest Avenue	Northwest Highway	13
Inwood Road	Northwest Highway	13
Northwest Highway	Pickwick Lane	13
Northwest Highway	Preston Road	13
Northwest Highway	Thackery Street	13
Central Expwy NBSR	Northwest Highway	13, 14
Central Expwy	Mockingbird Lane	14

Partnership Program #3
Local Air Quality Program
Traffic Signal Improvements
Agreement With NCTCOG (Off System)



Partnership Program #3
Local Air Quality Program
Traffic Signal Improvements
Agreement With TxDOT (On System)



September 12, 2007

WHEREAS, the North Central Texas Regional Transportation Council developed a Regional Transportation Improvement Plan to program funding to reduce traffic congestion and improve air quality; and,

WHEREAS, the Regional Transportation Council has authorized monies to fund a Partnership Program #3 – Local Air Quality Program to fund projects and programs to improve air quality; and,

WHEREAS, the North Central Texas Council of Governments has been authorized to administer the program; and,

WHEREAS, the City desires to enter into an Interlocal Agreement with the North Central Texas Council of Governments to obtain funding for traffic engineering services and material and labor related to traffic signal timing improvements at 98 traffic signal locations located off the State Highway System at an estimated cost of \$597,875; and,

WHEREAS, the total project cost is \$747,344, and the City will provide the 20% local match required at an estimated cost of \$149,469; and

Now, Therefore,

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

Section 1. That the City Manager is authorized to enter into an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) for reimbursement to the City for signal timing improvement and vehicle detector repair costs at 98 locations in an amount not to exceed \$747,344.

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

Section 3. That the City Manager is hereby authorized to establish appropriations in Fund 08EL, Dept. PBW, Unit 88EL, Obj. 4820, Major Program TxDOT Program TP08EL07 Activity Thrg, in the amount of \$747,344.

Section 4. That the City Controller is hereby authorized to disburse funds in an amount not to exceed \$747,344 from Fund 08EL, Dept. PBW, Unit 88EL, Obj. 4820, Major Program TxDOT, Program TP08EL07, Activity THRG.

Section 5. That the City Controller is hereby authorized to deposit all reimbursed funds for billings from the North Central Texas Council of Governments pertaining to this project in Fund 08EL, Department PBW, Unit 88EL, Revenue Source 6508.

September 12, 2007

Section 6. That the City Controller is hereby authorized to disburse funds by warrant check to the North Central Texas Council of Government, Vendor #265554, in accordance with the terms and conditions of the agreement in an amount not to exceed \$149,469 from CT PBW PBWNCTCOGJ1, Fund 001, Department PBW, Unit 3049, Obj. 3070, Program TP08EL07, Activity PB24.

Section 7. That the City Controller is hereby authorized to deposit all reimbursed funds from unused local match to Fund 0001, Department PBW, Unit 3049, Obj. 5011.

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

Distribution: Public Works and Transportation, Dell Cole, OCMC, Room 101
 Public Works and Transportation, Hazel Baker, L1BS

September 12, 2007

WHEREAS, the North Central Texas Regional Transportation Council developed a Regional Transportation Improvement Plan to program funding to reduce traffic congestion and improve air quality; and,

WHEREAS, the Regional Transportation Council has authorized monies to fund a Partnership Program #3 – Local Air Quality Program to fund projects and programs such as traffic signals, bicycle/pedestrian regional connections, park-and-ride facilities, and others to improve air quality; and,

WHEREAS, the North Central Texas Council of Governments has been authorized to administer the program; and,

WHEREAS, the North Central Texas Council of Governments has allocated federal funding for updated signal timing at the City of Dallas project locations situated on the State Highway System; and

WHEREAS, the City desires to enter into an Interlocal Agreement with the Texas Department of Transportation to obtain funding for traffic engineering services and material and labor related to traffic signal timing improvements at 73 traffic signal locations located on the State Highway System at an estimated cost of \$520,112; and,

WHEREAS, the total project cost is \$520,112, and TXDOT will provide the 20% local match required at an estimated cost of \$104,022; and

Now, Therefore,

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

Section 1. That the City Manager is authorized to enter into an Interlocal Agreement with the Texas Department of Transportation for reimbursement to the City for costs related to signal timing improvements and vehicle detector repairs at 73 locations in an amount not to exceed \$520,112.

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

Section 3. That the City Manager is hereby authorized to establish appropriations in Fund 08EK, Dept. PBW, Unit 88EK, Obj. 4820, Major Program TXDOT, Program TP08EK07, Activity Thrg, in the amount of \$520,112.

Section 4. That the City Controller is hereby authorized to disburse funds in an amount not to exceed \$520,112 from Fund 08EK, Dept. PBW, Unit 88EK, Obj. 4820, Major Program TxDOT, Program TP08EK07, Activity THRG.

September 12, 2007

Section 5. That the City Controller is hereby authorized to deposit all reimbursed funds from the Texas Department of Transportation pertaining to this project in Fund 08EK, Department PBW, Unit 88EK, Program TP08EK07, Revenue Source 6508.

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: Public Works and Transportation, Dell Cole, OCMC, Room 101
 Public Works and Transportation, Hazel Baker, L1BS

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Public Works & Transportation

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

MAPSCO: 45 B E F G J K L M N P Q R T U; 46 F J

SUBJECT

Thoroughfare Assessment Program

- * Authorize an amendment to the Interlocal Agreement with the North Central Texas Council of Governments to provide local matching funds for traffic engineering services to update traffic signal timings and signal progression at 241 additional locations (list attached) – \$223,560, from \$166,320 to \$389,880 - Financing: Dallas Area Rapid Transit Funds (\$203,040), Current Funds (\$20,520)
- * Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation for reimbursement of material and labor provided by the City for signal timing improvements at 241 locations (list attached) in an amount not to exceed \$80,890; **(2)** the receipt and deposit of funds in an amount not to exceed \$15,642 from Dallas Area Rapid Transit for reimbursement of a portion of the required local match; and **(3)** a required City local match in an amount not to exceed \$1,581 – Total not to exceed \$98,113 - Financing: Texas Department of Transportation Grant Funds (\$80,890), Dallas Area Rapid Transit Funds (\$15,642), Current Funds (\$1,581)

BACKGROUND

NCTCOG Interlocal Agreement Amendment

The North Central Texas Council of Governments (NCTCOG) and the Regional Transportation Council have created several funding initiatives to reduce traffic congestion and meet the region's air quality requirements using federal and regional funds. Through these initiatives, funding has been authorized for several traffic signal timing improvement projects in the City of Dallas, with 486 signal locations contracted to date.

BACKGROUND (Continued)

One of these projects, the Thoroughfare Assessment Program (TAP), is administered by the NCTCOG. The City previously established interlocal agreements with NCTCOG to provide the required local match funding for the project. This action will authorize an amendment to the most recent agreement in order to fund the local match for 241 additional locations that have been selected for funding.

The total cost of this amendment with NCTCOG is \$1,301,400. 80% of this cost will be funded using federal monies. The 20% local match will be funded by the Dallas Area Rapid Transit (DART), the City of Dallas (using current funds set aside specifically for this leveraged project), and the Texas Department of Transportation (through a separate agreement with NCTCOG).

TxDOT Interlocal Agreement

To complete the funding for this project, the City must also enter into an agreement with the Texas Department of Transportation (TxDOT). City staff will perform reimbursable engineering work as part of this project. TxDOT is the only agency in the region authorized to distribute federal funding to local agencies. Therefore, an interlocal agreement will be established with TxDOT to obtain reimbursement for work performed by City staff.

80% of this cost will be funded using federal monies. The 20% local match will be funded by TxDOT, DART, and the City of Dallas (using current funds set aside specifically for this leveraged project).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized an Interlocal Agreement with the North Central Texas Council of Governments to update traffic signal timings on December 8, 2004, by Resolution No. 04-3489.

Authorized an Interlocal Agreement with the Texas Department of Transportation to reimburse the City for labor costs and signal hardware upgrades related to the traffic signal timing upgrade project on December 8, 2004, by Resolution No. 04-3490.

Authorized an Interlocal Agreement with the North Central Texas Council of Governments to update additional traffic signal timings at 145 locations on April 12, 2006, by Resolution No. 06-1098.

Authorized an Interlocal Agreement with the North Central Texas Council of Governments to update additional traffic signal timings at 75 locations on January 22, 2007, by Resolution No. 07-0352.

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

Authorized an Interlocal Agreement with the Texas Department of Transportation to reimburse the City for signal hardware upgrades and labor costs related to the traffic signal timing upgrade project on January 22, 2007, by Resolution No. 07-0351.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	October 2007
Complete Construction	March 2009

FISCAL INFORMATION

Current Funds - \$ 22,101
Private Funds - \$218,682
Texas Department of Transportation Funds - \$80,890

<u>Council District</u>	<u>Amount</u>
2	\$142,831
14	<u>\$178,842</u>
Total	\$321,673

MAP

Attached

Traffic Signal Timings and Signal Progression at 241 additional locations
Addendum Items #17, 18

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Akard Street	Cadiz Street	2
Akard Street	Canton Street	2
Akard Street	Griffin EB Street	2
Akard Street	Griffin WB Street	2
Akard Street	Wood Street	2
Akard Street	Young Street	2
All Star Way	Houston Street	2
All Star Way	Victory Avenue	2
Austin Street	Commerce Street	2
Austin Street	Elm Street	2
Austin Street	Jackson Street	2
Austin Street	Main Street	2
Bryan Street	Thanksgiving Square	2
Cadiz Street	Ervay Street	2
Cadiz Street	Griffin Street	2
Cadiz Street	Lamar Street	2
Cadiz Street	St. Paul Street	2
Canton Street	Ervay Street	2
Canton Street	Griffin Street	2
Canton Street	Lamar Street	2
Canton Street	St. Paul Street	2
Ceremonial Drive	Griffin Street	2
Ceremonial Drive	Lamar Street	2
Commerce Street	Houston Street	2
Commerce Street	Lamar Street	2
Commerce Street	Market Street	2
Commerce Street	Murphy Street Cross Walk	2
Commerce Street	Record Street	2
Continental Avenue	Houston Street	2
Continental Avenue	Stemmons Frwy NBSR	2
Continental Avenue	Stemmons Frwy SBSR	2
Corbin Street	Lamar Street	2
Elm Street	Houston Street	2
Elm Street	Lamar Street	2
Elm Street	Market Street	2
Elm Street	Record Street	2
Ervay Street	Griffin EB Street	2
Ervay Street	Griffin WB Street	2
Ervay Street	Marilla Street	2
Ervay Street	Wood Street	2
Ervay Street	Young Street	2
Field Street	Wood Street	2
Field Street	Young Street	2

Traffic Signal Timings and Signal Progression at 241 additional locations
Addendum Items #17, 18 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Griffin Street	Memorial Drive	2
Griffin Street	Young Street	2
Griffin EBSR Street	St. Paul Street	2
Griffin WBSR Street	St. Paul Street	2
Harry Hines Blvd	Wolf Street	2
Harwood Street	RI Thornton Frwy EBSR	2
Hiline Dr/Victory Ave	Stemmons Frwy NBSR	2
Hiline Dr/Victory Ave	Stemmons FrwySBSR	2
Hotel Street	Reunion Blvd EB	2
Hotel Street	Reunion Blvd WB	2
Houston Street	Jackson Street	2
Houston Street	Lamar Street	2
Houston Street	Main Street	2
Houston Street	McKinney Avenue	2
Houston Street	Pacific Avenue	2
Houston Street	Payne Street	2
Houston Street	Ross Avenue	2
Houston Street	Victory Avenue	2
Houston Street	Wichita Street	2
Houston Street	Wood St Blvd WB	2
Houston St EB	Young Street	2
Jackson Street	Lamar Street	2
Jackson Street	Market Street	2
Lamar Street	Main Street	2
Lamar Street	McKinney Avenue	2
Lamar Street	Memorial Drive	2
Lamar Street	Munger Avenue	2
Lamar Street	Pacific Avenue	2
Lamar Street	Ross Avenue	2
Lamar Street	Victory Avenue	2
Lamar Street	Wood Street	2
Lamar Street	Young Street	2
Main Street	Market Street	2
Main Street	Murphy Street Cross Walk	2
Main Street	Record Street	2
Market Street	Pacific Avenue	2
Market Street	Wood Street	2
Market Street	Young Street	2
Pacific Avenue	Record Street	2
Record Street	Wood Street	2
Record Street	Young Street	2
Reunion Blvd	Stemmons Frwy	2
St. Paul Street	Wood Street	2

Traffic Signal Timings and Signal Progression at 241 additional locations
Addendum Items #17, 18 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
St. Paul Street	Young Street	2
Victory Avenue	Wichita Street	2
Canton Street	Exposition Avenue	2
Canton Street	Hall Street	2
Canton Street	Malcolm X Blvd	2
Commerce Street	Hall Street	2
Commerce Street	Malcolm X	2
Elm Street	Hall Street	2
Elm Street	Haskell Avenue	2
Elm Street	Malcolm X Blvd	2
Elm Street	Peak Street	2
Exposition Avenue	First Avenue	2
Exposition Avenue	Main Street	2
Good Latimer Expwy	Main Street	2
Hall Street	Main Street	2
Main Street	Malcolm X Blvd	2
Main Street	Peak Street	2
Cadiz St/ Marilla St	Harwood Street	2, 14
Field Street	Woodall Rodgers EBSR	2, 14
Field Street	Woodall Rodgers WBSR	2, 14
Griffin Street	Ross Avenue	2, 14
Griffin Street	Wood Street	2, 14
Harwood Street	RL Thornton Frwy WBSR	2, 14
Harwood Street	Wood Street	2, 14
Harwood Street	Young Street	2, 14
Canton Street	Good Latimer Expwy	2, 14
Commerce Street	Good Latimer Expwy	2, 14
Akard Street	Cedar Springs Rd	14
Akard Street	Commerce Street	14
Akard Street	Elm Street	14
Akard Street	Jackson Street	14
Akard Street	Main Street	14
Akard Street	McKinney Avenue	14
Akard Street	Munger Avenue	14
Akard Street	Pacific Avenue	14
Akard Street	Patterson Avenue	14
Akard Street	Woodall Rodgers EBSR	14
Akard Street	Woodall Rodgers WBSR	14
Akard St/ Ervay St	Ross Avenue	14
Akard St/ Ervay St	San Jacinto Street	14
Browder Street	Commerce Street	14
Browder Street	Jackson Street	14
Bryan Street	Central Expwy NBSR	14

Traffic Signal Timings and Signal Progression at 241 additional locations
Addendum Items #17, 18 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Bryan Street	Central Expwy SBSR	14
Bryan Street	Crockett Street	14
Bryan Street	Ervay Street	14
Bryan Street	Harwood Street	14
Bryan Street	Leonard Street	14
Bryan Street	Olive Street	14
Bryan Street	Pearl Street	14
Bryan Street	St. Paul Street	14
Canton Street	Central Expwy	14
Canton Street	Pearl Street	14
Cedar Springs Road	Fairmount Street	14
Cedar Springs Road	Field Street	14
Cedar Springs Road	Harwood Street	14
Cedar Springs Road	Maple Avenue	14
Cedar Springs Road	Olive Street	14
Cedar Springs Road	Pearl Street	14
Central Expwy	Commerce Street	14
Central Expwy	Elm Street	14
Central Expwy	Live Oak Street	14
Central Expwy	Main Street	14
Central Expwy	Marilla Street	14
Central Expwy	Pacific Avenue	14
Central Expwy	RL Thornton Frwy	14
Central Expwy NBSR	Ross Avenue	14
Central Expwy SBSR	Ross Avenue	14
Commerce Street	Ervay Street	14
Commerce Street	Field Street	14
Commerce Street	Griffin Street	14
Commerce Street	Harwood Street	14
Commerce Street	Lane Street	14
Commerce Street	Pearl Street	14
Commerce Street	Prather Street	14
Commerce Street	St. Paul Street	14
Crockett Street	Pearl Street	14
Elm Street	Ervay Street	14
Elm Street	Field Street	14
Elm Street	Good Latimer Expwy	14
Elm Street	Griffin Street	14
Elm Street	Harwood Street	14
Elm Street	Pearl Street	14
Elm Street	St. Paul Street	14
Elm Street	Stone Place	14
Ervay Street	Federal Street	14

Traffic Signal Timings and Signal Progression at 241 additional locations
Addendum Items #17, 18 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Ervay Street	Jackson Street	14
Ervay Street	Main Street	14
Ervay Street	Pacific Avenue	14
Ervay Street	Patterson Avenue	14
Fairmount Street	McKinney Avenue	14
Federal Street	Harwood Street	14
Federal Street	St. Paul Street	14
Field Street	Griffin Street	14
Field Street	Jackson Street	14
Field Street	Main Street	14
Field Street	Pacific Avenue	14
Field Street	Ross Avenue	14
Field Street	San Jacinto Street	14
Field Street	Wichita Street	14
Flora Street	Harwood Street	14
Flora Street	Olive Street	14
Flora Street	Pearl Street	14
Good Latimer Expwy	Live Oak Street	14
Good Latimer Expwy	Swiss Avenue	14
Griffin Street	Jackson Street	14
Griffin Street	Main Street	14
Griffin Street	Pacific Avenue	14
Griffin Street	San Jacinto Street	14
Harry Hines Blvd	Moody Street	14
Harry Hines Blvd	Wichita Street	14
Harwood Street	Jackson Street	14
Harwood Street	Live Oak Street	14
Harwood Street	Main Street	14
Harwood Street	McKinney Avenue	14
Harwood Street	Ross Avenue	14
Harwood Street	San Jacinto Street	14
Harwood Street	Woodall Rodgers EBSR	14
Harwood Street	Woodall Rodgers WBSR	14
Harwood St/Olive St	Pacific Avenue	14
Jackson Street	St. Paul Street	14
Jackson St/ Wood St	Pearl Street	14
Leonard Street	Ross Avenue	14
Live Oak Street	Olive Street	14
Live Oak Street	Pear Street I	14
Live Oak Street	St. Paul Street	14
Main Street	Pearl Street	14
Main Street	St. Paul Street	14
Main Street	Stone Place	14

Traffic Signal Timings and Signal Progression at 241 additional locations
Addendum Items #17, 18 (Continued)

<u>Street</u>	<u>Intersection</u>	<u>Council District</u>
Maple Avenue	McKinney Avenue	14
Maple Avenue	Wolf Street	14
McKinney Avenue	Olive Street	14
McKinney Avenue	Pearl Street	14
McKinney Avenue	Routh Street	14
McKinney Avenue	St. Paul Street	14
McKinnon Street	Moody Street	14
McKinnon Street	Wolf Street	14
Olive Street	Ross Avenue	14
Olive Street	San Jacinto Street	14
Olive Street	Woodall Rodgers EBSR	14
Olive Street	Woodall Rodgers WBSR	14
Pacific Avenue	Pearl Street	14
Pacific Avenue	Thanksgiving Sq.	14
Pearl Street	Ross Avenue	14
Pearl Street	San Jacinto Street	14
Pearl Street	Woodall Rodgers EBSR	14
Pearl Street	Woodall Rodgers WBSR	14
Ross Avenue	Routh Street	14
Ross Avenue	St. Paul Street	14
Routh Street	San Jacinto Street	14
Routh Street	Woodall Rodgers EBSR	14
Routh Street	Woodall Rodgers WBSR	14
San Jacinto Street	St. Paul Street	14
St. Paul Street	Woodall Rodgers EBSR	14
St. Paul Street	Woodall Rodgers WBSR	14



September 12, 2007

WHEREAS, the North Central Texas Regional Transportation Council develops a Regional Transportation Improvement Plan to program funding to reduce traffic congestion and improve air quality; and,

WHEREAS, the Regional Transportation Council has authorized monies to fund a Thoroughfare Assessment Program to review and implement low-cost traffic flow improvements along regional thoroughfares throughout the North Central Texas Region; and,

WHEREAS, the North Central Texas Council of Governments has been authorized to administer the project; and,

WHEREAS, a regional technical committee comprised of area traffic engineers and planners has developed criteria to rank each thoroughfare and phase implementation of improvements based on available funding; and,

WHEREAS, more than 1,900 traffic signal locations in the North Central Texas area have been allocated funding to update traffic signal timings with 38% of those signals being located in the City of Dallas; and,

WHEREAS, agreements have been established with the North Central Texas Council of Governments to provide traffic engineering services to update traffic signal timings and improve signal progression at 486 City of Dallas traffic signal locations; and,

WHEREAS, the City desires to amend an Interlocal Agreement in order to provide traffic engineering services to update traffic signal timings and improve signal progression at 241 additional traffic signal locations at an estimated cost of \$1,301,400, increasing the contract from \$1,350,000 to \$2,651,400; and,

WHEREAS, the total project cost for the off system signals is \$1,117,800, and the City will provide the local match required at 19 off system traffic signal locations at an estimated cost of \$20,520; and,

WHEREAS, Dallas Area Rapid Transit will provide the local match required at 188 off system traffic signal locations at an estimated cost of \$203,040; and,

WHEREAS, the Texas Department of Transportation will provide the 20% local match required at 34 traffic signals located on the State Highway system at an estimated cost of \$36,720.

September 12, 2007

Now, Therefore,

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

Section 1. That the City Manager is authorized to amend the Interlocal Agreement with the North Central Texas Council of Governments to fund traffic engineering services to update signal timings and signal progression at 241 additional locations at an estimated cost of \$1,301,400, increasing the contract from \$1,350,000 to \$2,651,400.

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

Section 3. That the City Controller is hereby authorized to disburse funds by two warrant checks to the North Central Texas Council of Governments, Vendor #066264 in accordance with the terms and conditions of the agreement in an amount not to exceed \$20,520 from Fund 0001, Department PBW, Unit 3049, Object Code 3070, Activity PB24, Encumbrance CT PBW PBWCOGTAPJ1.

Section 4. That the City Controller is hereby authorized to deposit any excess funds reimbursed to the City into Fund 0001, Department PBW, Unit 3049, Obj 5110.

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

Distribution: Public Works and Transportation, Dell Cole, OCMC, Room 101
 Public Works and Transportation, Hazel Baker, City Hall, L1BS

September 12, 2007

WHEREAS, the North Central Texas Regional Transportation Council developed Regional Transportation Improvement Plan to program funding to reduce traffic congestion and improve air quality; and,

WHEREAS, the Regional Transportation Council has authorized monies to fund a Thoroughfare Assessment Program to review and implement low-cost traffic flow improvements along regional thoroughfares throughout the North Central Texas Region; and,

WHEREAS, the North Central Texas Council of Governments has been authorized to administer the project; and,

WHEREAS, a regional technical committee comprised of area traffic engineers and planners has developed criteria to rank each thoroughfare and phase implementation of improvements based on available funding; and,

WHEREAS, more than 1,900 traffic signal locations in the North Central Texas area have been allocated funding to update traffic signal timings with 38% of those signals being located in the City of Dallas; and,

WHEREAS, agreements have been established with the Texas Department of Transportation to obtain funding for material and labor related to traffic signal timing improvements at 486 City of Dallas locations; and,

WHEREAS, the City desires to enter into an Interlocal Agreement with the Texas Department of Transportation to obtain funding for material and labor related to traffic signal timing improvements at 241 additional traffic signal locations at an estimated cost of \$98,113; and,

WHEREAS, the Texas Department of Transportation will provide the 20% local match required at 34 traffic signals located on the State Highway system at an estimated cost of \$2,400; and,

WHEREAS, Dallas Area Rapid Transit will provide the 20% local match required at 188 traffic signals located off the State Highway system at an estimated cost of \$15,642; and,

WHEREAS, the City will provide the 20% match required at 19 traffic signal locations located off the state highway system at an estimated cost of \$1,581.

September 12, 2007

Now, Therefore,

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

Section 1. That the City Manager is authorized to enter into an Interlocal Agreement with the Texas Department of Transportation for reimbursement of material and labor provided by the City for signal timing improvements at 241 locations in an amount not to exceed \$98,113.

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

Section 3. That the City Manager is hereby authorized to establish appropriations in Fund 08EI, Dept. PBW, Unit 88EI, Obj. 4820, Major Program TXDOT, Program TP08EI07 Activity THRG, in the amount of \$96,532.

Section 4. That the City Controller is hereby authorized to disburse funds in an amount not to exceed \$96,532 from Fund 08EI, Dept. PBW, Unit 88EI, Obj. 4820, Major Program TxDOT, Program TP08EI07, Activity THRG.

Section 5. That the City Controller is hereby authorized to disburse funds by warrant check to the Texas Department of Transportation, Vender #020318, in accordance with the terms and conditions of the agreement in an amount not to exceed \$663 from CT PBW PBWTXDOTJ02, Fund 0001, Department PBW, Unit 3049, Obj. 3070, Activity PB24.

Section 6. That the City Controller is hereby authorized to transfer all in-kind match funds in an amount not to exceed \$918 to Fund 08EI, Department PBW, Unit 88EI, Obj. 4820 from Fund 0001, Department PBW, Unit 3049, Obj. 3070, Activity PB24, GAE PBW PBWTXDOTTAPJ03.

Section 7. That the City Controller is hereby authorized to disburse funds in an amount not to exceed \$96,532 from Fund 08EI, Department PBW, Unit 88EI, Obj. 4820, Major Program TXDOT, Program TP08EI07 Activity THRG .

Section 8. That the City Controller is hereby authorized to deposit all reimbursed funds from TXDOT pertaining to this project in Fund 08EI, Department PBW, Unit 88EI, Revenue Source 6508.

Section 9. That the City Controller is hereby authorized to deposit all funds from the Dallas Area Rapid Transit in an amount not to exceed \$15,642 pertaining to this project in Fund 08EI, Department PBW, Unit 88EI, Revenue Source 6508.

September 12, 2007

Section 10. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

Distribution: Public Works and Transportation, Dell Cole, OCMC, Room 101
 Public Works and Transportation, Hazel Baker, L1BS

KEY FOCUS AREA: Public Safety & Homeland Security

AGENDA DATE: September 12, 2007

SUBMITTED BY: Tom Leppert, Mayor

Submitted via Mayor Tom Leppert

SUBJECT

An ordinance amending Chapter 15C of the Dallas City Code to remove the requirement for verified burglar alarm notification at commercial sites prior to the dispatch of the Dallas Police Department and provide for alarm permit fees, false alarm notification fees, fines and penalties, and other matters related thereto - Estimated Annual Revenue: \$1,155,000 (via Mayor Leppert)

BACKGROUND

On July 21, 2005, the Commission on Productivity and Innovation recommended a revision to Chapter 15C of the Dallas City Code, pursuant to Section 214.199 of the Local Government Code, to provide for a verified response policy for burglar alarm signals at both residential and commercial sites by the Dallas Police Department.

On December 14, 2005, the City Council adopted Ordinance No. 26200 amending Chapter 15C of the Dallas City Code to implement the verified response policy for burglar alarms at commercial alarm sites only. Under this policy, the Dallas Police would not be dispatched in response to a burglar alarm signal at a commercial site unless an alarm company, a private responder, or an eyewitness reports that a burglar alarm signal was emitted from the commercial site and visually verifies that evidence of criminal activity exists at the commercial alarm site. The verified response policy did not apply to burglar alarm signals at residential sites and did not apply to human activated alarms, such as any holdup, panic, or duress alarm signals, as well as 911 calls, at both commercial and residential alarm sites. In addition, Ordinance No. 26200, among other matters, provided that commercial burglar alarm sites would still be required to have permits for commercial burglar alarm systems but, in accordance with Section 214.199, Local Government Code, did not impose any permit fees, false alarm notification fees, fines or penalties for commercial burglar alarms.

On September 5, 2007, the City Council was briefed on a review of the verified alarm response policy. This ordinance would amend Chapter 15C of the Dallas City Code to remove the requirement that burglar alarm signals from commercial sites be visually verified for evidence of criminal activity before the Dallas Police are dispatched. The ordinance will also provide for burglar alarm permit fees, false alarm notification fees and fines and penalties for commercial sites.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On July 21, 2005, the Commission on Productivity and Innovation recommended a revision to Chapter 15C of the Dallas City Code, pursuant to Section 214.199 of the Local Government Code, to provide for verified response to alarm systems at both residential and commercial sites by the Dallas Police Department.

On August 16, 2005, the City Council Public Safety and Homeland Security Committee was briefed.

On September 14, 2005, the City Council authorized a public hearing to be held on October 12, 2005, by Resolution No. 05-2645.

On October 12, 2005, a public hearing was held and taken under advisement until October 26, 2005.

On October 26, 2005, a public hearing was held.

On December 5, 2005, the City Council was briefed on options for implementing Verified Response.

On December 14, 2005, the City Council adopted Ordinance No. 26200 amending Chapter 15C of the Dallas City Code, to provide that the Dallas Police Department will no longer respond to burglar alarm signals emitted from a burglar alarm system at commercial alarm sites unless an alarm company, a private responder, or an eyewitness reports a verified burglar alarm notification to the city for that alarm site.

On April 2, 2007, the City Council Public Safety Committee was briefed on Verified Alarm Response Year One Review.

On September 5, 2007, the City Council was briefed on a review of the Verified Alarm Response Policy.

FISCAL INFORMATION

Estimated Annual Revenue: \$1,155,000

9/06/07

ORDINANCE NO. _____

An ordinance amending Article I (composed of Sections 15C-1 through 15C-17) of CHAPTER 15C, “EMERGENCY REPORTING EQUIPMENT AND PROCEDURES” of the Dallas City Code, as amended; defining terms; removing the requirement that a burglar alarm notification emitted from a burglar alarm system at a commercial alarm site must be verified before police response; providing permit fees and false alarm notification service fees, fines, and penalties for burglar alarm systems at commercial alarm sites; providing transitional provisions relating to the implementation of permit fees for alarm systems at commercial sites; 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 I, “Alarms Responded to by the Police Department,” of CHAPTER 15C, “EMERGENCY REPORTING EQUIPMENT AND PROCEDURES,” of the Dallas City Code, as amended, is amended to read as follows:

“ARTICLE I.

**ALARMS RESPONDED TO BY THE
POLICE DEPARTMENT.**

SEC. 15C-1. DEFINITIONS.

In this article:

(1) **ALARM COMPANY** means any person who sells, installs, services, or monitors an alarm system.

(2) ALARM NOTIFICATION means a notification from an alarm system that is:

(A) intended to summon [:

(i) ~~a private responder if the notification is from a commercial burglar alarm system; or~~

(ii) ~~the police [if the notification is from a residential burglar alarm system or a commercial or residential holdup, panic, or duress alarm system]; and~~

(B) designed to be initiated either:

(i) purposely by a person; or

(ii) automatically by a response to a stimulus characteristic of unauthorized intrusion.

(3) ALARM SITE means a single premises or location served by an alarm system or systems that are under the control of one person.

(4) ALARM SYSTEM means a device or system that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon~~[, a private responder, in the case of a commercial burglar alarm system, or]~~ the police services of the city~~;~~ ~~in the case of a residential burglar alarm system or a commercial or residential holdup, panic, or duress alarm system].~~ “Alarm system” includes, but is not limited to, local alarms. “Alarm system” does not include:

(A) an alarm installed on a vehicle, unless the vehicle is used for a habitation at a permanent site; or

(B) an alarm designed to alert only the inhabitants of a premises that does not have a local alarm.

(5) CHIEF means the chief of police of the city or an authorized representative.

(6) CONVERSION means the transaction or process by which one alarm company begins monitoring an alarm system previously monitored by another alarm company.

(7) DURESS ALARM means the deliberate activation of a silent alarm by entering at a keypad a code that is different from the normal arm/disarm code, or by a separate deliberate act at another device.

(8) FALSE ALARM NOTIFICATION means:

(A) a burglar alarm notification to the police department from a commercial or residential alarm site, when the responding officer arrives within 30 minutes after receipt of the alarm notification and, upon inspection of the interior or exterior of the premises, finds no evidence of a criminal offense or attempted criminal offense; or

(B) a holdup, panic, or duress alarm notification to the police department from a commercial or residential alarm site, when the responding officer arrives after receipt of the alarm notification and finds no evidence of a holdup, panic, or duress situation.

(9) HOLDUP ALARM means a silent alarm generated by the deliberate activation of a holdup device.

(10) KEYPAD means a device that allows control of an alarm system by the manual entering of a coded sequence of numbers or letters.

(11) LOCAL ALARM means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure.

(12) MONITORING means the process by which an alarm company receives signals from an alarm system and relays an alarm notification to [:

~~(A) a private responder, if the notification is from a commercial burglar alarm system; or~~

~~(B) the police[, if the notification is from a residential burglar alarm system or a commercial or residential holdup, panic, or duress alarm system].~~

(13) ONE PLUS means a feature of an alarm system that allows the manual activation of a silent alarm signal by entering, at the keypad, a code that increases the last digit of the normal arm/disarm code by one.

(14) PANIC ALARM means an audible alarm generated by the deliberate activation of a panic device.

(15) PERMIT HOLDER means the person designated in the application as required in Section 15C-2(d)(1) who is responsible for responding to alarms and giving access to the site and who is also responsible for proper maintenance and operation of the alarm system and payment of fees.

(16) PERSON means an individual, corporation, partnership, association, organization, or similar entity.

~~[(17) PRIVATE RESPONDER means a private security company, an alarm company's representative, an alarm user, or a person or entity appointed by an alarm user who is responsible for visually verifying that evidence of criminal activity exists at a commercial alarm site from which a burglar alarm notification originated.]~~

~~[(18) VERIFIED COMMERCIAL BURGLAR ALARM NOTIFICATION means a call to the police from an alarm company, a private responder, or an eyewitness reporting that a burglar alarm signal or notification has been emitted from a commercial alarm site and that a private responder or another eyewitness has visually verified that evidence of criminal activity exists at the commercial alarm site.]~~

[SEC. 15C-1.1. — RESPONSE OF POLICE TO ALARM NOTIFICATIONS.]

~~(a) — The police will not respond to any burglar alarm signal emitted from a burglar alarm system at any commercial alarm site. Police officers will be dispatched to a commercial alarm site after an alarm company, a private responder, or an eyewitness reports a verified burglar alarm notification to the city for that alarm site.~~

~~(b) — The police will respond to any burglar alarm signal emitted from a burglar alarm system at any residential alarm site and to any holdup, panic, or duress alarm signal emitted from an alarm system at a commercial or residential alarm site.]~~

**SEC. 15C-2. PERMIT REQUIRED; APPLICATION; FEES;
TRANSFERABILITY; FALSE STATEMENTS.**

(a) A person commits an offense if he operates or causes to be operated an alarm system at a commercial or residential alarm site without a valid alarm permit issued under this article. A separate permit is required for each alarm site.

(b) The chief shall refuse police response to any alarm notification from a commercial or residential alarm site that does not have a valid alarm permit, unless the alarm notification was:

- (1) a duress alarm;
- (2) a hold up alarm;
- (3) a panic alarm; or

(4) reported to a 9-1-1 emergency telephone number or to the police department by a person other than an alarm company.

(c) The nonrefundable fee for an annual permit, an annual permit renewal, or a permit reinstatement is:

- (1) \$50 for a residential alarm site;
- (2) \$50 for a residential unit of an apartment complex;
- (3) \$50 for a master alarm permit for an apartment complex ~~[equipped with a holdup, panic, or duress alarm system, but no fee if the apartment complex is only equipped with a burglar alarm system];~~
- (4) \$50 for the nonresidential areas of an apartment complex ~~[equipped with a holdup, panic, or duress alarm system, but no fee if the apartment complex is only equipped with a burglar alarm system];~~ and
- (5) \$100 ~~[50]~~ for a commercial alarm site ~~[equipped with a holdup, panic, or duress alarm system, but no fee if the commercial alarm site is only equipped with a burglar alarm system].~~

(d) An application for an alarm permit must be made on a form provided by the chief and include the following information:

- (1) the name, address, telephone number, and driver's license number (or, if the person does not have a driver's license, the number on any other government-issued personal identification card containing a photograph) of the person who will be the permit holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;
- (2) the classification of the alarm site as either residential or commercial;
- (3) identification of the alarm system as either a burglar alarm system, a holdup, panic, or duress alarm system, or a combination of alarm systems; and
- (4) other information required by the chief that is necessary for the enforcement of this article.

(e) Within 30 days after receipt of a completed application form, the chief shall approve issuance of an alarm permit to the applicant by the special collections division of the Dallas water utilities department, unless:

- (1) the applicant has failed to pay a service fee assessed under Section 15C-12 for which a bill had been issued and for which a payment plan has not been established under Section 15C-12(d);
- (2) the applicant has had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected;

(3) the applicant has made a false statement of a material matter for the purpose of obtaining an alarm permit; or

(4) the alarm system for which a permit is requested has had eight or more false alarm notifications within the preceding 12-month period.

(f) Approval by the chief does not authorize the applicant to operate an alarm system until the applicant pays the applicable permit fee required in Subsection (c) to the special collections division of the Dallas water utilities department and obtains an alarm permit.

(g) An alarm permit cannot be transferred to another person or to another alarm site. A permit holder shall inform the chief of any change that alters any information listed on the permit application within two business days. No fee will be assessed for such changes.

SEC. 15C-2.1. ALARM SYSTEMS IN APARTMENT COMPLEXES.

(a) A tenant of an apartment complex shall obtain an alarm permit from the chief before operating or causing the operation of an alarm system in the tenant's residential unit.

(b) The owner or property manager of an apartment complex in which an alarm system is installed in one or more individual residential units shall obtain a master alarm permit from the chief.

(c) For purposes of assessing service fees and enforcing this article against an individual residential unit of an apartment complex:

(1) the tenant is responsible for payment of all service fees for any false alarm notification emitted from the alarm system in the tenant's residential unit; and

(2) the master alarm permit holder is responsible for payment of all service fees for any false alarm notification emitted from an alarm system in any unoccupied residential unit in the apartment complex.

(d) The owner or property manager of an apartment complex shall obtain a separate alarm permit for any alarm system operated in a nonresidential area of the apartment complex, including, but not limited to, common tenant areas and office, storage, and equipment areas.

SEC. 15C-3. PERMIT DURATION AND RENEWAL.

A permit expires one year after the date of issuance and must be renewed annually by submitting an updated application and a permit renewal fee, when required, in accordance with Section 15C-2 of this chapter. Before terminating a permit for nonrenewal, the chief shall provide 30 days prior written notice to the permit holder of the need to renew the permit and file an updated permit application.

SEC. 15C-4. PROPER ALARM SYSTEM OPERATION AND MAINTENANCE.

(a) A permit holder or person in control of an alarm system shall:

(1) maintain premises containing an alarm system in a manner that ensures proper operation of the alarm system;

(2) maintain the alarm system in a manner that will minimize false alarm notifications;

(3) respond or cause a representative to respond within 45 minutes after being notified by the city to repair or inactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises; and

(4) not intentionally activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

(b) A person in control of a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal, after being activated, will sound for no longer than:

(1) 30 minutes for an alarm system installed before October 1, 1995, except as otherwise provided in Paragraph (2)(B) of this subsection; and

(2) 10 minutes for an alarm system:

(A) installed on or after October 1, 1995; or

(B) installed before October 1, 1995, but to which any improvement is made on or after October 1, 1995.

SEC. 15C-5. RESERVED.

SEC. 15C-6. REQUIREMENTS FOR THE USE OF STATE-LICENSED ALARM COMPANIES AND RELAYING INTERMEDIARIES.

(a) An owner or person in control of property shall not have an alarm system installed or converted on that property by an alarm company that does not comply with the requirements of this article and any rules and regulations promulgated by the chief or that is not licensed by the Texas Department of Public Safety Private Security Bureau.

(b) A permit holder or person in control of an alarm system shall not allow alarm signals to be reported through a relaying intermediary that does not comply with the requirements of this article and any rules and regulations promulgated by the chief or that is not licensed by the Texas Department of Public Safety Private Security Bureau.

SEC. 15C-7. MONITORING PROCEDURES.

Any alarm company engaged in the business of monitoring alarm systems in the city shall:

- (1) use only telephone numbers designated by the chief to report:
 - (A) commercial or residential holdup, panic, or duress alarm notifications; and
 - (B) commercial or residential burglar alarm notifications; [~~and~~
 - (C) ~~verified commercial burglar alarm notifications~~];

- (2) before requesting police response to a commercial or residential alarm site for a burglar alarm notification, attempt to contact an occupant of the alarm site twice by telephone (using different telephone numbers) in order to verify the alarm notification;

- (3) [~~before requesting police response to a commercial alarm site for a burglar alarm notification, obtain visual verification, through either a private responder or another eye witness, that evidence of criminal activity exists at the commercial alarm site;~~

- (4)] when reporting a [~~verified~~] commercial or residential burglar alarm notification to the city, provide the alarm permit number and address of the [~~commercial~~] alarm site from which the alarm notification originated [~~and the name and contact information of the private responder or eyewitness who visually verified that evidence of criminal activity exists at the alarm site~~];

- (4) [(5)] when reporting a [~~residential burglar alarm notification or a~~] commercial or residential holdup, panic, or duress alarm notification to the city, provide the alarm permit number and address of the alarm site from which the alarm notification originated; and

- (5) [(6)] communicate alarm notifications to the city in a manner and form determined by the chief.

SEC. 15C-7.1. REQUIREMENTS FOR ALARM COMPANIES [~~AND PRIVATE RESPONDERS~~].

(a) An alarm company shall confirm that a valid alarm permit has been issued by the city for an alarm site before:

- (1) performing any alarm system conversion at the alarm site; or
- (2) activating any alarm system installed at the alarm site.

(b) An alarm company that has a contract with a permit holder or person in control of an alarm system shall send a certification to the chief within 30 days after performing or causing

the performance of an alarm system installation, activation, or conversion. The information contained in the certification is confidential to the extent required by Section 1702.286 of the Texas Occupations Code and other law. The certification must state:

(1) the date of installation, activation, or conversion of the alarm system, whichever is applicable;

(2) the address of the alarm system location and the name of the occupant of the alarm system location;

(3) whether the alarm system is a burglar alarm system, a holdup, panic, or duress alarm system, or a combination of alarm systems;

(4) the name, address, telephone number, and current state license number of the alarm company providing the alarm system installation, activation, or conversion;

(5) the name, address, telephone number, and current state license number of the alarm company providing monitoring for the alarm system, if different from the alarm company under contract to provide installation, activation, or conversion of the alarm system;

(6) that the applicant has been given a complete set of written operating instructions for the alarm system, written information on the applicable law relating to false alarms (including the potential for penalties and revocation or suspension of an alarm permit), and written guidelines on how to prevent false alarms; and

(7) that the alarm company has trained the applicant in the proper use of the alarm system, including instructions on how to prevent false alarms.

(c) An alarm company representative [~~and a private responder~~] shall attend a system performance review required by the chief under Section 15C-11. An alarm company [~~or a private responder~~] may be issued a citation if its representative fails to attend a system performance review required by Section 15C-11 after receiving notice of the conference from the chief.

(d) On and after February 1, 2006, an alarm company shall not install any alarm system equipped with the holdup/panic/duress feature known as ONE PLUS. For alarm systems installed before February 1, 2006, an alarm company shall disarm the ONE PLUS feature:

(1) by February 1, 2006, if the alarm company has line access to the alarm system; or

(2) the next time maintenance, service, or conversion work is performed on the alarm system, if the alarm company does not have line access to the alarm system.

~~[(e) After responding to a burglar alarm signal or notification at a commercial alarm site and visually verifying that evidence of criminal activity exists at the alarm site, a private responder shall personally, or through an alarm company, report the verified commercial burglar~~

~~alarm notification to the city and remain at the alarm site until responding police officers arrive and release the private responder.]~~

SEC. 15C-8. DIRECT ALARM REPORTING; AUTOMATIC ALARM NOTIFICATION.

A permit holder or person in control of an alarm system shall not transmit or allow the transmission of automatic alarm notifications directly to the communications center of the police department.

SEC. 15C-9. ALARM SYSTEM OPERATING INSTRUCTIONS.

A person in control of an alarm system shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations, or passwords must not be included in these instructions.

SEC. 15C-10. ALARM DISPATCH RECORDS.

(a) When responding to a dispatch resulting from a commercial or residential holdup, panic, or duress alarm notification~~[, a residential burglar alarm notification,]~~ or a ~~[verified]~~ commercial or residential burglar alarm notification, the city shall record such information as necessary to permit the chief to maintain records, including but not limited to the following information:

- (1) identification of the permit holder;
- (2) address of the alarm site;
- (3) date, arrival time, and dispatch received time; and
- (4) name of the permit holder's representative on the premises, if any [~~;~~ and

~~(5) —for a verified commercial burglar alarm notification, the name and contact information of the private responder or other eyewitness at the alarm site].~~

(b) If the ~~[alarm notification was a residential burglar alarm notification or a commercial or residential holdup, panic, or duress alarm notification and the]~~ responding police officer determines that the alarm notification was false, the responding police officer shall leave notice at the alarm site that the police department has responded to a false alarm notification. The notice must include the following information:

- (1) the date and time of police response to the false alarm notification;
- (2) the identification number of the responding police officer; and

(3) a statement urging the permit holder to ensure that the alarm system is properly operated and maintained.

SEC. 15C-11. SYSTEM PERFORMANCE REVIEWS.

If there is reason to believe that a commercial or residential burglar alarm system or a commercial or residential holdup, panic, or duress alarm system is not being used or maintained in a manner that ensures proper operation to suppress false alarms, the chief may require a conference to review the circumstances of each false alarm with the alarm permit holder and the alarm company under contract with the alarm permit holder. A person may be issued a citation for failing to attend a system performance review after receiving notice of the conference from the chief.

SEC. 15C-12. SERVICE FEES; PAYMENT PLAN.

(a) The holder of an alarm permit for, or the person in control of, a burglar alarm system at a commercial or residential alarm site shall pay a service fee, in accordance with the following schedule, for each false burglar alarm notification (in excess of three) that is emitted from the alarm site, or in the case of an apartment complex from each individual residential unit, within any 12-month period:

FALSE ALARM NOTIFICATION	SERVICE FEE
Fourth, fifth, and sixth	\$50
Seventh and eighth	\$75
Ninth and subsequent	\$100

(b) The holder of an alarm permit for, or the person in control of, a holdup, panic, or duress alarm system at a residential alarm site shall pay a service fee of \$100 for each false holdup, panic, or duress alarm notification that is emitted from the alarm site, or in the case of an apartment complex from each individual residential unit.

(c) The holder of an alarm permit for, or the person in control of, a holdup, panic, or duress alarm system at a commercial alarm site or at an apartment complex (but only in the nonresidential areas of the apartment complex or unoccupied residential units covered by the apartment complex's master alarm permit) shall pay a service fee, in accordance with the following schedule, for each false holdup, panic, or duress alarm notification emitted from the alarm site within any 12-month period:

FALSE ALARM NOTIFICATION	SERVICE FEE
First	\$100
Second	\$200
Third	\$300
Fourth and subsequent	\$400

(d) The holder of an alarm permit or the person in control of an alarm system may, at the city's discretion, enter into an agreement with the city to pay any outstanding service fees on a scheduled payment plan.

SEC. 15C-13. REVOCATION OF AN ALARM PERMIT.

(a) The chief may revoke an alarm permit if it is determined that:

(1) there is a false statement of a material matter in the application for a permit;

(2) the permit holder has failed to pay a service fee assessed under Section 15C-12 within 90 days after a bill for the assessment was issued and has not established a payment plan under Section 15C-12(d) for those fees;

(3) the permit holder has failed to comply with the terms of a payment plan established under Section 15C-12(d); or

(4) the permitted alarm system has had eight or more false alarm notifications within the preceding 12-month period.

(b) A person commits an offense if he operates an alarm system during the period in which the alarm permit is revoked.

SEC. 15C-14. NOTICE OF DENIAL OR REVOCATION OF A PERMIT; APPEALS.

(a) If the chief refuses to issue or renew a permit, or revokes a permit, the chief shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the action and a statement of the right to an appeal.

(b) The applicant or permit holder may appeal a denial, nonrenewal, or revocation of an alarm permit or the assessment of a service fee to the city manager by filing with the city manager a written request for a hearing, setting forth the reasons for the appeal, within 10 days after receipt of the notice of the chief's action or the bill assessing a service fee. The filing of a request for an appeal hearing with the city manager stays an action of the chief or the assessment of a service fee until the city manager or a designated representative makes a final decision. If a request for an appeal hearing is not made within the 10-day period, the action of the chief or the assessment of the service fee is final.

(c) The city manager or a designated representative shall serve as hearing officer at an appeal and consider evidence by any interested person. The formal rules of evidence do not apply at an appeal hearing. The hearing officer shall make a decision on the basis of a preponderance of

the evidence presented at the hearing. The hearing officer must render a decision within 60 days after the request for an appeal hearing is filed.

(d) The hearing officer shall affirm, reverse, or modify the action of the chief or the assessment of the service fee; except, that a hearing officer may not reduce or increase the amount designated in Section 15C-12(a), (b), or (c), whichever is applicable, for a service fee that is assessed for a false alarm notification determined by the hearing officer to have occurred. The decision of the hearing officer is final as to administrative remedies with the city.

SEC. 15C-14.1. REINSTATEMENT OF PERMIT.

(a) A person whose alarm permit has been revoked may have the permit reinstated if the person:

(1) submits an updated application and pays a permit reinstatement fee in accordance with Section 15C-2(c); and

(2) pays all outstanding service fees assessed under this article for which a bill has been issued and for which a payment plan has not been established under Section 15C-12(d).

(b) A reinstated permit expires the same date on which the original permit would have expired had it not been revoked.

SEC. 15C-15. RESERVED.

SEC. 15C-16. VIOLATIONS; PENALTY; CORPORATIONS, PARTNERSHIPS AND ASSOCIATIONS.

(a) An alarm company, ~~[a private responder,]~~ an alarm permit holder, or a person in control of an alarm system commits an offense if he violates any provision of this article by either commission of an act that is forbidden or omission of a duty or responsibility imposed upon him by this article.

(b) A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted. Each offense is punishable by a fine of not more than \$500 and not less than:

(1) \$200 for the first conviction; and

(2) \$250 for the second and each subsequent conviction.

(c) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this article to hold a corporation, partnership, or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership, or other association, and within the scope of employment.

~~[(d) — Notwithstanding any other provision of this article and in accordance with Section 214.199 of the Texas Local Government Code, as amended, a person in control of a burglar alarm system at a commercial alarm site is not subject to any fines, fees, or penalties for violations of this article that are attributable to the operation of the commercial burglar alarm system. The person will remain subject to fines, fees, and penalties attributable to the operation of any holdup, panic, or duress alarm system at the commercial alarm site.]~~

SEC. 15C-17. RESERVED.”

SECTION 2. That effective October 1, 2007, a person in control of a burglar alarm system at a commercial alarm site is subject to any fines, fees, or penalties as set forth in this article that are attributable to the operation of the commercial burglar alarm system; provided, however, that the permit fee required under Section 15C-2(c)(3), (4), or (5) shall apply to any burglar alarm system permit issued, renewed, or reinstated on or after October 1, 2007.

SECTION 3. That CHAPTER 15C of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

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

SECTION 5. That this ordinance will take effect on October 1, 2007, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

RM/DCC/000001

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007
COUNCIL DISTRICT(S): All
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: N/A

SUBJECT

A public hearing to receive comments regarding consideration of amendments to Chapters 51 and 51A, "The Dallas Development Code", of the Dallas City Code by amending existing regulations and adding new sections providing for gas drilling and production regulations and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval

DCA 067-006

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, SEPTEMBER 12, 2007

FILE NUMBER: DC067-006

DATE INITIATED: February 15, 2007

TOPIC: Gas Drilling

CITY COUNCIL DISTRICTS: All

CENSUS TRACTS: All

PROPOSAL: Amendments to Chapters 51 and 51A, "The Dallas Development Code," of the Dallas City Code by amending existing regulations and adding new sections providing for gas drilling and production regulations.

SUMMARY: The proposal creates a new use for gas drilling and production, establishes a permitting requirement for gas drilling and production and establishes standards for the use. Requirements include minimum distances to other uses and structures, operational requirements, bonding, insurance and indemnification requirements, and inspection and reporting requirements.

CPC RECOMMENDATION: Approval of the proposed ordinance

ZOAC RECOMMENDATION: Approval of the proposed ordinance

STAFF RECOMMENDATION: Approval of the proposed ordinance.

BACKGROUND

- Currently gas drilling and production would be considered a mining use and be permitted by Specific Use Permit only in the A Agricultural district and the IM Industrial Manufacturing district.
- City staff first started exploring the issue in the summer of 2006 when DFW airport was considering lease options on airport property.
- Since that city time, staff has been surveying other cities in the area, as well as other parts of the country, to prepare an ordinance for consideration.
- The Zoning Ordinance Advisory Committee (ZOAC) met on 6 separate occasions to discuss the proposed ordinance, on 2 additional occasions ZOAC met as part of a city plan commission environmental committee to look at 3 specific sites requesting Specific Use Permits and on April 12, 2007 ZOAC and CPC took a bus tour to visit gas drilling and production sites.
- Staff review of the proposed ordinance has included staff members from the City Attorney's Office, Development Services, Environmental and Health Services, Fire Department, Human Resources Risk Management, Office of Environmental Quality, Public Works and Streets.
- On August 9, 2007 the City Plan Commission was briefed on the proposal and presented with the proposed ordinance regulating oil drilling and production. On August 23, 2007, the City Plan Commission recommended approval of the ordinance.
- On August 27, 2007, the City Council was briefed on the proposed ordinance.

ANALYSIS

City Staff and ZOAC reviewed many ordinances dealing with gas drilling and production and attempted to incorporate the best practices into the proposed ordinance. ZOAC considered information from industry representatives, industry regulators and staff members from Dallas as well as other cities. One of the primary considerations was how best to regulate the location of gas wells. Ft. Worth only regulates gas wells through a permitting process and not through zoning (the use is allowed everywhere but different permitting requirements exist depending on a proposed well's proximity to other uses). Arlington has both permitting and zoning regulations. Arlington's zoning regulations are similar to Dallas' current zoning regulations in that gas wells are only allowing in industrial zoning districts. This has resulted in several PD's created for the sole purpose of allowing gas drilling.

The proposed ordinance would allow gas drilling by Specific Use Permit in residential and non-residential districts. While minimum distance requirements from uses such as residential uses are established within the regulations, greater setbacks can be required through the SUP process and additional screening and buffering regulations can also be established for specific sites. In addition, the SUP process insures opportunity for public input for individual request sites.

ZOAC Minutes (August 2, 2007)

Motion: It was moved to recommend **approval** of the proposed ordinance regulating gas drilling and production.

Maker: Jim Rogers
Second: Mark Wilson
Result: Carried: 7 to 0

For: 7 - Chris Buehler, Ann Bagley, Robert Ekblad, Jack Craycroft, William Creasey, Jim Rogers and Mark Wilson

Against: 0

CPC Minutes (August 23, 2007)

Motion: It was moved to recommend **approval** of amendments to Chapters 51 and 51A, "The Dallas Development Code," of the Dallas City Code by amending existing regulations and adding new sections providing for gas drilling and production regulations with the following two deletions: 1) Strike from Page 39, "(aa) A debt rating from both Moody's and Standards and Poors of A or better". 2) Strike from Page 40, "(H) Property insurance to provide all risk/special cause of loss to drilling equipment with a minimum amount of \$5,000,000."

Maker: Weiss
Second: Buehler
Result: Carried: 14 to 0

For: 14 - Prothro, Strater, Gary, Marshall, Woolen Lipscomb, Bagley, Jones-Dodd, Weiss, Hill, Buehler, Wolfish, Ekblad, Emmons, Cunningham

Against: 0

Absent: 0

Vacancy: 1 - District 6

Speakers: For: Susan Kedron, 901 Main St., Dallas, TX, 75202
Staff: Claire Swann, Assistant City Attorney

Ordinance Table of Contents

Amendments to Ch 51 to remove gas drilling and production from the mining use category	pp 6-10
Creation of new gas drilling and production use in Ch 51	pp 10-12
Establishment of fees related to gas drilling	pp 13-15
Establish gas drilling as a permitted use by SUP in zoning districts	pp 15-28
Amendments to Ch 51A to remove gas drilling and production from the mining use category	pp 28-32
Creation of new gas drilling and production use in Ch 51A	pp 32-35
Establishment of new Article in Ch 51A for permitting of gas wells	pp 35-59

Please note that pages 6-35 of the ordinance deal with the zoning districts and zoning requirements for a gas drilling and production use. The body of the regulations governing gas wells and production will be placed in a new Article within Chapter 51A covered by pages 35-59 of the ordinance.

9-12-07

ORDINANCE NO. _____

An ordinance amending Chapters 51 and 51A, "Dallas Development Code," of the Dallas City Code by amending Sections 51-4.213, 51A-1.105, 51A-4.111, 51A-4.112, 51A-4.113, 51A-4.114, 51A-4.115, 51A-4.116, 51A-4.117, 51A-4.121, 51A-4.122, 51A-4.123, 51A-4.124, 51A-4.125, 51A-4.126, and 51A-4.203; creating a new Article XI in Chapter 51; creating a new Article XII in Chapter 51A; creating a new use for gas drilling and production; creating regulations for gas drilling and production; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Paragraph (12), "Mining," of Section 51-4.213, "Commercial Uses," of Division 51-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

“(12) Mining.

(A) Definition: The extraction, removal, or stockpiling of earth materials, including soil, sand, gravel, oil, [~~gas,~~] or other materials found in the earth. The excavation of earth materials for ponds or lakes, including excavations for fish farming ponds and recreational lakes, are considered mining unless otherwise expressly authorized by another provision of this code. The following are not considered mining:

(i) The extraction, removal, or stockpiling of earth materials incidental to an approved plat or excavation permit, incidental to construction with a building

permit, or for governmental or utility construction projects such as streets, alleys, drainage, gas, electrical, water, and telephone facilities and similar projects.

(ii) The extraction, removal, or stockpiling of earth materials incidental to construction of landscaping, retaining walls, fences, and similar activities consistent with the land use allowed at the site of removal.

(iii) Gas drilling and production. See Section 51-4.213(19).

(B) Districts permitted: Specific use permit required in MH, A, O-2, commercial, central area, and industrial districts.

(C) Required off-street parking: None. No handicapped parking is required.

(D) Required off-street loading: See Section 51-4.303(a)(1)(C)[None].

(E) Additional provisions:

(i) The applicant shall submit a site plan of existing conditions, operations plan, reclamation plan, and the proposed bond to the director ~~[of planning and development]~~ for review and recommendation ~~[by the departments of planning and development, park and recreation, and public works, and the environmental quality committee of the city plan commission].~~

(ii) If a specific use permit is granted ~~[for the mining use]~~, the director[s] of public works and transportation and the director ~~[planning and development]~~ shall inspect and monitor the mining and reclamation operation at least once annually. ~~[The site will also be monitored annually by]~~ T[he] director of the department of environmental and health [and human] services shall also inspect and monitor the site annually to determine if toxic elements are present. The [A person conducting a] mining operation must [shall] meet the standards of the United States Environmental Protection Agency, the Texas Commission on Environmental Quality, and the Texas Water Quality Act.

(iii) A specific use permit may not be issued for mining city park land.

(F) Site plan of existing conditions. The applicant shall submit a site plan of existing conditions that ~~[which]~~ includes:

(i) a site location map on a small scale showing major circulation routes and other landmarks which would aid in the location of the site;

(ii) contours shown at no greater than five-foot intervals;

(iii) connection to roads outside the site;

(iv) location, identification, and dimensions of all public and private easements;

(v) location of flood plain, water bodies, natural and man-made channels (wet and dry), and subsurface channels;

(vi) tree and other vegetation groupings, rock outcroppings, and other significant natural features;

(vii) location and depth of any known former or current mines or landfills in or within 500 feet of the boundaries of the excavation and an indication of the type of fill used;

(viii) analyzed core samples if the director of environmental and health ~~[and human]~~ services determines that toxic elements may be present; and

(ix) any other information the director ~~[of public works]~~ determines is reasonably necessary for a complete review of the proposed operations.

(G) Operations plan: The applicant shall submit an operations plan that ~~[which]~~ includes:

(i) storage of reclamation topsoil and methods of disposing of all material not to be sold or reclaimed;

(ii) hours of operation;

(iii) location and depth of excavation;

(iv) drainage and erosion control measures;

(v) method for the disposal of toxic elements, if present;

(vi) roads to be used for transportation of stone, sand, or gravel;

(vii) fences or any other barriers necessary for safety;

(viii) noise and dust control measures;

(ix) the length of time necessary to complete the mining and reclamation of the site; and

(x) any other information the director ~~[of public works]~~ determines is reasonably necessary for a complete review of the proposed operations.

(H) Reclamation plan: The applicant shall submit a reclamation plan that ~~[which]~~ is verified by a registered surveyor. The reclamation plan must show the

reclamation of the entire site upon completion of operation and phases of reclamation to be completed at no greater than five-year intervals. The reclamation plan must include the following information:

- (i) contours shown at no greater than five-foot intervals with slopes not steeper than a three-to-one (horizontal to vertical) ratio;
- (ii) circulation routes, including ~~[which include]~~ roadways, any internal circulation, rights-of-way, and connections to roads outside the site;
- (iii) location, identification, and dimensions of all public and private easements;
- (iv) location of flood plain, water bodies, natural and man-made channels (wet and dry), subsurface dams, dikes, or channels;
- (v) location of any areas to be filled with water including a description of the source of the water, the means of water retention, and the prevention of stagnation and pollution;
- (vi) location and type of vegetation;
- (vii) structures (including height), utilities, and proposed land uses, if any;
- (viii) the amount of the performance bond that will be posted in accordance with Paragraph ~~[Subsection]~~ (I) below; and
- (ix) any other information the director ~~[of public works]~~ determines is reasonably necessary for a complete review of the proposed operation.

(I) Performance bond:~~[-]~~

(i) The applicant shall post a performance bond with the city controller before ~~[once the application has been approved by the city council, but prior to the]~~ passage of the ordinance granting the specific use permit. The performance bond must be approved as to form by the city attorney.

(ii) The bond must be twice the estimated cost to the city of restoring the premises in a manner shown on the reclamation plan. The amount of the bond shall be determined by the director ~~[of public works]~~ on the basis of relevant factors including ~~[but not limited to]~~ expected changes in the price index, topography of the site, project methods being employed, depth and composition of overburden, and data provided in the reclamation plan.

(iii) The bond must be issued by a surety company licensed to do business in Texas. The applicant may deposit cash, certificates of deposit, or government securities in lieu of a bond. Interest received on deposits and securities must be returned to the applicant upon the approval of reclamation of the site.

(iv) The director~~[s of public works and planning and development]~~ shall conduct a final inspection to determine whether the site has been reclaimed in accordance with the specific use permit. Final inspection must be made not more than two years after the expiration of the specific use permit. A registered surveyor provided by the applicant shall verify the final topography of the site.

(v) The director ~~[of planning and development]~~ shall report to the city council on the completion of the project. The city council shall determine by resolution whether the reclamation has been completed in accordance with the specific use permit and whether the performance bond should be released ~~[specific use permit and whether the specific use permit should be eliminated from the zoning map]~~.

(vi) The city controller shall release the bond or deposit if the city council finds that the applicant has completed reclamation of the site in accordance with the specific use permit. If the site is not restored in accordance with the reclamation plan, the director ~~[of public works]~~ shall use the bond or deposit to restore the site in accordance with the plan.”

SECTION 2. That Paragraph (19), “Reserved,” of Section 51-4.213, “Commercial Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(19) ~~[Reserved]~~Gas drilling and production.

(A) Definitions:

(i) Gas drilling and production means the extraction of any fluid, either combustible or noncombustible, that is produced in a natural state from the earth and that maintains a gaseous or rarefied state at standard temperature and pressure conditions, or the extraction of any gaseous vapors derived from petroleum or natural gas.

(ii) See Article XI for definitions that apply to gas drilling and production.

(B) Districts permitted: Specific use permit required in all residential and nonresidential districts.

(C) Required off-street parking: None. No handicapped parking is required.

(D) Required off-street loading: See Section 51-4.303(a)(1)(C).

(E) Additional provisions:

(i) See Article XI for additional regulations relating to gas drilling and production. No provision found in Article XI may be waived through the adoption of or amendment to a planned development district.

(ii) City council may require that an operator use a closed-loop system.

(iii) Trailers or mobile homes that are temporarily placed on the operation site and used by gas drilling workers as a residence is a permitted accessory use.

(iv) Gas wells must be spaced at least:

(aa) 300 feet from any community service use, religious use, education use, recreation and entertainment use (except when the operation site is in a public park), or residential use (except trailers or mobile homes placed on the operation site as temporary residences for workers);

(bb) 200 feet from any fresh water well;

(cc) 25 feet from any property line;

(dd) 25 feet from any storage tank or source of ignition;

(ee) 75 feet from any right-of-way; and

(ff) 100 feet from any structure that is not used for the everyday operation of the well;

(v) All structures and equipment, including tanks and tank batteries, must be spaced at least:

(aa) 100 feet from any community service use, religious use, education use, recreation and entertainment use (except when the operation site is in a public park), or residential use (except trailers or mobile homes placed on the operation site as temporary residences for workers).

(bb) Tanks and tank batteries must also be spaced at least 100 feet from any combustible structure and spaced at least 25 feet from all right-of-ways and property lines. The Dallas Fire Code may require additional spacing depending on the size of the tank.

(vi) Spacing is measured from the center of the well bore at the surface of the ground or from the closest point of the structure or equipment, in a straight line, without regard to intervening structures or objects, to the closest point of the use, structure, or feature creating the spacing requirement. Spacing requirements may not be waived or decreased through the adoption of a planned development district.

(vii) Once any gas drilling related activity begins on the operation site, the applicant shall limit access to the operation site by erecting an eight-foot-tall temporary chain-link fence or by providing a guard to supervise the operation site 24 hours per day. Within 30 days after the wells on the operation site are completed, an eight-foot tall permanent fence must be erected and maintained around the perimeter of the operation site. This provision controls over the fence height regulations of the zoning district. The SUP may require a different form of screening, but may not reduce the fence height requirements of this provision.

(viii) Gates must be installed on all fences and must remain locked unless gas drilling personnel are present. Access to the operation site must comply with Chapter 5 of the Dallas Fire Code. The operation site plan must be reviewed and approved by the fire marshal before an SUP can be granted.

(ix) The operation site may not have a slope greater than 10 degrees unless the Director determines that all equipment is located and activities occur on a portion of the operation site that does not have a slope greater than ten degrees, there is adequate erosion control, and the slope of the operation site will not be a threat to the public safety or welfare.”

SECTION 3. That Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended by adding a new Article XI, “Gas Drilling and Production,” to read as follows:

**“ARTICLE XI.
GAS DRILLING AND PRODUCTION.**

This article incorporates by reference the language of Article XII, “Gas Drilling and Production,” of Chapter 51A of the Dallas Development Code, as amended.”

SECTION 4. That Paragraph (4), “Fee Schedule,” of Subsection (a), “Fees for Zoning and SUP Amendments and Renewals,” of Section 51A-1.105, “Fees,” of Article I, “General Provisions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(4) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>	<u>Area of Notification for Hearing</u>
Amendment to planned development district or institutional overlay district site plan and/or conditions only	\$1,935.00	500 feet
All other applications relating to planned development districts or institutional overlay districts:		
0-5 acres	\$5,820.00	500 feet
over 5 acres	\$5,820.00 + \$113 per each acre over 5	500 feet
Maximum fee	\$30,000.00	
All applications relating to neighborhood stabilization overlay districts:		
0-1 acre	\$500.00	200 feet
over 1 acre to 5 acres	\$1,200.00	300 feet
over 5 acres to 25 acres	\$2,400.00	400 feet

over 25 acres	\$2,400.00	500 feet
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All applications
relating to conservation
districts:

0-1 acre	\$500.00	200 feet
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over 1 acre to 5 acres	\$1,200.00	300 feet
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over 5 acres to 25 acres	\$2,400.00	400 feet
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over 25 acres	\$2,400.00	500 feet
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Application for original SUP

0 to 1 acre	\$1,170.00	200 feet
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over 1 acre to 5 acres	\$1,170.00	300 feet
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over 5 acres to 25 acres	\$1,170.00	400 feet
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over 25 acres	\$1,170.00	500 feet
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pedestrian skybridge	\$10,000.00	See 51A-4.217(b)(12)
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<u>gas drilling and production</u>	<u>\$2,000</u>	<u>1,000 feet</u>
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Application for SUP
amendment or renewal:

0 to 1 acre	\$825.00*	200 feet
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over 1 acre to 5 acres	\$825.00*	300 feet
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over 5 acres to 25 acres	\$825.00*	400 feet
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over 25 acres	\$825.00*	500 feet
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*If an SUP is automatically renewed in accordance with the procedures outlined in Section 51A-4.219 and no public hearings are held in conjunction with its renewal, the applicant shall be entitled to a refund of \$350.00 as of the date of the renewal.

All other zoning
applications:

0 to 1 acre	\$1,050.00	200 feet
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over 1 acre to 5 acres	\$2,610.00	300 feet
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over 5 acres to 15 acres	\$5,820.00	400 feet
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over 15 acres to 25 acres	\$9,315.00	400 feet
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over 25 acres	\$9,315.00 + \$113 per each	500 feet
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acre over 25

Maximum fee \$37,500.00”

SECTION 5. That Section 51A-1.105, “Fees,” of Article I, “General Provisions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding Subsection (u), “Fees for gas drilling and production,” to read as follows:

“(u) Fees for gas drilling and production

(1) The city, at its sole discretion, may elect to utilize a qualified third party to conduct any inspections required by Article XII. Any fee charges by such third party inspectors shall be the responsibility of the operator and shall be paid to the city within 30 days of receipt of an invoice from the city.

(2) Any permit that lapses for nonpayment of the annual permit fee required in this article will be reinstated upon payment of an additional fee of \$50.00 for each thirty-day period in which the permit has been allowed to lapse.

(3) Fee schedule.

<u>Type of Application</u>	<u>Application Fee</u>
New gas well permit	\$3,000.00 for the first well on an operation site and \$1,000 for each additional well on that same operation site
Amended permit	\$600.00
Reworking Fee	\$800.00
Operator transfer	\$600.00
Annual fee (per well)	\$1,000.00”

SECTION 6. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), Main Uses Permitted,” of Section 51A-4.111, “Agricultural [A(A)] District,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Mining. [SUP]
- Organic compost recycling facility. [SUP]
- Temporary concrete or asphalt batching plant.”

SECTION 7. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “R-1ac(A) District,” of Section 51A-4.112, “Single Family Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 8. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “R-1/2ac(A) District,” of Section 51A-4.112, “Single Family Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 9. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “R-16(A) District,” of Section 51A-4.112, “Single Family Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 10. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “R-13(A) District,” of Section 51A-4.112, “Single Family Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 11. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (e), “R-10(A) District,” of Section 51A-4.112, “Single Family Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 12. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (f), “R-7.5(A) District,” of Section 51A-4.112, “Single Family Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]

- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 13. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (g), “R-5(A) District,” of Section 51A-4.112, “Single Family Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 14. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Section 51A-4.113, “Duplex [D(A)] District,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 15. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Section 51A-4.114, “Townhouse [TH-1(A), TH-2(A), and TH-3(A)] Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 16. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Section 51A-4.115, “Clustered Housing (CH) District,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 17. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “MF-1(A) and MF-1(SAH) Districts,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 18. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “MF-2(A) and MF-2(SAH) Districts,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 19. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “MF-3(A) District,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 20. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “MF-4(A) District,” of Section 51A-4.116, “Multifamily Districts,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

-- Gas drilling and production. [SUP]

-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 21. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Section 51A-4.117, “Manufactured Home [MH(A)] District,” of Division 51A-4.110, “Residential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

-- Gas drilling and production. [SUP]

- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 22. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “Neighborhood Office [NO(A)] District,” of Section 51A-4.121, “Office Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 23. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “LO(A) Districts (LO-1, LO-2, and LO-3),” of Section 51A-4.121, “Office Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 24. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “MO(A) Districts (MO-1 and MO-2),” of Section 51A-4.121, “Office Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 25. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “General Office [GO(A)] District,” of Section 51A-4.121, “Office Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 26. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “Neighborhood Service [NS(A)] District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 27. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “Community Retail (CR) District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning

Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 28. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “Regional Retail (RR) District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 29. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “Commercial Service (CS) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Industrial (i~~[F]~~nside) for l~~[I]~~ight m~~[M]~~anufacturing.
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 30. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “Light Industrial (LI) District,” of Section 51A-4.123,

“Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Industrial (~~i~~[F]inside) for ~~l~~[L]ight ~~m~~[M]anufacturing.
- Inside industrial. *[RAR]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 31. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “Industrial/Research (IR) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. *[SUP]*
- Industrial (inside). *[See Section 51A-4.203(b)(1).]*
- Industrial (inside) for light manufacturing.
- Industrial (outside). *[See Section 51A-4.203(b)(2).]*
- Medical/infectious waste incinerator. *[SUP]*
- Municipal waste incinerator. *[SUP]*
- Organic compost recycling facility. *[SUP]*
- Pathological waste incinerator. *[SUP]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 32. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “Industrial Manufacturing (IM) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Industrial (inside). *[SUP may be required. See Section 51A-4.203(a); otherwise RAR.]*
- Industrial (inside) for light manufacturing.
- Industrial (outside). *[SUP may be required. See Section 51A-4.203(a); otherwise RAR.]*
- Medical/infectious waste incinerator. *[SUP]*
- Metal salvage facility. *[SUP]*
- Mining. *[SUP]*
- Municipal waste incinerator. *[SUP]*
- Organic compost recycling facility. *[SUP]*
- Outside salvage or reclamation. *[SUP]*
- Pathological waste incinerator. *[SUP]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 33. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “CA-1(A) District,” of Section 51A-4.124, “Central Area Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 34. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “CA-2(A) District,” of Section 51A-4.124, “Central Area Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 35. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “MU-1 and MU-1(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19445, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 36. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (e), “MU-2 and MU-2(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 37. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (f), “MU-3 and MU-3(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 38. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “MC-1 District,” of Section 51A-4.126, “Multiple Commercial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 39. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (e), “MC-2 District,” of Section 51A-4.126, “Multiple Commercial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 40. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (f), “MC-3 and MC-4 Districts,” of Section 51A-4.126, “Multiple Commercial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article

IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

-- Gas drilling and production. *[SUP]*

-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 41. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “UC Districts,” of Section 51A-4.127, “Urban Corridor Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

-- Gas drilling and production. *[SUP]*

-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 42. That Paragraph (3.1), “Mining,” of Subsection (b), “Specific Uses,” of Section 51A-4.203, “Industrial Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(3.1) Mining.

(A) Definition: The extraction, removal, or stockpiling of earth materials, including soil, sand, gravel, oil, [~~gas,~~] or other materials found in the earth. The excavation of earth materials for ponds or lakes, including excavations for fish farming ponds and recreational lakes, are considered mining unless otherwise expressly authorized by another provision of this code. The following are not considered mining:

(i) The extraction, removal, or stockpiling of earth materials incidental to an approved plat or excavation permit, incidental to construction with a building permit, or for governmental or utility construction projects such as streets, alleys, drainage, gas, electrical, water, and telephone facilities and similar projects.

(ii) The extraction, removal, or stockpiling of earth materials incidental to construction of landscaping, retaining walls, fences, and similar activities consistent with the land use allowed at the site of removal.

(iii) Gas drilling and production. See Section 51A-4.203(b)(3.2).

(B) Districts permitted: By SUP only in A(A) and IM districts.

(C) Required off-street parking: None. No handicapped parking is required.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) The applicant shall submit a site plan of existing conditions, operations plan, reclamation plan, and the proposed bond to the director ~~[of development services]~~ for review and recommendation ~~[by the department of development services, the park and recreation department, and the environmental quality committee of the city plan commission].~~

(ii) If a specific use permit is granted ~~[for the mining use]~~, the director of public works and transportation and the director ~~[of development services]~~ shall inspect and monitor the mining and reclamation operation at least once annually. ~~[The site will also be monitored annually by]~~ T[t]he director of the department of environmental and health services shall also inspect and monitor the site annually to determine if toxic elements are present. The [A person conducting a] mining operation must [shall] meet the standards of the United States Environmental Protection Agency, the Texas Commission on Environmental Quality, and the Texas Water Quality Act.

(iii) A specific use permit may not be issued for mining on city park land.

(F) Site plan of existing conditions;[-] The applicant shall submit a site plan of existing conditions that [which] includes:

- (i) a site location map on a small scale showing major circulation routes and other landmarks which would aid in the location of the site;
- (ii) contours shown at no greater than five-foot intervals;
- (iii) connections to roads outside the site;
- (iv) location, identification, and dimensions of all public and private easements;
- (v) location of flood plain, water bodies, natural and man-made channels (wet and dry), and subsurface channels;
- (vi) tree and other vegetation groupings, rock outcroppings, and any other significant natural features;
- (vii) location and depth of any known former or current mines or landfills in or within 500 feet of the boundaries of the excavation and an indication of the type of fill used;
- (viii) analyzed core samples if the director of environmental and health services determines that toxic elements may be present;
- (ix) any other information the director [~~of development services~~] determines is reasonably necessary for a complete review of the proposed operations.

(G) Operations plan: [-] The applicant shall submit an operations plan that [~~which~~] includes:

- (i) storage of reclamation topsoil and methods of disposing of all material not to be sold or reclaimed;
- (ii) hours of operation;
- (iii) location and depth of excavation;
- (iv) drainage and erosion control measures;
- (v) method for the disposal of toxic elements, if present;
- (vi) roads to be used for transportation of stone, sand, or gravel;
- (vii) fences or any other barriers necessary for safety;
- (viii) noise and dust control measures;

(ix) the length of time necessary to complete the mining and reclamation of the site; and

(x) any other information the director ~~[of development services and transportation]~~ determines is reasonably necessary for a complete review of the proposed operations.

(H) Reclamation plan:~~[-]~~ The applicant shall submit a reclamation plan that ~~[which]~~ is verified by a registered surveyor. The reclamation plan must show the reclamation of the entire site upon completion of operation and the phases of reclamation to be completed at no greater than five-year intervals. The reclamation plan must include the following information:

(i) contours shown at no greater than five-foot intervals with slopes not steeper than a three-to-one (horizontal to vertical) ratio;

(ii) circulation routes, including ~~[which include]~~ roadways, any internal circulation, rights-of-way, and connections to roads outside the site;

(iii) location, identification, and dimensions of all public and private easements;

(iv) location of flood plain, water bodies, natural and man-made channels (wet and dry), subsurface dams, dikes, or channels;

(v) location of any areas to be filled with water including a description of the source of the water, the means of water retention, and the prevention of stagnation and pollution;

(vi) location and type of vegetation;

(vii) structures (including height), utilities, and proposed land uses, if any;

(viii) the amount of the performance bond that will be posted in accordance with Subparagraph ~~[Subsection]~~ (I) below;

(ix) any other information the director of development services ~~[and transportation]~~ determines is reasonably necessary for a complete review of the proposed operation.

(I) Performance bond:~~[-]~~

(i) The applicant shall post a performance bond with the city controller before ~~[once the application has been approved by the city council, but prior to the]~~

passage of the ordinance granting the specific use permit. The performance bond must be approved as to form by the city attorney.

(ii) The bond must be twice the estimated cost to the city of restoring the premises in a manner shown on the reclamation plan. The amount of the bond shall be determined by the director ~~[of development services]~~ on the basis of relevant factors including ~~[but not limited to]~~ expected changes in the price index, topography of the site, project methods being employed, depth and composition of overburden, and data provided in the reclamation plan.

(iii) The bond must be issued by a surety company licensed to do business in Texas. The applicant may deposit cash, certificates of deposit, or government securities in lieu of a bond. Interest received on deposits and securities must be returned to the applicant upon the approval of reclamation of the site.

(iv) The director ~~[of development services]~~ shall conduct a final inspection to determine whether the site has been reclaimed in accordance with the specific use permit. Final inspection must be made not more than two years after the expiration of the specific use permit. A registered surveyor provided by the applicant shall verify the final topography of the site.

(v) The director of development services shall report to the city council on the completion of the project. The city council shall determine by resolution whether the reclamation has been completed in accordance with the specific use permit and whether the performance bond should be released ~~[specific use permit should be eliminated from the zoning map]~~.

(vi) The city controller shall release the bond or deposit if the city council finds that the applicant has completed reclamation of the site in accordance with the specific use permit. If the site is not restored in accordance with the reclamation plan, the director ~~[of development services]~~ shall use the bond or deposit to restore the site in accordance with the plan.”

SECTION 43. That Subsection (b), “Specific Uses,” of Section 51A-4.203, “Industrial Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (3.2), “Gas Drilling and Production,” to read as follows:

“(3.2) Gas drilling and production.

(A) Definitions:

(i) Gas drilling and production means the activities related to the extraction of any fluid, either combustible or noncombustible, that is produced in a natural state from the earth and that maintains a gaseous or rarefied state at standard temperature and pressure conditions, or the extraction of any gaseous vapors derived from petroleum or natural gas.

(ii) See Article XII for definitions that apply to gas drilling and production.

(B) Districts Permitted: By SUP only in all residential and nonresidential districts.

(C) Required off-street parking: None. No handicapped parking is required.

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) See Article XII for additional regulations relating to gas drilling and production. No provision found in Article XII may be waived through the adoption of or amendment to a planned development district.

(ii) City council may require that an operator use a closed-loop system.

(iii) Trailers or mobile homes that are temporarily placed on the operation site and used by gas drilling workers as a residence is a permitted accessory use.

(iv) Gas wells must be spaced at least:

(aa) 300 feet from any institutional and community service use, recreation use (except when the operation site is in a public park), or residential use (except trailers or mobile homes placed on the operation site as temporary residences for workers);

- (bb) 200 feet from any fresh water well;
- (cc) 25 feet from any property line;
- (dd) 25 feet from any storage tank or source of ignition;
- (ee) 75 feet from any right-of-way; and
- (ff) 100 feet from any structure that is not used for the everyday operation of the well;

(v) All structures and equipment, including tanks and tank batteries, must be spaced at least:

(aa) 100 feet from any institutional and community service use, recreation use (except when the operation site is in a public park), or residential use (except trailers or mobile homes placed on the operation site as temporary residences for workers).

(bb) Tanks and tank batteries must also be spaced at least 100 feet from any combustible structure and spaced at least 25 feet from all right-of-ways and property lines. The Dallas Fire Code may require additional spacing depending on the size of the tank.

(vi) Spacing is measured from the center of the well bore at the surface of the ground or from the closest point of the structure or equipment, in a straight line, without regard to intervening structures or objects, to the closest point of the use, structure, or feature creating the spacing requirement. Spacing requirements may not be waived or decreased through the adoption of a planned development district.

(vii) Once any gas drilling related activity begins on the operation site, the applicant shall limit access to the operation site by erecting an eight-foot-tall temporary chain-link fence or by providing a guard to supervise the operation site 24 hours per day. Within 30 days after the wells on the operation site are completed, an eight-foot-tall permanent fence must be erected and maintained around the perimeter of the operation site. This provision controls over the fence height regulations of the zoning district. The SUP may require a different form of screening, but may not reduce the fence height requirements of this provision.

(viii) Gates must be installed on all fences and must remain locked unless gas drilling personnel are present. Access to the operation site must comply with Chapter 5 of the Dallas Fire Code. The operation site plan must be reviewed and approved by the fire marshal before an SUP can be granted.

(ix) The operation site may not have a slope greater than 10 degrees unless the Director determines that all equipment is located and activities occur on a

portion of the operation site that does not have a slope greater than ten degrees, there is adequate erosion control, and the slope of the operation site will not be a threat to the public safety or welfare.”

SECTION 44. That Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Article XII, “Gas Drilling and Production,” to read as follows:

**“ARTICLE XII.
GAS DRILLING AND PRODUCTION.**

SEC. 51A-12.101 PURPOSE.

These regulations are intended to protect the public health, safety, and welfare; minimize the impact of gas drilling and production on surrounding property owners and mineral-rights owners; protect the environment; and encourage the safe and orderly production of mineral resources.

SEC. 51A-12.102 DEFINITIONS.

(a) In this section, technical terms that are not defined have the meaning customarily attributed to them in the gas drilling and production industry by prudent and reasonable operators.

(b) In this section:

(1) ABANDONMENT means the discontinuation of a well or an operation site as approved by the Texas Railroad Commission and in compliance with this Article.

(2) BASE FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year. See Article V.

(3) BLOWOUT PREVENTER means a mechanical, hydraulic, pneumatic, or other device or combination of devices secured to the top of a well casing, including valves, fittings, and control mechanisms that can be used to completely close the top of the casing and prevent the uncontrolled flow of gas or other fluids from the well.

(4) COMPLETION means the date that drilling or reworking of the well has ended and gas is flowing to a sales or distribution point.

(5) CLOSED-LOOP SYSTEM means a system that uses sealed tanks, instead of reserve pits, to collect the drilling waste.

(6) DRILLING means digging or boring a new well to explore for or produce gas.

(7) EQUIPMENT means any apparatus, machinery, or parts thereof used, erected, or maintained in connection with gas drilling or production.

(8) FRACTURING means the injecting of water into a well to cause pressure that will split or open up fractures already present in the formation.

(9) GAS means (1) any fluid, either combustible or noncombustible, that is produced in a natural state from the earth and that maintains a gaseous or rarefied state at standard temperature and pressure conditions, or (2) any gaseous vapors derived from petroleum or natural gas.

(10) GAS INSPECTOR means the person designated by the city to enforce the provisions of this section, or the gas inspector's representative.

(11) OPERATION SITE means the area used for drilling, development, and production, and all associated operational activities after gas drilling is complete.

(12) OPERATOR means the person listed on the Texas Railroad Commission drilling permit application (currently called Form W-1 or Form P-4).

(13) PRODUCTION means the period between completion and abandonment of a well.

(14) REWORKING means the re-entry of an existing well after completion to access the existing bore hold, conduct deepening or sidetrack operations, or replace well liners or casings. Reworking is also known in the gas drilling and production industry as a work-over.

(15) TANK means a container used for holding or storing fluids from gas drilling and production.

(16) WELL means a hole or bore to any horizon, formation, or strata for the intended or actual production of gas.

SEC. 51A-12.103 ADMINISTRATION.

(a) Gas inspector.

(1) The gas inspector is responsible for enforcing this section, other city codes applicable to gas drilling and production, and any SUP for gas drilling and production.

(2) The gas inspector shall:

(A) review and approve or deny all gas well permit applications;

(B) conduct inspections of all wells and operation sites at least yearly for compliance with this section, the gas well permit, and the SUP for gas drilling and production;

(C) issue orders or citations to obtain compliance with this section, the gas well permit, and the SUP for gas drilling and production; and

(D) revoke or suspend gas well permits for violations of this section, the gas well permit, or the SUP for gas drilling and production.

(3) The gas inspector, at each inspection, shall call the emergency contact numbers listed on the operator's informational signs to verify that the phone numbers are current and the emergency contact persons can be reached.

(4) The gas inspector shall contact the appropriate city department to inspect the operation site if the gas inspector believes the operator is violating a city code provision not addressed in this section. The gas inspector shall determine whether the other city department completed the inspection and shall document what actions, if any, were taken against the operator.

(5) The gas inspector shall contact the appropriate state agency to inspect the operation site if the gas inspector believes the operator is violating state law. The gas inspector shall determine whether the state agency completed the inspection and shall document what action, if any, were taken against the operator.

(b) Technical or legal advisors. The city may hire technical or legal advisors to advise the city on gas drilling and production matters. If the city hires advisors to address an operator's unique circumstances, the city shall notify the operator of the estimated cost of services. The city shall invoice the operator, who shall pay the city within 30 days.

SEC. 51A-12.104 SUP REGULATIONS.

See Sections 51-4.213(19) or 51A-4.203(b)(3.2).

SEC. 51A-12.105 GAS WELL PERMIT.

(a) In general.

(1) No person shall participate in site preparation, drilling, reworking, fracturing, operation, production, or any other related activity without first obtaining a gas well permit issued by the city in accordance with this section. Each well on an operation site must obtain a separate gas well permit.

(2) Wells operating under an SUP passed by city council before September 12, 2007, may engage in gas drilling and production without a gas well permit. The operation of

these wells, however, must comply with Section 51A-12.107. If there is a conflict between the SUP conditions and Section 51A-12.107, the provision that is more strict controls unless the SUP condition relates to noise regulations and references Article XII.

(3) A gas well permit is required, in addition to any permit, license, or agreement required under other city ordinances or state law.

(4) A gas well permit application may not be approved until an SUP is approved. Denial of an SUP is grounds for automatic denial of all related gas well permit applications.

(5) A gas well permit automatically terminates if the operator does not begin drilling within 180 days after the gas inspector issues the gas well permit. The gas inspector may extend the time for an additional 180 day period upon request by the operator and proof that the conditions on the operation site have not substantially changed and the extension would not conflict with §51A-12.105(a)(F). Only one extension is permitted.

(6) If the operation site is located within 600 feet of a residential use, the operator shall begin drilling all of the wells approved by the SUP within one year after receiving the gas well permit for the first well located on the operation site. This is intended to limit the time that drilling will take place on the operation site to minimize the impact on the surround area.

(7) An existing gas well permit does not authorize reworking of an abandoned well. A new gas well permit is required to rework an abandoned well.

(8) A gas well permit automatically terminates after the well authorized by the gas well permit is abandoned pursuant to this Article.

(b) Permit applications. A gas well permit application must be in writing, signed by the operator and filed with the gas inspector. The operator shall provide the following information on a form furnished by the city:

- (1) the date the operator submitted the application;
- (2) the proposed number of wells included in the gas well permit application;
- (3) the field name as used by the Texas Railroad Commission;
- (4) the proposed well name;
- (5) the operator's name and address;
- (6) all surface owners' names and addresses;
- (7) all mineral rights owners' names and addresses;

(8) the name of a representative with supervisory authority over all gas drilling and production operations and a phone number where they can be reached 24 hours a day;

(9) the name, address, and phone number of a person, who is a resident of the State of Texas and is designated to receive notices from the city;

(10) the names of two designated emergency contact persons, their addresses, and phone numbers where they may be reached 24 hours a day;

(11) the names and addresses of property owners within 600 feet of the proposed operation site;

(12) the address and legal description of the proposed operation site;

(13) a map showing truck routes;

(14) a videotape of the truck routes, showing in adequate detail the physical conditions of the rights-of-way;

(15) the location and a description of all improvements within 600 feet of each well;

(16) a description of the public utilities required during drilling and production operations;

(17) a description of the water source to be used during drilling and production operations;

(18) a site plan of the operation site that matches the site plan attached to the SUP, was prepared by a licensed surveyor or registered engineer, is drawn to scale, complies with the site requirements in this section, and provides the following information:

(A) the date, scale, north point, name of owner, and name of person preparing the site plan;

(B) the location of existing boundary lines and dimensions of the operation site;

(C) the location of all improvements and equipment, including proposed wells, tanks, pipelines, compressors, separators, and storage sheds;

(D) the zoning of the operation site;

(E) the location of flood plains, and the existing and base flood elevations at the location of any proposed improvement including each well head;

(F) the existing watercourses and drainage features;

(G) off-street parking and loading areas and the surface material used;

(H) ingress and egress points;

(I) existing and proposed streets and alleys;

(J) location, height, and materials of existing and proposed fences;

(K) existing and proposed landscaping;

(L) location and description of signs, lighting, and outdoor speakers;

(M) location and description of all easements, along with the volume and page number where the easement is recorded;

(N) a map of the surrounding area, showing the zoning on all property within 600 feet of the operation site, and the distance from wells, structures, or equipment to any use, structures, or features that have spacing requirements under Sections 51-4.213(19) or 51A-4.203(b)(3.2);

(O) a tree survey that complies with Article X;

(P) an electricity usage plan showing the equipment powered by electricity, the amount of electricity needed, the sources of the electric power (whether generated on site or purchased from a retail electric provider), as well as the approximate location of lines, poles, generators, generator fuel tanks transformers, fuse boxes, and other apparatus necessary to use electric power;

(Q) a copy of the SUP ordinance;

(R) a copy of the Texas Railroad Commission drilling permit and its attached documents;

(S) a copy of the stormwater pollution prevention plan and the notice of intent required by the Environmental Protection Agency;

(T) a copy the Texas Commission on Environmental Quality's determination of the depth of useable-quality ground water;

(U) an emergency action response plan approved by the fire marshal that:

(i) establishes written procedures to minimize any hazard resulting from drilling, completion, production, or abandonment of wells;

(ii) complies with the existing guidelines established by the Texas Railroad Commission, the Texas Commission on Environmental Quality, the Department of Transportation, and the Environmental Protection Agency; and

(iii) includes maps from public rights-of-way to the operation site as well as turn-arounds and staging areas for emergency equipment;

(V) a hazardous materials management plan and a hazardous materials inventory statement as required by the Dallas Fire Code that has been filed with the fire department;

(W) documentation of the insurance and security instruments required by this section;

(X) an indemnification agreement, approved as to form by the city attorney, stating that the operator agrees to defend the city and its officers and employees against all claims of injury or damage to persons or property arising out of the drilling and production operation;

(Y) a notarized statement signed by the operator that the information submitted with the application is true and correct, to the best of the operator's knowledge and belief; and

(Z) any other information the gas inspector deems necessary.

(c) Review of permit applications.

(1) The gas inspector shall return incomplete applications to the operator with a written explanation of the deficiencies.

(2) The gas inspector shall determine whether the gas well permit should be issued, issued with conditions, or denied within 45 days of receiving a complete gas well permit application. If the gas inspector fails to make this determination within this specified time, the gas well permit is deemed denied.

(3) The gas inspector shall issue a gas well permit if the application for a gas well permit meets the requirements of this section and the conditions of the SUP. If the application does not meet the requirements of this section or the conditions of the SUP, the gas inspector shall either deny the application or issue the gas well permit subject to written conditions if compliance with the conditions eliminates the reasons for denial. If the gas inspector denies a gas well permit, he shall provide the operator with a written explanation of the reasons for denial within 30 days.

- (d) Content of gas well permit. A gas well permit must:
- (1) identify the name of each well and its operator;
 - (2) identify the name, address, and telephone number of the person designated to receive notices from the city;
 - (3) identify the names, addresses, and phone numbers of the two emergency contact persons;
 - (4) state the date the permit is issued;
 - (5) state that the gas well permit will automatically terminate if the operator does not begin drilling within 180 days after the date of issuance unless the gas inspector grants an extension;
 - (6) state that if the operation site is located within 600 feet of a residential use, the operator shall begin drilling all of the wells approved by the SUP within one year after receiving the gas well permit for the first well located on the operation site.
 - (7) state that the gas well permit shall automatically terminate after the well authorized by the gas well permit is abandoned pursuant to this Article;
 - (8) state that the operator shall apply for a new gas well permit before reworking an abandoned well;
 - (9) incorporate the full text of the indemnity provision from the operator's submitted indemnity agreement;
 - (10) incorporate, by reference:
 - (A) the insurance and security requirements of this section;
 - (B) the conditions of the applicable specific use permit;
 - (C) the information contained in the permit application;
 - (D) the rules and regulations of the Texas Railroad Commission, including the field rules;
 - (E) all other required permits and fees; and
 - (F) the requirement for annual inspections, periodic reports, emergency reporting, and notice before reworking a well.

(11) state that the operator shall comply with the most recently submitted and approved site plan, tree survey, hazardous materials management plan, and emergency action response plan. The SUP and the full-sized site plan must be attached to the gas well permit.

(e) Acceptance of permit. By accepting a gas well permit, the operator expressly stipulates and agrees to be bound by and comply with the provisions of this article. The terms of this article shall be deemed to be incorporated in any gas well permit with the same force and effect as if this article was set forth verbatim in the gas well permit.

(f) Amendment of permit. If the operator wants to change the original site plan attached to the gas well permit and the SUP, the operator shall first seek a zoning amendment or minor amendment and then apply in writing for a gas well permit amendment. If the operator pays the fee to amend their gas well permit, and the new site plan complies with the requirements of the SUP and this section, the gas inspector shall issue an amended gas well permit.

(g) Transfer of permit.

(1) The gas inspector shall transfer a gas well permit to a new operator if:

(A) the transfer is in writing, approved as to form by the city attorney, signed by both operators, and the new operator agrees to be bound by the terms and conditions of the transferred gas well permit, the SUP, and this section;

(B) all information previously provided to the city as part of the application for the original gas well permit is updated to reflect the new operator;

(C) the new operator provides proof of the insurance and security required by this section; and

(D) the operator-transfer fee is paid in full.

(2) The gas inspector shall release the insurance and security provided by the old operator if the requirements of this paragraph are met. The transfer does not relieve the old operator from any liability arising out of events occurring before the transfer.

(h) Revocation or suspension of permit.

(1) If the operator violates this section, the gas well permit, or the SUP, the gas inspector shall give written notice to the operator describing the violation and give the operator a reasonable time to cure. The time to cure must take into account the nature and extent of the violation, the efforts required to cure, and the potential impact on public health, safety, and welfare. The time to cure must not be less than 30 days unless:

(A) the violation could cause imminent destruction of property or injury to persons; or

(B) the violation involves the operator's failure to take a required immediate action as specified by this section.

(2) If the operator fails to correct the violation within the specified time, the gas inspector shall suspend or revoke the gas well permit. The gas inspector shall also report any violations to the Texas Railroad Commission and request that the Texas Railroad Commission take appropriate action.

(3) If a gas well permit is suspended, no person may engage in any activities that were permitted under that gas well permit except for those activities necessary to remedy the violation. If the violation is remedied, the gas inspector shall reinstate the gas well permit, and the operator may resume gas drilling and production.

(4) If a gas well permit is revoked, the operator shall obtain a new gas well permit before resuming gas drilling or production.

(i) Appeal.

(1) If the gas inspector denies, suspends or revokes a gas well permit, the gas inspector shall send the operator, by certified mail, return receipt requested, written notice of the decision and the right to appeal.

(2) The operator has the right to appeal to the permit and license appeal board in accordance with Article IX of Chapter 2 of the Dallas City Code. An appeal to the permit and license appeal board stays all enforcement proceedings involving the action appealed from unless the gas inspector determines that a stay would cause imminent destruction of property or injury to persons.

SEC. 51A-12.106 INSURANCE AND SECURITY INSTRUMENTS.

(a) In general.

(1) The operator shall provide the insurance required in this subsection at its own expense.

(2) The operator shall keep the insurance in effect until the gas inspector approves the abandonment and restoration of the operation site.

(3) Companies approved by the State of Texas with an AM Best Rating of A or better and acceptable to the city must issue the insurance.

(4) The operator shall provide the gas inspector with a copy of the certificates of insurance.

(5) Upon the gas inspector's request, the operator shall provide copies of the insurance policies and all endorsements at no cost to the city.

(6) Failure of the city to request required insurance documentation does not constitute a waiver of the insurance requirement.

(b) Modification of insurance.

(1) The human resources department, risk management division, may modify the insurance requirements of this section when necessary based upon economic conditions, recommendation of professional insurance advisors, changes in law, court decisions, or other relevant factors.

(2) The operator shall modify the insurance as requested and shall pay the cost of any modifications.

(c) Subcontractor insurance.

(1) The operator shall require each subcontractor performing work on the operation site to obtain insurance that is appropriate for the services the subcontractor is performing.

(2) The subcontractor shall provide the subcontractor's insurance at its own expense.

(3) The subcontractor's insurance must name the operator as an additional insured.

(4) The subcontractor shall keep the subcontractor's insurance in effect until the gas inspector approves the abandonment and restoration of the operation site.

(5) Companies approved by the State of Texas with an AM Best Rating of A or better and acceptable to the city must issue the subcontractor's insurance.

(6) The operator shall provide the gas inspector with a copy of the certificates of insurance for each subcontractor 30 days before the subcontractor begins work.

(7) Upon request, the operator shall provide the gas inspector with copies of the subcontractor's insurance policies and all endorsements at no cost to the city.

(d) Required provisions. All insurance contracts and certificates of insurance must have and endorsement:

(1) stating that the city is an additional insured to all applicable policies;

(2) stating that coverage may not be cancelled, non-renewed, or materially changed in policy terms or coverage without 30-days advance written notice by mail to:

(A) the gas inspector; and

(B) the assistant director, risk management division of the human resources department;

(3) waiving subrogation against the city, its officers, and employees, for bodily injury (including death), property damage, or any other loss;

(4) stating that the operator's insurance is the primary insurance;

(5) stating that liability, duty, standard of care obligations, and the indemnification provision are underwritten by contractual liability coverage that includes these obligations;

(6) identifying the operation site by address;

(7) identifying the gas inspector as the certificate holder; and

(8) striking the wording "endeavour to" and "failure to mail" under the cancellation provision on the certificate of insurance.

(e) Required coverage. Subject to the operator's right to maintain reasonable deductibles, and subject to a maximum deductible or self-insured retention of \$250,000, the operator shall obtain insurance coverage in the following types and amounts:

(1) Workers'-compensation insurance with statutory limits.

(2) Employer's-liability insurance with the following minimum limits for bodily injury:

(A) by accident, \$500,000 per each accident; and

(B) by disease, \$500,000 per employee with a per-policy aggregate of \$500,000.

(3) Business-automobile-liability insurance covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit of \$1,000,000 per occurrence. If the operator is subject to the Motor Carrier Act, endorsement form MCS 90 is required and a copy must be attached to the certificate of insurance.

(4) Commercial-general-liability insurance covering explosion, collapse, underground blowout, cratering, premises/operations, personal and advertising injury, products/completed operations, independent contractors, and contractual liability with the following minimum combined bodily injury (including death) and property damage limits of:

(A) \$1,000,000 per occurrence;

(B) \$2,000,000 products/completed operations aggregate; and

(C) \$2,000,000 general aggregate.

(5) Environmental-impairment or pollution-legal-liability insurance covering handling, removal, seepage, storage, testing, transportation, and disposal of the materials.

(A) Coverage must include loss of use of damaged property or of property that has not been physically injured or destroyed; cleanup cost; and defense, including costs and expenses incurred in the investigation, defense, or settlement of claims in connection with any loss arising from the operation site.

(B) Coverage must apply to sudden and accidental pollution resulting from the escape or release of smoke; vapors; fumes; acids; alkalis; toxic chemicals; liquids or gases; waste material; or other irritants, contaminants, or pollutants.

(C) Coverage must be maintained with a minimum combined bodily injury (including death) and property damage limit of \$10,000,000 per occurrence.

(D) As an alternative to providing environmental-impairment or pollution-legal-liability insurance, the operator may purchase an umbrella policy that meets the requirements of Section 51A-12.106(e)(6)(C), or they may providing evidence of self-insurance. The city, in its sole discretion, may determine whether the operator is sufficiently self-insured and may hire a technical advisor to help with the evaluation [See Section 51A-12.103(b)]. The operator shall remain sufficiently self-insured until the operation site is abandoned and restored. The operator shall provide the gas inspector with evidence of sufficient self-insurance every six months. This provision does not limit the operator's full responsibility in the event of a loss. An operator is sufficiently self-insured and the environmental-impairment and pollution-legal-liability insurance shall be waived if the operator provides one of the following as evidence of self-insurance:

(i) a restricted cash fund equal to the required environmental-impairment or pollution-legal-liability insurance; or

(ii) a surety bond, in a form acceptable to the city, equal to the required environmental-impairment or pollution-legal-liability-insurance.

(6) Umbrella liability insurance following the form of the primary liability coverage described in Paragraphs (1) through (5) and providing coverage with minimum combined bodily injury (including death) and property damage limit of \$25,000,000 per occurrence and \$25,000,000 annual aggregate. Increased primary liability limits equivalent to the umbrella liability insurance limits specified will satisfy the umbrella liability insurance requirements.

(A) A copy of the declaration page of the policy must be attached to the certificate of insurance.

(B) Coverage must include explosion, collapse, underground blowout, cratering, sudden and accidental pollution, handling, removal, seepage, storage, testing, transportation, and disposal of the materials. A copy of the endorsements providing this coverage must be attached to the certificate of insurance.

(C) If the operator does not purchase environmental-impairment, pollution-legal-liability insurance, or is not sufficiently self-insured, then umbrella liability insurance with minimum limits of \$35,000,000 per occurrence and \$35,000,000 annual aggregate is required.

(7) Control-of-well insurance to provide coverage for the cost of regaining control of an out-of-control (wild) well including the cost of re-drilling and clean up of an incident with minimum limit of \$10,000,000. Coverage must include seepage, pollution, stuck drill stem, evacuation expense of residents, loss of equipment, experts, and damage to property that the operator has in the operator's care, custody or control.

(8) If the insurance required in Section 51A-12.106(e)(4)-(6) is written on a claims-made form, coverage must be continuous (by renewal or extended reporting period) for at least 60 months after the gas inspector approves the abandonment and restoration of the operation site. Coverage, including renewals, must contain the same retroactive date as the original policy.

(f) Miscellaneous provisions.

(1) The city's approval, disapproval, or failure to act regarding any insurance supplied by the operator or a subcontractor does not relieve the operator or subcontractor of full responsibility or liability for damages and accidents. Bankruptcy, insolvency, or the insurance company's denial of liability does not exonerate the operator or the subcontractor from liability.

(2) If an insurance policy is cancelled or non-renewed, the gas inspector shall suspend the gas well permit on the date of cancellation or non-renewal and the operator shall immediately cease operations until the operator provides the gas inspector proof of replacement insurance coverage.

(g) Performance bond or irrevocable letter of credit. Before issuance of a gas well permit, the operator shall give the gas inspector a performance bond or an irrevocable letter of credit approved as to form by the city attorney.

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for at least six months after the gas inspector approves the abandonment of the well.

(4) Except as otherwise provided, the amount of the performance bond or irrevocable letter of credit must be at least \$50,000 per well.

(A) After a well is completed, the operator may request that the gas inspector reduce the existing performance bond or irrevocable letter of credit to \$10,000 per well for the remainder of the time the well produces without reworking. The gas inspector shall reduce the existing performance bond or irrevocable letter of credit if the operator has fully complied with the provisions of this section and the conditions of the SUP, and the gas inspector determines that a \$10,000 performance bond or irrevocable letter of credit is sufficient.

(B) If the gas inspector determines the operator's performance bond or irrevocable letter of credit is insufficient, the gas inspector may require the operator to increase the amount of the performance bond or irrevocable letter of credit to a maximum of \$250,000 per well.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this section, the gas well permit, and the SUP. If the performance bond or irrevocable letter of credit is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement performance bond or irrevocable letter of credit that meets the requirements of this section.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this section, the SUP, or the gas well permit. The performance bond or irrevocable letter of credit may also be used to mitigate public losses (i.e. damage to infrastructure, loss of sales tax, etc.) related to the loss of control of a well.

(h) Road repair security instrument. Before issuance of a gas well permit, the operator shall give the gas inspector a road repair performance bond or an irrevocable letter of credit approved as to form by the city attorney. The road repair security instrument is in addition to the performance bond or irrevocable letter of credit required by Section 51A-12.106(g).

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for at least six months after the department of public works and transportation completes the final inspection of the right-of-way.

(4) The department of public works and transportation shall determine the amount of the performance bond or irrevocable letter of credit based upon, among other factors, the estimated cost to the city of restoring the right-of-way.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this section, the gas well permit, and the SUP. If the performance bond or irrevocable letter of credit is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement performance bond or irrevocable letter of credit that meets the requirements of this section.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties related to the damage of the right-of-way covered by Section 51A-12.107(f).

SEC. 51A-12.107 OPERATIONS.

(a) In general.

(1) Operations must be conducted in accordance with the practices of a reasonable and prudent gas drilling operation in the State of Texas.

(2) No refining, except for gas dehydrating and physical phase separation, may occur on the operation site.

(3) Only freshwater-based mud systems are permitted.

(4) No person may add any type of metal additive into drilling fluids.

(5) Salt-water disposal wells are prohibited.

(6) Unless otherwise directed by the Texas Railroad Commission, the operator must remove waste materials from the operation site and transport them to an off-site disposal facility at least once every 30 days.

(b) Operation site.

(1) The layout of an operation site must comply with the site plan attached to the gas well permit and the SUP.

(2) The operation site must not become dilapidated, unsightly, or unsafe. For example, the site must be kept clear of high grass, brush, weeds, debris, pools of liquids, contaminated soil, trash, and other waste materials.

(3) See Section 51A-4.203(b)(3.2)(E) for spacing, fencing, and slope requirements.

(c) Storage and vehicle parking. The only items that may be stored and vehicles that may be parked on the operation site are those that are necessary to the everyday operation of the well and do not constitute a fire hazard. The fire department determines what constitutes a fire hazard.

(d) Signs. All signs must be printed on durable, reflective, waterproof material. Signs must remain legible until the operation site is abandoned and restored pursuant to this Article.

(1) Informational sign. The operator shall prominently display a sign on the fence adjacent to the main gate that lists the following:

- (A) well names and numbers;
- (B) name of the operator;
- (C) the address of the operation site;
- (D) the emergency 911 number; and

(E) the telephone numbers of the two people who may be contacted 24 hours a day in case of an emergency.

(2) No smoking signs. The operator shall prominently display signs reading, “Danger, No Smoking Allowed,” in both English and Spanish adjacent to all gates and any other locations required by the fire marshal. Sign lettering must be a minimum of four inches in height and be red on a white background or white on a red background.

(e) Environmental safety requirements.

(1) Protection of natural resources. All federal, state, and city rules regarding protection of natural resources must be strictly followed. The operator shall ensure that the ground water is not contaminated by the gas drilling and production operation and any related activities.

(2) Depositing materials. The operator shall not deposit any substance (i.e. oil, naphtha, petroleum, asphalt, brine, refuse, wastewater, etc.) into or upon a right-of-way, storm drain, ditch, sewer, sanitary drain, body of water, private property, or public property.

(3) Clean-up after spills, leaks, and malfunctions. After any spill, leak, or malfunction, the operator shall remove, to the satisfaction of the fire marshal, the gas inspector, and the office of environmental quality all waste materials from any public or private property affected by the spill, leak, or malfunction. Clean-up operations must begin immediately. If the operator fails to begin cleanup operations, the city may contact the Texas Railroad Commission in order to facilitate the removal of all waste materials from the property affected by the spill, leak, or malfunction.

(4) Gasses vented or burned by open flame. The operator shall not vent gases into the atmosphere or burn gases by open flame except as permitted by the Texas Railroad Commission and the fire marshal. If venting or burning of gases is permitted, the vent or open flame must be located at least 300 feet from any structure necessary to the everyday operation of wells.

(5) Erosion control practices. Berms that are at least one-foot high and two-feet wide, or equivalent erosion devices, must be installed to prevent lot-to-lot drainage. Any damages to adjacent properties from sedimentation or erosion must be repaired immediately.

(6) Chemical and hazardous materials storage. All chemicals and hazardous materials must be stored in such a manner as to prevent, contain, and facilitate rapid remediation and cleanup of any accidental spill, leak, or discharge of a hazardous material. Operator shall keep all material safety data sheets for hazardous materials on the operation site. Containers must be properly labelled in accordance with federal, state, and local regulations.

(7) Flood plain. All gas drilling and production operations must comply with the flood plain regulations in Article V.

(f) Right-of-way. For purposes of this paragraph, right-of-way means those rights-of-way located along the truck routes as shown in the operator's gas well permit application and incorporated by reference in the gas well permit.

(1) Periodic inspections. Operator shall periodically inspect the right-of-way to determine if damage has occurred.

(2) City notifying operator. If the department of public works and transportation determines that the right-of-way has been damaged, the gas inspector shall notify the operator of the damage.

(3) Repairs. The operator shall repair the damage to the right-of-way within 10 days after discovering or receiving notice of the damage. Repairs must be in accordance with the current standards of the department of public works and transportation. At least two days before making the repairs, the operator shall notify the department of public works and transportation of the operator's intent to begin repairs. The operator must have all necessary permits before repairing the right-of-way.

(4) City making repairs and invoicing operator.

(A) If the operator fails to make repairs within 10 days after discovering or receiving notice of the damage, the director public works and transportation may make the necessary repairs and invoice the operator. The operator shall pay the amount due within 30 days after the invoice date.

(B) If the director of public works and transportation determines that the damages to the rights-of-way affect the immediate health and safety of the public, the director of public works and transportation may make the repairs without first requesting that the operator make the repairs. The director of public works and transportation shall invoice and the operator shall pay the amount due within 30 days after the invoice date.

(C) If required by state law, the director of public works and transportation shall employ a competitive bidding process before making the repairs to the rights-of-way.

(5) Final inspection. After the gas inspector approves the abandonment and restoration of the operation site, the operator shall notify the director of public works and transportation and request an inspection of the right-of-way. After inspection, the director of public works and transportation shall notify the operator of any needed repairs. Repairs must be made in accordance with this section.

(g) Equipment and structures.

(1) American petroleum institute. All equipment and permanent structures must conform to the standards of the American Petroleum Institute unless other specifications are approved by the fire marshal.

(2) Painting. Unless a specific color is required by federal or stat regulations, all equipment and structures must be painted with a neutral color approved by the gas inspector.

(3) Maintenance. All equipment and structures must be maintained in good repair and with a neat appearance.

(4) Removal of rig and equipment. The drilling rig and associated drilling equipment must be removed from the operation site within 30 days after completion.

(5) Tanks.

(A) Gas well operations must use tanks for storing liquid hydrocarbons. Tanks must be portable, closed, and made of steel or fiberglass. If the gas inspector discovers the presence of condensate or liquid hydrocarbons, he may require that tanks have a remote foam line.

(B) All tanks must have a vent line, flame and lightning arrestor, pressure-relief valve, and level-control device. The level-control device must automatically activate a valve to close the well to prevent the tank from overflowing.

(C) Tanks must have a secondary containment system that is lined with an impervious material. The secondary containment system must be high enough to contain 1 ½ times the contents of the largest tank in accordance with the Dallas Fire Code.

(D) If a closed-loop system is used, drilling mud, cuttings, liquid hydrocarbons, and other waste materials must be discharged into tanks in accordance with the rules of the Texas Railroad Commission and other appropriate local, state, or federal agencies.

(6) Mud pits. If the operator uses an open-looped system, the operator shall comply with the following restrictions on mud pits:

(A) Drilling mud, cuttings, liquid hydrocarbons, and other waste materials must be discharged into mud pits in accordance with the rules of the Texas Railroad Commission and other appropriate local, state, or federal agencies.

(B) Mud pits must have an impervious lining.

(C) The contents of any mud pit must be maintained at least two feet below the top of the mud pit.

(7) Wells.

(A) Each well must have an automated valve that closes the well if there is an abnormal change in operating pressure. All wellheads must also have an emergency shut off valve to the well distribution line.

(B) Surface casing must be run and set in full compliance with both the Texas Railroad Commission and the Texas Commission on Environmental Quality.

(C) A blowout preventer must be used when wells are being drilled, reworked, or at anytime when tubing is being changed.

(8) Flow lines and gathering lines.

(A) Flow lines and gathering lines may not exceed the maximum allowable operating pressure of the installed pipes.

(B) Flow lines and gathering lines must be installed with the minimum cover or backfill specified by the American National Safety Institute Code, as amended.

(C) The operator shall place an identifying sign at each point where a flow line or gathering line crosses a public street.

(D) No person may build a structure over a flow line or gathering line.

(9) Engines.

(A) Electric motors or internal combustion engines may be used during drilling.

(B) Only electric motors may be used during production.

(C) Internal combustion engines must be equipped with an exhaust muffler or comparable device that suppresses noise and prevents the escape of gases, fumes, ignited carbon, or soot.

(10) Drip pans and other containment devices. Drip pans or other containment devices must be placed underneath all tanks, containers, pumps, lubricating oil systems, engines, fuel and chemical storage tanks, system valves, and connections, and any other area or structures that could potentially leak, discharge, or spill hazardous liquids, semi-liquids, or solid waste materials.

(11) Fire prevention equipment. The operator, at the operator's expense, shall provide fire fighting apparatus and supplies as approved by the fire department and required by federal, state, or local law on the operation site at all times during drilling and production. The operator shall be responsible for the maintenance and upkeep of the fire fighting apparatus and supplies.

(h) Electric lines. Electric lines to the operation site must be located in a manner compatible to those already installed in the surrounding area.

(i) Noise.

(1) Conflicts with other regulations. Except as provided in this paragraph, the noise regulations in Section 51A-6.102 apply.

(2) Drilling. Drilling may not produce a sound level greater than 78 dB(a).

(3) Fracturing. Fracturing may not produce a sound level greater than 85 dB(a) or five dB(a) above background noise, whichever is greater.

(4) Measurement. The sound level shall be measured by using the sound-level meter readings measured four feet above grade and at a distance of 300 feet from the well.

(j) Glare. The operator shall comply with the glare regulations in Section 51A-6.104.

(k) Dust, vibrations, and odors. To prevent injury or nuisances to persons living and working in the area surrounding the operation site, the operator shall conduct all drilling and production in a manner to minimize dust, vibrations, or odors consistent with the best practices of the industry. The operator shall adopt proven technological improvements in industry standards of drilling and production if capable of reducing dust, vibrations, and odors. If the gas inspector determines that the dust, vibrations, or odors related to the gas drilling and production present a risk of injury or have become a nuisance to persons living and working in the area, the

gas inspector shall require the operator to adopt any reasonable methods for reducing the dust, vibrations, and odors.

(l) Explosives. No explosives may be used when conducting a seismic survey.

(m) Fracturing.

(1) Limited hours for fracturing. Fracturing activity may only occur during daylight hours, except that flowback operations may occur 24-hours per day.

(2) Personnel. During fracturing, at least one person designated by the operator shall be on the operation site at all times to oversee fracturing activity and monitor safety.

(3) Notice.

(A) If the operation site is located within 600 feet of an occupied residential use, the operator shall post a sign adjacent to the main gate of the operation site advising the public when fracturing will begin and the estimated duration of fracturing. This sign must be posted at least 10 days before fracturing begins.

(B) The operator, at his own expense, shall provide written notification of the date that fracturing will begin and the estimated duration of fracturing to each property owner and registered neighborhood association within 600 feet of the operation site, as shown by the current tax roll. The written notification must be sent by United States mail at least 10 days before fracturing begins.

(C) At least 15 days before fracturing begins, the operator shall send written notice to the gas inspector of their intent to begin fracturing. The notice must identify the well and estimate the duration of fracturing.

(n) Reworking.

(1) At least 10 days before reworking begins, the operator shall send written notice to the gas inspector of the operator's intent to rework a well. The notice must identify the well, describe the activities involved in the reworking, and estimate the duration of the activities.

(2) The operator must pay the reworking fee before they begin reworking the well.

(3) If a well is already abandoned, a new gas well permit is required to rework.

(o) Emergencies.

(1) Compliance with emergency action response plan. In emergencies, the operator shall comply with the most recent emergency action response plan submitted to the gas inspector.

(2) Loss of control. If the operator loses control of a well, the operator shall immediately take all necessary steps to regain control regardless of other provisions of this section. If the gas inspector believes that the loss of control creates a danger to persons and property and that the operator is not taking the necessary steps to regain control, the gas inspector may incur expenses for labor and material necessary to regain control. The operator shall reimburse the city for any expenses incurred to regain control.

(p) Incident reports.

(1) Immediate report of incident. The operator shall immediately notify the gas inspector and fire marshal of any incident, including blowouts; fires; spills; leaks; explosions; incidents resulting in injury, death, or property damage; or incidents resulting in product loss from a storage tank or pipeline.

(2) Written summary of incident. The operator shall give a written summary of the incident to the gas inspector and fire marshal by 5:00 p.m. on the first business day after the incident.

(3) Follow-up report. The operator shall give a follow-up report to the gas inspector and fire marshal within 30 days after the incident. The follow-up report must be signed and dated by the operator's representative and must include:

(A) the operator's name and location of the operation site;

(B) the phone number, address, and e-mail address of the person with supervisory authority over the operation site;

(C) a description of the incident, including the time, date, location, and cause of the event;

(D) the duration of the incident (an incident ends when it no longer poses a danger to persons or property);

(E) an explanation regarding how the incident was brought under control and remedied; and

(F) a full description of any internal or external investigations or inquiries related to the incident, the findings of those investigations or inquiries, and the actions taken as a result of those findings.

(q) Periodic reports.

(1) The operator shall notify the gas inspector of any changes to the following information within one week after the change occurs:

- (A) the name, address, or phone number of the operator;
- (B) the name, address, or phone number of the person designated to receive notices from the city; or
- (C) the operator's emergency action response plan.

(2) The operator shall notify the gas inspector within one business day after any changes to the name, address, or 24-hour phone number of the person with supervisory authority over gas drilling or production.

(3) The operator shall notify the gas inspector that a well has been completed within 72 hours after completion.

(4) The operator shall submit a yearly written report to the gas inspector identifying any changes to the information provided in the gas well permit application. not previously reported to the city.

(5) The operator shall give the gas inspector a copy of any complaint submitted to the Texas Railroad Commission within 30 days after the operator receives notice of the complaint.

SEC. 51A-12.108 ABANDONMENT AND RESTORATION.

(a) Abandonment of a well. The operator must abandon each well after production has ceased on that well. A well is considered abandoned if the Texas Railroad Commission approves the abandonment, and the operator provides the gas inspector with a copy of the Texas Railroad Commission's approval.

(b) Abandonment and restoration of the operation site. The operator must abandon and restore the operation site after production has ceased on all wells located on the operation site. An operation site is not considered abandoned until the gas inspector approves the abandonment and restoration. The gas inspector shall approve the abandonment and restoration of the operation site if:

- (1) the operation site is restored to its original condition, as nearly as practicable;
- (2) all wells located on the operation site are plugged and all well casings are cut and removed to a depth of at least three feet below surface;

(3) the operator provides the gas inspector with a copy of the Texas Railroad Commission's approval of the abandonment for each well located on the operation site; and

(4) the abandonment complies with the Dallas Fire Code.

(c) Development after abandonment.

(1) No building permit may be issued for any construction on or redevelopment of the operation site until the gas inspector approves the abandonment and restoration of the operation site.

(2) No structure may be built over a vertical shaft of an abandoned well.

SEC. 51A-12.109 VIOLATIONS.

(a) A person is criminally responsible for a violation of this section if the person:

(1) refuses the gas inspector access to an operation site;

(2) fails to comply with a gas inspector's orders; or

(3) fails to comply with any provision in this section.

(b) A person who knowingly violates any provision of this Article is guilty of a separate offense for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine of \$2,000. This fine shall be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. See Section 51A-1.103 for additional provisions on enforcement."

SECTION 45. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 46. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 47. 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 48. 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.

DCA-067-006

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007
COUNCIL DISTRICT(S): 14
DEPARTMENT: Department of Development Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 45 G

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance changing the name of Boll Street between Ross Avenue and Flora Street to Arts Plaza - Financing: No cost consideration to the City

BACKGROUND

This street name change is being requested on behalf of Billingsley Arts Partners, Ltd., 1722 Routh Street. Notices of the proposed street name change were sent to the three owners of lots which abut the street in accordance with Section 9.306(b) and 9.307(b) of the Development Code. No replies have been received. Notices of the proposed street name change were sent August 6, 2007 to the appropriate city departments and other affected entities in accordance with Section 9.305(a) of the Development Code. Two signs announcing the proposed street name change were posted along Boll Street on August 8, 2007 in accordance with Section 9.306(b) of the Development Code. No property owners will need to change their address if the name change is approved since no property owners currently have a Boll Street address.

The City's Street Name Coordinator, Fire Department & Police Department have reviewed the request and have no objection to the street name change. The City Plan Commission, on August 23, 2007, recommended approval of changing the name of Boll Street between Ross Avenue and Flora Street to Arts Plaza.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 23, 2007, the City Plan Commission recommended approval of changing the name of Boll Street between Ross Avenue and Flora Street to Arts Plaza.

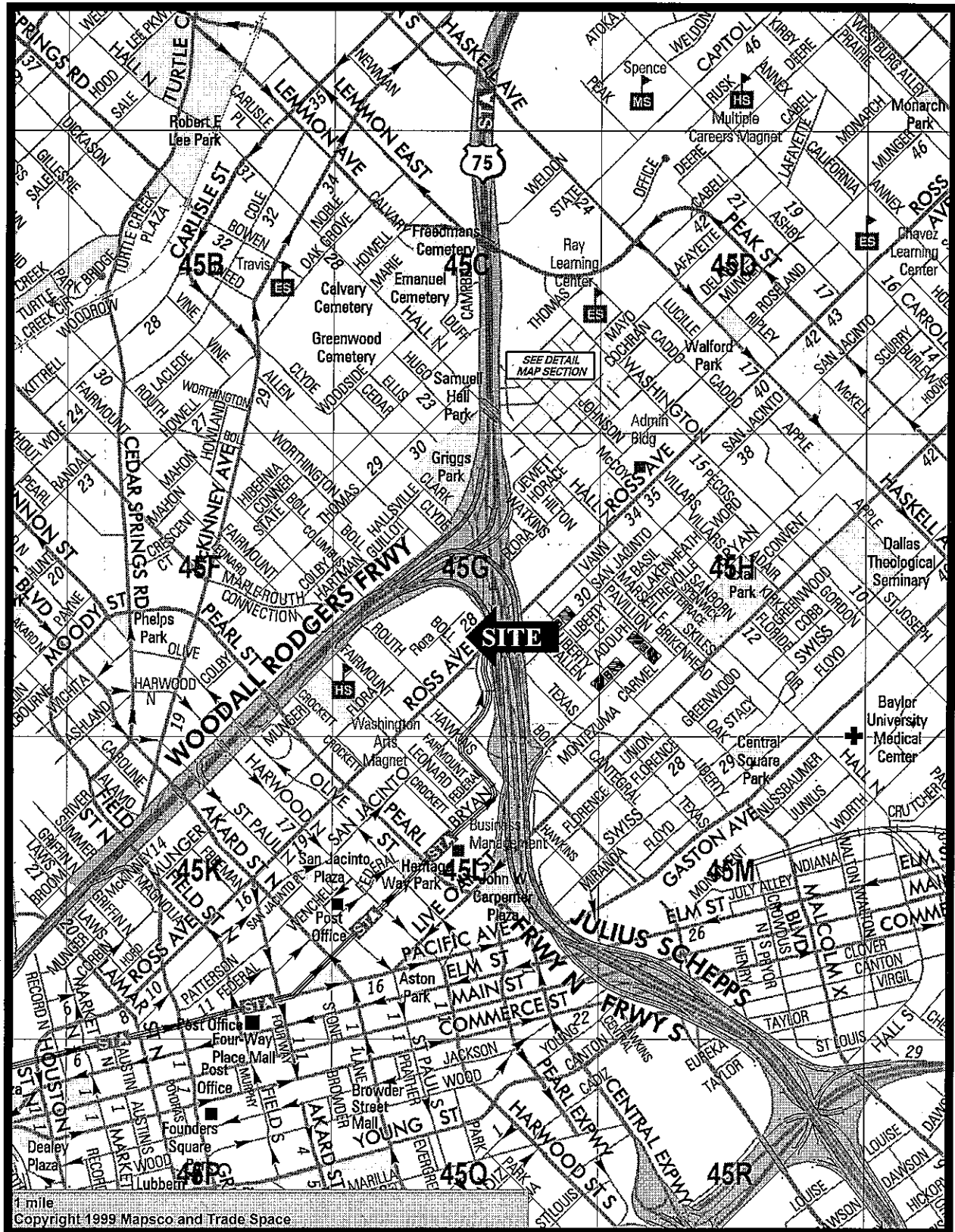
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.

Street Name Change



Boll Street to Arts Plaza

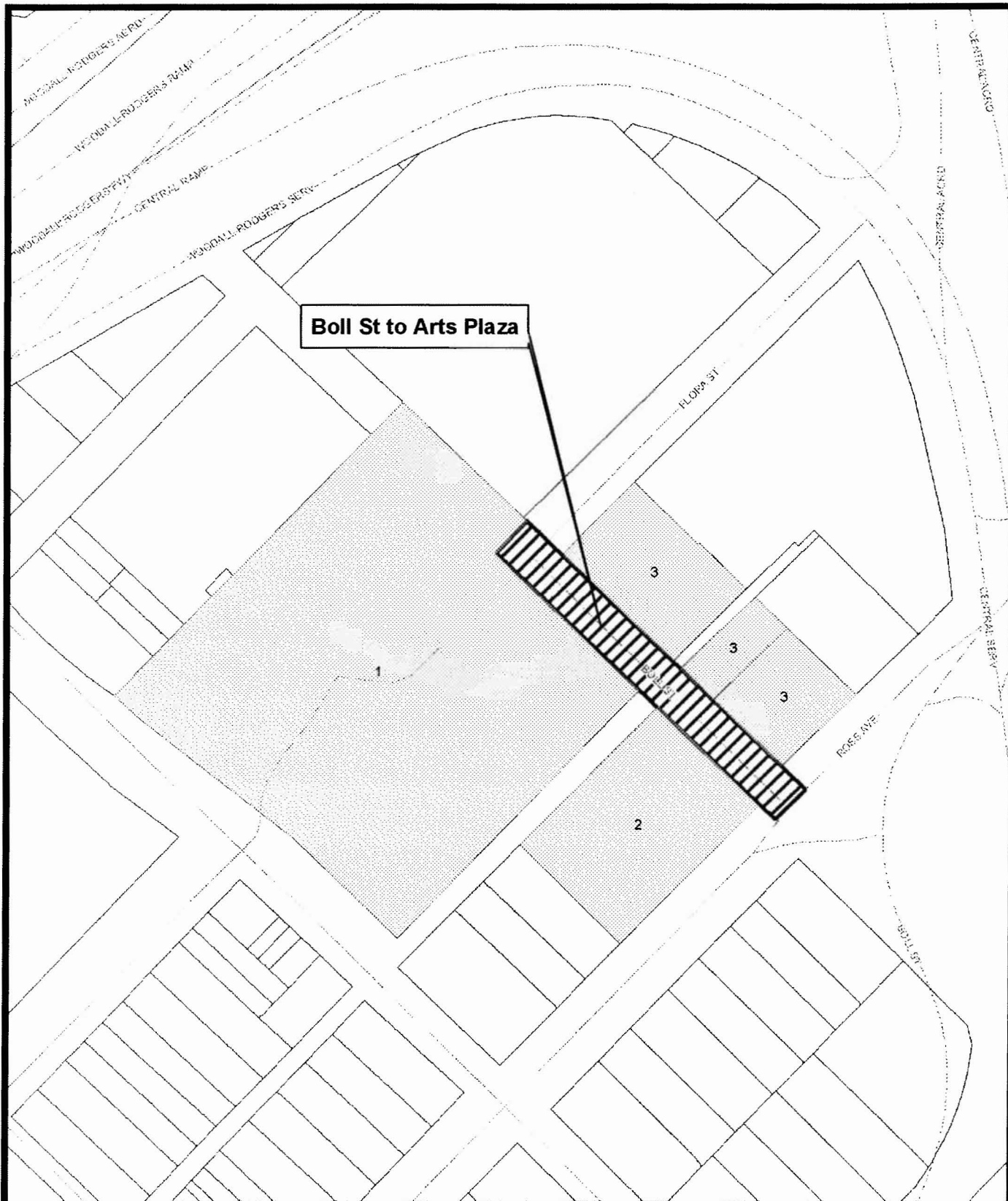
8/2/2007

Notification List of Property Owners

N067-004

3 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1722 ROUTH	BILLINGSLEY ARTS
2	2623 ROSS	ROSS AVENUE ASSOC LTD PS
3	2700 FLORA	DALLAS BLACK DANCE THEATR



STREET NAME CHANGE NOTIFICATION

0'

AREA OF NOTIFICATION

3

NUMBER OF PROPERTY
OWNERS NOTIFIED

Map no: _____

Case no: **N067-004**

DATE: 8/2/2007

BY: ao

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007
COUNCIL DISTRICT(S): 2, 14
DEPARTMENT: Public Works & Transportation
CMO: Ramon F. Miguez, P.E., 670-3308
MAPSCO: 45K L P Q

SUBJECT

Authorize an increase in the contract with Northern Pipeline Construction Company for the construction of streetscape improvements on Field Street from Wood Street to Pacific Avenue, Ervay Street from Young Street to Pacific Avenue, St. Paul Street from Young Street to Bryan Street, and Harwood Street from Young Street to Bryan Street for the Dallas City Center TIF District to provide for revised quantities and costs for the streetscape items, pedestrian lighting, street furniture, tree/paver grates and art component - \$44,025, from \$2,780,691 to \$2,824,716 - Financing: City TIF Center TIF District Funds

BACKGROUND

City Council authorized a contract with Northern Pipeline Construction Company for the construction of pedestrian amenities along five streets which includes, Field Street from Wood Street to Pacific Avenue; Akard Street from Young Street to Jackson Street and Elm Street to Bryan Street; Ervay Street from Young Street to Pacific Avenue; St. Paul Street from Young Street to Bryan Street, and Harwood Street from Young Street to Bryan Street.

This action will authorize Change Order No. 1 to the contract with Northern Pipeline Construction Company to provide a revision to the pedestrian lighting required by ONCOR, provide additional trees, grates, irrigation systems and street furniture not included in the original scope of the contract.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 1999
Completed Design	May 2003
Began Construction	September 2003
Complete Construction	September 2007

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized a professional services contract on February 24, 1999, by Resolution No. 99-0731.

Authorized a construction contract with Northern Pipeline Construction Company on June 25, 2003, by Resolution No. 03-1898.

FISCAL INFORMATION

City Center TIF District Funds - \$44,024.40

Construction	\$2,780,691.00
Change Order No. 1 (this action)	<u>\$ 44,024.40</u>

Total Project Cost	\$2,824,715.40
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Original Estimate: PBW - \$3,500,000

<u>Council District</u>	<u>Amount</u>
2	\$ 4,402.44
14	<u>\$39,621.96</u>
Total	\$44,024.20

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Northern Pipeline Construction Company

Hispanic Female	0	Hispanic-Male	17
African-American Female	0	African-American Male	10
Other Female	0	Other Male	0
White Female	1	White Male	14

OWNER(S)

Northern Pipeline Construction Company

M.J. Kemper, CEO

MAP

Attached.

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Northern Pipeline Construction Company for the construction of streetscape improvements on Field Street from Wood Street to Pacific Avenue, Ervay Street from Young Street to Pacific Avenue, St. Paul Street from Young Street to Bryan Street, and Harwood Street from Young Street to Bryan Street for the Dallas City Center TIF District to provide for revised quantities and costs for the streetscape items, pedestrian lighting, street furniture, tree/paver grates and art component - \$44,025, from \$2,780,691 to \$2,824,716 - Financing: City TIF Center District Funds

Northern Pipeline Construction Company is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$44,024.40	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$44,024.40	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>
American Striping	WFDB33170Y0807	\$489.50	1.11%
Total Minority - Local		\$489.50	1.11%

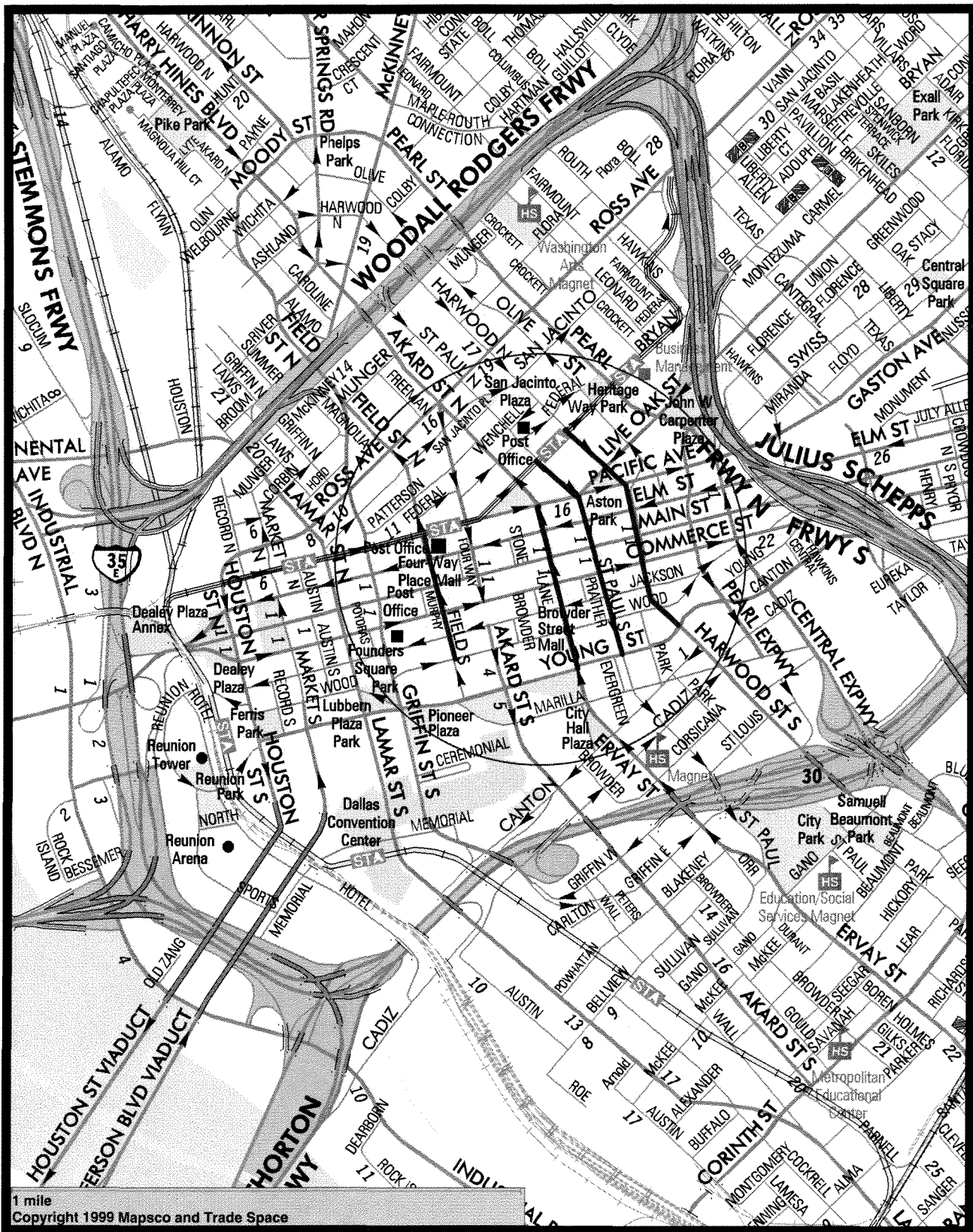
Non-Local Contractors / Sub-Contractors

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%	\$601,639.00	21.30%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$489.50	1.11%	\$482,692.00	17.09%
Total	\$489.50	1.11%	\$1,084,331.00	38.39%

Dallas City Center TIF District Streetscape Improvements Field, Ervay, St. Paul & Harwood Streets



Mapsco 45K,L,P,Q

September 12, 2007

WHEREAS, the City of Dallas has made funds available through the City Center Tax Increment Financing (TIF) District Funding; and,

WHEREAS, the City Center Tax Increment Financing (TIF) District funding is for the purpose of urban revitalization in the downtown core area; and,

WHEREAS, this contract proposal meets the objectives of the City Center TIF District goals, in accordance with Ordinance Number 2303 adopted on February 12, 1997; and,

WHEREAS, on February 24, 1999, Resolution No. 99-0731 authorized a professional services contract for basic services; and,

WHEREAS, on June 23, 1999, Resolution No. 99-2150 authorized Supplemental Agreement No. 1 for additional transportation analysis services; and,

WHEREAS, on December 11, 2002, Resolution No. 02-3587 authorized Supplemental Agreement No. 2 for design revisions, construction phase changes, and design for pedestrian light standards; and,

WHEREAS, on May 14, 2003, Resolution No. 03-1335 authorized construction of streetscape improvements on Akard Street from Young Street to Bryan Street (excluding Bell Plaza) for the Dallas City Center TIF District; and,

WHEREAS, on May 28, 2003, Resolution No. 03-1558 authorized Supplemental Agreement No. 3 for professional services to provide for the expansion of design to the North and South Linkage Streets from the Transit Mall to Ross Avenue for the Dallas City Center TIF District; and,

WHEREAS, on June 25, 2003, Council authorized a construction contract with Northern Pipeline Construction Company for the construction of streetscape improvements on Field Street from Wood Street to Pacific Avenue, Ervay Street from Young Street to Pacific Avenue, St. Paul Street from Young Street to Bryan Street, and Harwood Street from Young Street to Bryan Street for the Dallas City Center TIF District in the amount of \$2,780,691.

WHEREAS, it is now necessary to authorize an increase in the contract with Northern Pipeline Construction Company for the construction of streetscape improvements to provide a revision to the pedestrian lighting required by ONCOR, provide additional trees, grates, irrigation systems and street furniture for the Dallas City Center TIF Streetscape project not included in the original scope of the contract.

September 12, 2007

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to increase the contract with Northern Pipeline Construction Company for the construction of streetscape improvements on Field Street from Wood Street to Pacific Avenue, Ervay Street from Young Street to Pacific Avenue, St. Paul Street from Young Street to Bryan Street, and Harwood Street from Young Street to Bryan Street for the Dallas City Center TIF District to provide revised quantities and costs for the streetscape items, pedestrian lighting, street furniture, tree/paver grates and art component in an amount not to exceed \$44,024.40.

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

City Center TIF District Fund
Fund 0035, Agency ECO, Unit Q021, Act. TCCN
Obj. 4420, Job #PB001160, PD DEVQ0211134-02
Vendor #335435, in an amount not to exceed \$44,024.40

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: Public Works and Transportation, Agenda Coordinator, OCMC, Room 101
Public Works and Transportation, Modesta Pena, OCMC, Room 307
Development Services, 2CN

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007
COUNCIL DISTRICT(S): 14
DEPARTMENT: Office of Economic Development
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 45 L Q

SUBJECT

Authorize an amendment to Supplemental Agreement No. 3 to the development agreement with Forest City previously approved on June 13, 2007, Resolution No. 07-1821, Section 2B, Subsection (b) in Section 2 of Resolution No. 07-1821, previously approved on June 13, 2007 to **(1)** clarify that Forest City shall initiate a due diligence process on the Atmos Complex and advise the City by December 31, 2007, of their future intentions regarding redevelopment of the property; ~~**(2)**~~ and provide a timetable, including a construction schedule and completion date for the Atmos Complex if Forest City decides to go forward with such redevelopment and, further, **(3)** that if Forest City decides not to go forward with such redevelopment at that time, then Forest City maintains its election currently described in Section 3.03 of the Development Agreement pertaining to ownership, payments and reversion of the Atmos Complex until October 31, 2009 - Financing: No cost consideration to the City

BACKGROUND

On June 13, 2007, City Council ~~approved the following:~~ authorized Supplemental Agreement No. 2 to the development agreement among the City of Dallas, the Downtown Dallas Development Authority (DDDA), FC Merc Complex, L.P., FC Continental Complex, L.P., FC Atmos, Inc., FC Lessee (collectively Forest City) to extend the completion date of the Continental Building from October 3, 2009 to June 3, 2011, ~~and, in~~ In consideration for the extension and without affecting existing conditions and penalties of the development agreement for delaying development of the Atmos Complex, Forest City shall agree to (1) delay the first TIF payment from completion of environmental remediation to start of construction on the Continental Building as evidenced by execution of the construction contract; (2) initiate a due diligence process on the Atmos Complex and advise the City by December 31, 2007, of their future intentions regarding redevelopment of the property; (3) provide a timetable, including a construction schedule and completion date for the Atmos Complex if the decision is made to go forward with such redevelopment; and (4) make available for use by the City, at the option of the City, the ground floor of the Continental Building after Forest City vacates the premises of their temporary offices.

BACKGROUND (continued)

The intent of the June 13, 2007 City Council item pertaining to the Atmos Complex is described above in (2) and (3).

Subsection (b) in Section 2 2B of Resolution No 07-1821, the resolution, however, does not clearly state provide that Forest City maintains its election to terminate its ownership and convey the Atmos Complex to, or at the direction of, City until October 31, 2009, should Forest City decide not to go forward with the redevelopment of the Atmos Complex by December 31, 2007. reversion and penalty clauses of the original agreement remain in place under the amended agreement. This City Council item clarifies the language contained within Subsection (b) in Section 2 of Resolution No. 07-1821, intended result of the parties' negotiations.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 8, 2004, the City Council adopted the revised Public/Private Partnership Guidelines and Criteria governing tax abatement agreements and other incentive programs, including infrastructure cost participation, development fee rebates, public improvement districts, and tax increment financing districts by Resolution No. 04-3462.

On June 8, 2005, the City Council authorized the establishment of the 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 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 and authorize the City Manager to file the DDDA articles of incorporation with the Secretary of State by Resolution No. 05-1755.

On August 29, 2005, the City Council authorized (1) the Downtown Connection Tax Increment Financing District Project Plan and Reinvestment Zone Financing Plan (the "Project and Financing Plan") by Ordinance No. 26096 and (2) a development agreement among the City of Dallas, DDDA and Forest City, to provide for the funding of environmental remediation, demolition, facade improvements, and grants for the development and redevelopment of the Mercantile Complex, the Continental Building and the Atmos Complex and design work for the Main Street Gardens Park in the Downtown Connection TIF District by Resolution No. 05-2545.

On March 8, 2006, the City Council authorized (1) the issuance and sale of up to \$51,000,000 in Downtown Dallas Development Authority Contract Tax Increment Revenue Bonds for the Mercantile project improvements, (2) approval of the Preliminary Official Statement, Trust Indenture and Bond Resolution; and (3) enacting other provisions in connection therewith by Resolution No. 06-0873.

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

On April 12, 2006, the City Council authorized the re-adoption of the Public/Private Partnership Program Guidelines and Criteria for Non-Residential Projects, governing tax abatement agreements and other city incentives intended to promote private investment, tax base growth and job creation.

On August 9, 2006, the City Council authorized a Supplemental Agreement No. 1 to the development agreement with the DDDA and FC Merc Complex, L.P., FC Continental Complex, L.P., FC Atmos, Inc., and FC Lessee (collectively Forest City) to revise the provisions of Section 1.02 thereby consenting to Forest City's acquisition of the fee interest in the ground lease parcel in lieu of condemnation and directing the DDDA to reprogram the \$2,500,000 in bond proceeds that have been earmarked for condemnation to other programs in furtherance of the implementation of the Downtown Connection TIF District project and financing plan by Resolution No. 06-2065.

On June 13, 2007, the City Council authorized Supplemental Agreement No. 2 to the development agreement among the City of Dallas, the Downtown Dallas Development Authority (DDDA), FC Merc Complex, L.P., FC Continental Complex, L.P., FC Atmos, Inc., FC Lessee (collectively Forest City) to extend the completion date of the Continental Building by Resolution No. 07-1821.

On August 22, 2007, this item was deferred by Councilmember Angela Hunt.

FISCAL INFORMATION

No cost consideration to the City

OWNER

Forest City

Albert Ratner, Chairman of the Board

DEVELOPER

Forest City

David Levey, Executive
For Residential Development

September 12, 2007

WHEREAS, on August 29, 2005, the City Council authorized the Downtown Connection Tax Increment Financing District Project Plan and Reinvestment Zone Financing Plan (the "Project and Financing Plan") by Ordinance No. 26096; and

WHEREAS, on August 29, 2005, the City Council authorized a development agreement among the City of Dallas, the Downtown Dallas Development Authority (the DDDA) and Forest City, as defined herein, to provide for the funding of environmental remediation, demolition, facade improvements, and grants for the development and redevelopment of the Mercantile Complex at 1704 Main Street, 1802 Main Street, 1808 Main Street and 1807 Commerce Street, the Continental Building at 1810 Commerce Street, and the Atmos Complex at 1815 Wood Street, 1915 Wood Street, 301 S. Harwood, and 1900 Jackson, and design work for the Main Street Gardens Park bounded by Main, Street Paul, Commerce and Harwood in Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District) by Resolution No. 05-2545; and

WHEREAS, on November 2, 2005, the City Council authorized acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Susan Diggle Horton individually and as trustee of the trust created under the will of Sue Ragland Diggle, deceased; Alphonse Ragland, III; CSR Ventures, Ltd.; LTR Ventures #2, Ltd.; and Alphonso Ragland, III, Cruger S. Ragland and Lila Ragland Brown, as trustees of the trust created under the will of Portia Ragland McIver, deceased; of approximately 10,000 square feet of land located near the intersection of Commerce and St. Paul Streets for the Mercantile Block Redevelopment Project in Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) by Resolution No. 05-3196; and

WHEREAS, on March 8, 2006, the City Council authorized (1) the issuance and sale of up to \$51,000,000 in the Downtown Dallas Development Authority Contract Tax Increment Revenue Bonds for the Mercantile project improvements, (2) approval of the Preliminary Official Statement, Trust Indenture and Bond Resolution; and (3) enacting other provisions in connection therewith by Resolution No. 06-0873; and

WHEREAS, on April 12, 2006, the City Council authorized the re-adoption of the Public/Private Partnership Program Guidelines and Criteria for Non-Residential Projects, pursuant to the Property Redevelopment and Tax Abatement Act (V.T.C.A., Tax code, Chapter 312), governing tax abatement agreements and other city incentives intended to promote private investment, tax base growth and job creation; and

September 12, 2007

WHEREAS, on August 9, 2006, the City Council authorized Supplemental Agreement No. 1 to the development agreement among the City of Dallas, the DDDA, and FC Merc Complex, L.P., FC Continental Complex, L.P., FC Atmos, Inc., and FC Lessee (collectively Forest City) to revise the provisions of Section 1.02 thereby consenting to Forest City's acquisition of the fee interest in the ground lease parcel in lieu of condemnation and directing the DDDA to reprogram the \$2,500,000 in bond proceeds that have been earmarked for condemnation to other programs in furtherance of the implementation of the Downtown Connection TIF District project and financing plan by Resolution No. 06-2065; and

WHEREAS, on June 13, 2007, the City Council authorized Supplemental Agreement No. 2 to the development agreement among the City of Dallas, the Downtown Dallas Development Authority (DDDA), FC Merc Complex, L.P., FC Continental Complex, L.P., FC Atmos, Inc., FC Lessee (collectively Forest City) to extend the completion date of the Continental Building by Resolution No. 07-1821.

NOW, THEREFORE,

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

Section 1. That ~~The City Manager, upon approval as to the form by the City Attorney is hereby authorized to amend Supplemental Agreement No. 3 to the development agreement with Forest City previously approved on June 13, 2007, by Resolution No. 07-1821, Section 2B, Subsection (b) in Section 2 of Resolution No. 07-1821, previously approved on June 13, 2007, is hereby amended to~~ (4) clarify that Forest City shall initiate a due diligence process on the Atmos Complex and advise the City by December 31, 2007, of their future intentions regarding redevelopment of the property; (2) and provide a timetable, including a construction schedule and completion date for the Atmos Complex if Forest City decides to go forward with such redevelopment and, further, (3) that if Forest City decides not to go forward with such redevelopment at that time, that then Forest City maintains its election to ~~thereafter terminate its ownership, pay any unpaid portion of the \$750,000 and convey currently described in Section 3.03 of the Development Agreement pertaining to ownership, payment and reversion of the Atmos Complex to, or at the direction of, City until December 31, 2009~~ October 31, 2009.

Section 2. That Resolution No. 07-1821 approved on June 13, 2007, shall remain in full force and effect except as amended herein.

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