SEPTEMBER 12, 2007 CITY COUNCIL AGENDA
CERTIFICATION

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

8/31/07
Date

Edward Scott
City Controller

8/31/07
Date

RECEIVED
2007 AUG 31 PM 6:57
CITY SECRETARY
DALLAS, TEXAS

COUNCIL AGENDA

September 12, 2007

DATE

(FOR GENERAL INFORMATION AND RULES OF COURTESY PLEASE SEE OPPOSITE SIDE.)
(LA INFORMACIÓN GENERAL Y REGLAS DE CORTESÍA QUE DEBEN OBSERVARSE DURANTE LAS ASAMBLEAS DEL CONSEJO MUNICIPAL APARECEN EN EL LADO OPUESTO, FAVOR DE LEERLAS.)

General Information

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

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

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

Rules of Courtesy

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

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

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

Informacion General

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

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

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

Reglas de Cortesia

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

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

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

AGENDA
CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 12, 2007
ORDER OF BUSINESS

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

9:00 a.m.	**INVOCATION AND PLEDGE OF ALLEGIANCE**	
	OPEN MICROPHONE	
	MINUTES	Item 1
	CONSENT AGENDA	Items 2 - 48
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 9:30 a.m.		Items 49 - 53
	PUBLIC HEARINGS AND RELATED ACTIONS	
11:00 a.m.		Item 56
To be considered after 1:00 p.m.		Items 54 - 55, 57 - 59

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

AGENDA

CITY COUNCIL MEETING

SEPTEMBER 12, 2007

CITY OF DALLAS

1500 MARILLA

COUNCIL CHAMBERS, CITY HALL

DALLAS, TEXAS 75201

9:00 A. M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the August 22, 2007 City Council Meeting

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize a thirty-six-month service contract to provide transportation starter services at Dallas Love Field - Highpoint Enterprises, lowest responsible bidder of three - Not to exceed $555,000 - Financing: Aviation Current Funds

3. Authorize a twenty-four-month master agreement for aluminum sign blanks - Custom Products Corporation, lowest responsible bidder of three - Not to exceed $345,000 - Financing: Current Funds

4. Authorize the purchase of a bio-solids distribution vehicle to be used at the Southside Wastewater Treatment Plant - Agco Corp. - Ag Chem Division, only bidder - Not to exceed $306,160 - Financing: Water Utilities Capital Construction Funds

5. Authorize a thirty-six-month master agreement for boiler feed chemicals to be used in the wastewater collection system - Garratt Callahan Company with the lowest responsible bidder of four - Not to exceed $54,846 - Financing: Water Utilities Current Funds

CONSENT AGENDA (Continued)

Business Development & Procurement Services (Continued)

6. Authorize a twenty-four-month extension from November 1, 2007 through October 31, 2009 and an increase in the professional services contract for investment advisory services - First Southwest Asset Management, Inc. - $80,000, from $80,000 to $160,000 - Financing: Current Funds (subject to annual appropriations)

City Attorney's Office

7. Authorize settlement of the claim filed by Glenn Anderson, Claim No. 05148438 - Not to exceed $21,063 - Financing: Current Funds

8. Authorize settlement of the lawsuit styled Darren Davis et al. v. City of Dallas et al., Civil Action No. 3:06-CV-1106-R - Not to exceed $110,000 - Financing: Current Funds

Department of Development Services

9. An ordinance abandoning a portion of a drainage easement to Anland 2A, L.P., the abutting owner, containing approximately 43 square feet of land located near its intersection of Victory Avenue and High Market Street - Revenue: $5,400 plus the $20 ordinance publication fee

10. An ordinance abandoning a portion of a sanitary sewer easement to Geoffrey R. Polma, the abutting owner, containing approximately 1,537 square feet of land located near the intersection of Rainbow Drive and Colorado Boulevard - Revenue: $5,400 plus the $20 ordinance publication fee

11. An ordinance abandoning a portion of a sanitary sewer easement to Kings Road Realty Ltd., the abutting owner, containing approximately 2,140 square feet of land located near the intersection of Inwood Road and Lemmon Avenue - Revenue: $5,400 plus the $20 ordinance publication fee

12. An ordinance abandoning a portion of a water and sanitary sewer easement to Charles W. Cox, the abutting owner, containing approximately 11,517 square feet of land located near the intersection of Marsh Lane and Rosemeade Parkway - Revenue: $5,400 plus the $20 ordinance publication fee

13. An ordinance abandoning a portion of an alley to St. Mark's School of Texas, the abutting owner, containing approximately 20,301 square feet of land located near the intersection of Preston Road and Orchid Lane, providing for the dedication of approximately 1,151 square feet of land needed for an alley turnaround and authorizing the quitclaim - Revenue: $358,105 plus the $20 ordinance publication fee

14. Authorize the deposit of the Jury Award in the case of City of Dallas v. 1755 N.W. Corporation, Cause No. cc-05-01812-B, in the County Court at Law No. 2, for acquisition from 1755 N.W. Corporation of approximately 39 acres of land located near the intersection of Manana Drive and Spangler Road for the Elm Fork Soccer Complex project - $5,531,322 - Financing: 1998 Bond Funds

CONSENT AGENDA (Continued)

Economic Development

15. Authorize **(1)** approval of the Deep Ellum Public Improvement District Service Plan for 2008; **(2)** a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate for the Deep Ellum Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Deep Ellum Public Improvement District (District) for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements in the District, approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

16. Authorize **(1)** approval of the Dallas Downtown Improvement District Service Plan for 2008; **(2)** a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate for the Dallas Downtown Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Dallas Downtown Improvement District for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2007 assessment; and providing an effective date - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Economic Development (Continued)

17. Authorize **(1)** approval of the Prestonwood Public Improvement District Service Plan for 2008; **(2)** a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate for the Prestonwood Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Prestonwood Public Improvement District for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2007 assessment; and providing an effective date - Financing: No cost consideration to the City

18. Authorize **(1)** approval of the South Side Public Improvement District Service Plan for 2008; **(2)** a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate for the South Side Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the South Side Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2007 assessment; and providing an effective date - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Economic Development (Continued)

19. Authorize **(1)** approval of the Uptown Public Improvement District Service Plan for 2008; **(2)** a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate for the Uptown Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Uptown Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District; approving and adopting the 2007 assessment roll with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

20. Authorize **(1)** approval of the Vickery Meadow Public Improvement District Service Plan for 2008; **(2)** a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate for the Vickery Meadow Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Vickery Meadow Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

Environmental & Health Services

21. Authorize a contract with the Department of State Health Services for the continuation of local health services to non-Medicaid eligible clients through Title V for the period September 1, 2007 through August 31, 2008 - Not to exceed $80,010 - Financing: Department of State Health Services Grant Funds

22. Authorize an amendment to Resolution No. 06-2607, previously approved on September 27, 2006, authorizing a secured, no interest, forgivable loan agreement with PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas, for non-substantial rehabilitation at Hillcrest House located at 834 North Marsalis to **(1)** add Hillcrest House Partnership, Ltd. to the agreement as owner of the property, and **(2)** extend the term of the agreement through September 30, 2008 - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Environmental & Health Services (Continued)

23. Authorize an amendment to the contract with the Department of State Health Services to **(1)** extend the FY 2006-07 contract to June 30, 2008; and **(2)** accept the FY 2007-08 grant funds for the Childhood Lead Poisoning Prevention Program for the period July 1, 2007 through June 30, 2008 - Not to exceed $108,207 - Financing: Department of State Health Services Grant Funds

24. Authorize the acceptance of a grant from the Department of State Health Services for the City of Dallas' Immunization Initiative Program for the period September 1, 2007 through August 31, 2008 - Not to exceed $358,463 - Financing: Department of State Health Services Grant Funds

25. Authorize the acceptance of a grant from the Department of State Health Services for the continuation of community and rural health services for the period September 1, 2007 through August 31, 2008 - Not to exceed $196,600 - Financing: Department of State Health Services Grant Funds

26. Authorize the first twelve-month renewal option to the contract with The Bethlehem Foundation to provide a family stabilization program to address the problems of economically disadvantaged persons in the southern sector of Dallas for the period October 1, 2007 through September 30, 2008 - Not to exceed $80,000 - Financing: Current Funds (subject to appropriations)

Equipment & Building Services

27. Authorize Supplemental Agreement No. 1 to the professional services contract with Campos Engineering, Inc. to provide system design, production of construction documents, and construction administration services for the heating ventilation and air conditioning system repair and modification at the African American Museum located at 3536 Grand Avenue - Total not to exceed $90,987, from $23,500 to $114,487 - Financing: 2006 Bond Funds

28. Authorize rescinding the contract with Roof Management Services, Inc. previously approved on December 14, 2005, by Resolution No. 05-3472, for roof replacement and asbestos abatement at Fire Station Number 41 located at 5920 Royal Lane - Financing: No cost consideration to the City

Housing

29. Authorize **(1)** a public hearing to be held on October 10, 2007 to receive comments on the proposed private sale by quitclaim deed of one unimproved property located at 2619 Custer acquired by the taxing authorities from the Sheriff's Sale to Dallas Neighborhood Alliance for Habitat, Inc., a qualified non-profit organization; and, at the close of the public hearing, **(2)** consideration of approval of the sale of this property - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Park & Recreation

30. Authorize a contract for the installation of a fire sprinkler system in the basement under the grandstand seating area for the Little Heroes baseball field at Pike Park located at 2807 Harry Hines Boulevard - Mutual Sprinklers, Inc., lowest responsible bidder of four - $69,430 - Financing: Park Beautification Trust Funds

31. Authorize a contract for the reconstruction and expansion of the existing parking lot along White Rock Trail at Lake Highlands North Park located at 9344 Church Road - Riverway Contractors and Management, Inc., lowest responsible bidder of four - $421,209 - Financing: 2003 Bond Funds

32. Authorize a decrease in the contract with C. Green Scaping, L.P. for the modifications to the gates at the hay barn, landscaping to accommodate a future access bridge across Cedar Creek, modifications to the zebra holding barns 5 and 6 drainage collection, and deletion of Alternate 2A for the DART outfall in the woodland area for the storm water quality improvements at the Dallas Zoo located at 650 South R.L. Thornton Freeway - ($22,079), from $771,854 to $749,775 - Financing: 2004 Certificates of Obligation Funds

Public Works & Transportation

33. Authorize a contract for the construction of street paving, sidewalks, driveway approaches, barrier free ramps, curbs, gutters, water and wastewater adjustments for the Tenth Street Historic District pedestrian improvements - V.A. Construction, Inc., lowest responsible bidder of five - $687,365 - Financing: 2003 Bond Funds ($654,515), and Water Utilities Capital Construction Funds ($32,850)

34. Authorize a contract for the reconstruction of alley paving, drainage and wastewater main improvements for Alley Reconstruction Group 03-2020 (list attached) - Jeske Construction Company, lowest responsible bidder of five - $536,359 - Financing: 2003 Bond Funds ($407,281), Water Utilities Capital Improvement Funds ($111,693) and Water Utilities Capital Construction Funds ($17,385)

35. Authorize a contract for the reconstruction of alley paving, drainage and wastewater main improvements for Alley Reconstruction Group 03-2203 (list attached) - Jeske Construction Company, lowest responsive bidder of four - $1,273,024 - Financing: 2003 Bond Funds ($614,366), Water Utilities Capital Improvement Funds ($645,283), and Water Utilities Capital Construction Funds ($13,375)

36. Authorize a contract for the reconstruction of alley paving, water and wastewater main improvements for Alley Reconstruction Group 03-2019 (list attached) - P & E Contractors, Inc., lowest responsible bidder of two - $1,054,805 - Financing: 2003 Bond Funds ($571,515), Water Utilities Capital Improvement Funds ($460,440), and Water Utilities Capital Construction Funds ($22,850)

CONSENT AGENDA (Continued)

Public Works & Transportation (Continued)

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 District Funds

38. Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on SH 356 (Irving Boulevard) at Regal Row - $14,971 - Financing: Texas Department of Transportation Grant Funds

39. Authorize Supplemental Agreement No. 3 to the contract with HNTB Corporation to provide a catalog of aesthetic treatment options for the design of paving, drainage, and bridge replacement improvements to the Sylvan Avenue Bridge over the Trinity River from Gallagher Street to Irving Boulevard - $51,500, from $1,469,628 to $1,521,128 - Financing: 2003 Bond Funds

40. Authorize Supplemental Agreement No. 3 to the contract with Lockwood Greene Engineers, Inc. for additional design services for the baggage claim renovations, tunnel expansion joint repairs and a new tunnel ramp to Garage "A" in the amount of $34,000, from $182,750 to $216,750 - Financing: Aviation Capital Construction Funds ($8,500) and Federal Aviation Administration Airport Improvement Program Grant Funds ($25,500)

41. Authorize a contract for the construction of a replacement facility for Fire Station No. 42 located at 3333 West Mockingbird Lane - Big Sky Construction Company, Inc., best value proposer of five - $3,127,000 - Financing: 2003 Bond Funds

Water Utilities

42. Authorize Supplemental Agreement No. 1 to the professional services contract with Carollo Engineers, P.C. for the design of miscellaneous improvements associated with major maintenance and rehabilitation at the Central Wastewater Treatment Plant - $1,595,163, from $677,268 to $2,272,431 - Financing: Water Utilities Capital Improvement Funds

43. Authorize a contract for the construction of effluent filters expansion and rehabilitation improvements at the Central Wastewater Treatment Plant - Archer Western Contractors, Ltd., lowest responsible bidder of three - $19,733,000 - Financing: Water Utilities Capital Improvement Funds

CONSENT AGENDA (Continued)

Water Utilities (Continued)

44. Authorize a professional services contract with Malcolm Pirnie, Inc. to evaluate alternatives and prepare a design report with recommendations for use of odor reducing chemicals and for odor control improvements at the Southside and Central Wastewater Treatment Plants - $917,628 - Financing: Water Utilities Capital Improvement Funds

45. Authorize a contract for the installation of water and wastewater mains at 23 locations (list attached) - John Burns Construction Company of Texas, Inc., lowest responsible bidder of four - $7,537,265 - Financing: Water Utilities Capital Improvement Funds ($7,518,227), 2003 Bond Funds ($19,038)

46. Authorize a professional services contract with DAL-TECH Engineering, Inc. to evaluate deteriorated equipment and infrastructure and prepare a design report with recommendations for miscellaneous improvements associated with major maintenance and rehabilitation at the Southside Wastewater Treatment Plant - $748,348 - Financing: Water Utilities Capital Improvement Funds

47. Authorize a professional services contract with Halff Associates, Inc. to provide engineering services for the study, surveying and design of a water transmission main from the East Side Water Treatment Plant to the City of Hutchins West Corporate limits - $2,674,500 - Financing: Water Utilities Capital Improvement Funds

48. Authorize a professional services contract with TCB, Inc. to provide engineering services for the study, surveying and design of a water transmission main from the City of Hutchins West Corporate limits to the Sorcey Pump Station - $3,487,195 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

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

Office of Financial Services

50. First reading of the appropriation ordinances for the proposed FY 2007-08 City of Dallas Operating, Grants and Trusts, and Capital Budgets - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

ITEMS FOR FURTHER CONSIDERATION

Department of Development Services

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

Economic Development

52. Authorize Supplemental Agreement No. 3 to the development agreement with Forest City previously approved on June 13, 2007, Resolution No. 07-1821, Section 2B, 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)** 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, **(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

Environmental & Health Services

53. Authorize the second twelve-month renewal option to the contract with Phoenix Houses of Texas, Inc. for outpatient substance abuse treatment services for low-income medically indigent adolescents for the period October 1, 2007 through September 30, 2008 - Not to exceed $75,000 - Financing: Current Funds (subject to appropriations)

PUBLIC HEARINGS AND RELATED ACTIONS

MISCELLANEOUS HEARINGS

Department of Development Services

Municipal Setting Designation at 7220 C. F. Hawn Freeway

Note: Item Nos. 54 and 55 must be considered collectively.

54. * A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath property currently owned by Gemini Industries, Inc. located near the intersection of C. F. Hawn Freeway and Southeast Drive and adjacent street right-of-way - Financing: No cost consideration to the City

55. * An ordinance authorizing support of the issuance of a municipal setting designation to Gemini Industries, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

Office of Financial Services

56. A public hearing to receive comments on the proposed 75.09¢/$100 property tax rate for the 2007-08 fiscal year - Financing: No cost consideration to the City

Public Works & Transportation

57. A benefit assessment hearing to receive comments on street paving and storm drainage improvements on Alaska Avenue from East Saner Avenue to East Elmore Avenue, and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: No cost consideration to the City

58. A benefit assessment hearing to receive comments on street paving, storm drainage, water and wastewater main improvements for Community Drive from Denton Drive to West Northwest Highway, and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: No cost consideration to the City

59. A benefit assessment hearing to receive comments on street paving, storm drainage, water and wastewater main improvements on Turtle Creek Boulevard from Levee Street to Market Center Boulevard, and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: No cost consideration to the City

Alley Group 03-2020
Agenda Item #34

Project	**Limits**	**Council District**
Alley between Briar Cove Drive and Cliffbrook Drive	Hillcrest Road to Cliffbrook Drive	11
Alley between Hillfawn Circle and Habersham Lane	From "T" Alley to Coit Road	12
Alley between Redfern Lane and Flagstone Drive	Coit Road to Blossom Heath Lane	11
Alley between Rolling Hills Lane and RISD Academy	Coit Road to Willow Bend Road	11

Alley Group 03-2203
Agenda Item #35

Project	**Limits**	**Council District**
Azalea Lane and Lavendale Avenue	St. Michaels to Pebbledowne	11
Rex Drive (6427)	Royalshire to T-Alley	11
Rex Drive and Royalton Drive	Royalshire to T-Alley	11
Royalton Drive (6223), Top of "T"	Azalea to Burgundy	11
Yamini Drive (7422) and Midbury Drive	St. Michaels to Pebbledowne	11

Alley Group 03-2019
Agenda Item #36

Project	Limits	Council District
Alley between Belmont Avenue and Goliad Avenue	Concho Street to Fire Station	14
Alley between Bowser Avenue and Holland Avenue	Knight Street to Douglas Avenue	14
Brockbank Court (10700)	Brockbank Drive to Brockbank Drive	6
Gaston Avenue (4803)	Grigsby Avenue to Dead End	2
Gaston Avenue (5808-5816)	Skillman Street to Ridgeway Street	14
Alley between Inwood Road and Robin Road	Newmore Avenue to Lovers Lane	14

Installation of Water and Wastewater Mains at 23 Locations
Agenda Item #45

District 2

North Carroll Avenue from U.S. 75 to Atoka Street
Deere Street from Annex Avenue to North Fitzhugh Avenue
Hartford Street from Dallas North Tollway to Douglas Avenue
Hershel Avenue from Dallas North Tollway to Cedar Springs Road
Santa Fe Avenue/Willow Street from South Peak Street to South Fitzhugh Avenue
*Kirby Street from Capitol Avenue to Monarch Street

District 7

Jonesboro Avenue from Rustown Drive to Ashdown Drive
Klondike Drive from Rustown Drive to Ashdown Drive

District 9

Alley between San Fernando Way and Forest Hills Boulevard from Tavaros Avenue to Redwood Circle
Bondstone Drive from Champa Drive to Waterview Road
Casa View Avenue from Crest Ridge Drive to San Medina Avenue
Copperfield Lane from Westlake Avenue to Lakewood Boulevard
Desdemona Drive from alley South of Barnes Bridge Road to Monterrey Avenue
Eustis Avenue from Tavaros Avenue to Old Gate Lane
Heath Street from Lakewood Boulevard to Tokalon Drive
Lakeshore Drive from Lakewood Boulevard to Tokalon Drive
Lakewood Boulevard from Brendenwood Drive to Lakeshore Drive
Old Gate Lane from Angora Street to San Fernando Way
Winsted Drive from Lakeshore Drive to Tokalon Drive

District 14

Alley between Goodwin Avenue and Vickery Boulevard from Concho Street to Skillman Street
Alley between Junius Street and Worth Street from North Fulton Street to Lowell Street
Holland Avenue from Hawthorne Avenue to Herschel Avenue
Matalee Avenue from McMillan Avenue to Worcola Street

*Trenchless Installation

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

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

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

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

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

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

6. Deliberations regarding Economic Development negotiations. Section 551.087 of the Texas Open Meetings Act.

PUBLIC MEETINGS FOR SEPTEMBER 1 - SEPTEMBER 15, 2007

Thursday, September 6, 2007

Civil Service Board
8:30 a.m.
City Hall, Suite 1C-South

Community Development Commission
6:00 p.m.
City Hall, Room 6ES

AGENDA DATE September 12, 2007

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of August 22, 2007 City Council Meeting
2			14	C	PBD, AVI	$555,000.00	100.00%	0.00%	Authorize a thirty-six-month service contract to provide transportation starter services at Dallas Love Field
3			All	C	PBD, PWT	$345,000.00	0.00%	0.00%	Authorize a twenty-four-month master agreement for aluminum sign blanks
4			8	C	PBD, WTR	$306,160.00	0.00%	0.00%	Authorize the purchase of a bio-solids distribution vehicle to be used at the Southside Wastewater Treatment Plant
5			All	C	PBD, WTR	$54,846.00	100.00%	0.00%	Authorize a thirty-six-month master agreement for boiler feed chemicals to be used in the wastewater collection system
6			N/A	C	PBD, OFS	$80,000.00	0.00%	0.00%	Authorize a twenty-four-month extension from November 1, 2007 through October 31, 2009 and an increase in the professional services contract for investment advisory services
7			N/A	C	ATT, EBS	$21,063.00	NA	NA	Authorize settlement of the claim filed by Glenn Anderson, Claim No. 05148438
8			N/A	C	ATT	$110,000.00	NA	NA	Authorize settlement of the lawsuit styled Darren Davis et al. v. City of Dallas et al. , Civil Action No. 3:06-CV-1106-R
9			2	C	DDS	REV $5,400	NA	NA	An ordinance abandoning a portion of a drainage easement to Anland 2A, L.P., the abutting owner, containing approximately 43 square feet of land located near its intersection of Victory Avenue and High Market Street
10			3	C	DDS	REV $5,400	NA	NA	An ordinance abandoning a portion of a sanitary sewer easement to Geoffrey R. Polma, the abutting owner, containing approximately 1,537 square feet of land located near the intersection of Rainbow Drive and Colorado Boulevard
11			14	C	DDS	REV $5,400	NA	NA	An ordinance abandoning a portion of a sanitary sewer easement to Kings Road Realty Ltd., the abutting owner, containing approximately 2,140 square feet of land located near the intersection of Inwood Road and Lemmon Avenue
12			12	C	DDS	REV $5,400	NA	NA	An ordinance abandoning a portion of a water and sanitary sewer easement to Charles W. Cox, the abutting owner, containing approximately 11,517 square feet of land located near the intersection of Marsh Lane and Rosemeade Parkway
13			13	C	DDS	REV $358,105	NA	NA	An ordinance abandoning a portion of an alley to St. Mark's School of Texas, the abutting owner, containing approximately 20,301 square feet of land located near the intersection of Preston Road and Orchid Lane, providing for the dedication of approximately 1,151 square feet of land needed for an alley turnaround and authorizing the quitclaim
14			6	C	DDS	$5,531,322.00	NA	NA	Authorize the deposit of the Jury Award in the case of City of Dallas v. 1755 N.W. Corporation, Cause No. cc-05-01812-B, in the County Court at Law No. 2, for acquisition from 1755 N.W. Corporation of approximately 39 acres of land located near the intersection of Manana Drive & Spangler Road for the Elm Fork Soccer Complex
15			2, 14	C	ECO	NC	NA	NA	Authorize approval of the Deep Ellum Public Improvement District Service Plan for 2008, a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate, & at the close of the hearing, consideration of an ordinance establishing classifications of the apportionment of costs & methods of assessing benefits for services and improvements
16			2, 14	C	ECO	NC	NA	NA	Authorize approval of the Dallas Downtown Improvement District Service Plan for 2008, a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate, & at the close of the hearing, consideration of an ordinance establishing classifications of the apportionment of costs & methods of assessing benefits for services and improvements
17			12	C	ECO	NC	NA	NA	Authorize approval of the Prestonwood Public Improvement District Service Plan for 2008, a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate, & at the close of the hearing, consideration of an ordinance establishing classifications of the apportionment of costs & methods of assessing benefits for services and improvements
18			2	C	ECO	NC	NA	NA	Authorize approval of the South Side Public Improvement District Service Plan for 2008, a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate, & at the close of the hearing, consideration of an ordinance establishing classifications of the apportionment of costs & methods of assessing benefits for services and improvements
19			14	C	ECO	NC	NA	NA	Authorize approval of the Uptown Public Improvement District Service Plan for 2008, a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate, & at the close of the hearing, consideration of an ordinance establishing classifications of the apportionment of costs & methods of assessing benefits for services and improvements

AGENDA DATE September 12, 2007

ITEM		IND							
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
20			9, 13	C	ECO	NC	NA	NA	Authorize approval of the Vickery Meadow Public Improvement District Service Plan for 2008, a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate, & at the close of the hearing, consideration of an ordinance establishing classifications of the apportionment of costs & methods of assessing benefits for services and improvements
21			All	C	EHS	GT	NA	NA	Authorize a contract with the Department of State Health Services for the continuation of local health services to non-Medicaid eligible clients through Title V for the period September 1, 2007 through August 31, 2008
22			1	C	EHS	NC	NA	NA	Authorize an amendment to Resolution No. 06-2607, previously approved on September 27, 2006, authorizing a secured, no interest, forgivable loan agreement with PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas, for non-substantial rehab at Hillcrest House located @ 834 North Marsalis to add Hillcrest House Partnership, Ltd. as owner & extend term of agreement through September 30, 2008
23			All	C	EHS	GT	NA	NA	Authorize an amendment to the contract with the Department of State Health Services to extend the FY 2006-07 contract to June 30, 2008 and accept the FY 2007-08 grant funds for the Childhood Lead Poisoning Prevention Program for the period July 1, 2007 through June 30, 2008
24			All	C	EHS	GT	NA	NA	Authorize the acceptance of a grant from the Department of State Health Services for the City of Dallas' Immunization Initiative Program for the period September 1, 2007 through August 31, 2008
25			All	C	EHS	GT	NA	NA	Authorize the acceptance of a grant from the Department of State Health Services for the continuation of community and rural health services for the period September 1, 2007 through August 31, 2008
26			4, 5, 8	C	EHS	$80,000.00	NA	NA	Authorize the first twelve-month renewal option to the contract with The Bethlehem Foundation to provide a family stabilization program to address the problems of economically disadvantaged persons in the southern sector of Dallas for the period October 1, 2007 through September 30, 2008
27			7	C	EBS	$90,987.00	100.00%	100.00%	Authorize Supplemental Agreement No. 1 to the professional services contract with Campos Engineering, Inc. to provide system design , production of construction documents, and construction administration services for the heating ventilation & air conditioning system repair & modification at the African American Museum located at 3536 Grand Avenue
28			13	C	EBS, FIR	NC	NA	NA	Authorize rescinding the contract with Roof Management Services, Inc. previously approved on December 14, 2005, by Resolution No. 05-3472, for roof replacement and asbestos abatement at Fire Station Number 41 located at 5920 Royal Lane
29			4	C	HSG	NC	NA	NA	Authorize a public hearing to be held on October 10, 2007 to receive comments on the proposed private sale by quitclaim deed of one unimproved property located at 2619 Custer acquired by the taxing authorities from the Sheriff's Sale to Dallas Neighborhood Alliance for Habitat, Inc. and at the close of the hearing, approval of the sale
30			2	C	PKR	$69,430.00	45.21%	0.00%	Authorize a contract for the installation of a fire sprinkler system in the basement under the grandstand seating area for the Little Heroes baseball field at Pike Park located at 2807 Harry Hines Boulevard
31			10	C	PKR	$421,208.75	76.67%	15.68%	Authorize a contract for the reconstruction and expansion of the existing parking lot along White Rock Trail at Lake Highlands North Park located at 9344 Church Road
32			1, 4	C	PKR	-$22,078.72	93.63%	0.00%	Authorize a decrease in the contract with C. Green Scaping, L.P. for the modifications to gates at the hay barn, landscaping to accommodate a future access bridge across Cedar Creek, modifications to the zebra holding barns 5 & 6 drainage collection & deletion of Alternate 2A for the Dart outfall for storm water quality improvements at Dallas Zoo located at 650 South R. L. Thornton Freeway
33			7	C	PWT	$687,365.00	28.00%	63.00%	Authorize a contract for the construction of street paving, sidewalks, driveway approaches, barrier free ramps, curbs, gutters, water and wastewater adjustments for the Tenth Street Historic District pedestrian improvements
34			11, 12	C	PWT	$536,358.50	99.47%	24.99%	Authorize a contract for the reconstruction of alley paving, drainage and wastewater main improvements for Alley Reconstruction Group 03-2020
35			11	C	PWT	$1,273,024.00	56.40%	3.80%	Authorize a contract for the reconstruction of alley paving, drainage and wastewater main improvements for Alley Reconstruction Group 03-2203
36			2, 6, 14	C	PWT	$1,054,805.00	59.46%	58.95%	Authorize a contract for the reconstruction of alley paving, water and wastewater main improvements for Alley Reconstruction Group 03-2019

AGENDA DATE September 12, 2007

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
37			2, 14	C	PWT	$44,024.40	100.00%	38.39%	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 & Harwood Street from Young to Bryan Street for City Center TIF District
38			6	C	PWT	GT	NA	NA	Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on SH 356 (Irving Boulevard) at Regal Row
39			2, 6	C	PWT	$51,500.00	100.00%	13.18%	Authorize Supplemental Agreement No. 3 to the contract with HNTB Corporation to provide a catalog of aesthetic treatment options for the design of paving, drainage, and bridge replacement improvements to the Sylvan Avenue Bridge over the Trinity River from Gallagher Street to Irving Boulevard
40			14	C	PWT, AVI	GT	97.06%	8.96%	Authorize Supplemental Agreement No. 3 to the contract with Lockwood Greene Engineers, Inc. for additional design services for the baggage claim renovations, tunnel expansion joint repairs and a new tunnel ramp to Garage "A"
41			14	C	PWT	$3,127,000.00	69.56%	0.00%	Authorize a contract for the construction of a replacement facility for Fire Station No. 42 located at 3333 West Mockingbird Lane
42			7	C	WTR	$1,595,163.00	100.00%	33.09%	Authorize Supplemental Agreement No. 1 to the professional services contract with Carollo Engineers, P.C. for the design of miscellaneous improvements associated with major maintenance and rehabilitation at the Central Wastewater Treatment Plant
43			7	C	WTR	$19,733,000.00	26.75%	25.78%	Authorize a contract for the construction of effluent filters expansion and rehabilitation improvements at the Central Wastewater Treatment Plant
44			7, 8	C	WTR	$917,628.00	92.15%	26.04%	Authorize a professional services contract with Malcolm Pirnie, Inc. to evaluate alternatives and prepare a design report with recommendations for use of odor reducing chemicals and for odor control improvements at the Southside and Central Wastewater Treatment Plants
45			2, 7, 9, 14	C	WTR	$7,537,264.80	34.23%	22.86%	Authorize a contract for the installation of water and wastewater mains at 23 locations
46			8	C	WTR	$748,348.00	95.26%	81.92%	Authorize a professional services contract with DAL-TECH Engineering, Inc. to evaluate deteriorated equipment and infrastructure and prepare a design report with recommendations for miscellaneous improvements associated with major maintenance & rehab at the Southside Wastewater Treatment Plant
47			8, Outside	C	WTR	$2,674,500.00	98.13%	38.51%	Authorize a professional services contract with Halff Associates, Inc. to provide engineering services for the study, surveying and design of a water transmission main from the East Side Water Treatment Plant to the City of Hutchins West Corporate limits
48			3, 8, Outside	C	WTR	$3,487,195.00	98.61%	28.83%	Authorize a professional services contract with TCB , Inc. to provide engineering services for the study, surveying and design of a water transmission main from the City of Hutchins West Corporate limits to the Sorcey Pump Station
49			N/A	I	SEC	NC	N/A	N/A	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
50			All	I	OFS	NC	NA	NA	First reading of the appropriation ordinances for the proposed FY 2007-08 City of Dallas Operating, Grants and Trusts, and Capital Budgets
51			4	I	DDS	NC	NA	NA	A resolution declaring approximately 34,600 square feet of City-owned land improved with a former library located at the intersection of Lancaster Road and Corning Avenue unwanted and unneeded and authorize its advertisement for sale by sealed bid
52			14	I	ECO	NC	NA	NA	Authorize Supplemental Agreement No. 3 to the development agreement with Forest City previously approved on June 13, 2007, Resolution No. 07-1821, Section 2B, to clarify that Forest City shall initiate a due diligence process on the Atmos Complex, advise of future intentions of development, and provide timetable
53			All	I	EHS	$75,000.00	NA	NA	Authorize the second twelve-month renewal option to the contract with Phoenix Houses of Texas, Inc. for outpatient substance abuse treatment services for low-income medically indigent adolescents for the period October 1, 2007 through September 30, 2008
54			5	PH	DDS	NC	NA	NA	Municipal Setting Designation at 7220 C. F. Hawn Freeway: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath property currently owned by Gemini Industries, Inc. and adjacent street right-of-way

AGENDA DATE September 12, 2007

ITEM		IND							
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
55			5	PH	DDS	NC	NA	NA	Municipal Setting Designation at 7220 C. F. Hawn Freeway: An ordinance authorizing support of the issuance of a municipal setting designation to Gemini Industries, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water
56			All	PH	OFS	NC	NA	NA	A public hearing to receive comments on the proposed 75.09¢/$100 property tax rate for the 2007-08 fiscal year
57			4	PH	PWT	NC	NA	NA	A benefit assessment hearing to receive comments on street paving and storm drainage improvements on Alaska Avenue from East Saner Avenue to East Elmore Avenue, and at the close of the hearing, authorize an ordinance levying benefit assessments
58			6	PH	PWT	NC	NA	NA	A benefit assessment hearing to receive comments on street paving, storm drainage, water and wastewater main improvements for Community Drive from Denton Drive to West Northwest Highway, and at the close of the hearing, authorize an ordinance levying benefit assessments
59			2	PH	PWT	NC	NA	NA	A benefit assessment hearing to receive comments on street paving, storm drainage, water and wastewater main improvements on Turtle Creek Boulevard from Levee Street to Market Center Boulevard, and at the close of the hearing, authorize an ordinance levying benefit assessments

TOTAL $51,185,113.73

AGENDA ITEM # 2

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Business Development & Procurement Services Aviation
CMO:	Dave Cook, 670-7804 Ramon F. Miguez, P.E., 670-3308
MAPSCO:	34-E

SUBJECT

Authorize a thirty-six-month service contract to provide transportation starter services at Dallas Love Field - Highpoint Enterprises, lowest responsible bidder of three - Not to exceed $555,000 - Financing: Aviation Current Funds

BACKGROUND

This service contract will provide controlled, orderly use of the taxicab and shuttle services at Dallas Love Field. Transportation starters are responsible for the safe loading and unloading of passengers and their luggage. They maintain communication with the Airport Operations Office, Airport Transportation Coordinator, and Airport Police to ensure that taxicab and shuttle services are operated safely, efficiently, and in compliance with all applicable regulations.

All taxicabs picking up passengers from the Airport Terminal Building first report to a remote holding facility. Taxicab drivers in the holding area can visually observe taxi's exiting the passenger loading area, and they move forward to the loading stand. As each taxicab exits the stand in the passenger loading area, at the exit gate the driver pays a one dollar trip loading fee via toll tag. During an average day, 356 taxicab trips depart the airport. The revenue from the trip loading fees which average $130,000 annually, are deposited into an Aviation fund through North Texas Tollway Authority.

The shuttles operate at the Shuttle-port located in front of the Airport Terminal Building on the lower level. Shuttles operate both scheduled and pre-arranged services, and are operated by remote parking facilities, car rental companies and hotels. During an average day, over 685 shuttle trips leave the airport. Revenue from these trip fees amount to $50,000 annually.

BACKGROUND (Continued)

The revenue generated from the trip loading fee does not fully offset the transportation starter expense.

Annual expense for transportation starters:	$185,000.00
Annual Expense for NTTA:	$103,200.00
Expense:	$288,200.00
Total annual Revenue:	$180,000.00
Total annual Expense:	$108,200.00

Highpoint Enterprises, indicates they are a woman owned business, and is in the process of getting certified. We anticipate Highpoint Enterprises to be certified and the total M/WBE participation to be 100% of the contract.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 2004, City Council authorized a thirty-six-month service contract for transportation starter services at Dallas Love Field by Resolution #04-2072.

FISCAL INFORMATION

$555,000.00 - Aviation Current Funds

M/WBE INFORMATION

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

12 - 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

Highpoint Enterprises

Hispanic Female	2	Hispanic Male	0
Black Female	1	Black Male	7
Other Female	0	Other Male	0
White Female	1	White Male	0

BID INFORMATION

The following bids were received and opened on June 27, 2007. This contract is being awarded to the lowest responsive and responsible bidder.

*Denotes successful bidder

Bidders	Address	Amount of Bid
*Highpoint Enterprises	1401 N. Central Exp. Suite 210 Richardson, TX 75080	$555,000.00
Dog World Services	1307 Friendship Dr. Dallas, TX 75217	$588,071.00
Tolman Building Maintenance, Inc.	2556 W. Commerce Dallas, TX 75212	$604,400.00

OWNER

Highpoint Enterprises

Delores Ojo, President
Julian Ojo, Vice President

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a thirty-six-month service contract to provide transportation starter services at Dallas Love Field - Highpoint Enterprises, lowest responsible bidder of three - Not to exceed $555,000 - Financing: Aviation Current Funds

Highpoint Enterprises is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.
PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$555,000.00	100.00%
Total non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$555,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

September 12, 2007

WHEREAS, on June 23, 2004, City Council authorized a thirty-six-month service contract for transportation starter services at Dallas Love Field by Resolution #04-2072;

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 Highpoint Enterprises (VS0000022056) to provide transportation starter services at Dallas Love Field for a term of thirty-six months in an amount not to exceed $555,000.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Highpoint Enterprises shall be based only on the amount of the services directed to be performed by the City and properly performed by Highpoint Enterprises under the contract.

Section 2. That the City Controller is authorized to disburse funds, from the following appropriation, in an amount not to exceed $555,000.00:

FUND	Dept	Unit	OBJ
0130	AVI	7710	3099

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

DISTRIBUTION:

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

AGENDA ITEM # 3

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 a twenty-four-month master agreement for aluminum sign blanks - Custom Products Corporation, lowest responsible bidder of three - Not to exceed $345,000 - Financing: Current Funds

BACKGROUND

Aluminum sign blanks are used in the production of:

- Traffic control signs such as stop signs, speed limit signs, yield, and no turn.
- Warning signs such as pedestrian crossing, school crossing, dip, and curve.
- Street name signs and overhead street name signs found at signalized intersections.

- Signs used by other City Departments such as the Parks Department and Equipment and Building services.

The Public Works and Transportation Sign Fabrication Division produces approximately 33,000 signs annually. Some signs are produced for other agencies like the City of Duncanville, City of Seagoville, City of Plano, City of Richardson, and Dallas County. These outside agencies are charged labor, materials, and overhead. The expense of signs produced as the result of a new school opening are charged to that school system with the City of Dallas paying for any future maintenance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 24, 2005, City Council authorized a twenty-four-month master agreement for aluminum sign blanks by Resolution #05-2452.

FISCAL INFORMATION

$345,000.00 - Current Funds

M/WBE INFORMATION

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

97 - 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

Custom Products Corporation

White Female	17	White Male	27
Hispanic Female	0	Hispanic Male	0
Black Female	5	Black Male	19
Other Female	0	Other Male	0

BID INFORMATION

The following bids were received and opened on July 18, 2007. This bid was awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

Bidders	**Address**	**Amount of Bid**
*Custom Products Corporation	P. O. Box 54091 Jackson, MS 39288	$345,000.00
Vulcan	400 East Berry Ave. Foley, AL 36535	$346,500.00
U. S. Standard Signs	11400 W. Addison Ave. Franklin Park, IL 60131	$390,000.00

OWNER

Custom Products Corporation

Hal Perkins, President
Richard Carleton, Vice President
Gary Pendergrass, Secretary & Treasurer

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a twenty-four-month master agreement for aluminum sign blanks - Custom Products Corporation, lowest responsible bidder of three - Not to exceed $345,000 - Financing: Current Funds

Custom Products Corporation is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.
PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$0.00	0.00%
Total non-local contracts	$345,000.00	100.00%
TOTAL CONTRACT	$345,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

September 12, 2007

WHEREAS, on August 24, 2005, City Council authorized a twenty-four-month master agreement for aluminum sign blanks by Resolution #05-2452;

NOW THEREFORE,

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

Section 1. That a master agreement for the purchase of aluminum sign blanks is authorized with Custom Products Corporation (261379), for a term of twenty-four months in an amount not to exceed $345,000.00.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed $345,000.00.

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

DISTRIBUTION:

Business Development and Procurement Services, 3FS
Office of Financial Services, 4FS
Public Works and Transportation

AGENDA ITEM # 4

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	8
DEPARTMENT:	Business Development & Procurement Services Water Utilities
CMO:	Dave Cook, 670-7804 Ramon F. Miguez, P.E., 670-3308
MAPSCO:	69A-X

SUBJECT

Authorize the purchase of a bio-solids distribution vehicle to be used at the Southside Wastewater Treatment Plant - Agco Corp. - Ag Chem Division, only bidder - Not to exceed $306,160 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This vehicle will be used to apply digested (stabilized) sludge in the dedicated sludge disposal fields and sludge only landfill at the Southside Wastewater Treatment Plant. Sludge is a by-product of treated wastewater at the Central and Southside Wastewater Treatment Plants prior to discharge of clean water into the Trinity River. All sludge disposal operations must meet stringent regulations as required by Texas Commission on Environmental Quality (TCEQ) and Environmental Protection Agency (EPA). Both agencies require proper application and disposal to prevent odor problems and insect/rodent attraction; both of which, if not done properly, can adversely affect public health and quality of life.

This addition to the fleet is required due to the increase of digested sludge and the requirements to dispose of this material in dedicated land disposal fields on a continuous basis, seven days a week, 24 hours a day. Currently, the City has a fleet of four bio-solid distribution vehicles.

Failure to dispose of the sludge in a timely manner will result in odor complaints from the citizens, and possible fines levied against the City of Dallas from regulatory agencies.

During the bid process it became apparent that only one bid would be received. Procurement therefore, extended the bid due date in an attempt to secure additional participation.

BACKGROUND (Continued)

During this extended period, heavy equipment vendors were contacted to discuss the bid specifications. Vendors indicated that while there are several manufacturers of this type of equipment, they were unable to meet the bid specification due to the City's unique use for the vehicle.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$306,160.00 - Water Utilities Capital Construction Funds

M/WBE INFORMATION

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

56 - 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

Agco Corp. - Ag Chem Division

Hispanic Female	33	Hispanic Male	136
Black Female	39	Black Male	45
Other Female	10	Other Male	61
White Female	597	White Male	2751

BID INFORMATION

The following bids were received and opened on June 21, 2007. This purchase is being awarded in its entirety to the only bidder.

Bidder	Address	Amount
Agco Corp. - Ag Chem Division	12891-134th Ave NE Spicer, MN 56288	$306,160.00

BID INFORMATION (Continued)

Note: This single bid has been reviewed by the City Auditors and they have no objection to awarding it to Agco Corp. - Ag Chem Division.

OWNER

Agco Corp. - Ag Chem Division

Robert B. Crain, President
Steve Koep, Vice President
Arnie Sinclair, Director of Sales

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize the purchase of a bio-solids distribution vehicle to be used at the Southside Wastewater Treatment Plant - Agco Corp. - Ag Chem Division, only bidder - Not to exceed $306,160 - Financing: Water Utilities Capital Construction Funds

Agco Corp. - Ag Chem Division is a non-local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use thier own workforce.
PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$0.00	0.00%
Total non-local contracts	$306,160.00	100.00%
TOTAL CONTRACT	$306,160.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

September 12, 2007

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

Section 1. That the purchase of a bio-solids distribution vehicle to be used at the Southside Wastewater Treatment Plant is authorized with Agco Corp. - Ag Chem Division (VS0000020134) in an amount not to exceed $306,160.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for a bio-solids distribution vehicle to be used at the Southside Wastewater Treatment Plant. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds from the following appropriation, in an amount not to exceed $306,160.00:

FUND	DEPT	UNIT	OBJECT	ENCUMBRANCE
0103	DWU	CS50	4740	RQS-DWU-00000027941

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
Office of Financial Services, 4FN
Water Utilities

AGENDA ITEM # 5

KEY FOCUS AREA: Public Safety & Homeland Security

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services Water Utilities
CMO:	Dave Cook, 670-7804 Ramon F. Miguez, P.E., 670-3308
MAPSCO:	N/A

SUBJECT

Authorize a thirty-six-month master agreement for boiler feed chemicals to be used in the wastewater collection system - Garratt Callahan Company with the lowest responsible bidder of four - Not to exceed $54,846 - Financing: Water Utilities Current Funds

BACKGROUND

This master agreement will provide boiler feed chemicals for the City wastewater collection system. These chemicals will be used to protect against scaling and corrosion in the boilers and piping. These products are considered non-hazardous, non-flammable and non-corrosive and will not harm the wastewater treatment environment, hydraulic sewer cleaning equipment, plants, animals or marine life.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$54,846.00 - Water Utilities Current Funds

M/WBE INFORMATION

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

167 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

Garratt Callahan Company

Hispanic Female	0	Hispanic Male	13
African-American Female	0	African-American Male	6
Other Female	11	Other Male	2
White Female	0	White Male	167

BID INFORMATION

The following bids were received and opened on June 21, 2007. This master agreement is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

Bidders	**Address**	**Amount**
*Garratt Callahan Company	13721 Welch Road Farmers Branch, TX 75244	$ 54,846.00
Ecolab	370 Wabasha Street St. Paul, MN 55102	$ 57,448.00
NCH Corporation	2727 Chemsearch Blvd. Irving, TX 75015	$ 95,070.00
Certified Laboratories	1300 E. Northgate Irving, TX 75062	$196,140.00

OWNER

Garratt Callahan Company

Jeff Garratt, President
Matt Garratt, Vice President
David Melnick, Secretary
Matt Covin, Treasurer

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a thirty-six-month master agreement for boiler feed chemicals to be used in the wastewater collection system - Garratt Callahan Company with the lowest responsible bidder of four - Not to exceed $54,846 - Financing: Water Utilities Current Funds

Garratt Callahan Company is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.
PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$54,846.00	100.00%
Total non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$54,846.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

September 12, 2007

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

Section 1. That a master agreement for the purchase of boiler feed chemicals to be used in the wastewater collection system is authorized with Garratt Callahan Company (519305), for a term of thirty-six months in an amount not to exceed $54,846.00.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed $54,846.00.

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

DISTRIBUTION:

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

AGENDA ITEM # 6

KEY FOCUS AREA: Economic Development

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

SUBJECT

Authorize a twenty-four-month extension from November 1, 2007 through October 31, 2009 and an increase in the professional services contract for investment advisory services - First Southwest Asset Management, Inc. - $80,000, from $80,000 to $160,000 – Financing: Current Funds (subject to annual appropriations)

BACKGROUND

The City has contracted with an investment advisor since 1989 for execution of securities purchases and sales. Additionally, the contractor provides the following services: daily economic and market updates, investment advice, market research, securities valuation, and attendance at quarterly Investment Committee meetings to review performance, strategy, and economic events.

Under this contract the City will continue to receive information which interprets market events and changes in the economy and a daily synopsis of the securities market and inventories from different securities' dealers. This information is crucial when the City decides to purchase or sell a security.

On October 12, 2005, the City Council approved a contract with First Southwest Asset Management, Inc. based on cost of services and demonstrated ability to meet all the City of Dallas requirements. First Southwest Asset Management, Inc. has performed well under the current contract, has an excellent record of including minority and woman owned business (M/WBE) broker/dealers in the competitive bid process for the City's investment transactions and has agreed to a contract extension under the same terms and conditions. The contractor actively seeks out M/WBE firms for buying and selling securities, within the framework of the best financial arrangements for the City. The M/WBE participation for the current contract is 32.8%, as calculated from October 2005 to June 2007.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On October 12, 2005, City Council authorized a twenty-four-month professional service contract for advisory services by Resolution #05-2919.

On June 25, 2003, City Council authorized a twenty-four-month contract extension for advisory services by Resolution #03-1925.

On October 10, 2001, City Council authorized a twenty-four-month contract for investment advisory services by Resolution #01-3055.

FISCAL INFORMATION

$80,000.00 - Current Funds (subject to annual appropriations)

ETHNIC COMPOSITION

First Southwest Asset Management, Inc.

Hispanic Female	2	Hispanic Male	1
Black Female	1	Black Male	0
Other Female	1	Other Male	1
White Female	14	White Male	10

OWNER

First Southwest Asset Management, Inc.

David Medanich, President
Scott McIntyre, Senior Vice-President
Nancy Thomas, Secretary

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a twenty-four-month extension from November 1, 2007 through October 31, 2009 and an increase in the professional services contract for investment advisory services - First Southwest Asset Management, Inc. - $80,000, from $80,000 to $160,000 – Financing: Current Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$0.00	0.00%
Non-local contracts	$80,000.00	100.00%
TOTAL THIS ACTION	$80,000.00	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

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

September 12, 2007

WHEREAS, on October 12, 2005 the City Council approved a contract with First Southwest Asset Management, Inc. for investment advisory services; and,

WHEREAS, the Contract has an initial expiration date of October 31, 2007; and,

WHEREAS, City staff has been satisfied with the service provided by First Southwest Asset Management, Inc.; and,

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 a twenty-four-month extension from November 1, 2007 through October 31, 2009 and an increase in the professional services contract for investment advisory services with First Southwest Asset Management, Inc. (193056), under the same terms and conditions, in an amount not to exceed $80,000.00, increasing the contract amount from $80,000.00 to $160,000.00.

Section 2. That the City Controller be and is hereby authorized to make payment to First Southwest Asset Management, Inc. for investment advisory fees based upon the fee structure set forth in the contract, in a total sum not to exceed $80,000.00 (subject to annual appropriations) to be paid as follows:

FUND	DEPT	UNIT	OBJECT	ENCUMBRANCE
0001	BMS	1126	3070	CT BMS FSAM07

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

AGENDA ITEM # 7

KEY FOCUS AREA: Staff Accountability

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	City Attorney's Office Equipment & Building Services
CMO:	Thomas P. Perkins, Jr., 670-3491 Jill A. Jordan, P.E., 670-5299
MAPSCO:	N/A

SUBJECT

Authorize settlement of the claim filed by Glenn Anderson, Claim No. 05148438 - Not to exceed $21,063 - Financing: Current Funds

BACKGROUND

Council was briefed in Closed Session on September 5, 2007.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

This item has no prior action.

FISCAL INFORMATION

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

$21,063 - Current Funds

September 12, 2007

WHEREAS, a claim was filed by Glenn Anderson, Claim No. 05148438, seeking compensation of $10,000 for bodily injury, and $11,063 for property damages allegedly caused by an automobile accident on December 2, 2005, involving an employee of the Equipment & Building Services Department; and

WHEREAS, Claimant, Glenn Anderson, through his attorney, Elaine Hubbard-Palmer has agreed to settle this claim for the amount of $10,000 for bodily injury, and for the amount of $11,063 for property damage; **Now, Therefore,**

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

SECTION 1. That the settlement of the claim for Glenn Anderson, Claim No. 05148438, in the amount of $21,063, is hereby approved.

SECTION 2. That the City Controller is authorized to pay Glenn Anderson, and his attorney, Elaine Hubbard-Palmer, the amount of $10,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor MVATT001 for bodily injury.

SECTION 3. That the City Controller is authorized to pay Glenn Anderson, and his attorney, Elaine Hubbard-Palmer, the amount of $11,063 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor MVATT001 for property damages.

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

AGENDA ITEM # 8

KEY FOCUS AREA: Staff Accountability

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	City Attorney's Office Police
CMO:	Thomas P. Perkins, Jr., 670-3491 Ryan S. Evans, 670-3314
MAPSCO:	N/A

SUBJECT

Authorize settlement of the lawsuit styled Darren Davis et al. v. City of Dallas et al., Civil Action No. 3:06-CV-1106-R - Not to exceed $110,000 - Financing: Current Funds

BACKGROUND

The six plaintiffs are represented by attorney David A. Schiller with The Schiller Firm.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Council was briefed in Closed Session on September 5, 2007.

FISCAL INFORMATION

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

$110,000 - Current Funds

September 12, 2007

WHEREAS, in the lawsuit styled Darren Davis et al. v. City of Dallas et al., Civil Action No. 3:06-CV-1106-R, Plaintiffs are seeking compensation from the City of Dallas for damages allegedly caused by employees of the Dallas Police Department on June 4, 2005, June 12, 2005, and July 10, 2005; and

WHEREAS, Plaintiffs, Darren Davis, John Britten Amsler, Chad Fuqua, Sean Gera, Craig Green and Robert Green, through their attorney, David A. Schiller, have agreed to settle this lawsuit for the amount of $110,000; **Now, Therefore,**

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

SECTION 1. That the settlement of the lawsuit styled Darren Davis et al. v. City of Dallas et al., Civil Action No. 3:06-CV-1106-R, in the amount of $110,000 is hereby approved.

SECTION 2. That the City Controller is authorized to pay to Darren Davis and The Schiller Firm the amount of $22,500 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

SECTION 3. That the City Controller is authorized to pay to Britt Amsler and The Schiller Firm the amount of $22,500 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

SECTION 4. That the City Controller is authorized to pay to Sean Gera and The Schiller Firm the amount of $27,500 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

SECTION 5. That the City Controller is authorized to pay to Chad Fuqua and The Schiller Firm the amount of $27,500 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

SECTION 6. That the City Controller is authorized to pay to Robert Green and The Schiller Firm the amount of $5,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

SECTION 7. That the City Controller is authorized to pay to Craig Green and The Schiller Firm the amount of $5,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

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.

AGENDA ITEM # 9

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 45J

SUBJECT

An ordinance abandoning a portion of a drainage easement to Anland 2A, L.P., the abutting owner, containing approximately 43 square feet of land located near its intersection of Victory Avenue and High Market Street - Revenue: $5,400 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a drainage easement to Anland 2A, L.P., the abutting owner, containing approximately 43 square feet of land. The area will be included with the property of the abutting owner for a parking lot.

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

Anland 2A, L.P.

Anland GP, L.P., General Partner

OWNER (Continued)

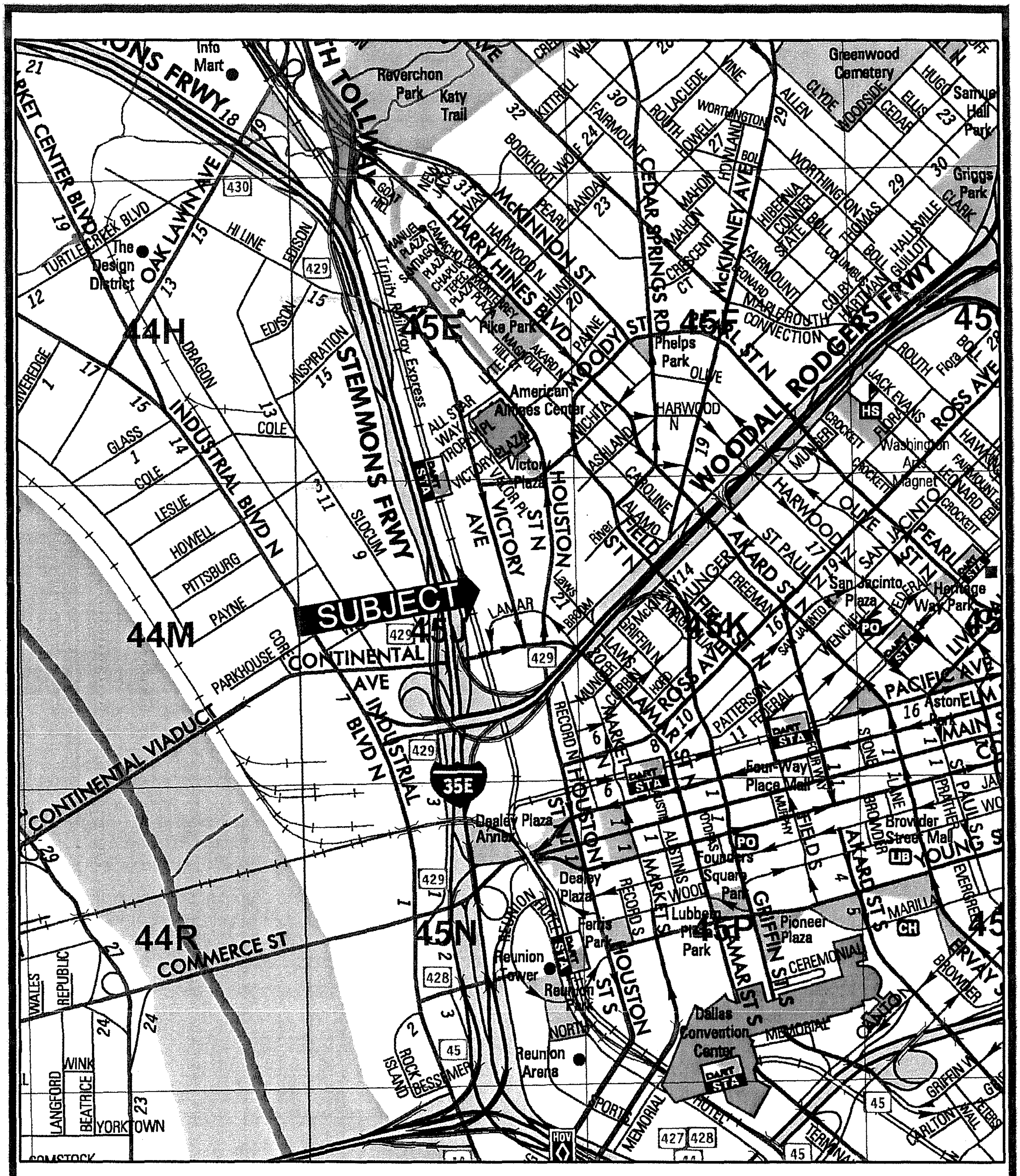
Anland Holdings, Inc. General Partner

Robert T. Vicente, Executive Vice President

MAPS

Attached

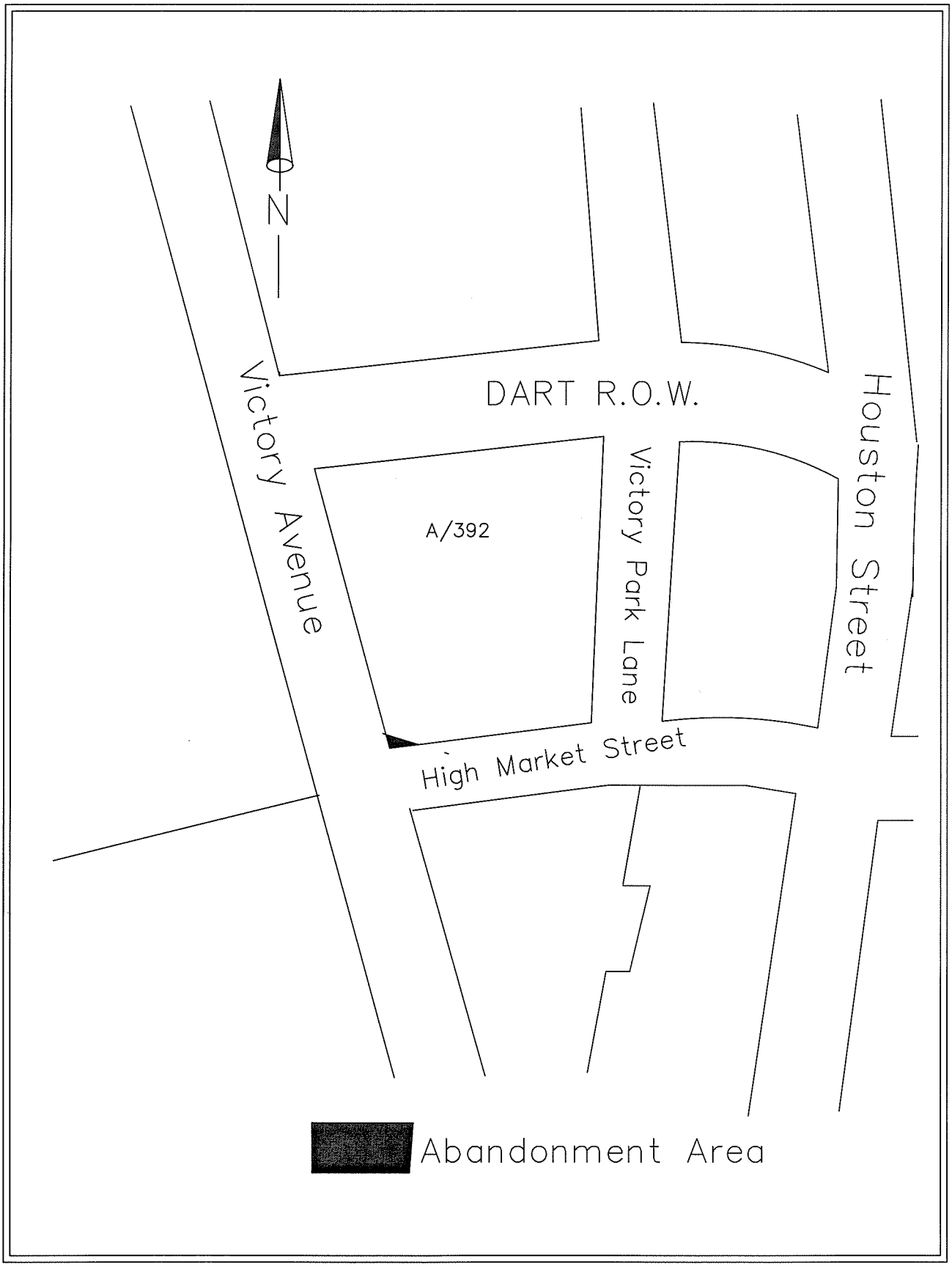
MAPSCO



copyright © 2004 MAPSCO, Inc. (rel. 09-04)

0 ft 1310.53 ft 2621.06 ft

Scale 1 : 15 978


N
DART R.O.W.
Victory Avenue
Victory Park Lane
Houston Street
A/392
High Market Street
Abandonment Area

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a drainage easement located in City Block A/392 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Anland 2A, L.P. and Anland South, L.P.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Anland 2A, L.P., a Texas 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 hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions,

reservations, 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 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 provided herein is made subject to and shall in no way limit, restrict, abandon, relinquish or affect the street right-of-way for High Market Street.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Development Services, or 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 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY _____
Assistant City Attorney

THERESA O'DONNELL
Director of Development Services

BY _____
Assistant Director

Passed _____.

EXHIBIT A

FIELD NOTES DESCRIBING PART OF A 10 FOOT WIDE DRAINAGE EASEMENT TO BE ABANDONED IN CITY BLOCK A/392 AND ADJACENT TO CITY BLOCK 3/403 J. GRIGSBY SURVEY, ABSTRACT NO. 495, DALLAS COUNTY, TEXAS

BEING a 43 square foot tract of land situated in the J. Grigsby Survey, Abstract No. 495, and being a part of Block A/392 and adjacent to Block 3/403, Official City of Dallas Numbers and being a part of Lot 1, Block A/392 of VICTORY SOUTH ADDITION PHASE 2, an addition to the City of Dallas, Dallas County, Texas, as recorded in Instrument Number 200600179521 of the Official Public Records of Dallas County, Texas, (O.P.R.D.C.T.) and being part of those certain drainage easements described in deed to the City of Dallas, as recorded in Volume 2002020, Page 11798 of the Deed Records of Dallas County, Texas, (D.R.D.C.T.) and being a part of a tract of land described in deed to Anland 2A, L.P., as recorded in Volume 98060, Page 3979, D.R.D.C.T and being more particularly described as follows:

BEGINNING at a found 3-inch aluminum disk stamped "VICTORY SOUTH ADDITION BLOCK A/392 HALFF ASSOC. INC." (hereinafter referred as "found A.D.") at the intersection of the north right-of-way line of High Market Street (a variable width right-of-way), dedicated to the City of Dallas, as recorded in Instrument Number 200600074601, O.P.R.D.C.T., with the east right-of-way line of Victory Avenue (a variable width right-of-way), dedicated to the City of Dallas, as recorded in Volume 2001041, Page 5452, D.R.D.C.T;

THENCE North 15 degrees 08 minutes 15 seconds West, along said east right-of-way line, a distance of 6.10 feet to a 1/2 inch set iron rod with yellow plastic cap stamped "HALFF ASSOC. INC." (hereinafter referred as "with cap") for corner, from which a found A.D. bears North 15 degrees 08 minutes 15 seconds West, a distance of 279.19 feet;

THENCE South 75 degrees 08 minutes 19 seconds East, departing said east right-of-way line, a distance of 16.29 feet to a point for corner on the north right-of-way line of said High Market Street;

THENCE South 83 degrees 05 minutes 36 seconds West, along said north right-of-way line, a distance of 14.25 feet to the POINT OF BEGINNING AND CONTAINING 43 square feet or 0.0010 acre of land, more or less.

STATE OF TEXAS
REGISTERED
COLIN J. HENRY
5230
PROFESSIONAL
LAND SURVEYOR

2/7/07

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

REVIEWED BY
06.21.2007

EXHIBIT A

FIELD NOTES DESCRIBING PART OF A 10 FOOT WIDE DRAINAGE EASEMENT TO BE ABANDONED IN CITY BLOCK A/392 AND ADJACENT TO CITY BLOCK 3/403 J. GRIGSBY SURVEY, ABSTRACT NO. 495, DALLAS COUNTY, TEXAS

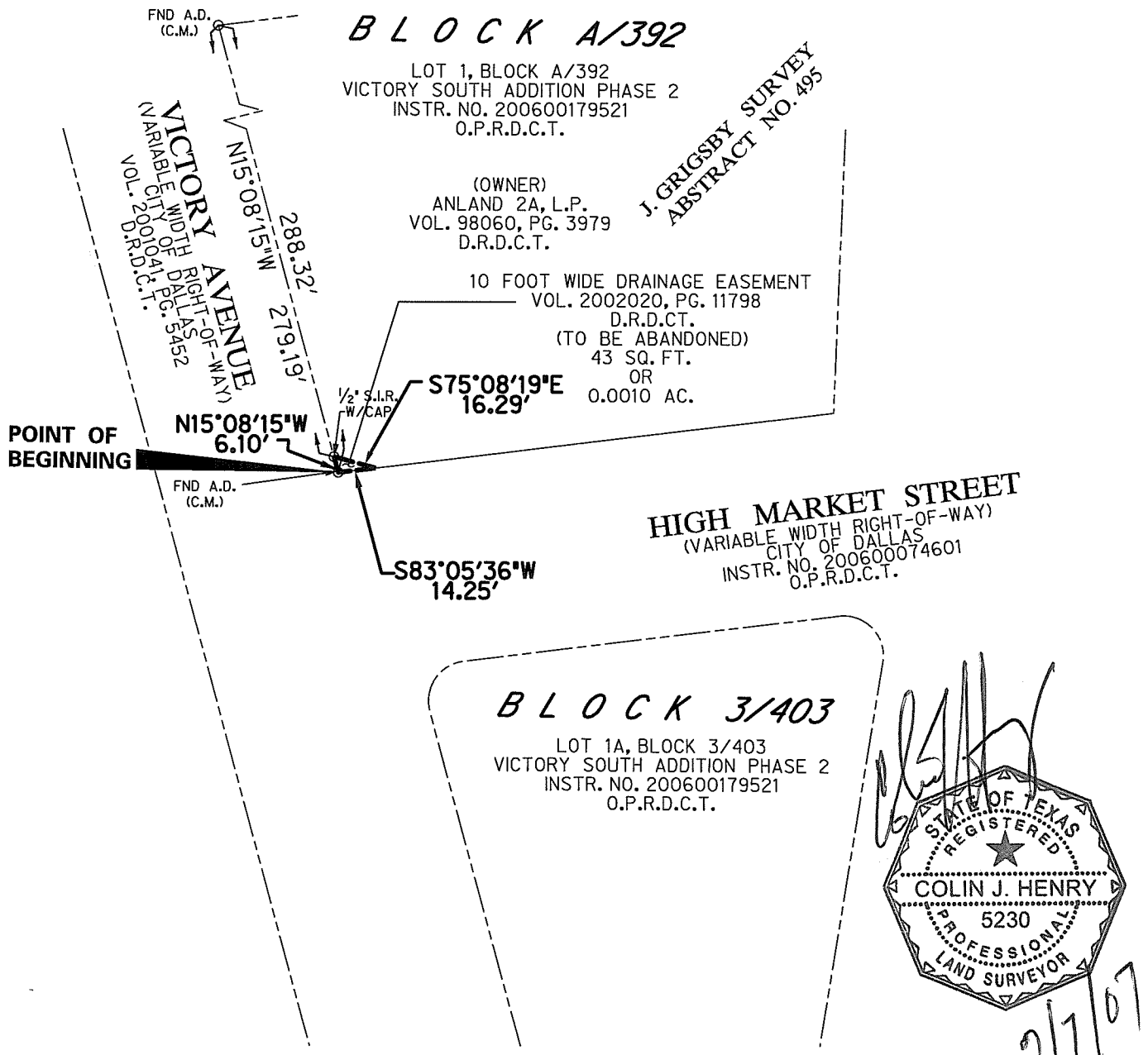
Basis of bearing is based on Texas State Plane Coordinate System, 1983 (1993), North Central Zone 4202, based on GPS measurements from Triangulation Station "Buckner Reset", and "Arlington RRP". Convergence angle at "Buckner Reset" is 00 Degrees 59 Minutes 28.8 Seconds as computed by Corpscon V4.11.

REVIEWED BY
06.11.2007

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

EXHIBIT A

PART OF A 10 FOOT WIDE DRAINAGE EASEMENT TO BE ABANDONED IN CITY BLOCK A/392 AND ADJACENT TO BLOCK 3/403 J. GRIGSBY SURVEY, ABSTRACT NO. 495, DALLAS COUNTY, TEXAS



2/1/07

LEGEND:

(C.M.)	CONTROL MONUMENT
1/2" S.I.R. W/CAP	1/2" SET IRON ROD WITH YELLOW PLASTIC CAP STAMPED "HALFF ASSOC. INC."
FND A.D.	FOUND 3" ALUMINUM DISK STAMPED "VICTORY SOUTH ADDITION BLOCK A/392 HALFF ASSOC. INC."

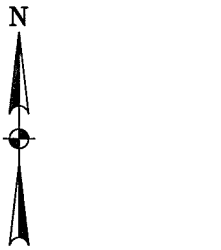
(For SPRG use only)

Reviewed By: _____

Date: _____

SPRG NO.: _____

REVIEWED BY
JA 06.21.2007



NOTE:

Basis Of Bearing is based on Texas State Plane Coordinate System, 1983 (1993), North Central Zone 4202, based upon GPS measurements from Triangulation Station "Buckner Reset" and "Arlington RRP". Convergence angle at "Buckner Reset" is 00 Degrees 59 Minutes 28.8 Seconds as computed by Corpscon V4.11. The monuments used for basis of bearing are noted hereon as (C.M.).

Halff Associates, Inc.

ENGINEERS ARCHITECTS SCIENTISTS PLANNERS SURVEYORS

3/4

SCALE: 1"=60' AV0.21600 W004 JUNE 2007

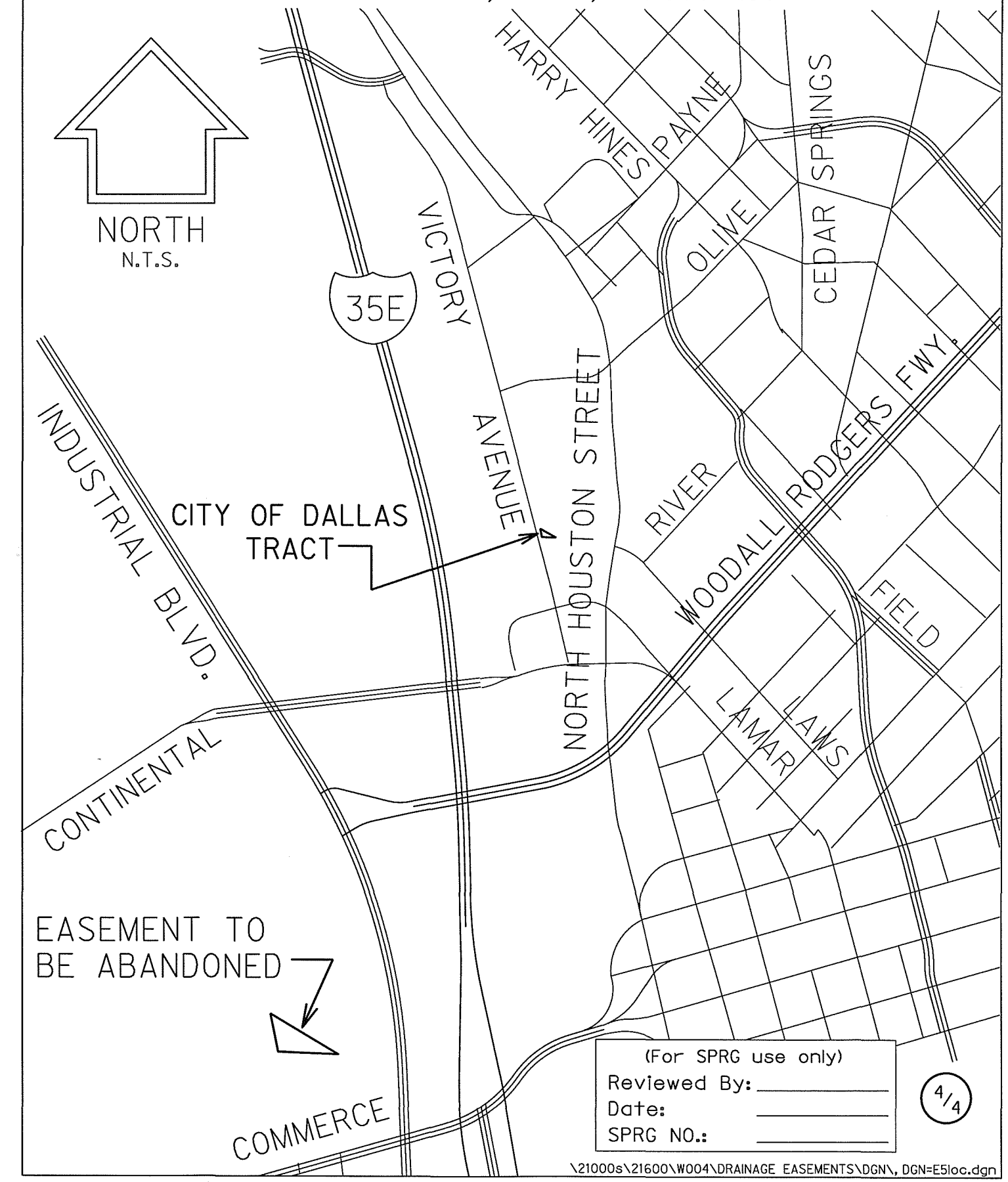
\21000s\21600\W004\DRAINAGE EASEMENTS\DGN, DGN=SB50-E5.DGN, REF= DWULEGAL.DGN

EXHIBIT A

PART OF A 10 FOOT WIDE DRAINAGE EASEMENT TO BE ABANDONED IN CITY BLOCK A/392 AND ADJACENT TO CITY BLOCK 3/403

J. GRIGSBY SURVEY, ABSTRACT NO. 495

DALLAS COUNTY, TEXAS, MAPSCO 45J



(For SPRG use only)

Reviewed By: _____

Date: _____

SPRG NO.: _____

4/4

\21000s\21600\W004\DRAINAGE EASEMENTS\DGN\, DGN=E5loc.dgn

AGENDA ITEM # 10

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 3

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 44X

SUBJECT

An ordinance abandoning a portion of a sanitary sewer easement to Geoffrey R. Polma, the abutting owner, containing approximately 1,537 square feet of land located near the intersection of Rainbow Drive and Colorado Boulevard – Revenue: $5,400 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a sanitary sewer easement to Geoffrey R. Polma, the abutting owner. The area to be abandoned will be included with the property of the abutting owner to eliminate an existing building encroachment which will facilitate the sale of the single-family residence.

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)

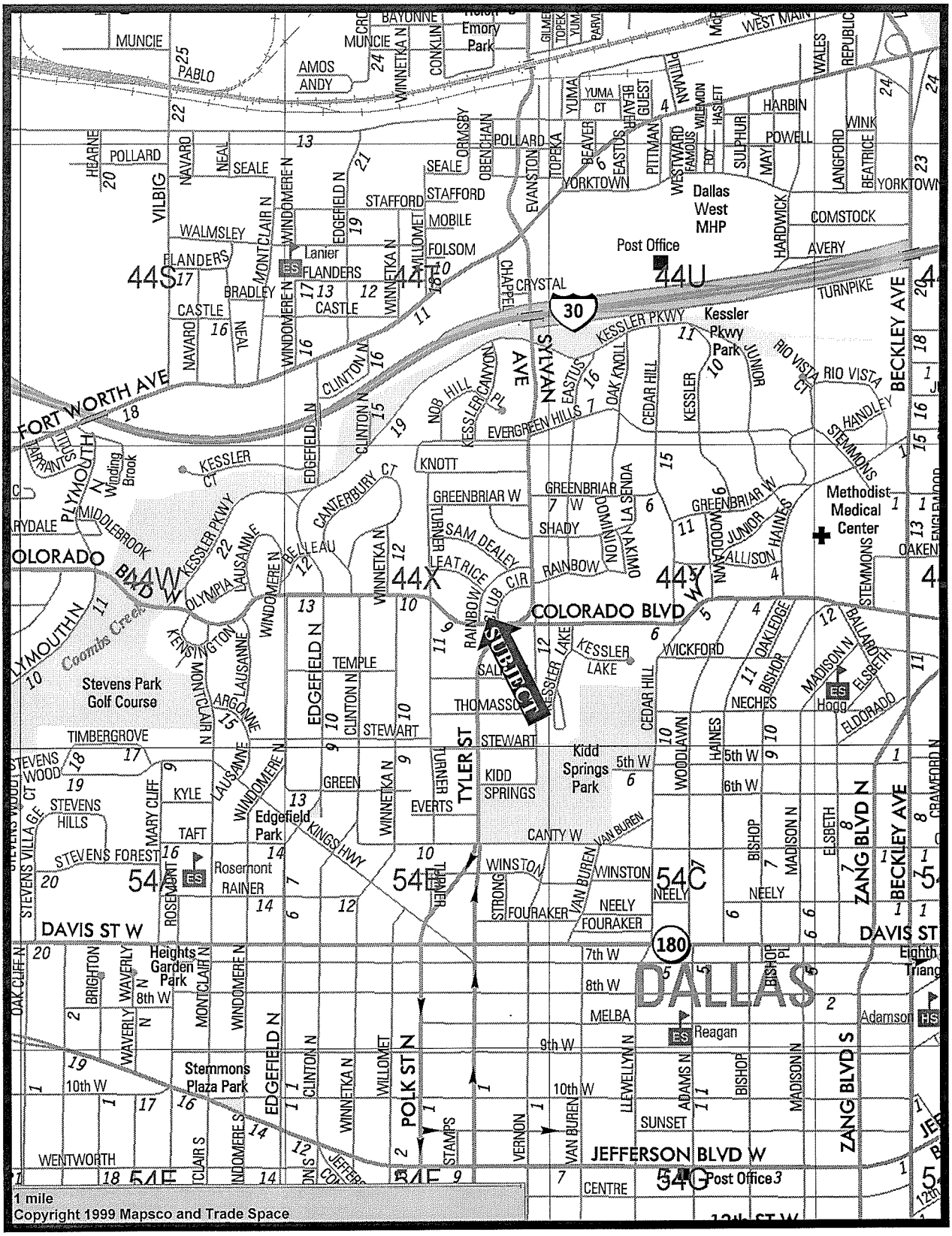
This item has no prior action.

FISCAL INFORMATION

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

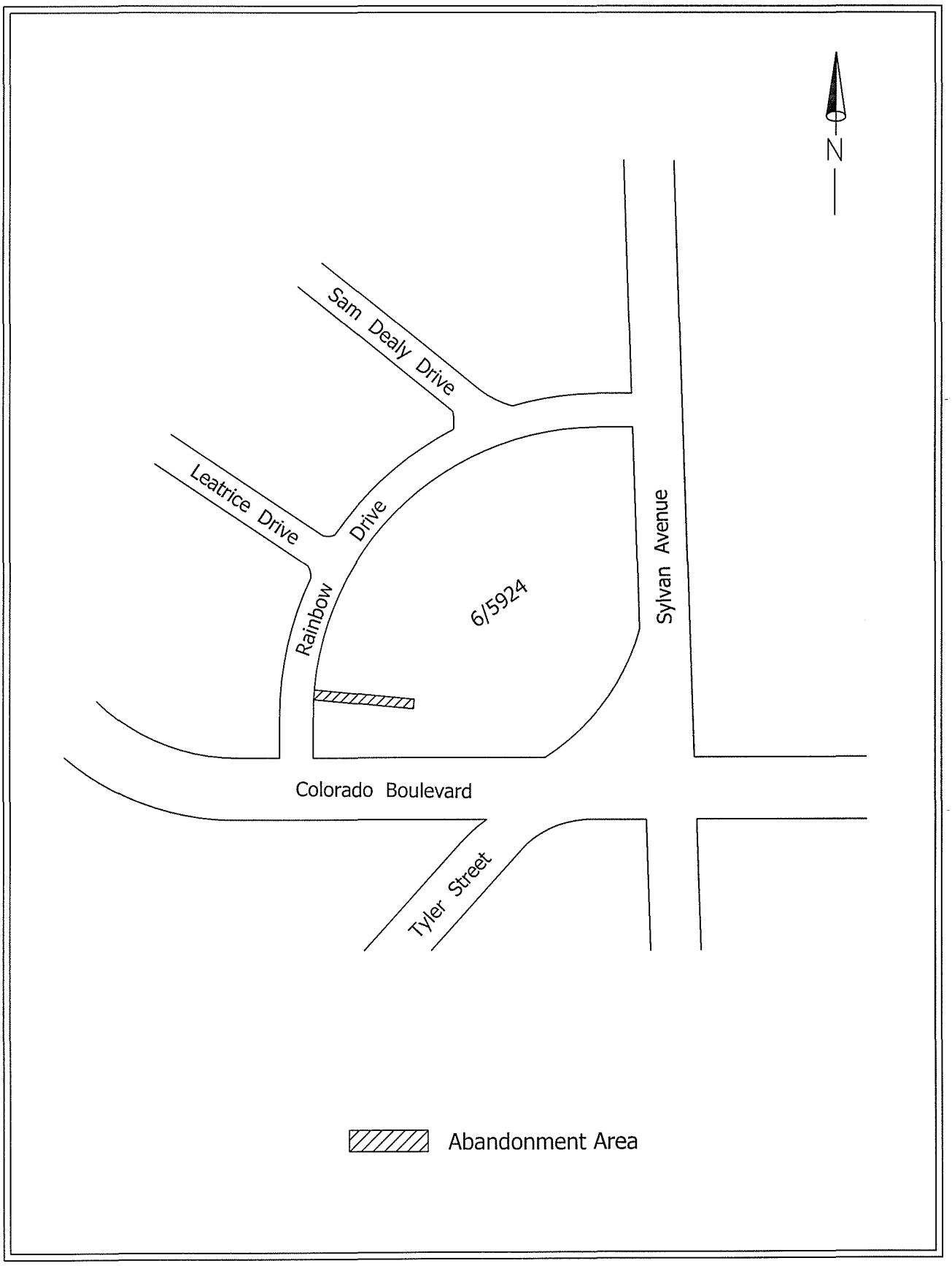
MAPS

Attached



FORT WORTH AVE
COLORADO BLVD
DAVIS ST W
JEFFERSON BLVD W
SYLVAN AVE
BECKLEY AVE
ZANG BLVD N
ZANG BLVD S
TYLER ST
POLK ST N
EDGEFIELD N
SUBJECT
Dallas West MHP
Post Office
Kessler Pkwy Park
Methodist Medical Center
Stevens Park Golf Course
Edgefield Park
Kidd Springs Park
Heights Garden Park
Stemmons Plaza Park
Lanier
Rosemont
Reagan
Hogg
Adamson
Post Office
DALLAS
44S
44T
44U
44W
44X
44Y
54A
54B
54C
54E
54F
54G
1 mile
Copyright 1999 Mapsco and Trade Space

MAPSCO 44X


N
Sam Dealy Drive
Leatrice Drive
Drive
Rainbow
6/5924
Sylvan Avenue
Colorado Boulevard
Tyler Street
Abandonment Area

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a sanitary sewer easement, located in City Block 6/5924 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Geoffrey R. Polma; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Geoffrey R. Polma, an individual; 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 hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions,

reservations, 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**, his heirs 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**, his heirs 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**, his heirs 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**, his heirs 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**, his heirs 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 the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Development Services, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of

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

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY _____
Assistant City Attorney

THERESA O'DONNELL
Director of Development Services

BY _____
Assistant Director

Passed _____.

Coordinates shown hereon are related to the North Central Zone of the Texas Coordinate System of 1983. To convert the reported surface distances to the projection plane multiply by the combined factor of 0.99986516.

Bearings referenced hereon are related Grid North for the North Central Zone of the Texas Coordinate System of 1983. To convert bearings shown (grid) to bearings related to geodetic North, rotate bearings shown clockwise by the mapping angle of 0° 54' 25".

The objects described hereon are conventionally surveyed from two monuments on Rainbow Drive which are each tied to the following six Continuously Operating Reference Stations: TXDA, TXAR, TXES, TXSG, TXKA and TXDE using OPUS RS thirty-minute sessions.

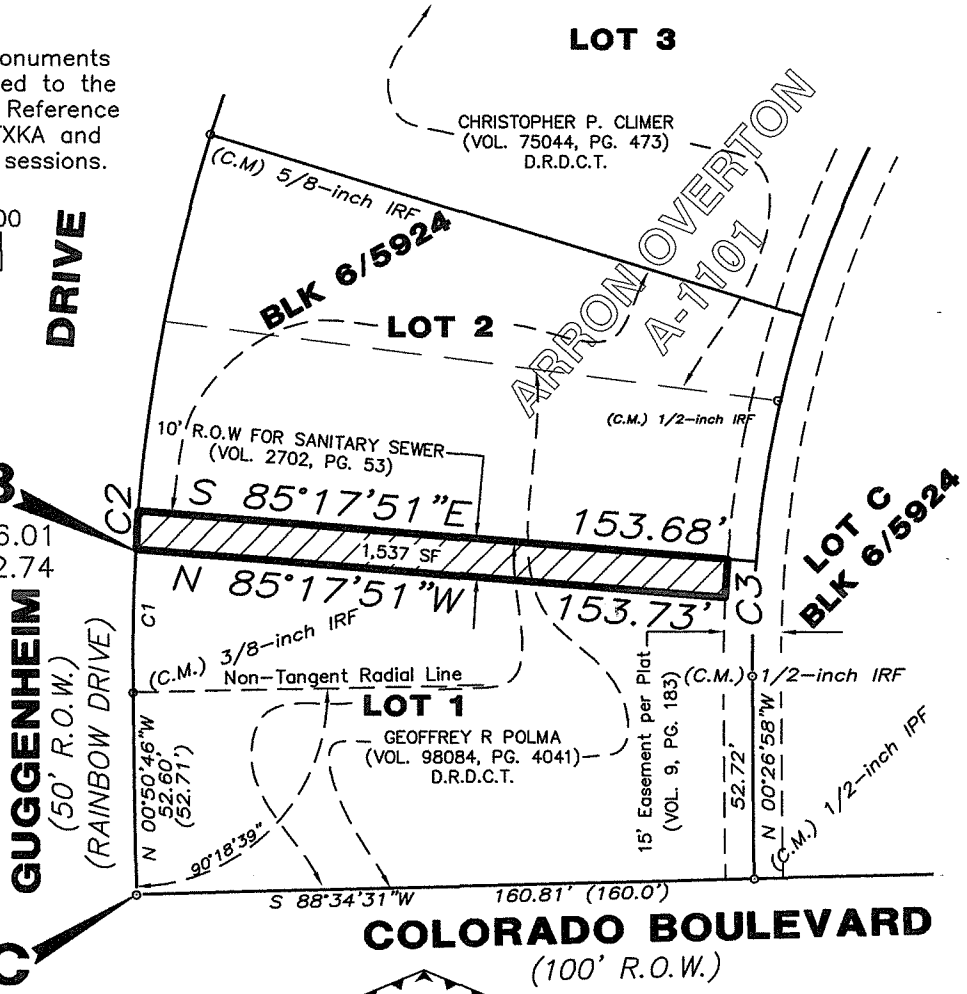
0 50 100

Scale: 1 inch = 50 feet

GN

MAPPING ANGLE 00° 54' 25"

EXHIBIT A
Right-of-Way
Abandonment
for Sanitary Sewer on
Lot No. 1, Block No. 6/5924
SAM DEALEY ESTATES
CITY OF DALLAS
DALLAS COUNTY, TEXAS



C1
Δ =04°37'05"
R=461.51'
T=18.61'
L=37.20'
CB=N.01°09'07"E.
CD=37.19'

POB
N. 6,963,116.01
E. 2,479,582.74

C2
Δ =01°14'30"
R=461.51'
T=5.00'
L=10.00'
CB=N.04°04'54"E.
CD=10.00'

C3
Δ =01°51'16"
R=309.01"
T=5.00'
L=10.00'
CB=S.03°47'14"W.
CD=10.00'

POC
N. 6,963,026.25
E. 2,479,582.76
(C.M.) 1/2-inch IRF

STATE OF TEXAS
REGISTERED
WAYNE C. TERRY
4184
PROFESSIONAL
LAND SURVEYOR

Wayne C. Terry

REVIEWED BY
08.20.2007

August 18th 2007

A description of even date accompanies this exhibit.

I, Wayne C. Terry, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that a survey was performed on the site shown above under my direction in August of 2007, that substantially complies with the minimum standards established by the State Board of Professional Land Surveying.

POB = Point of Beginning
POC = Point of Commencing
C. M. = Controling Monument
IRF = Iron Rod Found
(###) = Plat Call

R.O.W Abandonment Block 6/5924	
Aug. 15, 2007	Project No.: 1699-07

1699Grid.dwg

RIGHT-OF-WAY ABANDONMENT
City Block 6/5924

BEING 1,537 square feet situated in the Aaron Overton Survey, Abstract No. 1101, Dallas County, Texas, and being a ten-foot (10') strip of land off of the entire north side of Lot No. 1 in Block No. 6/5924 of Sam Dealey Estates an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 9, at Page 183 of the Deed Records of Dallas County, Texas, and being part of that certain tract of land described in the General Warranty Deed with Vendor's Lien dated the 27th day of April, 1998, from Mari E. Drew to Geoffrey R. Polma recorded in Volume 98084, at Page 4041 of said deed records and being the same strip of land described as item 1 in the Right-of-Way for the purpose of constructing and maintaining a city sanitary sewer granted on the 13th day of June, 1946 by the Carpenter Building Corporation to the City of Dallas recorded in Volume 2702, at Page 53 of said deed records and being more particularly described as follows:

COMMENCING at a 1/2-inch steel rod found for the southwest corner of said Lot No. 1, Block No. 6/5924 at the intersection of the northerly right-of-way line of Colorado Boulevard (100-foot Right-of-Way) with the easterly line of Guggenheim Drive (Commonly known as Rainbow Drive – 50-foot Right-of-Way) having coordinates of N = 6,963,026.25 feet and E = 2,479,582.76 feet.

THENCE, N. 00° 50' 46" W. with the easterly right-of-way line of Guggenheim Drive and the westerly line of said Lot No. 1, for a distance of 52.60 feet to a 3/8-inch steel rod found for the beginning of a non-tangent curve concave to the east having a radius of 461.51 feet, a central angle of 4° 37' 05" and a chord that bears N. 01° 09' 07" E. a distance of 37.19 feet;

THENCE, in a northerly direction with the arc of said curve and the easterly right-of-way line of Guggenheim Drive and the westerly line of said Lot No. 1, a distance of 37.20 feet to the southwest corner of the 10-foot strip described herein and being the POINT OF BEGINNING having coordinates of N = 6,963,116.01 feet and E = 2,479,582.74 feet;

THENCE, continuing with the easterly right-of-way line of Guggenheim Drive and the westerly line of said Lot No. 1 and with said curve having a radius of 461.51 feet, a central angle of 1° 14' 30" and a chord that bears N. 04° 04' 54" E. a distance of 10.00 feet for an arc distance of 10.00 feet to the northwest corner of said Lot No. 1 and being the southwest corner of Lot No. 2, Block No. 6/5924, said point being the northwest corner of the 10-foot strip described herein;

THENCE, S. 85° 17' 51" E. departing the easterly right-of-way line of Guggenheim Drive and running with the common line between said Lot No. 1 and Lot No. 2 for a distance of 153.68 feet to a point on a 15-foot easement shown centered on the easterly lines of said Lot No. 1 and Lot No. 2 on the aforementioned plat of Sam Dealey Estates for the northeast corner of the 10-foot strip, and being the beginning of a curve concave to the east having a radius of 309.01 feet, a central angle of 1° 51' 16" and a chord that bears S. 03° 47' 14" W. a distance of 10.00 feet;

THENCE, in a southerly direction with the westerly line of the easement as shown on the aforementioned plat of Sam Dealey Estates an arc distance of 10.00 feet to the southeast corner of the herein described 10-foot strip;

REVIEWED BY JR 08.20.2007

RIGHT-OF-WAY ABANDONMENT
City Block 6/5924

THENCE, N. 85° 17' 51" W. departing said easement as shown on the aforementioned plat of Sam Dealey Estates and running parallel with and ten (10) feet south of the common line between said Lot No. 1 and Lot No. 2 for a distance of 153.73 feet to the POINT OF BEGINNING and containing 1,537 square feet of land.

Coordinates shown herein are related to the North Central Zone of the Texas Coordinate System of 1983. To convert the reported surface distances to the projection plane multiply by the combined factor of 0.99986516.

Bearings referenced hereon are related Grid North for the North Central Zone of the Texas Coordinate System of 1983. To convert bearings shown (grid) to bearings related to geodetic North, rotate bearings shown clockwise by the mapping angle of 0° 54' 25".

The objects described herein are conventionally surveyed from two monuments on Rainbow Drive which are each tied to the following six Continuously Operating Reference Stations: TXDA, TXAR, TXES, TXSG, TXKA and TXDE using OPUS RS thirty-minute sessions.

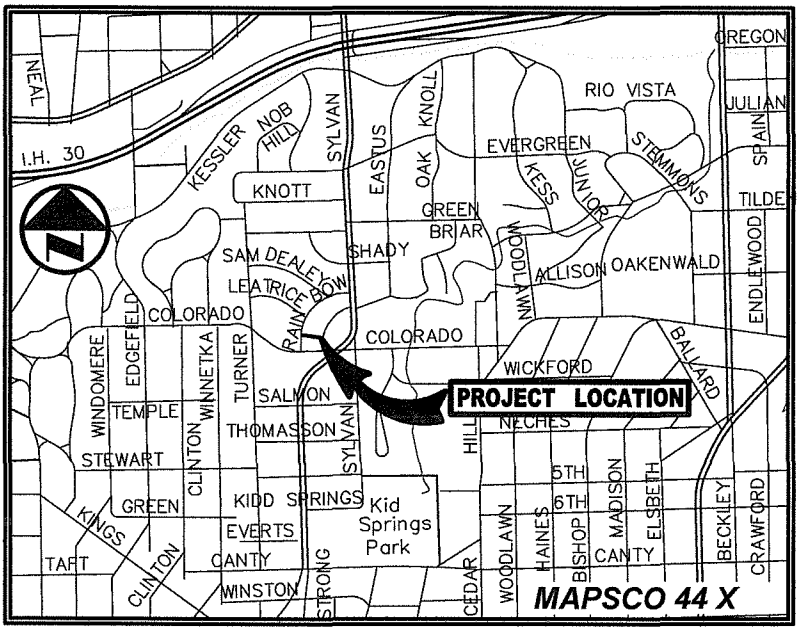
A graphical exhibit of even date accompanies this exhibit.

I, Wayne C. Terry, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that a survey was performed on the site shown above under my direction in August of 2007 that substantially complies with the minimum standards established by the State Board of Professional Land Surveying.

August 18th 2007

REVIEWED BY
08.20.2007

Wayne C. Terry



VICINITY MAP

N.T.S.

R.O.W Abandonment Block 6/5924	
Aug. 15, 2007	Project No.: 1699-07

AGENDA ITEM # 11

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: 34R

SUBJECT

An ordinance abandoning a portion of a sanitary sewer easement to Kings Road Realty Ltd., the abutting owner, containing approximately 2,140 square feet of land located near the intersection of Inwood Road and Lemmon Avenue – Revenue: $5,400 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a sanitary sewer easement to Kings Road Realty Ltd., the abutting owner, containing approximately 2,140 square feet of land. The area will be included with the property of the abutting owner for construction of a new building for the Park Place Volvo Dealership.

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

Kings Road Realty Ltd.

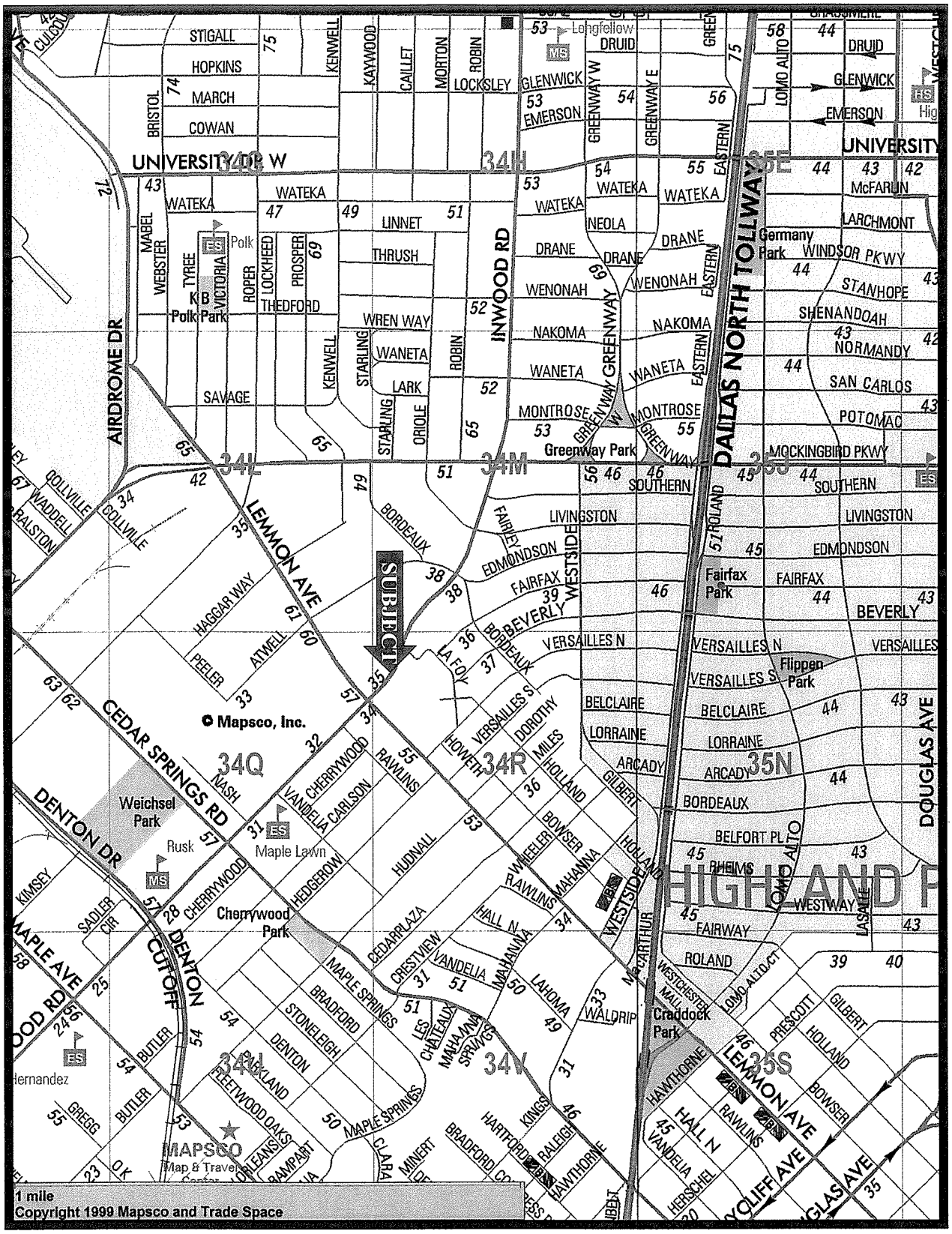
PP Land GP, LLC

OWNER (Continued)

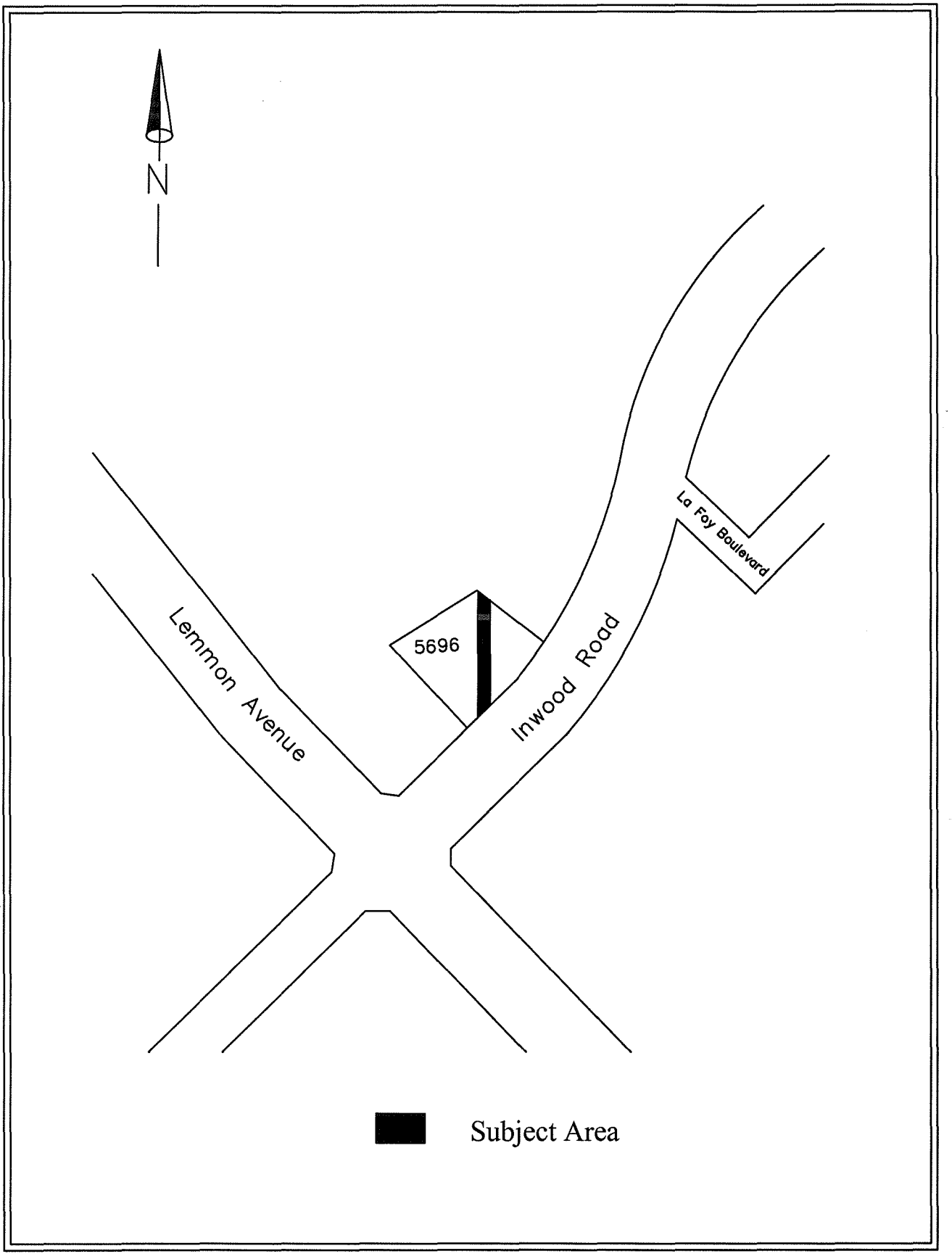
Kenneth L. Schnitzer Jr., Manager

MAPS

Attached


UNIVERSITY DR W
UNIVERSITY
34H
34L
34M
34Q
34R
34N
34P
35E
35N
35S
STIGALL
HOPKINS
MARCH
COWAN
WATEKA
LINNET
THRUSH
WREN WAY
WANETA
LARK
SAVAGE
MONTROSE
NEOLA
DRANE
WENONAH
NAKOMA
GLENWICK
EMERSON
LOCKSLEY
ROBIN
MORTON
CAILLET
KAYWOOD
KENWELL
BRISTOL
MABEL
WEBSTER
TYREE
VICTORIA
ROPER
LOCKHEED
PROSPER
THEDFORD
STARLING
ORIOLE
INWOOD RD
AIRDROME DR
LEMMON AVE
GREENWAY W
GREENWAY E
EASTERN
DALLAS NORTH TOLLWAY
LOMO ALTO
DRUID
McFARLIN
LARCHMONT
WINDSOR PKWY
STANHOPE
SHENANDOAH
NORMANDY
SAN CARLOS
POTOMAC
MOCKINGBIRD PKWY
SOUTHERN
LIVINGSTON
EDMONDSON
FAIRFAX
BEVERLY
VERSAILLES N
VERSAILLES S
BELCLAIRE
LORRAINE
ARCADY
BORDEAUX
BELFORT PL
RHEIMS
WESTWAY
FAIRWAY
ROLAND
WALDRIP
HOLLAND
BOWSER
PRESCOTT
GILBERT
HAWTHORNE
HALL N
VANDELIA
HERSCHEL
SOUTHSIDE
WESTSIDE
DOUGLAS AVE
LA FOY
DOROTHY
MILES
HOWETH
GILBERT
ARTHUR
MAHANNA
LAHOMA
CEDARPLAZA
CRESTVIEW
MAPLE SPRINGS
BRADFORD
STONELEIGH
DENTON
FLEETWOOD OAKS
ORLEANS
RAMPART
HARTFORD
KINGS
RALEIGH
CHATEAUX
MAHANNA SPRING
CHERRYWOOD
VANDELIA CARLSON
RAWLINS
HUDNALL
HEDGEROW
WHEELER
BOWSER
HOLLAND
CEDAR SPRINGS RD
DENTON DR
DENTON CUTOFF
MAPLE AVE
HAGGAR WAY
PEELER
ATWELL
NASH
KIMSEY
SADLER CIR
BUTLER
GREGG
OAK
CLARA
MINERT
BRADFORD
LES
Longfellow
Polk
K B Polk Park
Weichsel Park
Rusk
Maple Lawn
Cherrywood Park
Hernandez
Fairfax Park
Flippen Park
Germany Park
Greenway Park
Craddock Park
Mapsco, Inc.
MAPSCO
Map & Travel
1 mile
Copyright 1999 Mapsco and Trade Space

MAPSCO 34R


N
Lemmon Avenue
5696
Inwood Road
La Foy Boulevard
Subject Area

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a 10' sanitary sewer easement, located in City Block 5696 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Kings Road Realty Ltd.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this abandonment.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Kings Road Realty Ltd., a Texas 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 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, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions,

reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all 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 the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Development Services, or designee. Upon receipt of the monetary consideration set forth in Section 2 plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Development Services, or designee shall deliver to **GRANTEE** a certified copy of this

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

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

BY _____
Assistant City Attorney

THERESA O'DONNELL
Director of Development Services

BY _____
Assistant Director

Passed _____.

EXHIBIT A

PARTIAL ABANDONMENT
10' SANITARY SEWER EASEMENT
Part of City Block 5696
Miles Bennett Survey, Abstract No. 52
City of Dallas, Dallas County, Texas

DESCRIPTION of a 2,140 square feet (0.049 acre) tract of land situated in the Miles Bennett Survey, Abstract No. 52, Dallas County, Texas and being part of the City of Dallas Block No. 5696; said tract being part of a tract of land described in Special Warranty Deed to King's Road Realty, Ltd. recorded in Instrument No. 200600388753 of the Deed Records of Dallas County, Texas, also being a portion of a 10' Sanitary Sewer Easement recorded in Volume 2287, Page 113 of said Deed Records; said 2,140 square feet tract being more particularly described as follows(bearing system based on a bearing of North 43 degrees, 31 minutes, 02 seconds West for the southwest line of said tract of land described in Special Warranty Deed to King's Road Realty, Ltd.):

COMMENCING, at a 3/4-inch iron rod found for corner at the east corner of a tract of land described in Warranty Deed to H.V. Campbell III and A.W. Campbell Cole recorded in Volume 91172, Page 3398 of said Deed Records and the southeast corner of said King's Road Realty, Ltd. tract; said point being in the northwest right-of-way line of Inwood Road (100-foot wide right-of-way) and being the beginning of a tangent curve to the left;

THENCE, northeasterly, along the northwest right-of-way line of said Inwood Road and the southeast line of said King's Road Realty, Ltd. tract and along said curve to the left, having a central angle 03 degrees, 24 minutes, 39 seconds, a radius of 579.14 feet, on a chord bearing and distance of North 42 degrees, 07 minutes, 24 seconds East, 34.47 feet, an arc distance of 34.48 feet to the POINT OF BEGINNING;

THENCE, North 04 degrees, 21 minutes, 37 seconds West, departing northwest right-of-way line of said Inwood Road and the southeast line of said King's Road Realty, Ltd. tract, a distance of 217.23 feet to a point for corner in the northwest line of said King's Road Realty, Ltd. tract and in the southeast line of Lot 1, Block 2/5696 of Raytheon-Dallas Lemmon Avenue Addition, an addition to the City of Dallas, Texas recorded in Instrument No. 200600036809 of said Deed Records; said point being North 48 degrees, 47 minutes, 50 seconds East, a distance of 177.93 feet from a 3/8-inch iron rod found for corner being the west corner of said King's Road Realty, Ltd. tract;

THENCE, North 48 degrees, 47 minutes, 50 seconds East, along the northwest line of said King's Road Realty, Ltd. tract and the southeast line of said Lot 1, Block 2/5696, a distance of 6.25 feet to a 1/2-inch iron rod with red cap` found for corner; said point being the north corner of said King's Road Realty, ltd. tract and the east corner of said Lot 1, Block 2/5696; said point also being the west corner of a tract of land described in Warranty Deed to King's Road Realty, Ltd. tract recorded in Instrument No. 200600388754 of said Deed Records;

THENCE, South 56 degrees, 38 minutes, 06 seconds East, departing the east corner of said Lot 1, Block 2/5696 and along the northeast line of first referenced King's Road Realty, Ltd. tract and the southwest line of said second referenced King's Road Realty, Ltd. tract, a distance of 6.32 feet to a point for corner;

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

REVIEWED BY
06.22.2007

EXHIBIT A

PARTIAL ABANDONMENT
10' SANITARY SEWER EASEMENT
(continued)

THENCE, South 04 degrees, 21 minutes, 37 seconds East, departing the northeast line of said first referenced King's Road Realty, Ltd. tract and the southwest line of said second referenced King's Road Realty, Ltd. tract a distance of 206.78 feet to a point for corner; said point being the beginning of a non-tangent curve to the right;

THENCE, along a said non-tangent curve to the right, having a central angle of 01 degrees, 25 minutes, 21 seconds, having a radius of 579.14 feet, a chord bearing and distance of South 39 degrees, 42 minutes, 24 seconds West, 14.38 feet, an arc distance of 14.38 feet to the POINT OF BEGINNING;

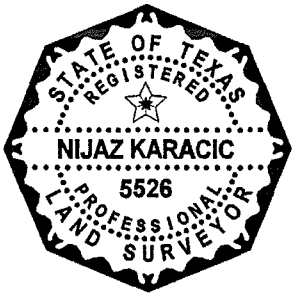
CONTAINING: 2,140 square feet or 0.049 acres of land, more or less.

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

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

6/19/07

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

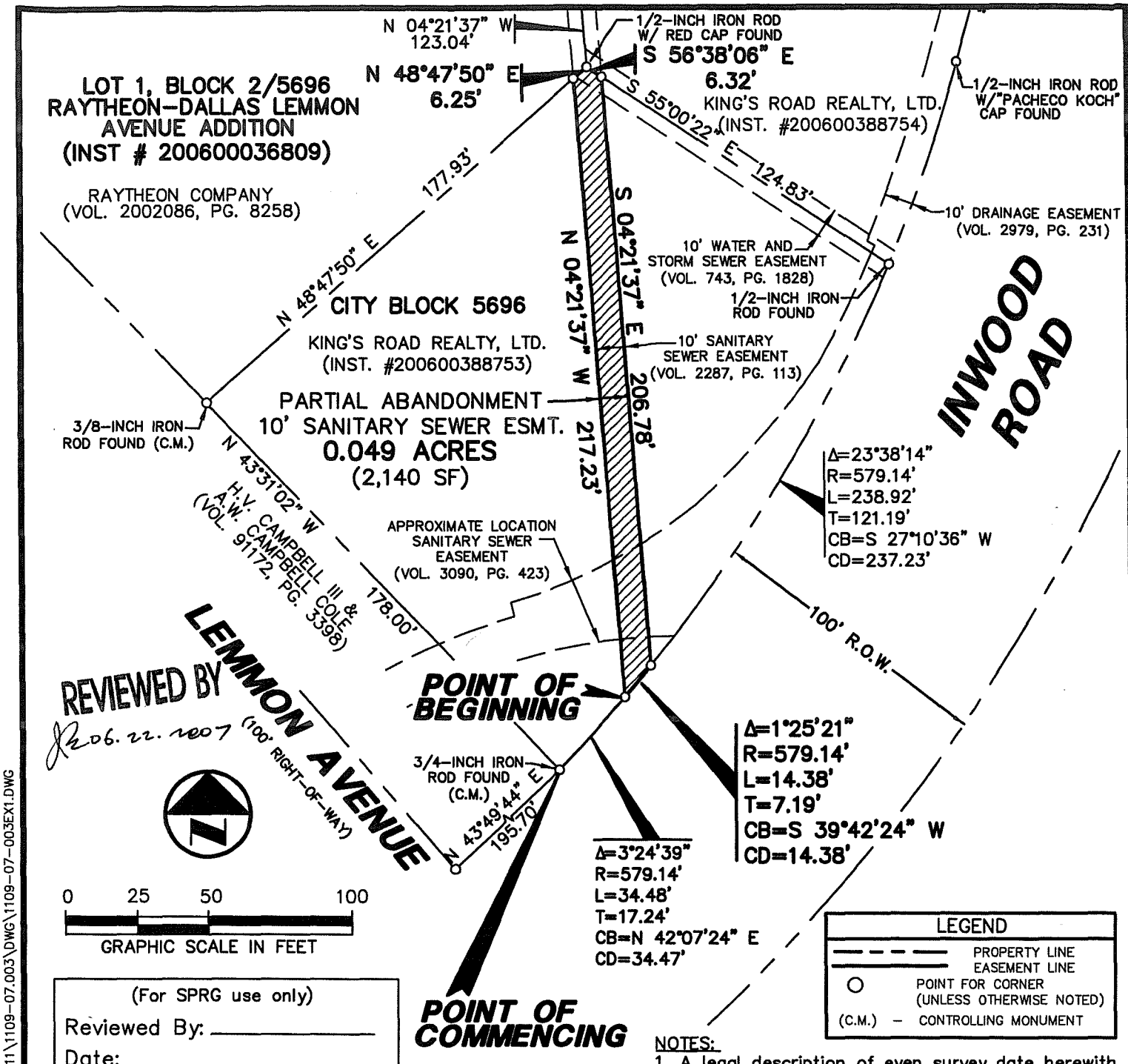


ABANDONMENT-15' SS.doc
1109-07.003

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

REVIEWED BY
06.22.2007

EXHIBIT A



REVIEWED BY
06.22.2007

LEGEND	
— — — —	PROPERTY LINE
———	EASEMENT LINE
○	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
(C.M.)	– CONTROLLING MONUMENT

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

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

2. Bearing system for this survey is based on a bearing of North 43 degrees, 31 minutes, 02 seconds West for the southwest line of a tract of land to King's Road Realty, Ltd. recorded in Inst. No. 200600388753 of the Deed Records of Dallas County, Texas.

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

STATE OF TEXAS
REGISTERED
NIJAZ KARACIC
5526
PROFESSIONAL
LAND SURVEYOR

6/19/07
Nijaz Karacic Date
Registered Professional
Land Surveyor No. 5526

PARTIAL ABANDONMENT
10' SANITARY SEWER EASEMENT

BEING PART OF CITY BLOCK NO. 5696
AND BEING OUT OF THE
MILES BENNETT SURVEY, ABSTRACT NO. 52
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 3

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

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
MWW/SBP	NK	1"=50'	JUNE 2007	1109-07.003

DWG FILE: 1109-07-003EX1.DWG

M:\DWG-11\1109-07.003\DWG\1109-07-003EX1.DWG 06/19/2007 - 1:20PM SPHILLIPS

AGENDA ITEM # 12

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 12

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 654Z

SUBJECT

An ordinance abandoning a portion of a water and sanitary sewer easement to Charles W. Cox, the abutting owner, containing approximately 11,517 square feet of land located near the intersection of Marsh Lane and Rosemeade Parkway - Revenue: $5,400 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a water and sanitary sewer easement to Charles W. Cox, the abutting owner, containing approximately 11,517 square feet of land. The area will be included with the property of the abutting owner to construct a new building for Gene's Fruit Stand.

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)

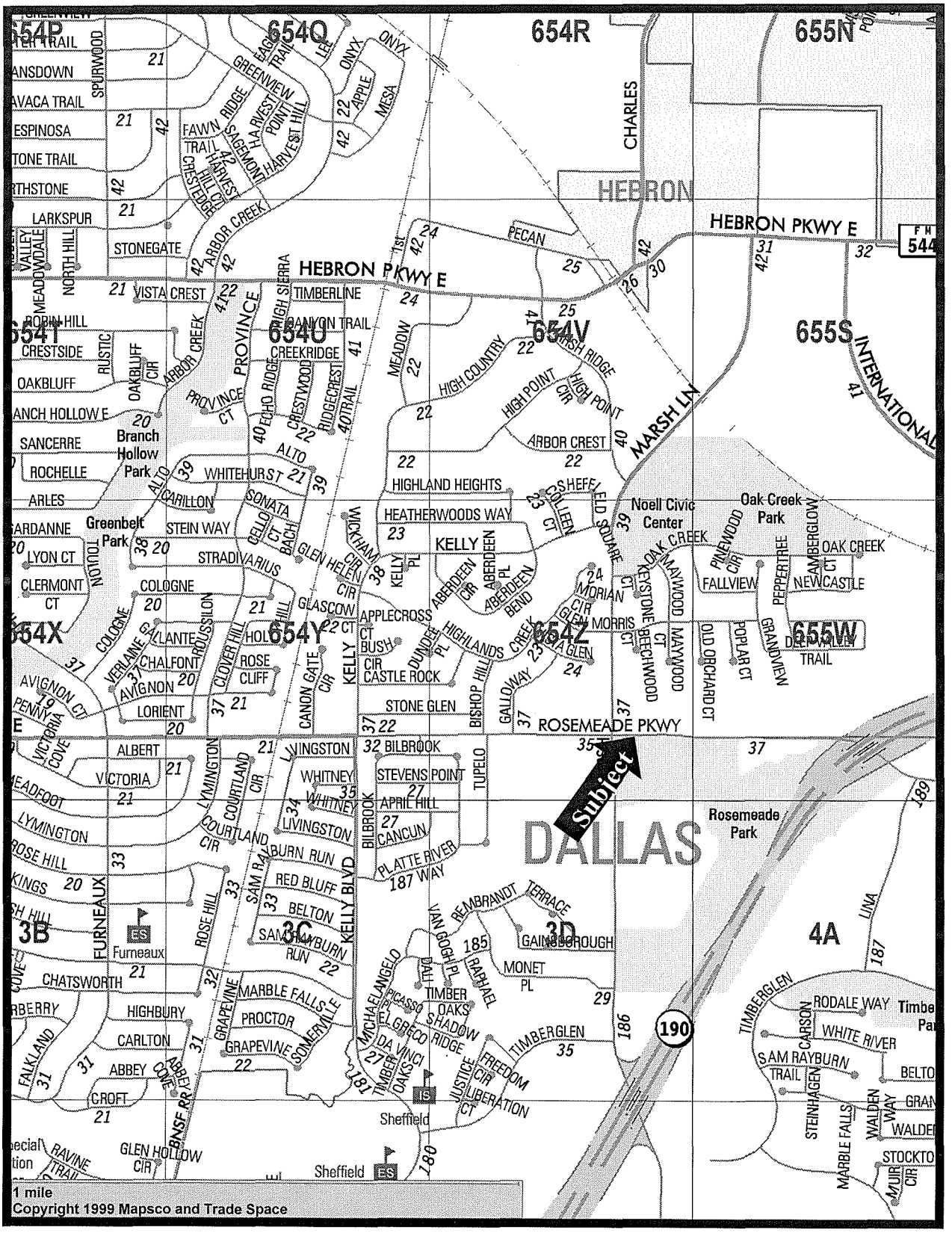
This item has no prior action.

FISCAL INFORMATION

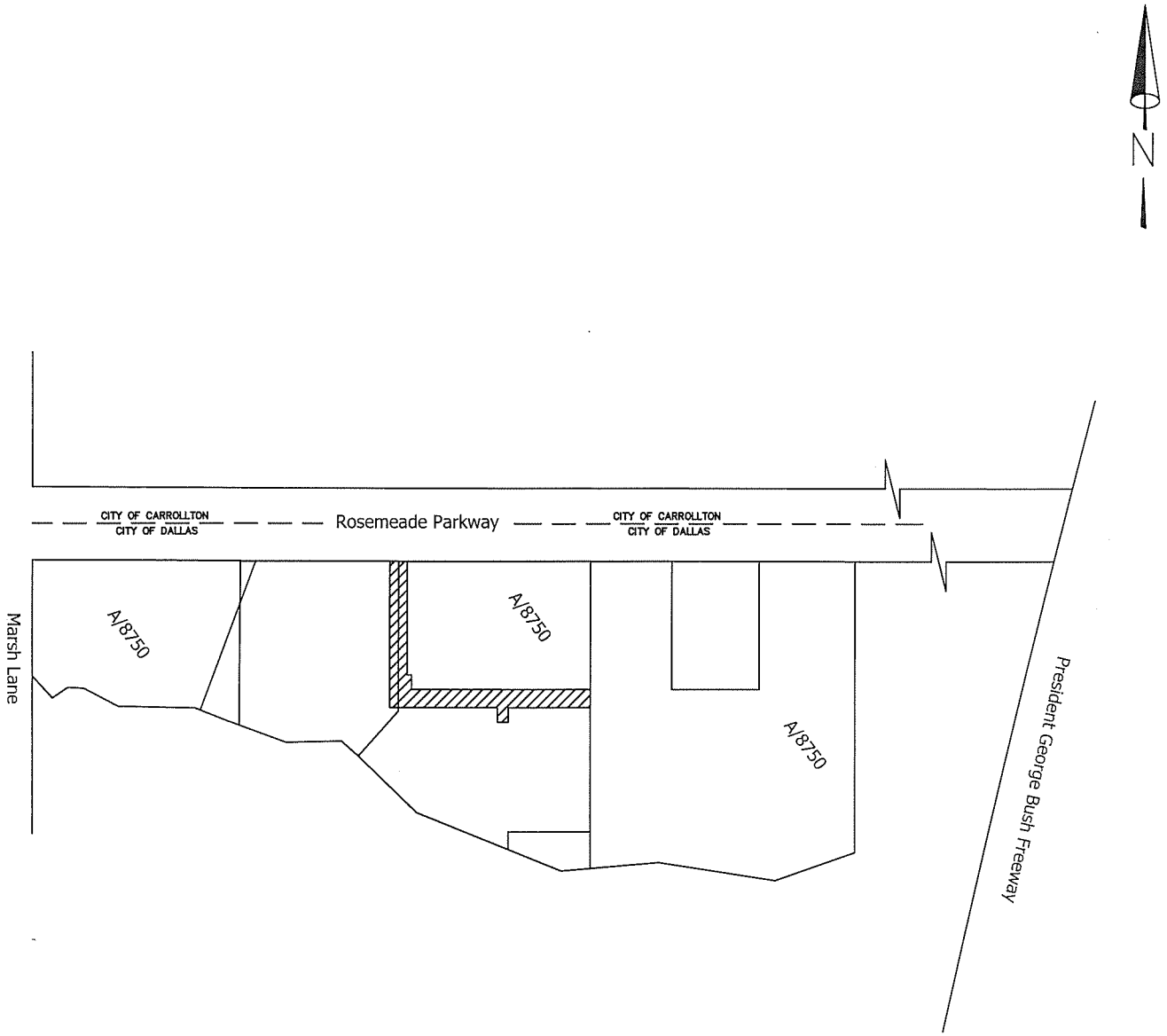
Revenue: $5,400 plus the $20 ordinance publication fee

MAPS

Attached


654P
654Q
654R
655N
654T
654U
654V
655S
654X
654Y
654Z
655W
3B
3C
3D
4A
HEBRON
HEBRON PKWY E
MARSH LN
ROSEMEADE PKWY
DALLAS
Subject
Noell Civic Center
Oak Creek Park
Rosemeade Park
Branch Hollow Park
Greenbelt Park
Furneaux
Sheffield
190
1 mile
Copyright 1999 Mapsco and Trade Space

MAPSCO 654Z



Abandonment Area

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a 25-foot water and sanitary sewer easement, located in City Block A/8750 in the City of Dallas and County of Denton, Texas; providing for the quitclaim thereof to Charles W. Cox; 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 for 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 Charles W. Cox, an individual, 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 portion of water and sanitary sewer easement to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

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

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

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

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

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

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

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, his heirs 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**, his heirs 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**, his heirs and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, his heirs and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, his heirs and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive, Environmental Response, Compensation Liability Act, 42 U.S.C. Section 9601 et seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

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

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Denton County, Texas, which certified copy shall be delivered to the Director of Development Services, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Development Services, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Development Services, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

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

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

BY _____
Assistant City Attorney

THERESA O'DONNELL
Director of Development Services

BY Heather Bowens
Assistant Director

Passed _____.

EXHIBIT A

PARTIAL ABANDONMENT
WATER AND SANITARY
SEWER EASEMENT

Part of Lot 2A, Block A/8750, Rosemeade Addition and
Part of Lot 2B, Block A/8750, Rosemeade Marsh Addition
M. O'Neil Survey, Abstract No. 986
City of Dallas, Denton County, Texas

BEING, an 11,517 square foot (0.264 acre) tract of land situated in the M. O'Neil Survey, Abstract No. 986, Denton County, Texas; said tract being part of Lot 2A, Block A/8750, Rosemeade Addition, an addition to the City of Dallas, Texas according to the plat recorded in Cabinet D, Slide 207 of the Map Records of Denton County, Texas, part of Lot 2B, Block A/8750, Rosemeade Marsh Addition, an addition to the City of Dallas, Texas according to the plat recorded in Cabinet U, Slide 363 of said Map Records, part of those certain tracts of land described in Special Warranty Deed to Charles W. Cox recorded in Instrument No. 2007-31938 of the Official Records of Denton County, Texas, in Warranty Deed to Charles W. Cox recorded in Volume 4182, Page 1811 of the Deed Records of Denton County, Texas, in Special Warranty Deed to Charles W. Cox recorded in Document No. 96-R83346 of said Deed Records and in Special Warranty Deed to Charles W. Cox recorded in Document No. 95-R34843 of said Deed Records; said tract also being part of that certain tract of land described as an "Easement" for water and sanitary sewer purposes described in Instrument recorded in Volume 2159, Page 141 of said Deed Records; said 11,517 square foot tract being more particularly described as follows (bearing basis for this survey is based on a bearing of South 89 degrees, 55 minutes, 00 seconds East for a south right-of-way line of Rosemeade Parkway (a 100-foot wide right-of-way) according to said plat of Rosemeade Addition recorded in Cabinet D, Page 207 of said Map Records):

BEGINNING, at "+" cut in concrete found in the south right-of-way line of said Rosemeade Parkway; said point being the northwest corner of said Lot 2B;

THENCE, South 89 degrees, 55 minutes, 00 seconds East, along the said south line of Rosemeade Parkway and the north line of said Lot 2B, a distance of 12.00 feet to a point for corner;

THENCE, South 00 degrees, 05 minutes, 00 seconds West, departing the said south line of Rosemeade Parkway and the said north line of Lot 2B, a distance of 155.00 feet to a point for corner;

THENCE, South 89 degrees, 55 minutes, 00 seconds East, a distance of 6.00 feet to a point for corner;

THENCE, South 00 degrees, 05 minutes, 00 seconds West, a distance of 20.00 feet to a point for corner;

THENCE, South 89 degrees, 55 minutes, 00 seconds East, a distance of 245.98 feet to a point for corner in the east line of said Lot 2B;

THENCE, South 00 degrees, 05 minutes, 00 seconds West, along the said east line of Lot 2B, a distance of 25.00 feet to a point for corner;

(For SPRG use only)	
Reviewed By:	Rmc
Date:	06/07/07
SPRG NO:	1009

PARTIAL ABANDONMENT
WATER AND SANITARY
SEWER EASEMENT

EXHIBIT A

Part of Lot 2A, Block A/8750, Rosemeade Addition and
Part of Lot 2B, Block A/8750, Rosemeade Marsh Addition
M. O'Neil Survey, Abstract No. 986
City of Dallas, Denton County, Texas
(Continued)

THENCE, North 89 degrees, 55 minutes, 00 seconds West, departing said east line of Lot 2B, a distance of 112.99 feet to a point for corner;

THENCE, South 00 degrees, 05 minutes, 00 seconds West, a distance of 19.79 feet to a point for corner;

THENCE, North 89 degrees, 55 minutes, 00 seconds West, a distance of 15.00 feet to a point for corner;

THENCE, North 00 degrees, 05 minutes, 00 seconds East, a distance of 19.79 feet to a point for corner;

THENCE, North 89 degrees, 55 minutes, 00 seconds West, at a distance of 135.99 feet passing the west line of said Lot 2B, continuing in all a total distance of 147.99 feet to a point for corner;

THENCE, North 00 degrees, 05 minutes, 00 seconds East, a distance of 200.00 feet to a point for corner in the said south line of Rosemeade Parkway and the north line of said Lot 2A;

THENCE, South 89 degrees, 55 minutes, 00 seconds East, along the said south line of Rosemeade Parkway and the said north line of Lot 2A, a distance of 12.00 feet to the POINT OF BEGINNING;

CONTAINING, 11,517 square foot or 0.264 acres of land, more or less.

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

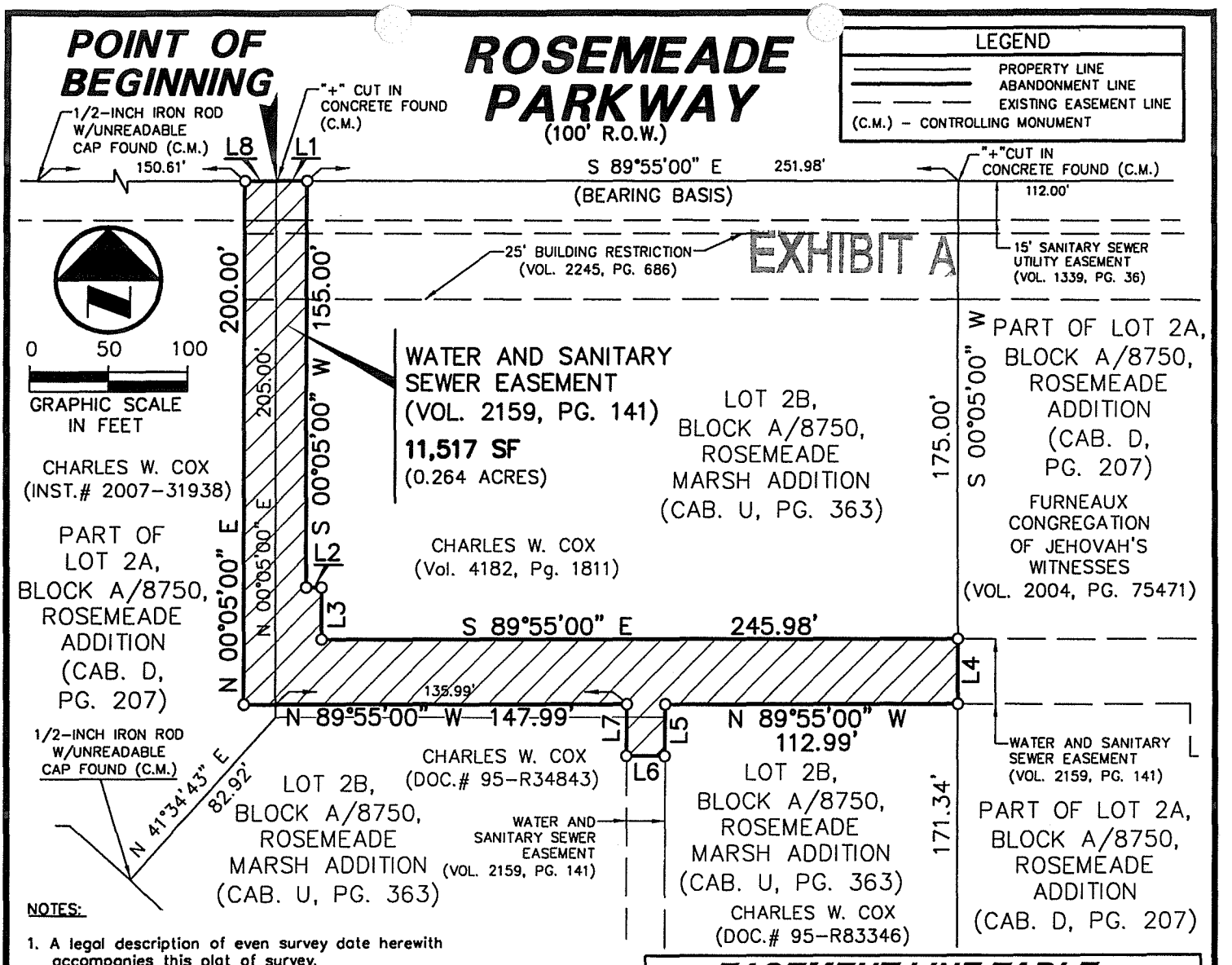
The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement tract described.

06/04/07

Michael C. Clover Date
Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expy, #1000, Dallas TX 75206
(972) 235-3031

REVISED

(For SPRG use only)
Reviewed By: RME
Date: 06/07/07
SPRG NO: 1009



NOTES:

1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of South 89 degrees, 55 minutes, 00 seconds East for a south right-of-way line of Rosemeade Parkway according to the plat of Rosemeade Addition recorded in Cabinet D, Page 207, Plat Records, Denton County, Texas.

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

Michael C. Clover Date
Registered Professional
Land Surveyor No. 5225

STATE OF TEXAS REGISTERED MICHAEL C. CLOVER 5225 PROFESSIONAL LAND SURVEYOR

EASEMENT LINE TABLE

LINE	BEARING	LENGTH
L1	S 89°55'00" E	12.00
L2	S 89°55'00" E	6.00
L3	S 00°05'00" W	20.00
L4	S 00°05'00" W	25.00
L5	S 00°05'00" W	19.79
L6	N 89°55'00" W	15.00
L7	N 00°05'00" E	19.79
L8	S 89°55'00" E	12.00

(For SPRG use only)
Reviewed By: RMC
Date: 06/12/07
SPRG NO: 1009

REVISED

PARTIAL ABANDONMENT WATER AND SANITARY SEWER EASEMENT

PART OF LOT 2A, BLOCK A/8750, ROSEMEADE ADDITION AND PART OF LOT 2B, BLOCK A/8750, ROSEMEADE MARSH ADDITION
M. O'NEIL SURVEY, ABSTRACT NO. 986
CITY OF DALLAS, DENTON COUNTY, TEXAS
SHEET 3 OF 4

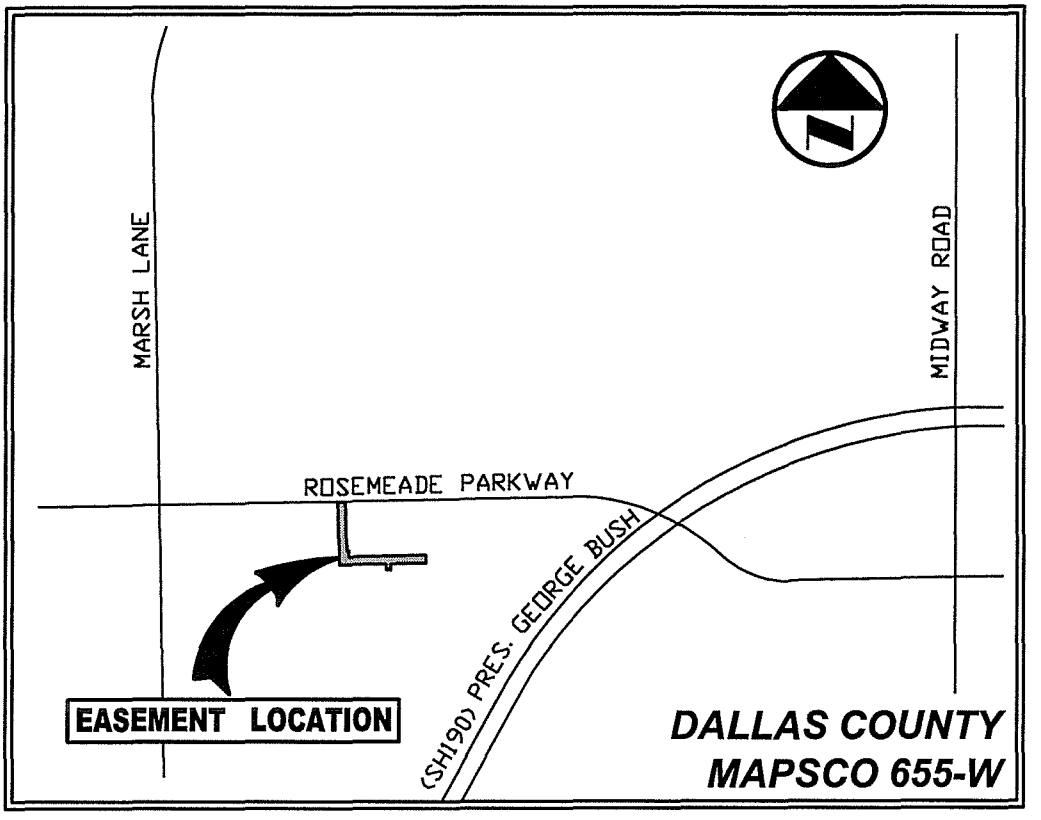
Pacheco Koch Consulting Engineers
8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX. 75206 972.235.3031

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
RGM	MCC	1"=60'	MAY, 2007	2837-07.128

M:\DWG-28\2837-07.128\DWG\2837-07-128EX1.DWG

DWG FILE: 2837-07-128EX1.DWG

EXHIBIT A



VICINITY MAP
(NOT TO SCALE)

(For SPRG use only)
Reviewed By: RMC
Date: 06/07/07
SPRG NO: 1009

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

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
RGM	MCC	1"=60'	MAY, 2007	2837-07.128

PARTIAL ABANDONMENT
WATER AND SANITARY SEWER EASEMENT

PART OF LOT 2A, BLOCK A/8750,
ROSEMEADE ADDITION AND
PART OF LOT 2B, BLOCK A/8750,
ROSEMEADE MARSH ADDITION
M. O'NEIL SURVEY, ABSTRACT NO. 986
CITY OF DALLAS, DENTON COUNTY, TEXAS
SHEET 4 OF 4

DWG FILE: 2837-07-128EX1.DWG

M:\DWG-28\2837-07.128\DWG\2837-07-128EX1.DWG

AGENDA ITEM # 13

KEY FOCUS AREA: Economic Development

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	13
DEPARTMENT:	Department of Development Services
CMO:	A. C. Gonzalez, 671-8925
MAPSCO:	25F

SUBJECT

An ordinance abandoning a portion of an alley to St. Mark's School of Texas, the abutting owner, containing approximately 20,301 square feet of land located near the intersection of Preston Road and Orchid Lane, providing for the dedication of approximately 1,151 square feet of land needed for an alley turnaround and authorizing the quitclaim - Revenue: $358,105 plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of an alley to St. Mark's School of Texas, the abutting owner, for the purpose of including this area in the development of the adjacent property for the expansion of the school campus. The owner will dedicate approximately 1,151 square feet of land needed for an alley turnaround. The abandonment fee is based on an independent appraisal.

Notices were sent to 42 property owners located within 300 feet of the proposed abandonment area. There were two responses received in opposition to this request.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: $358,105 plus the $20 ordinance publication fee

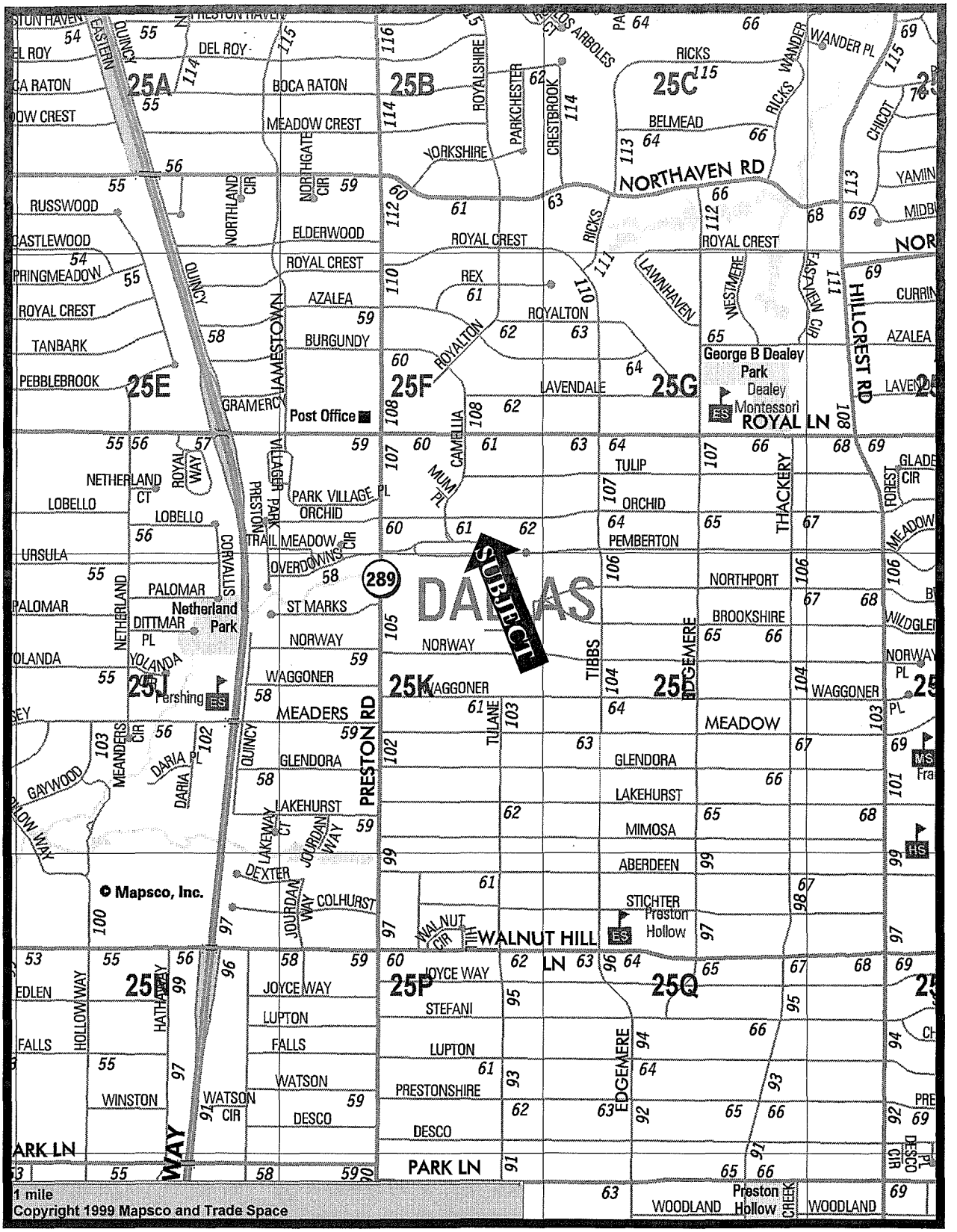
OWNER

St. Mark's School of Texas

Arnold E. Holtberg, Headmaster

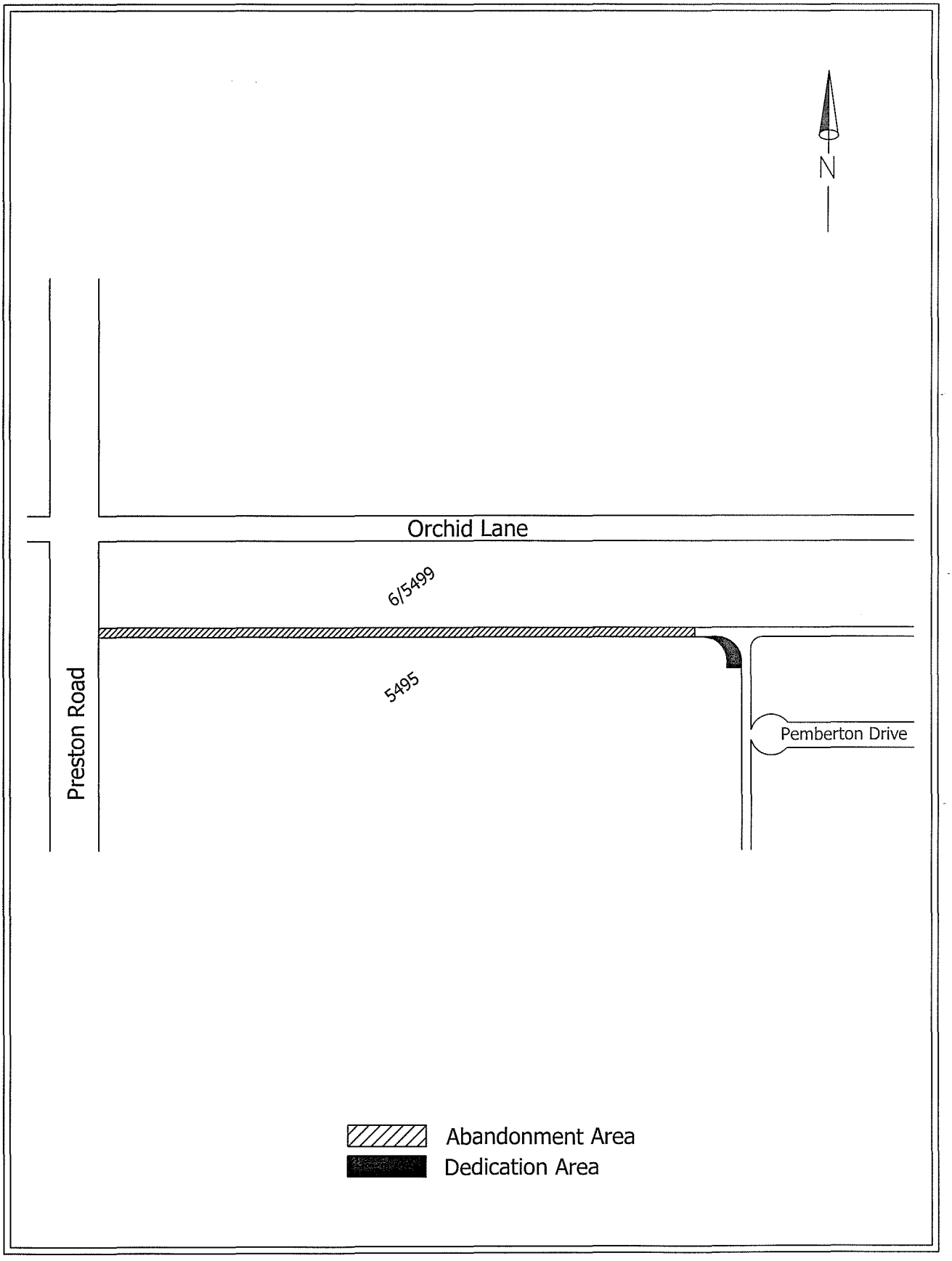
MAPS

Attached



25A
25B
25C
25E
25F
25G
25J
25K
25P
25Q
SUBJECT
DALLAS
289
NORTHAVEN RD
ROYAL LN
PRESTON RD
WALNUT HILL LN
PARK LN
HILLCREST RD
EDGEMERE
THACKERY
JAMESTOWN
QUINCY
EASTERN
CORVALLIS
NETHERLAND
PRESTON
VILLAGE PARK
ROYAL WAY
HOLLOW WAY
HATHAWAY
WAY
DEL ROY
BOCA RATON
MEADOW CREST
YORKSHIRE
ROYALSHIRE
PARKCHESTER
CRESTBROOK
RICKS
BELMEAD
WANDER
WANDER PL
CHICOT
YAMIN
MIDB
RUSSWOOD
CASTLEWOOD
PRINGMEADOW
ROYAL CREST
TANBARK
PEBBLEBROOK
ELDERWOOD
AZALEA
BURGUNDY
GRAMERCY
Post Office
REX
ROYALTON
LAVENDALE
LAWNHAVEN
WESTMERE
EASTVIEW CIR
George B Dealey Park
Dealey Montessori
CURRIN
CAMELLIA
MUM PL
TULIP
ORCHID
PEMBERTON
NETHERLAND CT
LOBELLO
URSULA
PALOMAR
Netherland Park
DITTMAR PL
YOLANDA
Pershing
PARK VILLAGE PL
TRAIL MEADOW
OVERDOWNS CIR
ST MARKS
NORWAY
WAGGONER
MEADERS
GLENDORA
LAKEHURST
MIMOSA
ABERDEEN
STICHTER
Preston Hollow
MEADOW
NORTHPORT
BROOKSHIRE
GLADE CIR
FOREST
WILDGLEN
NORWAY PL
MEANDERS CIR
DARIA PL
DARIA
GAYWOOD
LAKEWAY CT
JOURDAN WAY
DEXTER
COLHURST
WALNUT CIR
JOYCE WAY
STEFANI
LUPTON
FALLS
WATSON
PRESTONSHIRE
DESCO
WINSTON
WATSON CIR
EDLEN
WOODLAND
CREEK
Preston Hollow
1 mile
Copyright 1999 Mapsco and Trade Space

MAPSCO 25F


N
Orchid Lane
6/5499
5495
Preston Road
Pemberton Drive
Abandonment Area
Dedication Area

ORDINANCE NO._____

An ordinance providing for the abandonment of a portion of an alley located adjacent to City Blocks 5495 and 6/5499 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to St. Mark's School of Texas; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the conveyance of needed land to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment and quitclaim 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 St. Mark's School of Texas, a Texas nonprofit corporation, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of an alley is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

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

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

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

SECTION 2. That for and in monetary consideration of the sum of **THREE HUNDRED FIFTY-EIGHT THOUSAND ONE HUNDRED FIVE AND NO/100 ($358,105.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, 9,

10 and 11, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to that certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

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

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

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

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to

that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

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

amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey by General Warranty Deed to the City of Dallas, within 60 days of the effective date of this ordinance, good, indefeasible and marketable fee simple title, insured by an owner's policy of title insurance approved as to form by the City Attorney, to certain properties located in City Block 5495, containing approximately 1,151 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. Failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

SECTION 10. That at such time as the instrument described in Section 9 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 County, Texas.

SECTION 11. That this ordinance and properly executed General Warranty Deed, approved as to form by the City Attorney, be forwarded to a title insurance company for closing. Subsequent to closing, all instruments conveying real estate interests to the City of Dallas shall be recorded in the Deed Records of Dallas County, Texas and thereafter returned to the City Secretary for permanent record.

SECTION 12. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall pay all closing costs and title expenses associated with the acquisition of the property described in Section 9 above.

SECTION 13. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

(a) submit detailed plans for the construction of the alley turnaround within the area described in Exhibit C and the existing adjacent alley right-of-way to the Director of Development Services, or designee for review and approval, execute a private development contract for the construction of

the alley turnaround and **GRANTEE** shall, at its sole cost and expense, construct the alley turnaround in accordance with approved plans and the executed private development contract and have all work accepted in writing by the Director, or designee. Failure by **GRANTEE**, its successors and assigns, to comply with this provision within one year from the passage of this ordinance, shall render this ordinance null and void and of no further effect.

(b) immediately upon the effective date of the abandonment and quitclaim in accordance with Section 14, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Development Services. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street and/or alley improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Development Services.

(c) file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas.

SECTION 14. That the abandonment and quitclaim made herein shall not become effective until and unless the General Warranty Deed is conveyed to the City of Dallas in accordance with Section 9 and the alley turnaround is constructed in accordance with Section 13(a). Failure to convey the General Warranty Deed and construct the alley turnaround as herein provided shall render this ordinance null and void, and of no further effect.

SECTION 15. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Development Services, or designee. Upon receipt of the monetary consideration set forth in Sections 2 and 12, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the

conveyance of the General Warranty Deed in accordance with Section 9 and the construction of the alley turnaround in accordance with Section 13(a), the Director of Development Services, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Development Services, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 16. 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

ALLEY ABANDONMENT
Part of a 15' Alley
Between
Blocks 5495 & 6/5499
St. Mark School Addition
J. A. Smith Survey, Abstract No. 1339
City of Dallas, Dallas County, Texas

Being a 20,301 square foot tract of land situated in the J.A. Smith Survey, Abstract No. 1339, City of Dallas, Dallas County, Texas, being part of a 15 foot alley between Blocks 5495 & 6/5499, of St. Mark School Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 2002139, Page 00057, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner at the intersection of the east line of Preston Road and the north line of said 15 foot alley, said rod being the southwest corner of Lot 1A, in said Block 6/5499;

THENCE North 89° 52' 47" East along the north line of said 15 foot alley and the south line of said Block 6/5499 a distance of 1353.13 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner;

THENCE South 00° 07' 13" East departing the north line of said 15 foot alley and the south line of said Block 6/5499 a distance of 15.00 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner in the south line of said 15 foot alley and the north line of Lot 1, in said Block 5495;

THENCE South 89° 52' 47" West along the south line of said 15 foot alley and the north line of said Lot 1 a distance of 1353.09 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner at the intersection of the east line of said Preston Road and the south line of said 15 foot alley, said rod being the northwest corner of said Lot 1;

THENCE North 00° 14' 43" West along the terminus of said 15 foot alley a distance of 15.00 feet to the **POINT OF BEGINNING** and containing 20,301 square feet or 0.4660 acres of land, more or less.

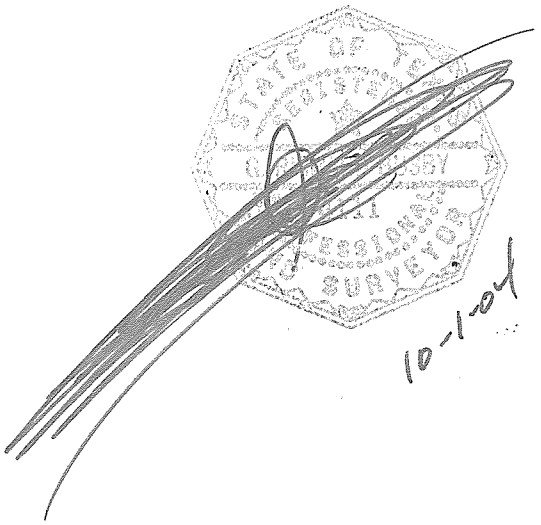
REVIEWED BY

EXHIBIT A

Basis of Bearings-
The east line of Preston Road as shown on plat recorded in Volume 2002138, Page 00057, M.R.D.C.T.

Controlling Monuments –
1" iron pipe found in the east line of Preston Road located South 00° 14' 43" East a distance of 5.00 feet from the southwest corner of Lot 1, Block 5495, St. Mark School Addition, recorded in Volume 2002139, Page 00057, M.R.D.C.T.

5/8" iron rod found in the south line of Orchid Lane located South 89° 52' 47" East a distance of 213.81 feet from the northeast corner of Lot 7A, Block 6/5499, St. Mark School Addition, recorded in Volume 2002139, Page 00057, M.R.D.C.T.



REVIEWED BY

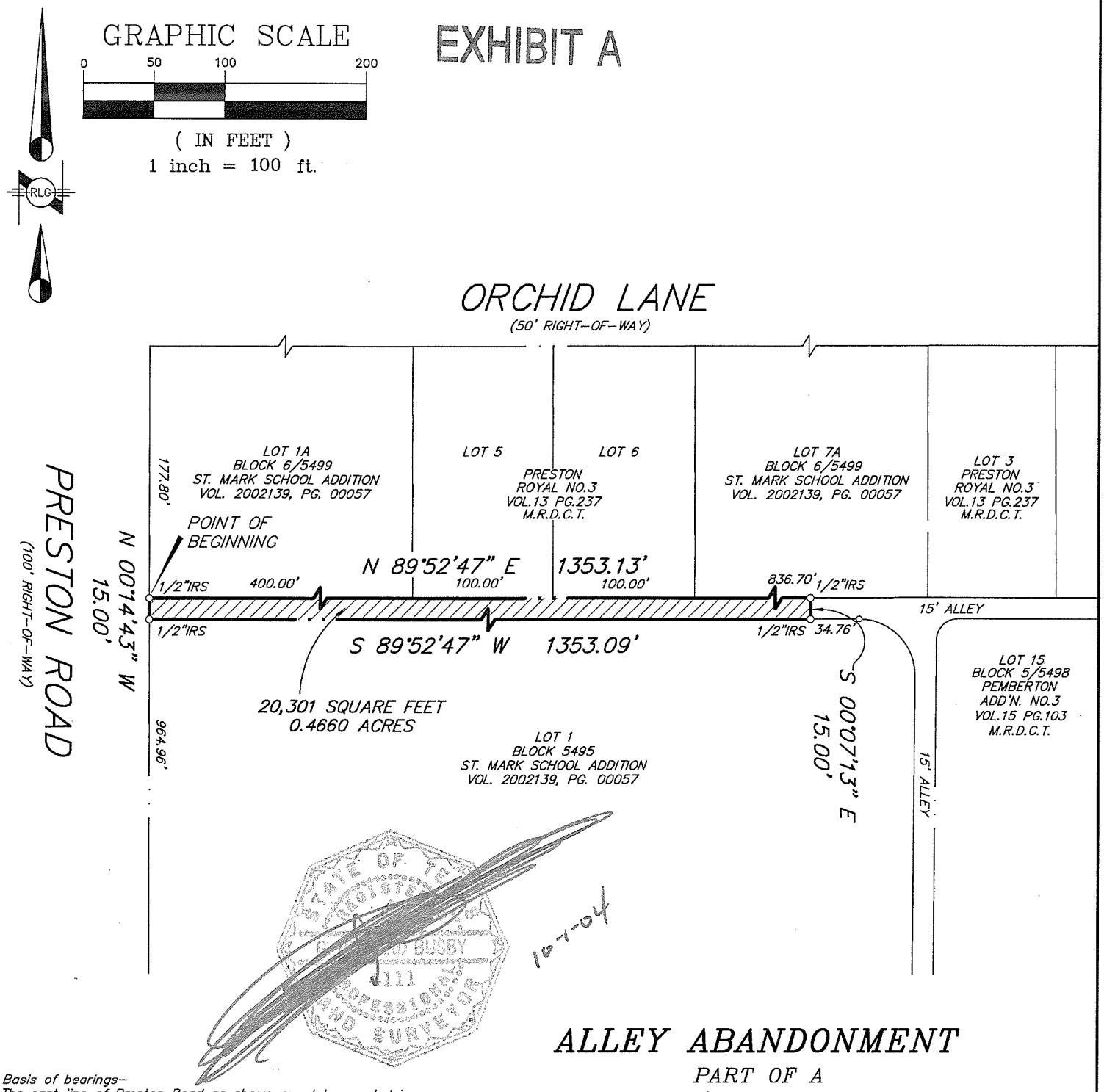
EXHIBIT A

GRAPHIC SCALE

0 50 100 200

(IN FEET)

1 inch = 100 ft.



Basis of bearings–
The east line of Preston Road as shown on plat recorded in Volume 2002138, Page 00057, M.R.D.C.T.

Controlling Monuments –
1" iron pipe found in the east line of Preston Road located South 00° 14' 43" East a distance of 5.00 feet from the southwest corner of Lot 1, Block 5495, St. Mark School Addition, recorded in Volume 2002139, Page 00057, M.R.D.C.T.

5/8" iron rod found in the south line of Orchid Lane located South 89° 52' 47" East a distance of 213.81 feet from the northeast corner of Lot 7A, Block 6/5499, St. Mark School Addition, recorded in Volume 2002139, Page 00057, M.R.D.C.T.

ALLEY ABANDONMENT

PART OF A

15' ALLEY

BETWEEN

BLOCKS 5495 & 6/5499

ST. MARK SCHOOL ADDITION

J.A. SMITH SURVEY ABSTRACT NO.1339

CITY OF DALLAS, DALLAS COUNTY, TEXAS

RAYMOND L. GOODSON, JR., INC.
5445 LA SIERRA
SUITE 300 L.B.17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginc.com

SCALE	1" = 100'		DATE	09-17-04		
JOB NO.	6115	E-FILE	6115aban	DWG NO.	23794X	

REVIEWED BY

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

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

EXHIBIT C

ALLEY DEDICATION
Part of Lot 1, Block 5495
St. Mark School Addition
J. A. Smith Survey, Abstract No. 1339
City of Dallas, Dallas County, Texas

Being a 1,151 square foot tract of land situated in the J.A. Smith Survey, Abstract No. 1339, City of Dallas, Dallas County, Texas, being part of a tract of land conveyed to Texas Country Day School at Dallas by warranty deed recorded in Volume 2666, Page 239, Deed Records, Dallas County, Texas, and being part of Lot 1, Block 5495, St. Mark School Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 2002139, Page 00057, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner at the intersection of the south line of a 15' alley recorded in Volume 13, Page 237, Deed Records, Dallas County, Texas, with a cut-off line between the south line of said 15' alley and the west line of a 15' alley recorded in Volume 15, Page 103, Deed Records, Dallas County, Texas, and being North 89° 52' 47" East a distance of 1387.86 feet from the intersection of the east line of Preston Road (a 100' right-of-way) and the south line of said 15' alley, and being the beginning of a curve to the right;

THENCE in a southeasterly direction along said cut-off line and along said curve to the right whose chord bears South 44° 51' 04" East a distance of 56.83 feet, having a radius of 40.00 feet, a central angle of 90° 32' 18", and an arc length of 63.21 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner and the end of said curve to the right;

THENCE South 00° 25' 05" West along the west line of said 15' alley a distance of 9.62 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

THENCE South 89° 52' 47" West departing the west line of said 15' alley a distance of 22.95 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner;

(For SPRG use only)	
Reviewed By:	JL
Date:	7-13-07
SPRG NO.:	1058

THENCE North 00° 07' 13" West a distance of 10.00 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner, and being the beginning of curve to the left;

THENCE in a northwesterly direction along said curve to the left whose chord bears North 45° 07' 13" West a distance of 56.57 feet, having a radius of 40.00 feet, a central angle of 90° 00' 00", and an arc length of 62.83 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" set for corner in the south line of said 15' alley, and being the end of said curve to the left;

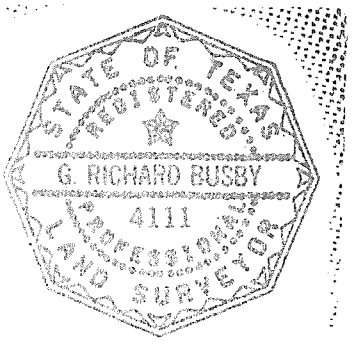
THENCE North 89° 52' 47" East along the south line of said 15' alley a distance of 23.04 feet to the **POINT OF BEGINNING** and containing 1,151 square feet or 0.0264 acres of land, more or less.

Basis of bearings-
The east line of Preston Road as shown on plat recorded in Volume 2002138, Page 00057, M.R.D.C.T.

Controlling Monuments –
1" iron pipe found in the east line of Preston Road located South 00° 14' 43" East a distance of 5.00 feet from the southwest corner of Lot 1, Block 5495, St. Mark School Addition, recorded in Volume 2002139, Page 00057, M.R.D.C.T.

5/8" iron rod found in the south line of Orchid Lane located South 89° 52' 47" East a distance of 213.81 feet from the northeast corner of Lot 7A, Block 6/5499, St. Mark School Addition, recorded in Volume 2002139, Page 00057, M.R.D.C.T.

G. Richard Busby R.P.L.S. No. 4111
June 28, 2007



(For SPRG use only)	
Reviewed By:	JL
Date:	7-13-07
SPRG NO.:	1058

GRAPHIC SCALE

0 10 20 40

(IN FEET)

1 inch = 20 ft.

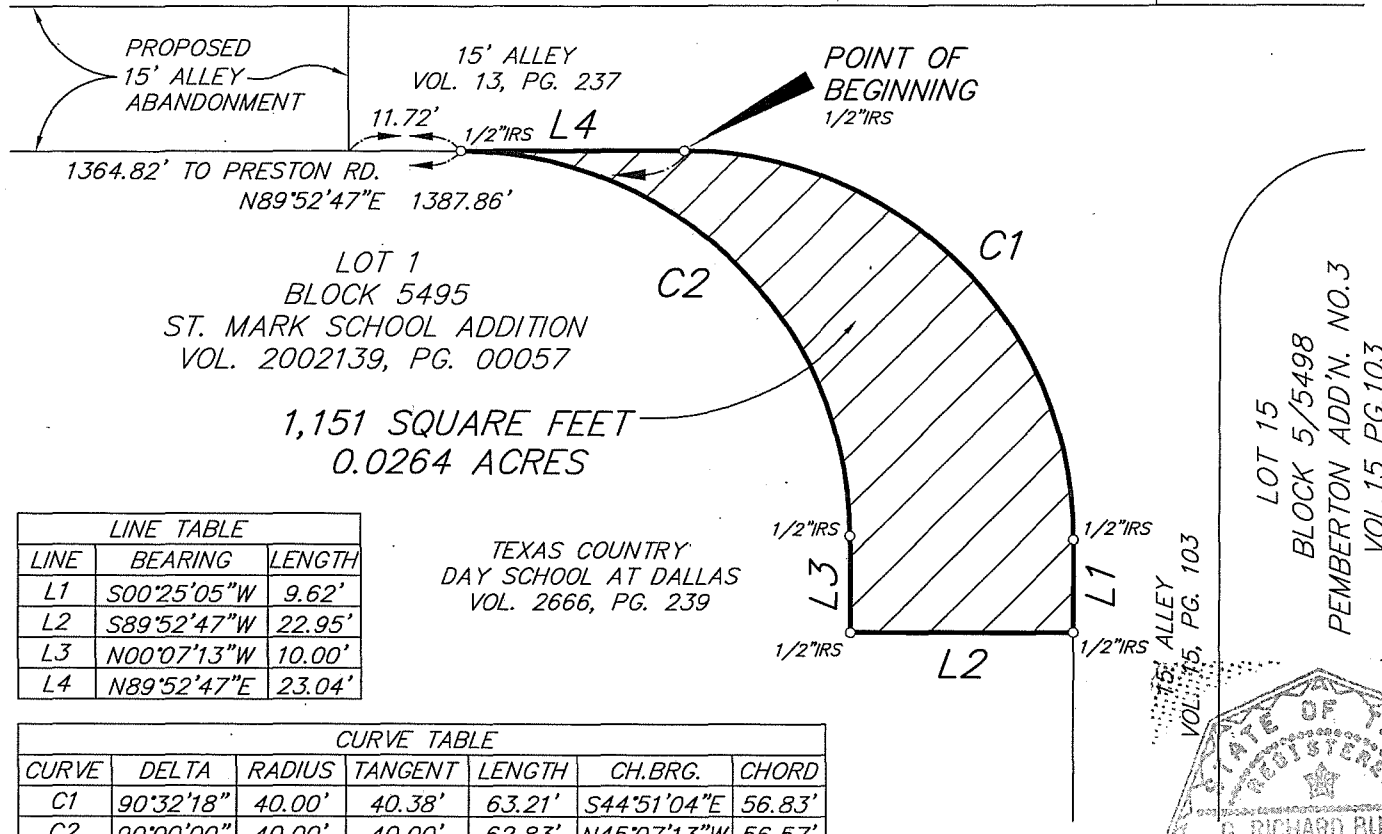
LEGEND

..... PROPERTY LINE

1/2"IRS ..... 1/2" IRON ROD SET

LOT 7A
BLOCK 6/5499
ST. MARK SCHOOL ADDITION
VOL. 2002139, PG. 00057

LOT 3
PRESTON ROYAL NO.3
VOL.13 PG.237
M.R.D.C.T.



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°25'05"W	9.62'
L2	S89°52'47"W	22.95'
L3	N00°07'13"W	10.00'
L4	N89°52'47"E	23.04'

CURVE TABLE						
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CH.BRG.	CHORD
C1	90°32'18"	40.00'	40.38'	63.21'	S44°51'04"E	56.83'
C2	90°00'00"	40.00'	40.00'	62.83'	N45°07'13"W	56.57'

STATE OF TEXAS
REGISTERED
G. RICHARD BUSBY
4111
PROFESSIONAL
LAND SURVEYOR

Basis of bearings–
The east line of Preston Road as shown on plat recorded in Volume 2002138, Page 00057, M.R.D.C.T.

Controlling Monuments –
1" iron pipe found in the east line of Preston Road located South 00° 14' 43" East a distance of 5.00 feet from the southwest corner of Lot 1, Block 5495, St. Mark School Addition, recorded in Volume 2002139, Page 00057, M.R.D.C.T.

5/8" iron rod found in the south line of Orchid Lane located South 89° 52' 47" East a distance of 213.81 feet from the northeast corner of Lot 7A, Block 6/5499, St. Mark School Addition, recorded in Volume 2002139, Page 00057, M.R.D.C.T.

G. RICHARD BUSBY R.P.L.S. NO. 4111
JUNE 28, 2007

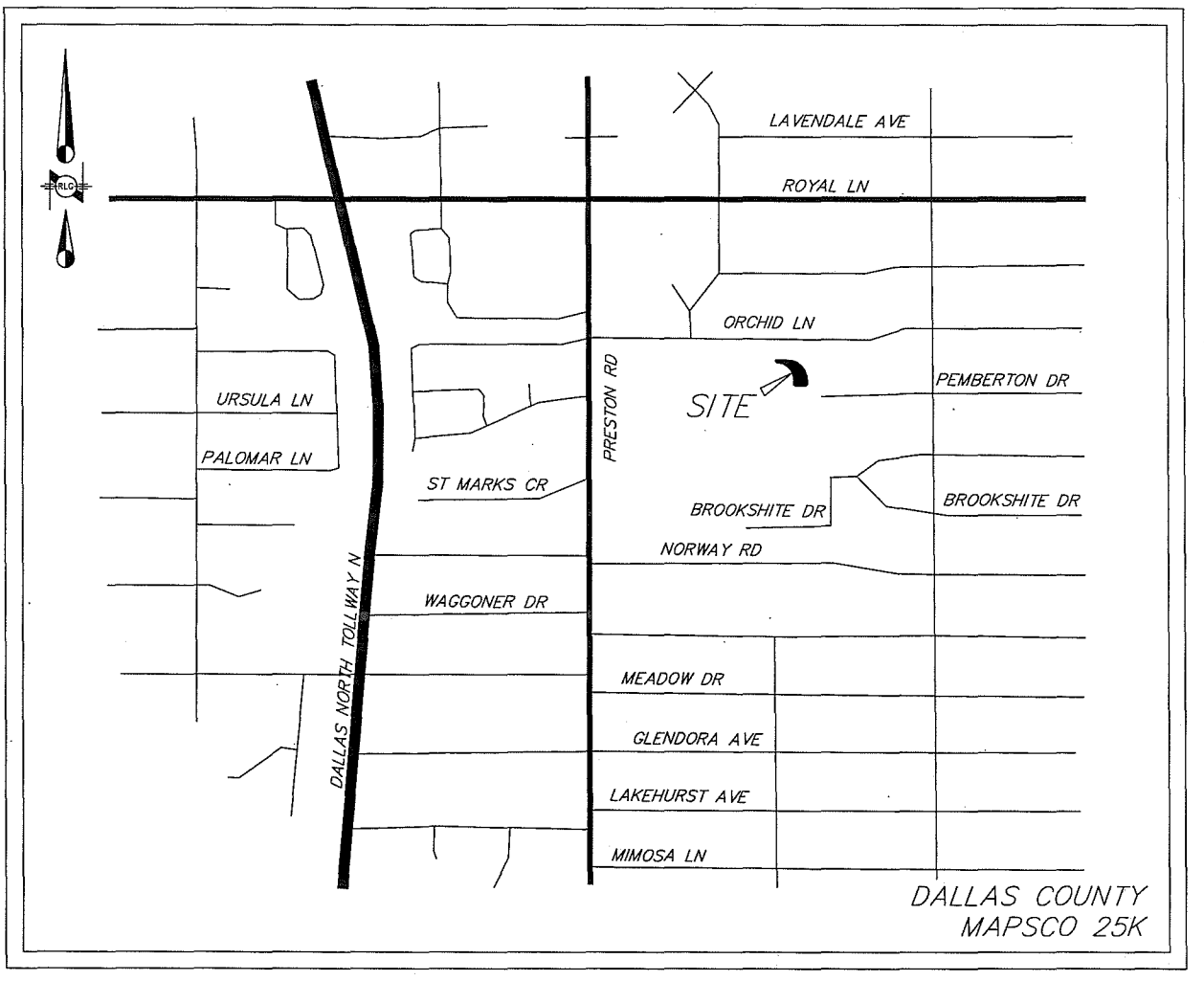
RAYMOND L. GOODSON, JR., INC.
5445 LA SIERRA
SUITE 300 L.B.17
DALLAS, TX. 75231–4138
214–739–8100
rlg@rlginc.com

ALLEY DEDICATION
PART OF
LOT 1, BLOCK 5495
ST. MARK SCHOOL ADDITION
J.A. SMITH SURVEY ABSTRACT NO.1339
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SHEET 3 OF 3

(For SPRG use only)
Reviewed By: JK
Date: 7-13-07
SPRG NO.: 1058

SCALE	1" = 20'		DATE	6–28–07	
JOB NO.	6115	E–FILE	6115.DWG	DWG NO.	23793X



LOCATOR MAP

NOT TO SCALE

ALLEY DEDICATION

PART OF

LOT 1, BLOCK 5495

ST. MARK SCHOOL ADDITION

J.A. SMITH SURVEY ABSTRACT NO. 1339

CITY OF DALLAS, DALLAS COUNTY, TEXAS

AGENDA ITEM # 14

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 22P Q

SUBJECT

Authorize the deposit of the Jury Award in the case of City of Dallas v. 1755 N.W. Corporation, Cause No. cc-05-01812-B, in the County Court at Law No. 2, for acquisition from 1755 N.W. Corporation of approximately 39 acres of land located near the intersection of Manana Drive and Spangler Road for the Elm Fork Soccer Complex project - $5,531,322 - Financing: 1998 Bond Funds

BACKGROUND

This item authorizes deposit of the Jury's Award for the acquisition of approximately 39 acres of unimproved land. The original offer of $2,906,357 was based on an independent appraisal. The offer was not accepted by the owners and an eminent domain case was filed to acquire the land. The Jury awarded $5,531,322.

The City has no control over a jury appointed by the county court at law judges or any award that is subsequently rendered by the Jury. The City, in order to acquire possession and proceed with its improvements, must deposit the Jury's Award in the Registry of the Court.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on August 11, 2004, by Resolution No. 04-2252.

FISCAL INFORMATION

1998 Bond Funds - $5,531,322

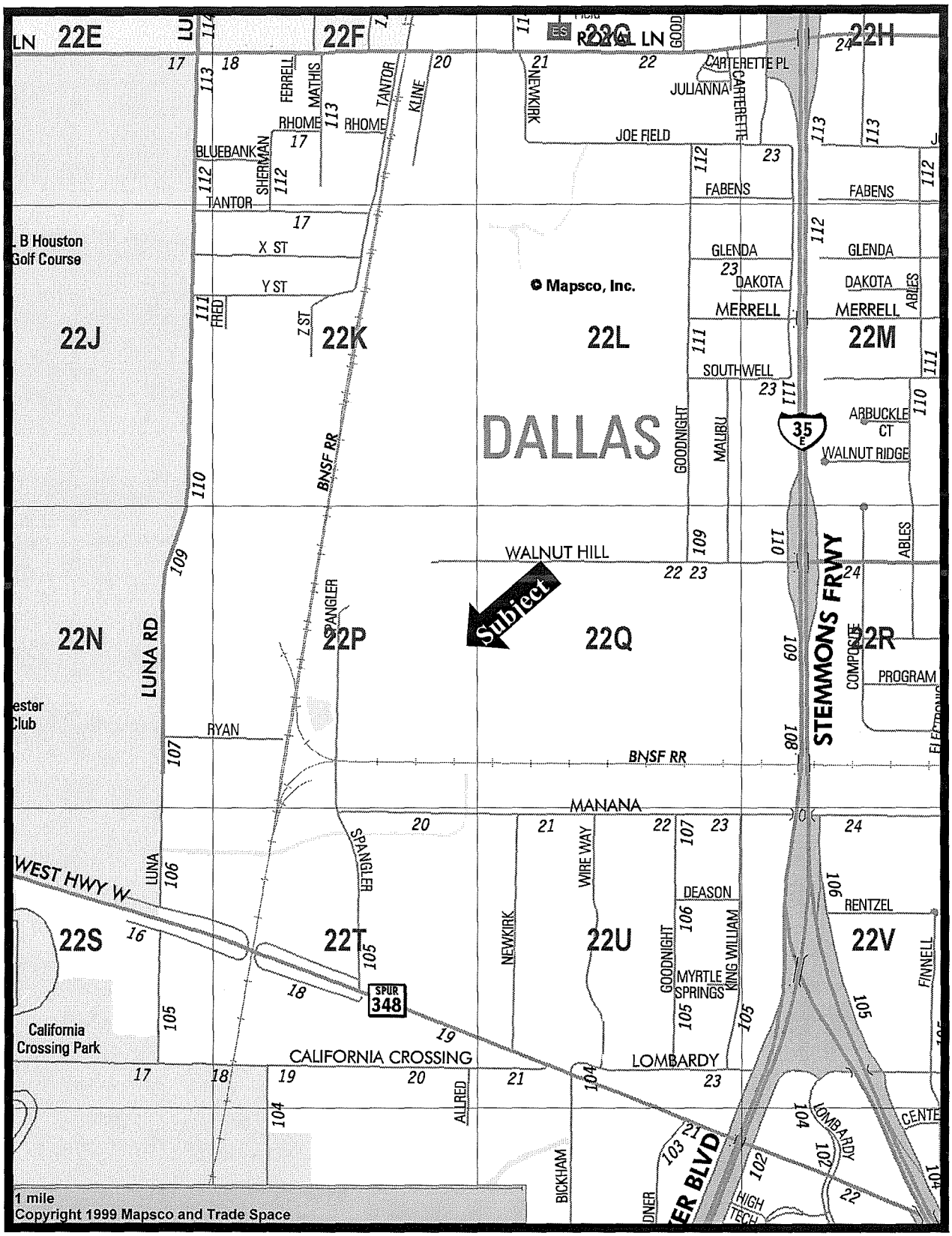
OWNER

1755 N.W. Corporation

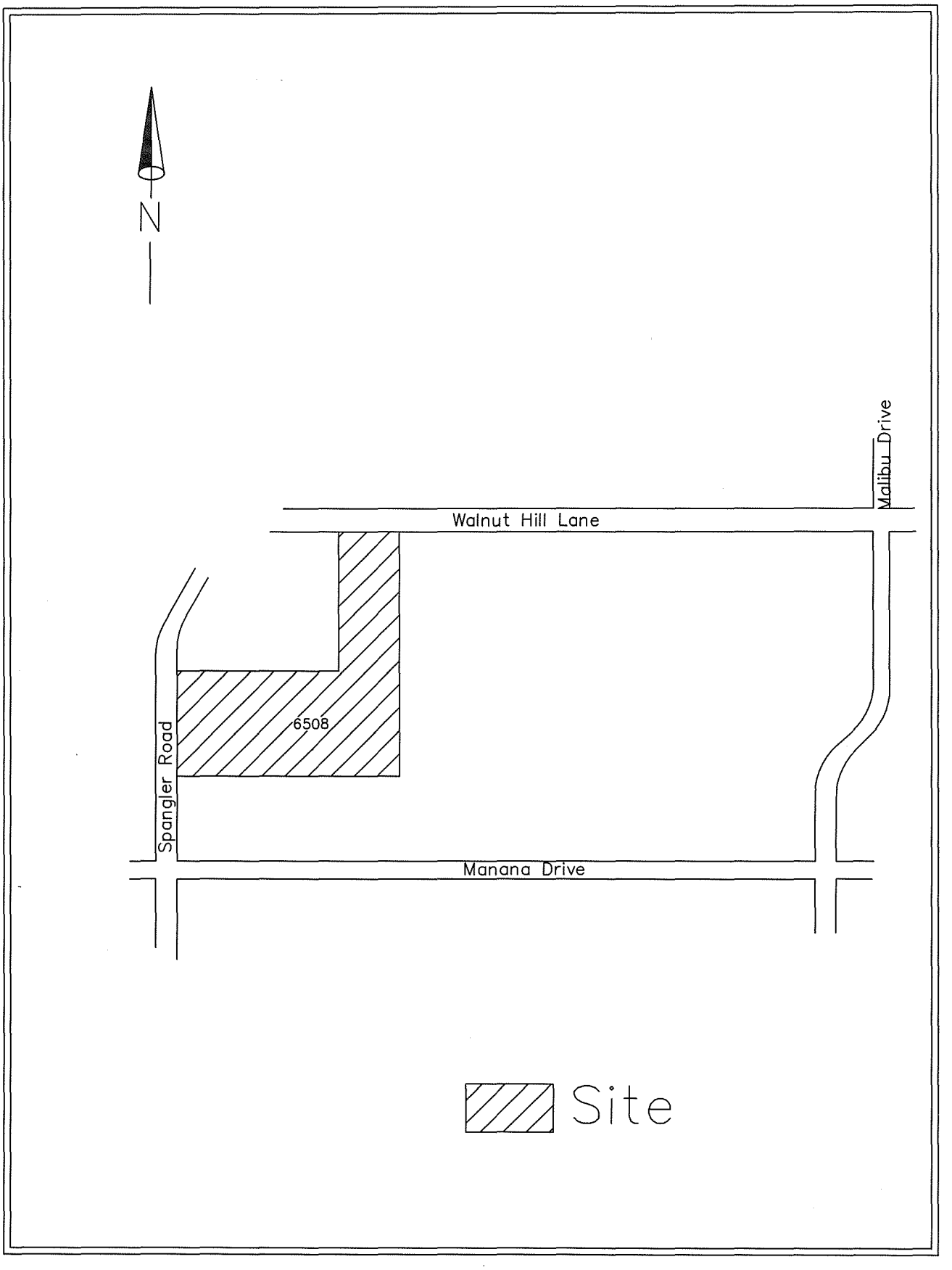
Ali Davari, President

MAPS

Attached


22E
22F
22G
22H
22J
22K
22L
22M
22N
22P
22Q
22R
22S
22T
22U
22V
DALLAS
Subject
© Mapsco, Inc.
ROYAL LN
CARTERETTE PL
JULIANNA
JOE FIELD
FABENS
GLENDA
DAKOTA
MERRELL
SOUTHWELL
ARBUCKLE CT
WALNUT RIDGE
WALNUT HILL
RYAN
MANANA
DEASON
RENTZEL
PROGRAM
BLUEBANK
TANTOR
RHOME
X ST
Y ST
Z ST
FERRELL
MATHIS
SHERMAN
KLINE
NEWKIRK
GOODNIGHT
MALIBU
ABLES
FRED
BNSF RR
LUNA RD
SPANGLER
WIRE WAY
KING WILLIAM
MYRTLE SPRINGS
FINNELL
ALLRED
BICKHAM
LOMBARDY
CALIFORNIA CROSSING
WEST HWY W
SPUR 348
STEMMONS FRWY
35E
B Houston Golf Course
California Crossing Park
1 mile
Copyright 1999 Mapsco and Trade Space

Mapsco 22P Q


N
Malibu Drive
Walnut Hill Lane
6508
Spangler Road
Manana Drive
Site

September 12, 2007

WHEREAS, beginning on July 9, 2007 a jury trial was held in the eminent domain case styled City of Dallas v. 1755 N.W. Corporation, Cause no. cc-05-01812-B in the County Court at Law No. 2 of Dallas County, Texas; and

WHEREAS, the jury returned a verdict placing a value of $5,419,844.10 on the land taken; and

WHEREAS, a judgment was entered awarding the land to the City of Dallas and awarding the landowner the amount of the said verdict plus interest; and

WHEREAS, it is the desire of the City Council to satisfy said judgment; Now, Therefore,

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

SECTION 1. That the judgment entered in Cause No. cc-05-01812-B be satisfied by payment of the principal and interest in a sum not to exceed $5,531,322.00.

SECTION 2. That the City Controller is hereby authorized to issue a check in an amount not to exceed $2,906,357.00 made payable to 1755 N.W. Corporation and charged to Fund Trinity River Corridor Project, Fund 3P14, Dept. PBW, Unit N964, Object 4210, Activity TRTP, Job No. PB98N964, PD DEVN964MD78, authorized by Resolution No. 04-2252, and an amount not to exceed $2,624,965 made payable to 1755 N.W. Corporation charged to Fund Trinity River Corridor Project, Fund 5P14, Dept. PBW, Unit N964, Object 4210, Activity TRTP, Job No. PB98N964, CT DEVN964LJ93.

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

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

By: _____
Assistant City Attorney

AGENDA ITEM # 15

KEY FOCUS AREA: Economic Development

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	2, 14
DEPARTMENT:	Office of Economic Development
CMO:	A. C. Gonzalez, 671-8925
MAPSCO:	45 M 46 J

SUBJECT

Authorize **(1)** approval of the Deep Ellum Public Improvement District Service Plan for 2008; **(2)** a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate for the Deep Ellum Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Deep Ellum Public Improvement District (District) for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements in the District, approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date – Financing: No cost consideration to the City

BACKGROUND

City Council authorizes the Service Plan for each Public Improvement District (PID) annually and subsequently calls and holds a public hearing to set the annual assessment rate for property in the PID.

On July 1, 2007, the Deep Ellum Foundation provided City staff with the proposed amended District Service Plan for 2008 and the proposed Assessment Rate for 2007.

The public improvement district is outlined in the following way:

BACKGROUND (continued)

(a) **Nature of the Services and Improvements**. The general nature of the services and improvements to be performed by the Deep Ellum Public Improvement District (District) is to enhance security and public safety within the District, provide maintenance, conduct marketing and promotion activities, funding for long range planning for capital projects, construction and administration of capital projects and other activities as authorized by the Act.

(b) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided during the seven-year term of the District is approximately one million, one hundred eighty thousand, seventeen dollars ($1,180,017). The estimated average annual cost is approximately one hundred sixty-eight thousand, five hundred seventy-three dollars ($168,573). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The District is located wholly within the City of Dallas. The boundaries of the District are shown on the map of the District.

(d) **Method of Assessment.** The method of assessment, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The proposed 2007 assessment rate for the District is $0.12 per $100.00 of appraised value by the Dallas Central Appraisal District. The annual assessment rate, during the seven-year life of the District, shall not exceed $0.15 per $100.00 of appraisal value by the Dallas Central Appraisal District.

(e) **Apportionment of costs between the District and the Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and city parks are not subject to assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 25, 1999, the City Council held and closed a public hearing, and authorized the establishment of the Deep Ellum Public Improvement District by Resolution No. 99-2604.

On August 9, 2006, the City Council authorized a public hearing to be held on the renewal of the Deep Ellum Public Improvement District, closed that public hearing and authorized renewing the District by Resolution No. 06-2951.

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

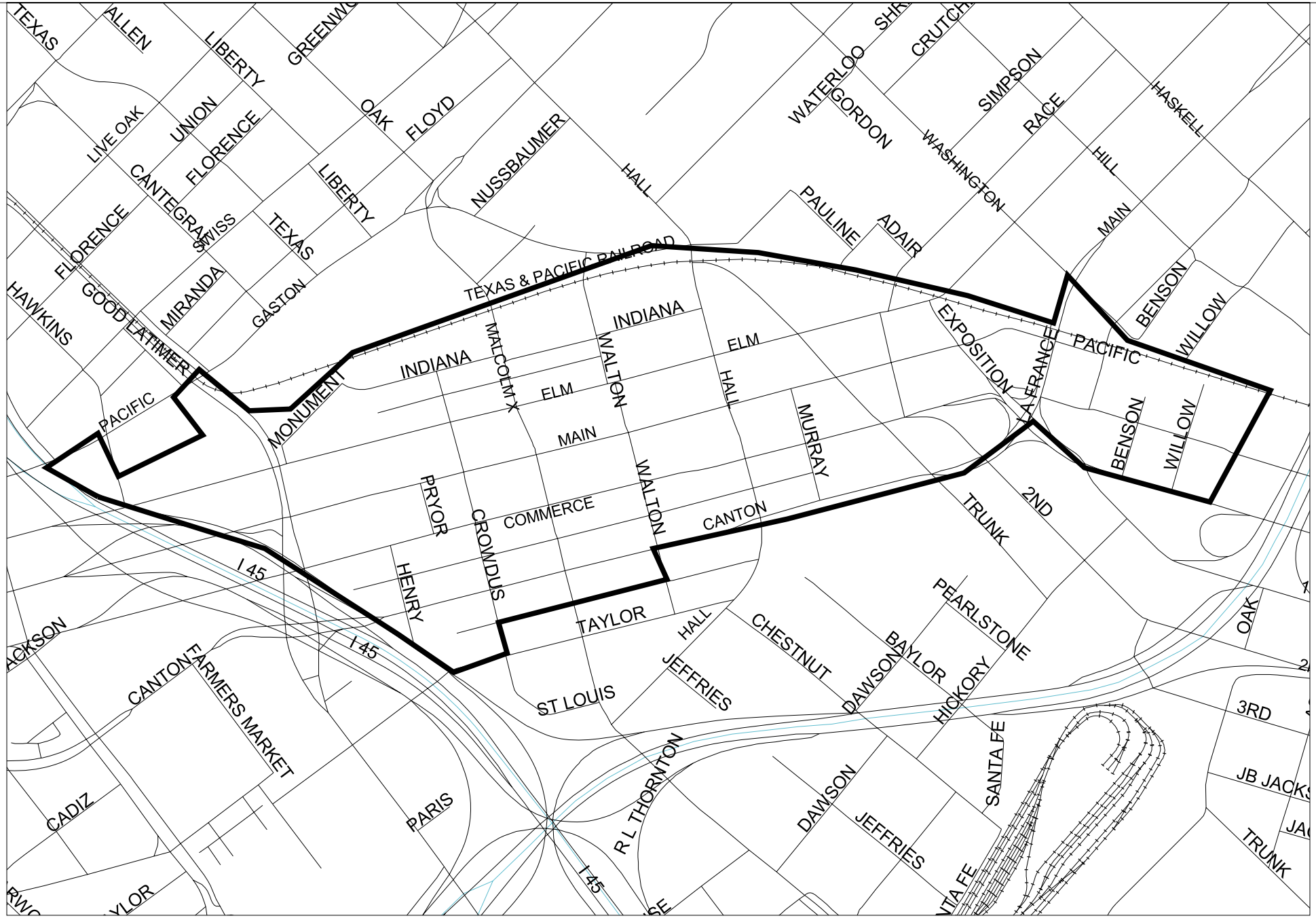
On September 27, 2006, the City Council authorized the assessment rate for 2006 by Resolution No. 06-2625 and Ordinance No. 26469.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.



Deep Ellum PID Map

PID Boundary

Office of Economic Development
June 2006

CITY OF DALLAS

September 12, 2007

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on May 12, 1999, owners of real property located within the Deep Ellum area, delivered to the City of Dallas a petition to create the Deep Ellum Public Improvement District, in accordance with the parameters of Chapter 372 of the Texas Local Government Code **(Map of the District)**. City staff reviewed the petition and determined the owners of more than 50 percent of the appraised value of the taxable real property liable for assessment, and more than 50 percent of the area of all taxable real property liable for assessment within the District executed the petition, in accordance with the necessary thresholds for the City Council to consider creation of the District; and

WHEREAS, on June 23, 1999, the City Council called a public hearing to be held on August 11, 1999, to hear public comments on the establishment of the District. Subsequently, on August 11, 1999, the City Council postponed the public hearing until August 25, 1999 by Resolution No. 99-2341; and

WHEREAS, on August 25, 1999, the City Council authorized the service plan, establishing the Deep Ellum Public Improvement District and named the Deep Ellum Foundation as the management entity for the Public Improvement District by Resolution No. 99-2604; and

WHEREAS, on August 9, 2006, the City Council conducted a public hearing regarding the renewal of the Deep Ellum PID, and upon the close of that public hearing authorized renewing the Deep Ellum PID for a period of seven years by Resolution No. 06-2051; and

WHEREAS, on September 27, 2006, the City Council authorized the assessment rate for 2006 by Resolution 06-2625 and Ordinance No. 26469; and

WHEREAS, on July 1, 2007, the Deep Ellum Foundation provided City staff with the proposed amended District Service Plan for 2008 and the proposed Assessment Rate for 2007; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Deep Ellum Foundation evaluated the amended service plan and assessment plan to determine whether the services should be made as proposed by the amended service plan and found the plan to be viable; and

WHEREAS, the City desires by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2007 assessment rate for a special assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after considering the amended Service Plan for 2008 for the Deep Ellum Public Improvement District hereby approves the amended service plan for 2008 **(Exhibit A)**.

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services described in this Resolution.

(b) **Nature of the Services.** The general nature of the services and improvements to be performed by the District is to enhance security and public safety within the District, provide maintenance, conduct marketing and promotion activities, funding for long range planning for capital projects, construction and administration of capital projects and other activities as authorized by the Act.

(c) **Estimated Cost of the Services.** The total estimated cost of services and improvements provided during the seven-year term of the District is approximately one million, one hundred eighty thousand, seventeen dollars ($1,180,017). The estimated average annual cost is approximately one hundred sixty-eight thousand, five hundred seventy-three dollars ($168,573). **(Exhibit A)** The District shall incur no bonded indebtedness.

(d) **Boundaries.** The boundaries of the District are as shown on the attached **Map of the District.**

(e) **Method of Assessment.** The method of assessment, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. **(Exhibit B)**.

(f) **Apportionment of costs between the District and the Municipality as a Whole.** The District shall pay the costs of the services by special assessment against the real property and real property improvements. The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District. Payment of assessments by exempt jurisdictions must be established by contract.

Section 1 (continued)

(g) The findings set forth in the preamble of this Resolution are hereby found to be true and correct.

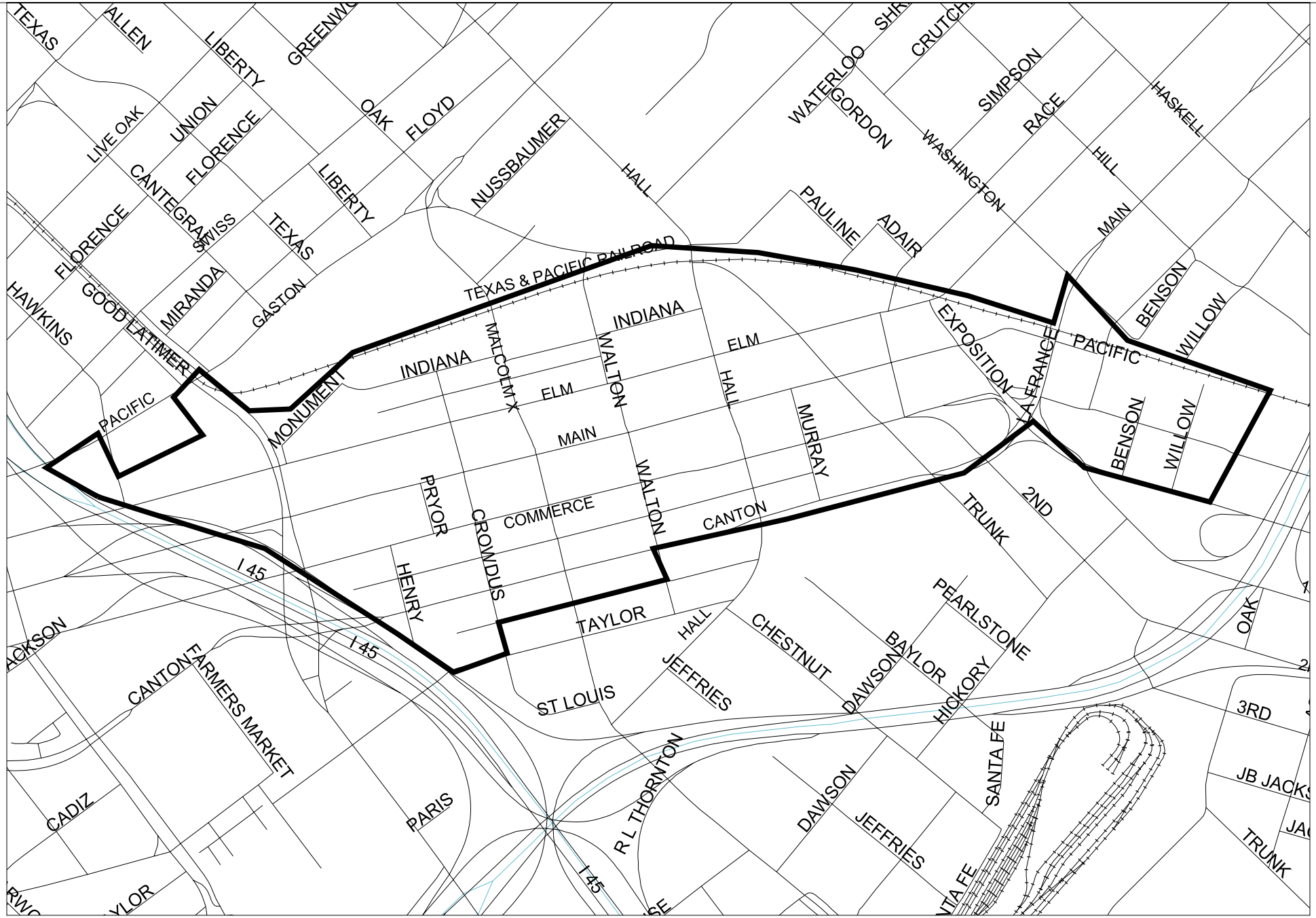
Section 2. That a public hearing shall be held at 1:00 p.m. on September 26, 2007 in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, at which time any interested person may appear and speak for or against the setting of an assessment rate for a special assessment against real property and real property improvements, exclusive of rights-of-way, to continue funding for the District for the purpose of providing supplemental public services and public improvements.

Section 3. That such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners of the District before the 10th day before the public hearing.

Section 4. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date.

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 is accordingly so resolved.

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



Deep Ellum PID Map

PID Boundary

Office of Economic Development
June 2006

CITY OF DALLAS

Deep Ellum Public Improvement District

Budget 2007-2014

		Calendar Year 2007	Calendar Year 2008	Calendar Year 2009	Calendar Year 2010	Calendar Year 2011	Calendar Year 2012	Calendar Year 2013	Calendar Year 2014
Revenues									
	Assessments Received (.12 on core zone only)	$135,000.00	$160,000.00	$164,800.00	$169,744.00	$174,836.32	$180,081.41	$185,483.85	$191,048.37
	City Collection 2.00 per core account	-$860.00	-$860.00	-$860.00	-$860.00	-$860.00	-$860.00	-$860.00	-$860.00
	Surplus(deficit) From previous years	$40,000.00	$27,000.00	$27,000.00	$0.00	$0.00	$0.00	$0.00	$0.00
	Total Revenues	$174,140.00	$186,140.00	$190,940.00	$168,884.00	$173,976.32	$179,221.41	$184,623.85	$190,188.32
Expenses	Audit		$6,000.00	$6,000.00	$6,000.00	$6,000.00	$6,000.00	$6,000.00	$6,000.00
	Maintenance (1)	$35,000.00	$50,000.00	$51,500.00	$53,045.00	$54,636.35	$56,275.44	$57,963.70	$59,702.61
	Professional Sevice (2)	$10,000.00	$5,000.00	$5,150.00	$5,304.50	$5,463.64	$5,627.54	$5,796.37	$5,970.26
	Promotional (3)	$45,000.00	$60,000.00	$61,800.00	$63,654.00	$65,563.62	$67,530.53	$69,556.44	$71,643.14
	Capital Improvements (4)	$20,000.00	$10,000.00	$10,300.00	$10,609.00	$10,927.27	$11,255.09	$11,592.74	$11,940.52
	Administration (5)	$20,250.00	$24,000.00	$24,720.00	$25,461.60	$26,225.45	$27,012.21	$27,822.58	$28,657.26
	Security (6)		$5,000.00	$5,150.00	$5,304.50	$5,463.64	$5,627.54	$5,796.37	$5,970.26
	Total Expenses	$130,250.00	$154,000.00	$158,620.00	$163,378.60	$168,279.96	$173,328.36	$178,528.21	$183,884.05
	Surplus/Defecit	$43,890.00	$32,140.00	$32,320.00	$5,505.40	$5,696.36	$5,893.05	$6,095.64	$6,304.27

1. MadVac, weed control, litter control, graffiti removal

2. Professioal Service

3. Promotional materials, coordinator, website, directors, promotional activities

4. Signage, light, paint and sidewalk programs

5. Office expense, public notice costs and mailings

6. Security

Appreciation factor (revenue) 3%

Admin. costs (%age total revenue) 15%

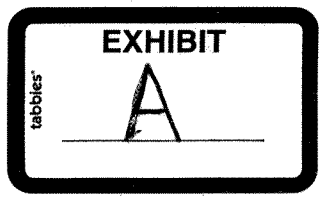


Exhibit B

Deep Ellum Public Improvement District
2007 Assessment Plan

The cost of the services and improvements provided by the Deep Ellum Public Improvement District will be paid primarily by assessments against real properties within the Deep Ellum Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The assessment rate for the property in the Deep Ellum PID is proposed at $0.12 per $100.00 value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The City of Dallas shall not be responsible for payment of assessment against exempt city property including city right-of-way and parks. Payment of assessment by other tax-exempt owners must be established by contract. No such contracts are in place at present.

Deep Ellum's assessment will be collected by the City of Dallas in accordance with a managements contract between the City and Deep Ellum Foundation.

AGENDA ITEM # 16

KEY FOCUS AREA: Economic Development

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	2, 14
DEPARTMENT:	Office of Economic Development
CMO:	A. C. Gonzalez, 671-8925
MAPSCO:	45 F G J K L M N P Q & R

SUBJECT

Authorize **(1)** approval of the Dallas Downtown Improvement District Service Plan for 2008; **(2)** a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate for the Dallas Downtown Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Dallas Downtown Improvement District for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2007 assessment; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

City Council authorizes the Service Plan for each Public Improvement District (PID) annually and subsequently calls and holds a public hearing to set the annual assessment rate for property in the PID.

On July 1, 2007, Dallas CBD Enterprises, Inc. provided City staff with the proposed amended Dallas Downtown Improvement District (District) Service Plan for 2008 and the proposed Assessment Rate for 2007.

BACKGROUND (continued)

The public improvement district proposed amended Service Plan is outlined in the following way:

(a) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to improve security, supplement the maintenance of streets, sidewalks and landscaping, providing marketing information to promote the District, provide streetscape enhancements and provide other services and improvements that are authorized by the Act. The District is to supplement and enhance services within the District, but not replace or supplant existing City services provided within the District.

(b) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided by the District for the seven-year period is approximately thirty-four million, seven hundred eighty-one thousand, one hundred, thirty-four dollars ($34,781,134). The average annual cost for the seven- year period is approximately four million, nine hundred sixty-eight thousand, seven hundred, thirty-three dollars ($4,968,733). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The District is in the Central Business District. The boundaries of the District are described as the centerlines of Woodall Rodgers Freeway, North Central Expressway, Julius Schepps Freeway, R.L. Thornton Freeway and Stemmons Freeway. The boundaries of the District are shown on the map of the District.

(d) **Method of Assessment.** The method of assessment, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Section 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment by the District on that portion of the assessed value of the property that is exempt from City real property taxes.

The proposed 2007 assessment rate for the District is $0.1190 per $100.00 of appraised value as determined by the Dallas Central Appraisal District.

The actual assessment rate and levies will be set by the City Council in accordance with the provisions of Chapter 372 of the Texas Local Government Code. The annual assessment rate, during the seven-year life of the District, shall not exceed $0.15 per $100.00 of appraisal value by the Dallas Central Appraisal District.

BACKGROUND (continued)

(e) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and city parks are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

The District shall generally pay the costs of the proposed improvements, except where project-specific opportunities exist for cost sharing with the municipality or other public or private sources.

For the FY 2007-2008, the estimated City participation is approximately $278,000. Every dollar of City assessment paid to the District will leverage approximately $25.00 of assessments paid by private property owners. As a contributor, the City of Dallas will be represented on the governing Boards of Directors.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 24, 1992, the City Council authorized the Downtown Improvement District by Resolution No. 92-2445.

On August 9, 2006, the City Council authorized the renewal of the District for a seven-year period by Resolution No. 06-2048.

On September 27, 2006, the City Council authorized the Downtown Improvement District 2006 assessment rate by Resolution No. 06-2624 and Ordinance No. 26468.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

Downtown Improvement District Map

PID Boundary

Office of Economic Development
July 2006

CITY OF DALLAS

September 12, 2007

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation and renewal of public improvement districts; and

WHEREAS, on June 24, 1992, the City Council authorized the Downtown Improvement District (District) by Resolution No. 92-2445; and

WHEREAS, on August 9, 2006, the City Council authorized the renewal of the District, by Resolution No. 06-2048; and

WHEREAS, on July 1, 2007, Dallas CBD Enterprises, Inc., presented City staff with the proposed amended District Service Plan for 2008 and the proposed Assessment Plan for 2007; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Dallas CBD Enterprises, Inc. evaluated the amended service plan to determine whether the services should be made as proposed by the service plan and found the plan to be viable; and

WHEREAS, the City desires by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2007 assessment rate for a special assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after reviewing the amended Service Plan for 2008 for the Dallas Downtown Improvement District hereby approves the amended service plan for 2008, attached herein as **Exhibit A** and finds:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services described in this Resolution.

(b) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to improve security, supplement the maintenance of streets, sidewalks and landscaping, providing marketing information to promote the District, provide streetscape enhancements and provide other services and improvements that are authorized by the Act. The District is to supplement and enhance services within the District, but not replace or supplant existing City services provided within the District.

Section 1 (continued)

(c) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided by the District for the seven-year period is approximately Thirty-four million, seven hundred eighty-one thousand, one hundred, thirty-four dollars ($34,781,134). The average annual cost for the seven-year period is approximately four million, nine hundred sixty-eight thousand, seven hundred, thirty-three dollars ($4,968,733). The District shall incur no bonded indebtedness.

(d) **Boundaries**. The District is located wholly within the City of Dallas, Texas. The District is in the Central Business District. The boundaries of the District are described as the centerlines of Woodall Rodgers Freeway, North Central Expressway, Julius Schepps Freeway, R. L. Thornton Freeway and Stemmons Freeway. The boundaries are shown on the **Map of the District**.

(e) **Method of Assessment**. The method of assessment, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The real property of jurisdictions and entities other than the City that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Section 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment by the District on that portion of the assessed value of the property that is exempt from City real property taxes.

The proposed 2007 assessment rate for the District is approximately $0.1190 per $100.00 of appraised value by the Dallas Central Appraisal District.

The actual assessment rate and levies will be set by the Dallas City Council in accordance with the provisions of Chapter 372 of the Texas Local Government Code. The annual assessment rate, during the seven-year life of the District, shall not exceed $0.15 per $100.00 of appraisal value by the Dallas Central Appraisal District. The proposed assessment plan is attached as **Exhibit B**.

(f) **Apportionment of Cost between District and Municipality as a Whole**. The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and city parks are not subject to assessment. Payment of assessments by other exempt jurisdictions must be established by contract.

(g) The findings set forth in this Resolution are hereby found to be true and correct.

Section 2. That a public hearing shall be held at 1:00 p.m. on September 26, 2007, in the City Council Chamber, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas at which time any interested person may appear and speak for or against the setting of an assessment rate for a special assessment against real property and real property improvements, exclusive of rights-of-way, to continue funding for the District for the purpose of providing supplemental services and public improvements; and at the close of the hearing, City Council shall consider an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Dallas Downtown Improvement District; approving, adopting and filing with the City Secretary the assessment roll for 2007; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date.

Section 3. That notice of such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners in the District before the 10th day before the public hearing.

Section 4. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date.

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

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

Downtown Improvement District Map

PID Boundary

Office of Economic Development
July 2006

CITY OF DALLAS

EXHIBIT A

DOWNTOWNDALLAS Improvement District

Seven Year Budget Forecast

	2008 Budget	2009 Budget	2010 Budget	2011 Budget	2012 Budget	2013 Budget	2014 Budget
REVENUES & RESERVES							
Fund balance from previous year	$432,351	$2,267	$8,668	$7,262	$6,653	$5,556	$7,796
Net assessment revenue	$4,164,759	$4,372,997	$4,504,187	$4,639,312	$4,778,492	$4,921,847	$5,069,502
Exempt jurisdictions	$125,000	$130,000	$135,000	$140,000	$145,000	$150,000	$160,000
Interest on cash balances	$40,000	$25,000	$27,000	$29,000	$31,000	$33,000	$35,000
Other income & contributions	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000
TOTAL INCOME & RESERVES	**$4,862,110**	**$4,630,264**	**$4,774,855**	**$4,915,574**	**$5,061,145**	**$5,210,403**	**$5,372,298**
EXPENDITURES							
Organization & Administration	$355,918	$366,596	$377,593	$388,921	$400,589	$412,607	$424,985
Capital Improvements	$1,271,929	$975,000	$1,000,000	$1,100,000	$1,100,000	$1,140,000	$1,170,000
Communications & Events	$531,929	$550,000	$590,000	$600,000	$620,000	$650,000	$670,000
Maintenance	$769,929	$780,000	$800,000	$820,000	$835,000	$900,000	$900,000
Safety	$1,930,138	$1,950,000	$2,000,000	$2,000,000	$2,100,000	$2,100,000	$2,200,000
TOTAL EXPENDITURES	**$4,859,843**	**$4,621,596**	**$4,767,593**	**$4,908,921**	**$5,055,589**	**$5,202,607**	**$5,364,985**
FUND BALANCE/RESERVES	$2,267	$8,668	$7,262	$6,653	$5,556	$7,796	$7,313

EXHIBIT
tabbies
B

DOWNTOWN
DALLAS

DOWNTOWNDALLAS
Improvement District
2007 Assessment Plan

The costs of the services and improvements by the District will be paid primarily by special assessment against properties in the District. Annual assessments are based on the total value of real property and real property improvements as determined by the Dallas Central Appraisal District ("DCAD").

The District service area is shown on a map attached hereto. The assessment to be levied for properties in the District service area is $.1190 per $100 of appraised value. Actual assessment rates and levies will be set by the Dallas City Council subject to a maximum of $0.15 per $100 of value and according to procedures stipulated by Chapter 372 of the Texas Local Government Code.

As provided by Chapter 372 of The Code, the City of Dallas is responsible for payments of assessments against exempt municipal property in the District. Properties not liable for assessment include City rights-of-way and properties not owned by the City of Dallas but have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code). Payment of assessments by other exempt jurisdictions shall be established by contract.

AGENDA ITEM # 17

KEY FOCUS AREA: Economic Development

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	12
DEPARTMENT:	Office of Economic Development
CMO:	A. C. Gonzalez, 671-8925
MAPSCO:	5 T U X & Y

SUBJECT

Authorize **(1)** approval of the Prestonwood Public Improvement District Service Plan for 2008; **(2)** a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate for the Prestonwood Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Prestonwood Public Improvement District for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2007 assessment; and providing an effective date – Financing: No cost consideration to the City

BACKGROUND

City Council authorizes the Service Plan for each Public Improvement District (PID) annually and subsequently calls and holds a public hearing to set the annual assessment rate for property in the PID.

On August 1, 2007, the Prestonwood Homeowner's Association presented City staff the amended Service Plan for 2008 and the proposed assessment Plan for 2007. Staff reviewed the proposed 2008 Service Plan and found the plan to be viable and recommended approval.

BACKGROUND (continued)

The public improvement district is outlined in the following way:

(a) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance security and provide other security-related improvements that are authorized by the Act. The District is to supplement and enhance services within the District.

(b) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided over the seven-year period by the District is approximately two million, two hundred ninety-eight thousand, seven hundred thirty nine dollars ($2,298,739). The estimated average annual cost is approximately three hundred twenty-eight thousand, four hundred ninety two dollars ($328,492). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the map of the district.

(d) **Method of Assessment.** The method of assessment, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The proposed 2007 assessment rate for the District is $0.090 per $100.00 of appraised value by the Central Appraisal District. The annual assessment rate, during the seven-year life of the PID, shall not exceed $0.15 per $100.00 of appraisal value by the Dallas Central Appraisal District.

(e) **Apportionment of Cost between the District and the Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and city parks are not subject to assessment.

On March 5, 1997, owners of real property located within the Prestonwood area, delivered to the City of Dallas a petition to create the Prestonwood Public Improvement District in accordance with the parameters of Chapter 372 of the Texas Local Government Code, City staff reviewed the petition and determined the owners of more than 50 percent of the appraised value of the taxable real property liable for assessment, and more than 50 percent of the area of all taxable real property liable for assessment within the District executed the petition, in accordance with the necessary thresholds for the City Council to consider creation of the District.

BACKGROUND (continued)

On February 6, 2004 and June 11, 2004, owners of real property located within the Prestonwood PID area, delivered to the City of Dallas a petition to renew the Prestonwood Public Improvement District in accordance with the parameters of Chapter 372 of the Texas Local Government Code. City staff reviewed the petition and determined the owners of more than 50 percent of the appraised value of the taxable real property liable for assessment, and more than 50 percent of the area of all taxable real property liable for assessment within the District executed the petition, in accordance with the necessary thresholds for the City Council to consider creation of the District. The City received petitions from 67 percent of the property owners in the District.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 14, 1997, the City Council authorized the establishment of the Prestonwood Public Improvement District, which approved the service plan, and named the Prestonwood Homeowners Association, Inc., as the management entity for the Public Improvement District by Resolution No. 97-1575.

On August 11, 2004, the City Council authorized the renewal of the Prestonwood Public Improvement District for a period of seven-years by Resolution No. 04-2328.

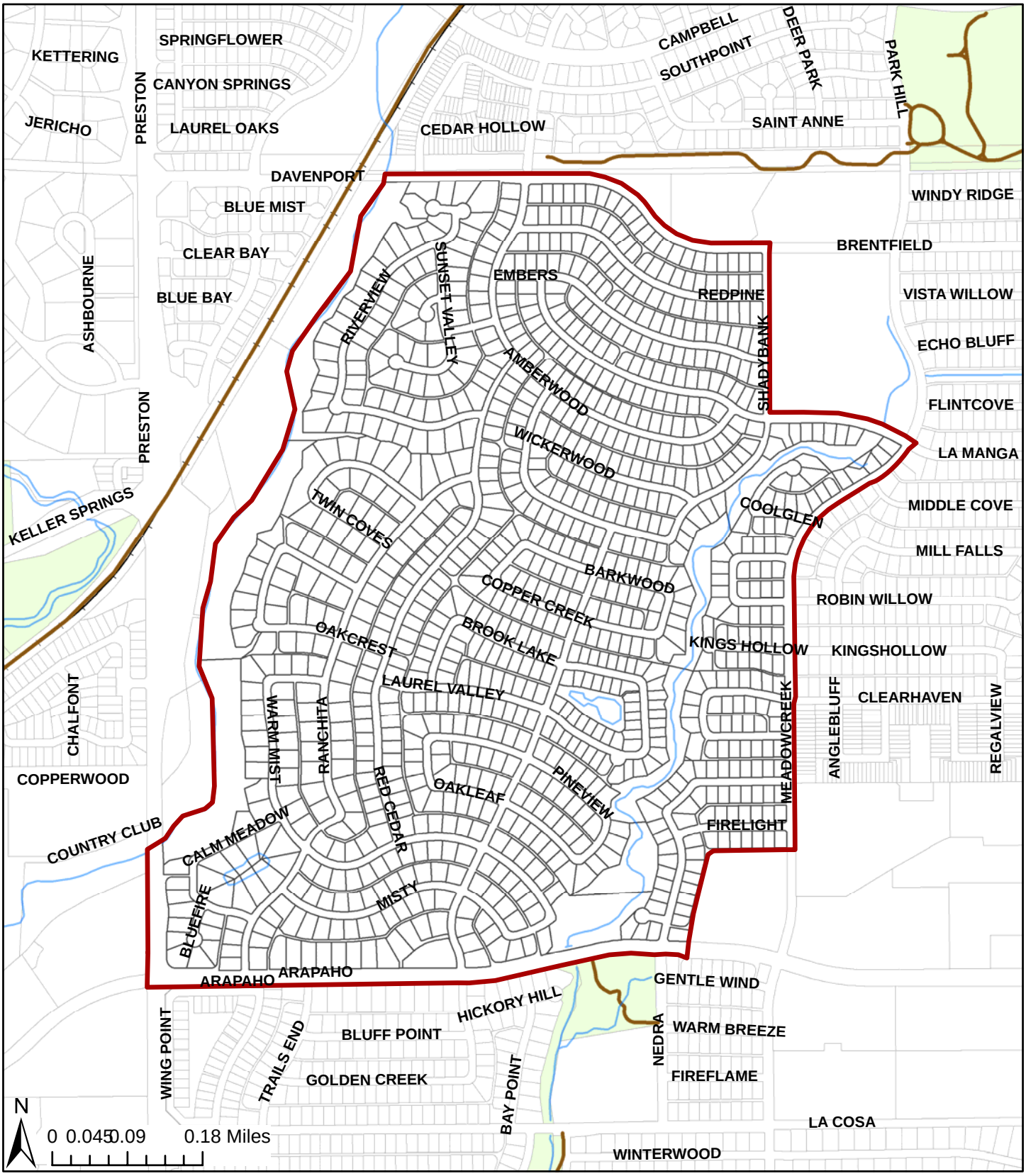
On September 27, 2006, the City Council authorized the 2006 assessment rate for the Prestonwood Public Improvement District by Ordinance No. 26470.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.



Prestonwood PID Boundary Map

Prestonwood PID Boundary

City of Dallas

Office of Economic Development
August 2007

September 12, 2007

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on May 14, 1997, the City Council authorized the establishment of the Prestonwood Public Improvement District, which approved the service plan, and named the Prestonwood Homeowners Association, Inc., as the management entity for the Public Improvement District by Resolution No. 97-1575; and

WHEREAS, on August 11, 2004, the City Council authorized the renewal of the District, which approved the service plan, and named the Prestonwood Homeowners Association, Inc., as the management entity for the Public Improvement District by Resolution No. 04-2328; and

WHEREAS, on August 1, 2007, the Prestonwood Homeowners Association presented City staff with the proposed District amended Service Plan for 2008 and the proposed Assessment Rate for 2007, as shown in **Exhibits A and B**; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Prestonwood Homeowners Association, evaluated the amended service plan to determine whether the services should be made as proposed by the amended service plan and found the plan to be feasible and viable; and

WHEREAS, the City desires by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2007 assessment rate for a special assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after considering the amended Service Plan for 2008 for the Prestonwood Public Improvement District hereby approves the amended service plan for 2008, attached herein as **Exhibit A** and finds:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services described in this Resolution.

Section 1 (continued)

(b) **Nature of the Services.** The general nature of the services and improvements are to enhance public safety and security within the District as authorized by the Act. The District is to supplement and enhance services within the District.

(c) **Estimated Cost of the Services.** The total estimated cost of services and improvements provided over the seven-year period by the District is approximately two million, two hundred ninety-eight thousand, seven hundred thirty nine dollars ($2,298,739). The estimated average annual cost is approximately three hundred twenty-eight thousand, four hundred ninety two dollars ($328,492). The District shall incur no bonded indebtedness.

(d) **Boundaries.** The boundaries of the District are as shown on the attached Map of the District.

(e) **Method of Assessment.** The method of assessment, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The proposed, estimated 2007 assessment rate for the District is $0.090 per $100.00 of appraised value by the Central Appraisal District. The annual assessment rate, during the seven-year life of the PID, shall not exceed $0.15 per $100.00 of appraisal value by the Dallas Central Appraisal District. The assessment plan is shown in **Exhibit B**.

(f) **Apportionment of Costs between the District and the Municipality as a Whole.** The District shall pay the costs of the services by special assessment against the real property and real property improvements. The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District. Payment of assessments by exempt jurisdictions must be established by contract.

(g) The findings set forth in the preamble of this Resolution are hereby found to be true and correct.

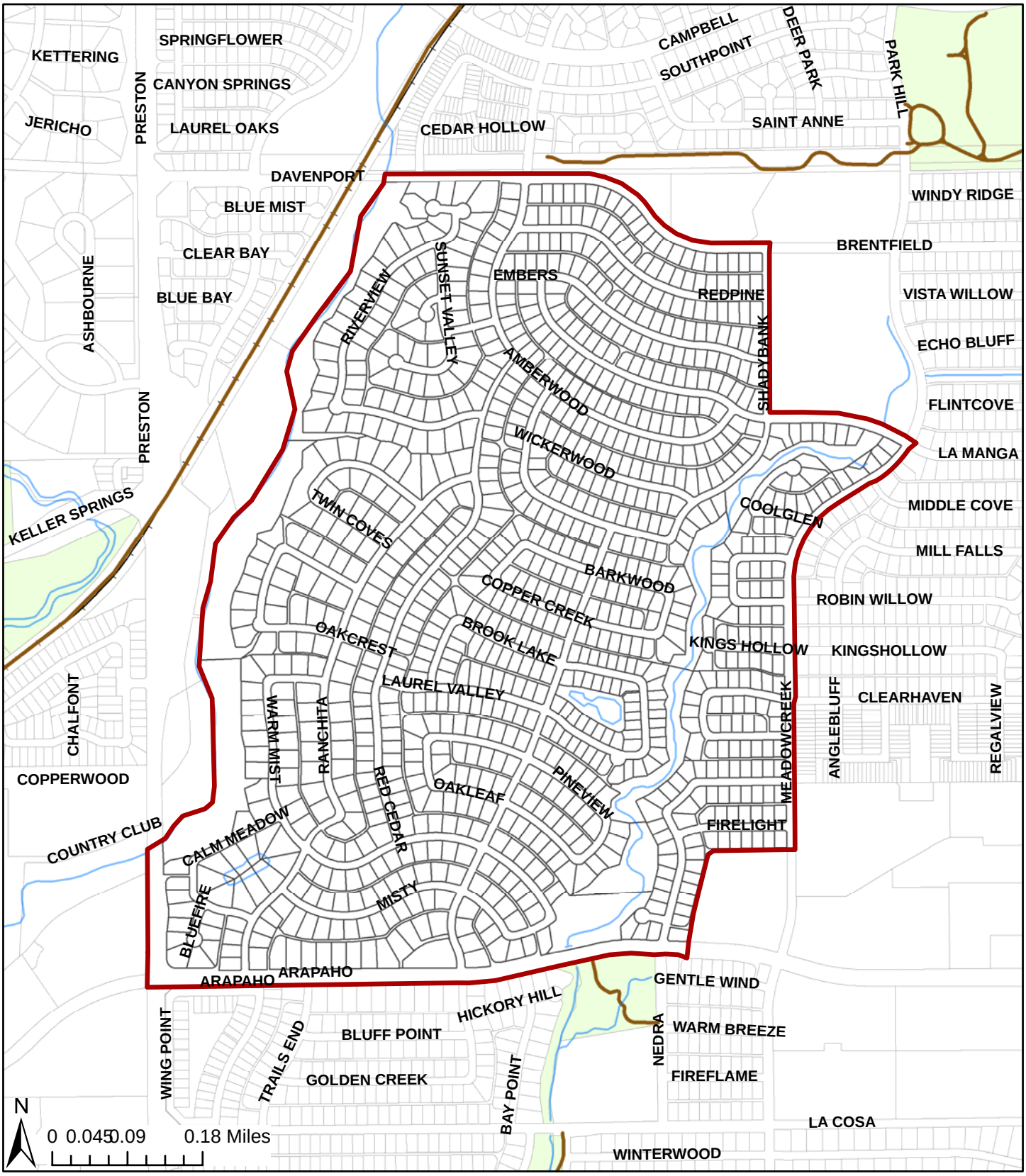
Section 2. That a public hearing shall be held at 1:00 p.m. on September 26, 2007 in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, at which time any interested person may appear and speak for or against the setting of an assessment rate for a special assessment against real property and real property improvements, exclusive of rights-of-way, to continue funding for the District for the purpose of providing supplemental public services and public improvements.

Section 3. That such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners of the District before the 10th day before the public hearing.

Section 4. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2007 assessment; and providing an effective date.

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 is accordingly so resolved.

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



Prestonwood PID Boundary Map

Prestonwood PID Boundary

City of Dallas

Office of Economic Development
August 2007

EXHIBIT A

Prestonwood Improvement District--Seven-Year Budget

	Projected 2007 (1/1/2006 - 12/31/2006)	Projected 2007 (1/1/2007 - 12/31/2007)	2008 Budget	2009 Budget	2010 Budget	2011 Budget	2012 Budget	2013 Budget	2014 Budget	2015 Budget	Inflation Factor
REVENUES & RESERVES											
Fiscal Year End Balance	$176,000	$83,000	$191,618	$194,353	$199,743	$200,923	$212,031	$226,214	$243,621	$264,409	100%
Net assessment Revenue	$299,700		$300,000	$309,000	$318,270	$327,818	$337,653	$347,782	$358,216	$368,962	103.00%
Exempt jurisdictions	$0		$0	$0	$0	$0	$0	$0	$0	$0	100%
Interest on cash balances	$9,800		$10,500	$10,500	$10,500	$10,500	$10,500	$10,500	$10,500	$10,500	100%
Other Income & contributions	$0		$0	$0	$0	$0	$0	$0	$0	$0	100%
TOTAL INCOME & RESERVES	$485,500	$83,000	$502,118	$513,853	$528,513	$539,241	$560,184	$584,496	$612,337	$643,871	
DISBURSEMENTS											
Bank Fees	$150		$200	$200	$200	$200	$200	$200	$200	$200	100%
Police Officer Bonus	$2,000		$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	$2,000	100%
Patrol Car Expense	$12,762		$13,500	$13,770	$14,045	$14,326	$14,613	$14,905	$15,203	$15,507	102%
Contract Labor	$253,714		$265,000	$270,300	$275,706	$281,220	$286,845	$292,581	$298,433	$304,402	102%
Insurance	$20,653		$21,000	$21,630	$22,279	$22,947	$23,636	$24,345	$25,075	$25,827	103%
Accounting Services	$3,400		$3,500	$3,570	$3,641	$3,714	$3,789	$3,864	$3,942	$4,020	102%
Postage & Printing & Office Supplies	$100		$1,500	$1,575	$1,654	$1,736	$1,823	$1,914	$2,010	$2,111	105%
Voice Mail	$103		$105	$105	$105	$105	$105	$105	$105	$105	100%
Mobile Telephone	$1,000		$960	$960	$960	$960	$960	$960	$960	$960	100%
7 Year Recertification Expense	$0		$0	$0	$7,000	$0	$0	$0	$0	$0	0%
TOTAL DISBURSEMENTS	$293,882		$307,765	$314,110	$327,590	$327,209	$333,970	$340,875	$347,928	$355,132	
FUND BALANCE/RESERVES	$191,618		194,353	199,743	$200,923	$212,031	$226,214	$243,621	$264,409	$288,739	

EXHIBIT B

Prestonwood Public Improvement District (PPID)
2007 Assessment Plan

The cost of the services and improvements provided by the Prestonwood Public Improvement District will be paid primarily by assessments against real properties and real property improvements within the Prestonwood Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The 2007 estimated assessment rate for the property in the Prestonwood PID is proposed at approximately $0.090 per $100.00 value. Assessments will be carried out in accordance with the procedures stipulated in Chapter 372 of the Texas Local Government Code.

The City of Dallas shall not be responsible for payment of assessments against exempt City property including City rights-of-way and parks. Payment of assessment by other tax-exempt owners must be established by contract. No such contracts are in place at present.

Prestonwood's assessments will be collected by Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Prestonwood Homeowners Association.

AGENDA ITEM # 18

KEY FOCUS AREA: Economic Development

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	2
DEPARTMENT:	Office of Economic Development
CMO:	A. C. Gonzalez, 671-8925
MAPSCO:	45 U V

SUBJECT

Authorize **(1)** approval of the South Side Public Improvement District Service Plan for 2008; **(2)** a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate for the South Side Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the South Side Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2007 assessment; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

On August 10, 2005, the City Council by Resolution No. 05-2230 authorized the creation of the South Side Public Improvement District (District), in accordance with the provisions of Chapter 372 of the Texas Local Government Code and designated South Side Quarter Development Corporation as the management entity of the District.

On July 1, 2007, the South Side Quarter Development Corporation provided City staff with the proposed amended District Service Plan for 2008 and the proposed Assessment Plan for 2007.

BACKGROUND (continued)

The public improvement district amended Service Plan is outlined in the following way:

(a) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance public safety/security, design and construct public infrastructure, cultural enhancements, maintain common areas and lighting, produce pedestrian amenities and linkages and provide other improvements that are authorized by the Act.

(b) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided during the next five years of the seven-year term of the District is approximately four hundred forty-one thousand five hundred dollars ($441,500). The estimated annual average cost for the services and improvements is approximately eighty-eight thousand, three hundred dollars ($88,300). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the map of the District

(d) **Method of Assessment.** The method of assessment, which may specify included or excluded classes of assessable property, is based on an annual assessment rate recommended by the District and established by the Dallas City Council. The proposed rate per property owner for the 2007 assessment is $0.12 per $100.00 of value for the standard service area and $0.15 per $100.00 of value for the premium service area.

(d) **Method of Assessment (continued).** The actual assessment rate for 2007 will be established by City Council after the close of an assessment rate public hearing on September 26, 2007. The annual assessment rate, during the seven-year life of the PID, shall not exceed $0.15 per $100.00 of valuation.

(e) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment rate against the real property and real property improvements of each property owner of record. The City of Dallas is not responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and city parks are not subject to assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 10, 2005, the City Council held and closed a public hearing authorizing the creation of South Side PID for a period of seven-years and named the South Side Quarter Development Corporation as the management entity for the District by Resolution No. 05-2230.

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

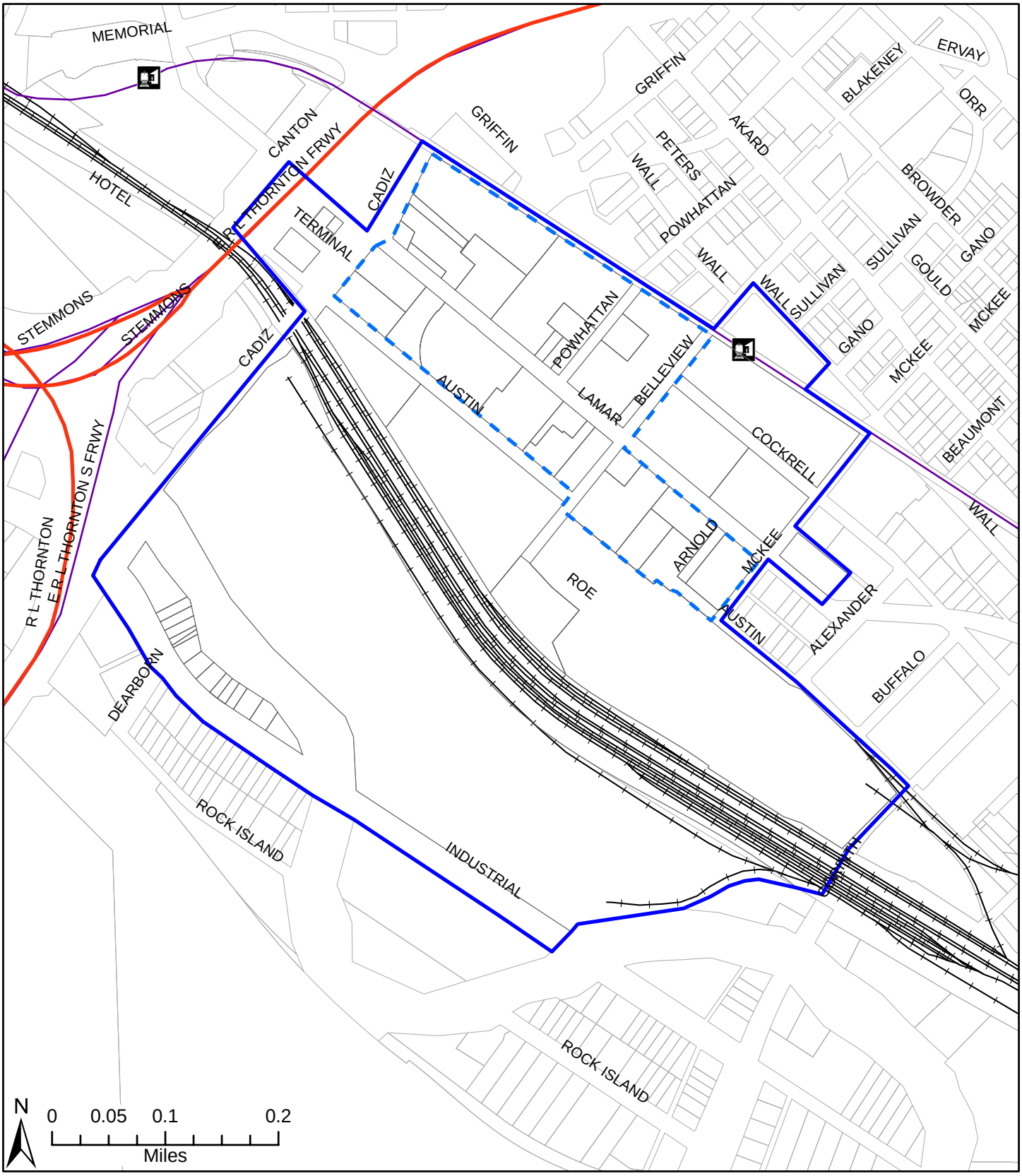
On September 27, 2006, the City Council, authorized the 2006 assessment rate for the District by Resolution No. 06-2627 and Ordinance No. 26471.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.



South Side PID Boundary Map

Premium Service Area

PID Boundary

Cedars DART Station

Freeway

City of Dallas

Office of Economic Development

August 2006

September 12, 2007

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on August 10, 2005, the City Council held and closed a public hearing and authorized the creation of the District and designated South Side Quarter Development Corporation, as the management entity of the District by Resolution No. 05-2230; and

WHEREAS, on July 1, 2007, the South Side Quarter Development Corporation provided City staff with the proposed amended District Service Plan for 2008 and the proposed assessment rate for 2007; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the South Side Quarter Development Corporation evaluated the amended service plan to determine whether the services should be made as proposed by the service plan and found the plan to be viable; and

WHEREAS, the City desires by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2007 assessment rate for a special assessment against real property and real property improvements exclusive of right-of-way, to provide funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

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

Section 2. That pursuant to the requirements of the Act, the City Council, after reviewing the amended Service Plan for 2008 for the South Side Public Improvement District hereby approves the amended service plan for 2008, attached herein as **Exhibit A** and finds:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services described in this Resolution.

(b) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance public safety/security, design and construct public infrastructure improvements, cultural enhancements, maintain common areas and lighting, produce pedestrian amenities and linkages and provide other improvements that are authorized by the Act.

Section 2 (continued)

(c) **Estimated Cost of the Services.** The total estimated cost of services and improvements provided during the seven-year term of the District is approximately four hundred, forty-one thousand, five hundred dollars ($441,500). The estimated annual average cost for the services and improvements is approximately eighty-eight thousand, three hundred dollars ($88,300). **(Exhibit A)**. The District shall incur no bonded indebtedness.

(d) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the **Map of the District**.

(e) **Method of Assessment.** The method of assessment, **(Exhibit B),** which may specify included or excluded classes of assessable property, is based on an annual assessment rate recommended by the petitioners and established by the City Council. The proposed rate per property owner for the 2007 assessment is $0.12 per $100.00 of value for the standard service area and $0.15 per $100.00 of value for the premium service area. The assessment rates are requested to provide the necessary revenue for the annual activities of the District and the costs of the District shall be apportioned on the basis of special benefits accruing to the property because of the services and improvements. The final assessment rate for 2007 will be established by City Council after the close of an assessment rate public hearing on September 26, 2007. The annual assessment rate, during the seven-year life of the PID, however, shall not exceed $0.15 per $100.00 of valuation.

(f) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and city parks are not subject to assessment. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Payment of assessment by other exempt jurisdictions must be established by contract.

(g) The findings set forth in this Resolution are hereby found to be true and correct.

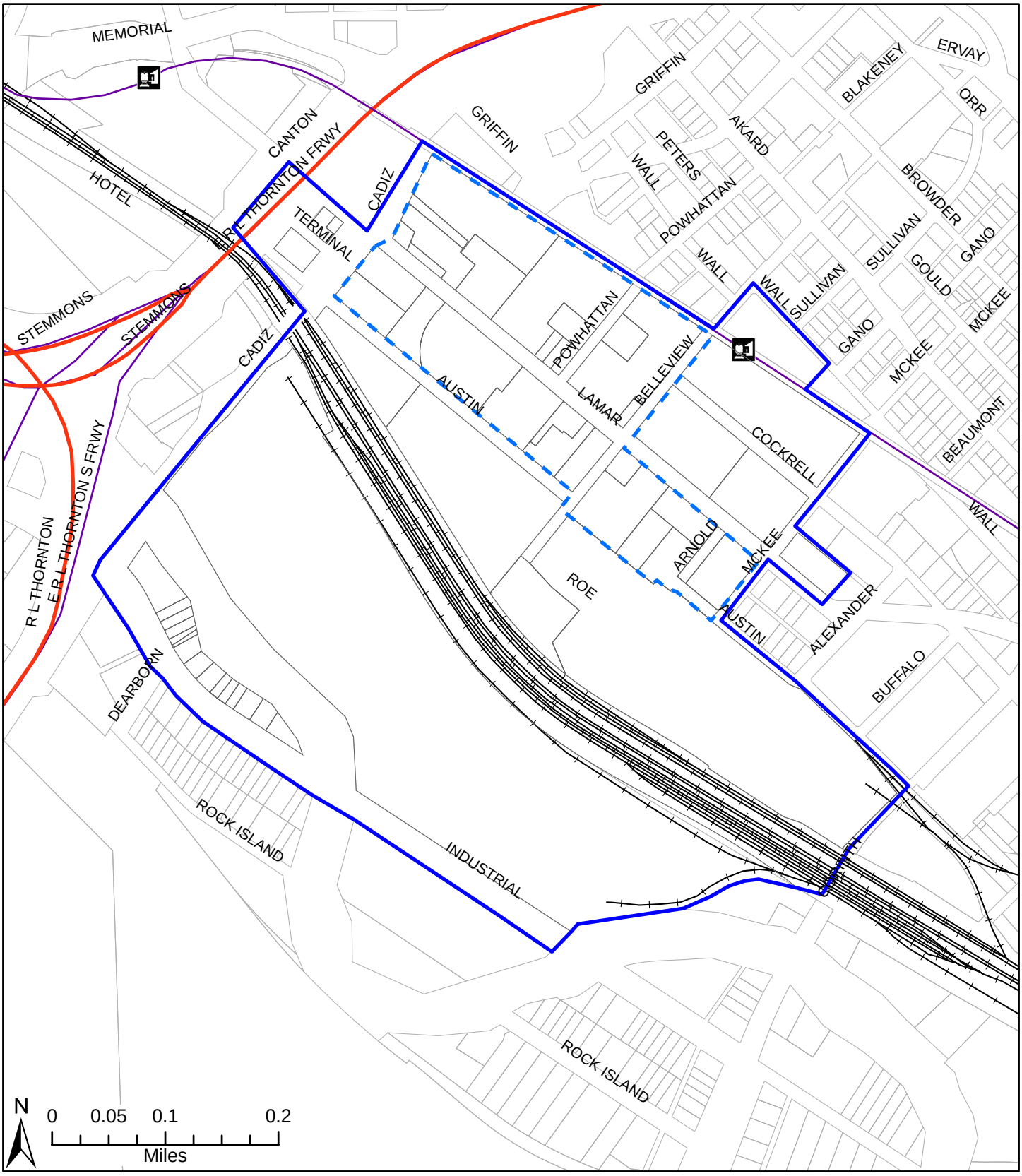
Section 3. That a public hearing shall be held at 1:00 p.m. on September 26, 2007, in the City Council Chamber, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas at which time any interested person may appear and speak for or against the setting of the 2007 assessment rate for a special assessment against real property and real property improvements, exclusive of rights-of-way, to provide funding for the District for the purpose of providing supplemental services and public improvements; and at the close of the hearing, City Council shall consider an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the South Side Public Improvement District; approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2007 assessment; and providing an effective date.

Section 4. That notice of such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners in the District before the 10th day before the public hearing.

Section 5. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving, adopting and filing with the City Secretary the 2007 assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2007 assessment.

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

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



South Side PID Boundary Map

Premium Service Area

PID Boundary

Cedars DART Station

Freeway

City of Dallas

Office of Economic Development

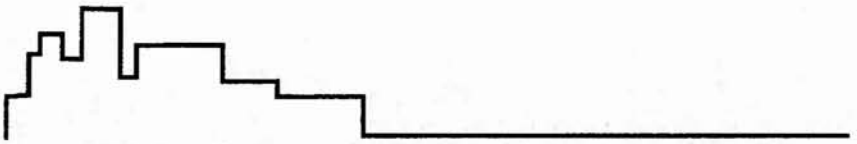
August 2006

SERVICE PLAN

South Side/Cedars Public Improvement District							UPDATED 7/20
	FY07	FY08	FY09	FY10	FY11	FY12
TOTAL ASSESSMENTS	**$ 84,949.00**	**$ 87,514.00**	**$ 88,826.00**	**$ 90,158.00**	**$ 91,510.00**	**$ 92,883.00**
Less City Collection Fee ($2 per account)	**$ (112.00)**	**$ (112.00)**	**$ (112.00)**	**$ (112.00)**	**$ (112.00)**	**$ (112.00)**
Less allowance for uncollected taxes (2%)	**$ (1,734.00)**	**$ (1,803.00)**	**$ (1,875.00)**	**$ (1,950.00)**	**$ (2,028.00)**	**$ (2,110.00)**
Surplus/Deficit from previous year	**$ 17,475.97**	**$ 1,478.97**	**$ 1,077.97**	**$ 1,916.97**	**$ 2,012.97**	**$ 1,382.97**
Estimated Annual Income to District	**$ 100,578.97**	**$ 87,077.97**	**$ 87,916.97**	**$ 90,012.97**	**$ 91,382.97**	**$ 92,043.97**
Public Improvements						
Distinctive lighting/signs	$ 12,000.00					
Bark Park Capital	$ 10,000.00					
Water, wastewater, drainage						
Parks		$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00
Fountains						
Articles of art						
Off-street parking facilities						
Special Supplemental Services						
Park maintenance		$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00
Public safety/security	$ 57,100.00	$ 57,000.00	$ 58,000.00	$ 60,000.00	$ 62,000.00	$ 63,500.00
Business recruitment	$ 4,000.00	$ 4,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00
Recreation						
Cultural enhancements		$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00
Cultural events	$ 2,000.00	$ 2,000.00	$ -	$ -	$ -	$ -
City PID Implemenation Fee	$ 6,000.00					
Administration	$ 8,000.00	$ 8,000.00	$ 8,000.00	$ 8,000.00	$ 8,000.00	$ 8,000.00
Estimated Annual Expenses to District	**$ 99,100.00**	**$ 86,000.00**	**$ 86,000.00**	**$ 88,000.00**	**$ 90,000.00**	**$ 91,500.00**
	FY07	**FY08**	**FY09**	**FY10**	**FY11**	**FY12**
SURPLUS (DEFICIT)	**$ 1,478.97**	**$ 1,077.97**	**$ 1,916.97**	**$ 2,012.97**	**$ 1,382.97**	**$ 543.97**

EXHIBIT A

EXHIBIT B



SOUTH SIDE QUARTER DEVELOPMENT CORPORATION
The Creative District in the Heart of Dallas

SOUTH SIDE QUARTER PUBLIC IMPROVEMENT DISTRICT
2007 ASSESSMENT PLAN

The cost of the services and improvements provided by the South Side Public Improvement District will be paid primarily by assessments against real properties within the South Side Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The assessment rate for the property in the South Side PID is proposed at $0.12 per $100.00 value in the Standard Service Area and $0.15 per $100.00 in the Premium Service Area. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code. The City of Dallas shall not be responsible for payment of assessments against exempt City property including City rights-of-way and parks. Payment of assessment by other tax-exempt owners must be established by contract.

The South Side PID assessments will be collected by the Dallas County and in accordance with the management contract between the City and the South Side Quarter Development Corporation.

1409 SOUTH LAMAR, SUITE 411 DALLAS, TEXAS 75215
(214) 426-0771 • FAX (214) 426-6217 • WWW.SOUTHSIDEQUARTER.ORG

AGENDA ITEM # 19

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 B C F & G

SUBJECT

Authorize **(1)** approval of the Uptown Public Improvement District Service Plan for 2008; **(2)** a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate for the Uptown Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Uptown Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District; approving and adopting the 2007 assessment roll with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

City Council authorizes the Service Plan for each Public Improvement District (PID) annually and subsequently calls and holds a public hearing to set the annual assessment rate for property in the PID.

On July 1, 2007, Uptown, Inc., provided City staff with the proposed amended Service Plan for 2008 and the proposed Assessment Plan for 2007.

The public improvement district amended Service Plan is outlined in the following way:

BACKGROUND (continued)

(a) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance public safety/security, design and construct public infrastructure, maintain common areas and lighting, produce pedestrian amenities and linkages and provide other improvements that are authorized by the Act. The District is to supplement and enhance services within the District, but not replace or supplant existing City services provided within the District.

(b) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided by the District for next five years of the seven year term of the District is approximately seven million, ninety-one thousand, four hundred eighty-five dollars ($7,091,485). The estimated annual average cost is approximately one million, four hundred eighteen thousand, two hundred ninety-seven dollars ($1,418,297). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the Map of the District.

(d) **Method of Assessment.** The real property and improvements within the District will be based on its value as determined annually by the Dallas County Appraisal District, at a rate to be determined annually but which shall not exceed $.15 per $100 of value during the seven-year term of the Uptown PID.

(e) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment rate against the real property and real property improvements of each property owner of record. The City of Dallas shall not be responsible for payment of assessments against exempt city property in the District. City rights-of-way and city parks are not subject to assessment. The District's cemeteries are one class of tax-exempt properties, which are not specially benefited by the improvements. Accordingly, the cemeteries will be exempt from assessment. St. Peter's school and property owned by persons already receiving and qualifying for 65 or older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code will be excluded. Payment of assessment by other exempt jurisdictions must be established by contract. No such contracts are in place at present.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1993, the City Council authorized the creation of the Uptown Public Improvement District by Resolution No. 93-2501.

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

On August 10, 2005, the City Council authorized the renewal of the Uptown PID for a period of seven years and designated Uptown, Inc. as the management entity for the District by Resolution No. 05-2231.

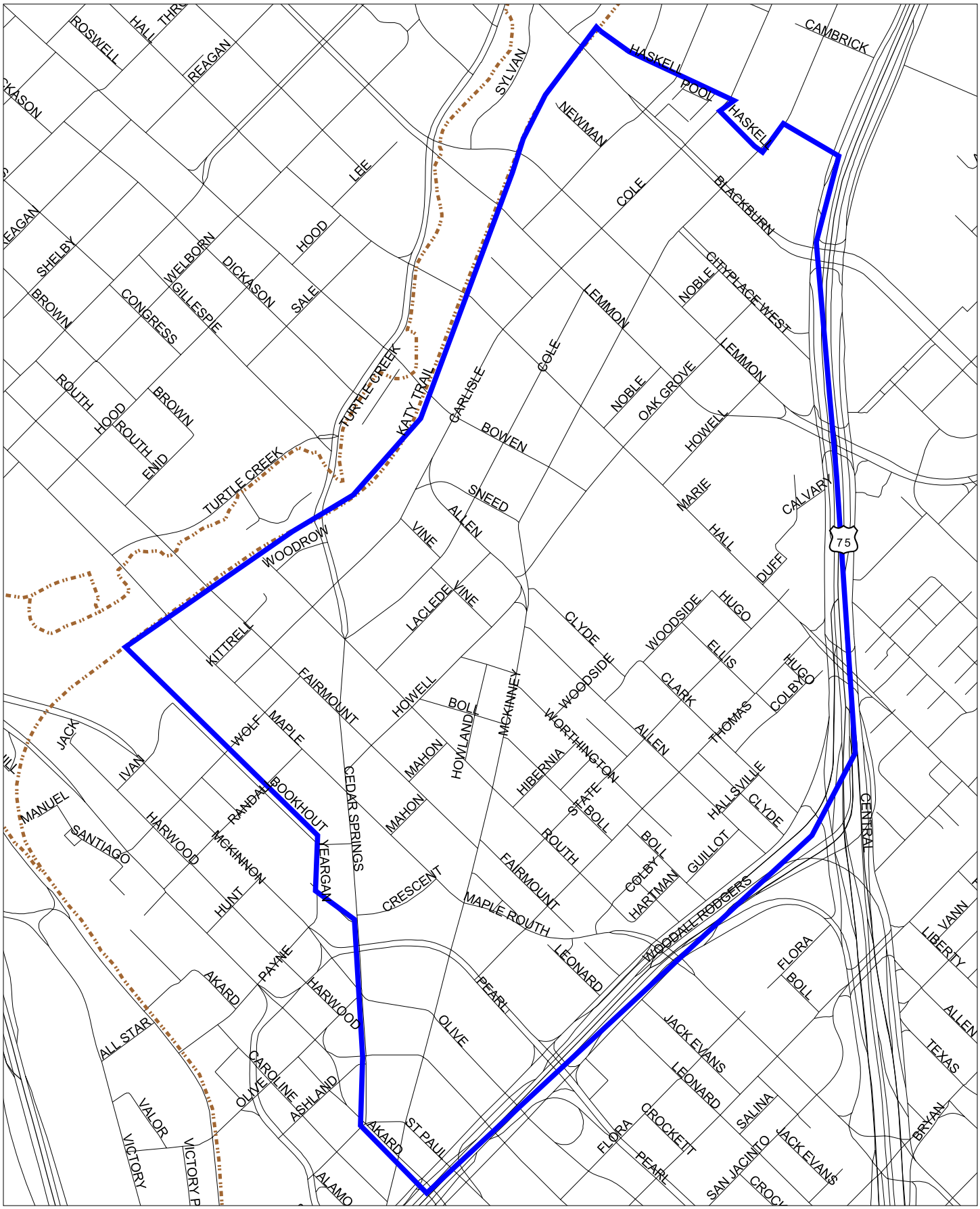
On September 27, 2006, the City Council authorized the 2006 assessment rate for the Uptown Public Improvement District by Resolution No. 06-2628 and Ordinance No. 26472.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.



Uptown PID Boundary Map

Uptown PID Boundary

Office of Economic Development
August 2007

CITY OF DALLAS

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on June 23, 1993, the City Council held and closed a public hearing and authorized the establishment of the Uptown Public Improvement District by Resolution No. 93-2501; and

WHEREAS, on August 10, 2005, the City Council authorized the renewal of the Uptown Public Improvement District for a period of seven years, and authorized a contract between the City of Dallas and Uptown, Inc., for management of the District by Resolution No. 05-2231; and

WHEREAS, on September 27, 2006, the City Council authorized the 2006 assessment rate for the Uptown Public Improvement District by Resolution No. 06-2628 and Ordinance No. 26472; and

WHEREAS, on July 1, 2007, Uptown, Inc., presented City staff with the proposed amended District Service Plan for 2008 and the proposed Assessment Plan for 2007; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Uptown, Inc., evaluated the 2008 amended service plan to determine whether the services should be made as proposed by the service plan and found the plan to be feasible and viable; and

WHEREAS, the City desires by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2007 assessment rate for a special assessment against real property and real property improvements exclusive of rights-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after reviewing the amended Service Plan for 2008 for the Uptown Public Improvement District hereby approves the amended Service Plan for 2008 **(Exhibit A)**.

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services described in this Resolution.

Section 1. (continued)

(b) **Nature of the Services and Improvements.** The general nature of the services and improvements to be performed by the District is to enhance public safety/security, design and construct public infrastructure, maintain common areas and lighting, produce pedestrian amenities and linkages and provide other improvements that are authorized by the Act.

(c) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided by the District during the seven-year term is approximately seven million, ninety-one thousand, four hundred eighty-five dollars ($7,091,485). The estimated annual average cost is approximately one million, four hundred eighteen thousand, two hundred ninety-seven dollars ($1,418,297). The District shall incur no bonded indebtedness.

(d) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the map of the District **Map of the District**.

(e) **Method of Assessment.** The real property and improvements within the District will be based on its value as determined annually by the Dallas County Appraisal District, at a rate to be determined annually, but which shall not exceed $.15 per $100 of value during the 7-year term of the Uptown PID **(Exhibit B)**.

(f) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall generally pay the costs of the proposed improvements, except where project-specific opportunities exist for cost sharing with the municipality or other public or private sources. City rights-of-way and city parks are not subject to assessment. The City of Dallas shall not be responsible for payment of assessments against exempt city property in the District. City rights-of-way and city parks are not subject to assessment. The District's cemeteries are one class of tax-exempt properties, which are not specially benefited by the improvements. Accordingly, the cemeteries will be exempt from assessment. St. Peter's school and property owned by persons already receiving and qualifying for 65 or older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code will be excluded. Payment of assessment by other exempt jurisdictions must be established by contract. No such contracts are in place at present.

(g) The findings set forth in the preamble of this Resolution are hereby found to be true and correct.

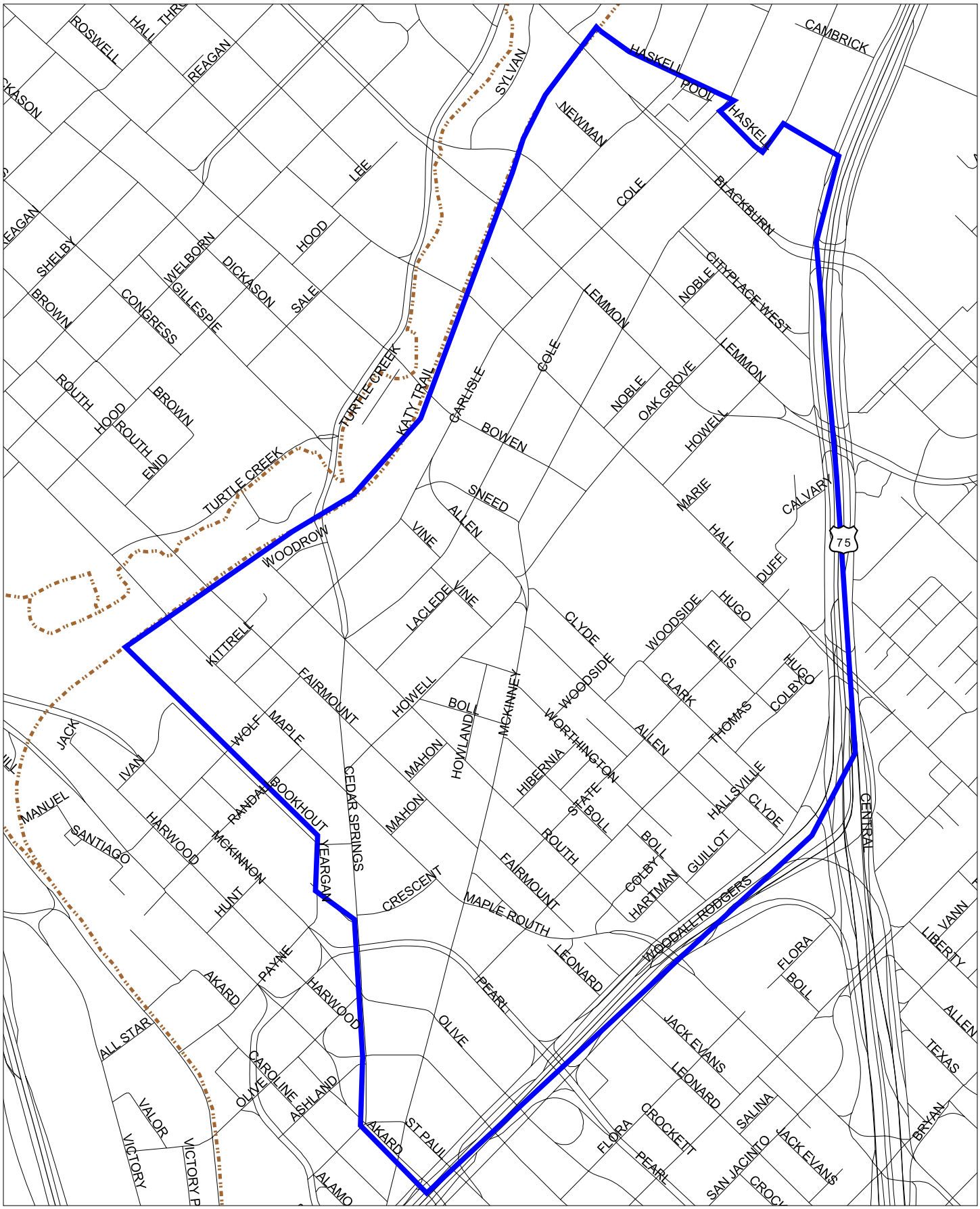
Section 2. That a public hearing shall be held at 1:00 p.m. on September 26, 2007, in the City Council Chamber, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas at which time any interested person may appear and speak for or against the setting of an assessment rate for a special assessment against real property and real property improvements, exclusive of rights-of-way, to continue funding for the District for the purpose of providing supplemental services and public improvements.

Section 3. That notice of such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners in the District before the 10th day before the public hearing.

Section 4. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2007 assessment; and providing an effective date.

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

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



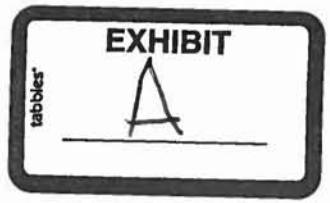
Uptown PID Boundary Map

Uptown PID Boundary

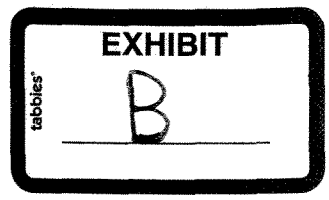
Office of Economic Development
August 2007

CITY OF DALLAS

2008 SERVICE PLAN
Uptown Public Improvement District



	2006	2007	2008	2009	2010	2011	2012
INCOME							
Assessments	835,003	1,089,188	1,206,466	1,266,789	1,330,128	1,396,635	1,466,467
Interest	4,800	3,060	30,000	30,000	30,000	30,000	30,000
Capital improvement grant	0		0			0	0
Uptown Dallas Assn. service fees	30,000	22,050	30,000	30,000	30,000	30,000	30,000
Marketing sponsorships	25,000	15,914	25,000	25,000	25,000	25,000	25,000
Total:	894,803	1,130,212	1,291,466	1,351,789	1,415,128	1,481,635	1,551,467
EXPENDITURES							
Capital Improvements	130,869	273,062	320,000	389,037	408,039	427,990	448,940
Median landscaping, walking trails, parks, streetscape, Katy Trail							
Services	392,808	465,650	515,000	515,000	520,000	535,000	555,000
Off-duty police, trolley operations, marketing & promotion							
Maintenance	235,515	245,900	285,000	285,000	325,000	345,000	360,000
Landscape, tree care, street & sidewalk sweeping, trash cans, graffiti removal, grates							
Finance & Administration	149,549	144,600	160,000	160,000	160,000	165,000	170,000
Staff salaries & benefits, office expenses, audit, insurance							
Contingency	850	1,000	11,466	2,752	2,089	8,645	17,527
Total:	909,591	1,130,212	1,291,466	1,351,789	1,415,128	1,481,635	1,551,467



PROPOSED 2007 ASSESSMENT PLAN
Uptown Public Improvement District

The cost of the services and improvements provided by the Uptown Public Improvement District (UPID) will be paid primarily by special assessments against property in the District. Annual assessments will be based on the total value of real property and improvements as certified by the Dallas Central Appraisal District.

All property owners not exempt from assessment will be assessed at a uniform rate. In 2008, the proposed rate continues to be 4.5¢ per $100 of value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District. UPID will recognize and honor exemptions listed by the Dallas Central Appraisal District, including homestead, disability, senior citizen and exemptions for property owned by tax-exempt entities. Payment of the UPID assessment by any exempt owners must be established by contract. No such contracts are in place, nor are any proposed.

UPID's assessments will be collected by Dallas County or another contractor chosen by the City of Dallas, in accordance with the management contract between the City of Dallas and Uptown Inc., the non-profit corporation that manages the District.

AGENDA ITEM # 20

KEY FOCUS AREA: Economic Development

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	9, 13
DEPARTMENT:	Office of Economic Development
CMO:	A. C. Gonzalez, 671-8925
MAPSCO:	26 F 26 K-I 26 P-Q 26 T-Y

SUBJECT

Authorize **(1)** approval of the Vickery Meadow Public Improvement District Service Plan for 2008; **(2)** a public hearing to be held on September 26, 2007 to receive comments concerning the annual assessment rate for the Vickery Meadow Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Vickery Meadow Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2007 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

City Council authorizes the Service Plan for each Public Improvement District (PID) annually and subsequently calls and holds a public hearing to set the annual assessment rate for property in the PID.

On August 1, 2007, the Vickery Meadow Management Corporation provided City staff with the proposed amended District Service Plan and Assessment Plan for 2008.

The public improvement district amended Service Plan is outlined in the following way:

BACKGROUND (continued)

(a) **Nature of the Services and Improvements.** The nature of the services and improvements to be performed by the District is to enhance security and provide other security related improvements, promotion and marketing, community services, and property standards enforcement activities that are authorized by the Act. The District is to supplement and enhance services within the District.

(b) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided by the District for the five year period is approximately seven million, six hundred fifteen thousand, six hundred dollars ($7,615,600). The average annual cost of services for the District is approximately one million, eighty seven thousand, nine hundred forty three dollars ($1,087,943). (approximately $337,802 for 2008 is paid for out of private donations). The District shall incur no bonded indebtedness.

(c) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the map of the District

(d) **Method of Assessment.** The proposed method of assessment, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements, as determined by the Dallas Central Appraisal District. The proposed 2007 annual assessment rate for the premium service area in the District is $0.10 per $100.00 of appraised value by the Dallas Central Appraisal District. The standard service area proposed 2007 assessment rate for the District is $0.05 per $100.00 of appraised value by the Dallas Central Appraisal District.

(e) **Apportionment of Cost Between District and Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District which is specifically benefited. City rights-of-way and City Parks are not subject to assessment. The real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment by the District on that portion of the assessed value of the property that is exempt for City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1993, the City Council authorized the establishment of Vickery Meadow PID with an expiration date of June 23, 1998 by Resolution No. 93-2502.

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

On May 13, 1998, the City Council authorized the renewal of the Vickery Meadow PID by Resolution No. 98-1440.

On September 10, 2003, the City Council authorized the renewal of the Vickery Meadow PID and designated Vickery Meadow Management Corporation as the management entity for the District by Resolution No. 03-2475.

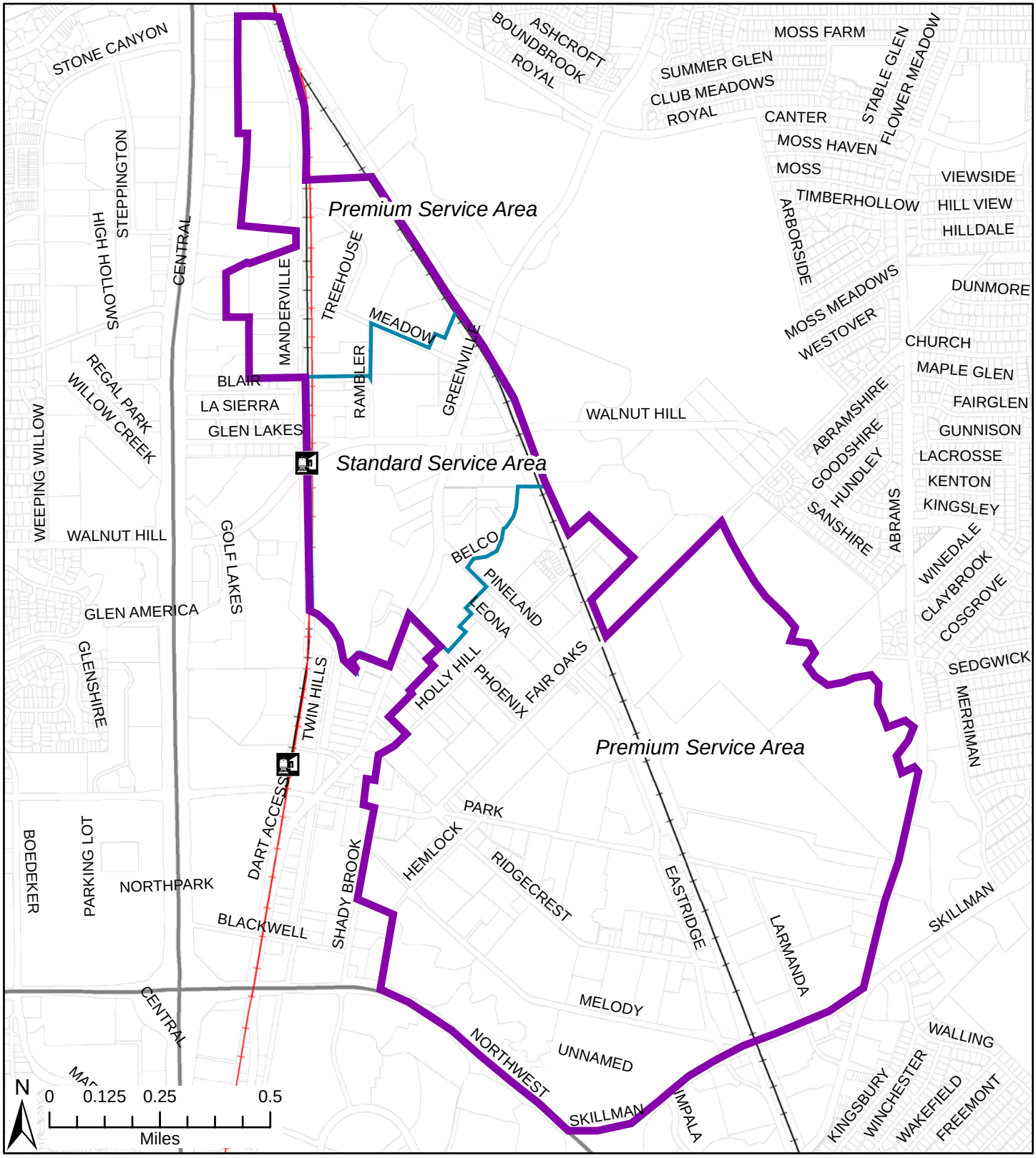
On September 26, 2006, the City Council authorized the 2006 assessment rate for the District by Resolution No. 06-2629 and Ordinance No. 26473.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.



Vickery Meadow PID Boundary Map

Vickery Meadow PID Boundary

Standard Service Boundary

DART Station

DART Red Line

City of Dallas

Office of Economic Development

August 2007

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on September 10, 2003, the City Council authorized the re-establishment of the Vickery Meadow Public Improvement District (District), as a public improvement district in accordance with the provisions of Chapter 372 of the Texas Local Government Code and provided findings as to the advisability of the proposed supplemental services and improvements, to be funded by assessments on real property and real property improvements on property located in the District, exclusive of rights-of-way; designating Vickery Meadow Management Corporation, as manager of the District and authorizing a contract for management services; and approving the District Service Plan, and annual updates by Resolution No. 03-2475; and

WHEREAS, on August, 1, 2007, the Vickery Meadow Management Corporation provided City staff with the proposed amended District Service Plan for 2008 and the proposed assessment rates for 2007; and

WHEREAS, pursuant to Section 372.007 of the Act, City staff, with the assistance of the Vickery Meadow Management Corporation evaluated the amended service plan to determine whether the services should be made as proposed by the service plan and found the plan and the feasibility report to be viable; and

WHEREAS, the City desires by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the 2007 assessment rate for a special assessment against real property and real property improvements exclusive of right-of-way, to continue funding for the District for the purpose of providing supplemental services and improvements.

NOW, THEREFORE,

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

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

Section 2. That pursuant to the requirements of the Act, the City Council, after reviewing the amended Service Plan for 2008 for the Vickery Meadow Public Improvement District hereby approves the service plan for 2008, attached herein as **Exhibit A** and finds:

(a) **Advisability of the Services Proposed for the District.** It is advisable to continue the District to provide the services described in this Resolution.

Section 2 (continued)

(b) **Nature of the Services and Improvements**. The general nature of the services and improvements to be performed by the District is to enhance security and provide other security related improvements, promotion and marketing, community services, and property standards enforcement activities that are authorized by the Act. Specific elements of the service plan are contained in **Exhibit A**. The District is to supplement and enhance services within the District.

(c) **Estimated Cost of the Services and Improvements.** The total estimated cost of services and improvements provided by the District for the seven-year period is approximately seven million, six hundred fifteen thousand, six hundred dollars ($7,615,600). The average annual cost of services for the District is approximately one million, eighty seven thousand, nine hundred forty three dollars ($1,087,943). (approximately $337,802 for 2008 is paid for out of private donations). **(Exhibit A)** The District shall incur no bonded indebtedness.

(d) **Boundaries**. The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the **Map of the District**.

(e) **Method of Assessment**. The method of assessment, which may specify included or excluded classes of assessable property, is based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The proposed 2007 annual assessment rate for the premium service area in the District is $0.10 per $100.00 of appraised value by the Dallas Central Appraisal District. The standard service area proposed 2007 assessment rate for the District is $0.05 per $100.00 of appraised value by the Dallas Central Appraisal District. The proposed assessment plan is attached **(Exhibit B)**.

(f) **Apportionment of Cost between District and Municipality as a Whole**. The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District which is specifically benefited. City rights-of-way, City Parks, and other tax-exempt property in the District are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

(g) The findings set forth in this Resolution are hereby found to be true and correct.

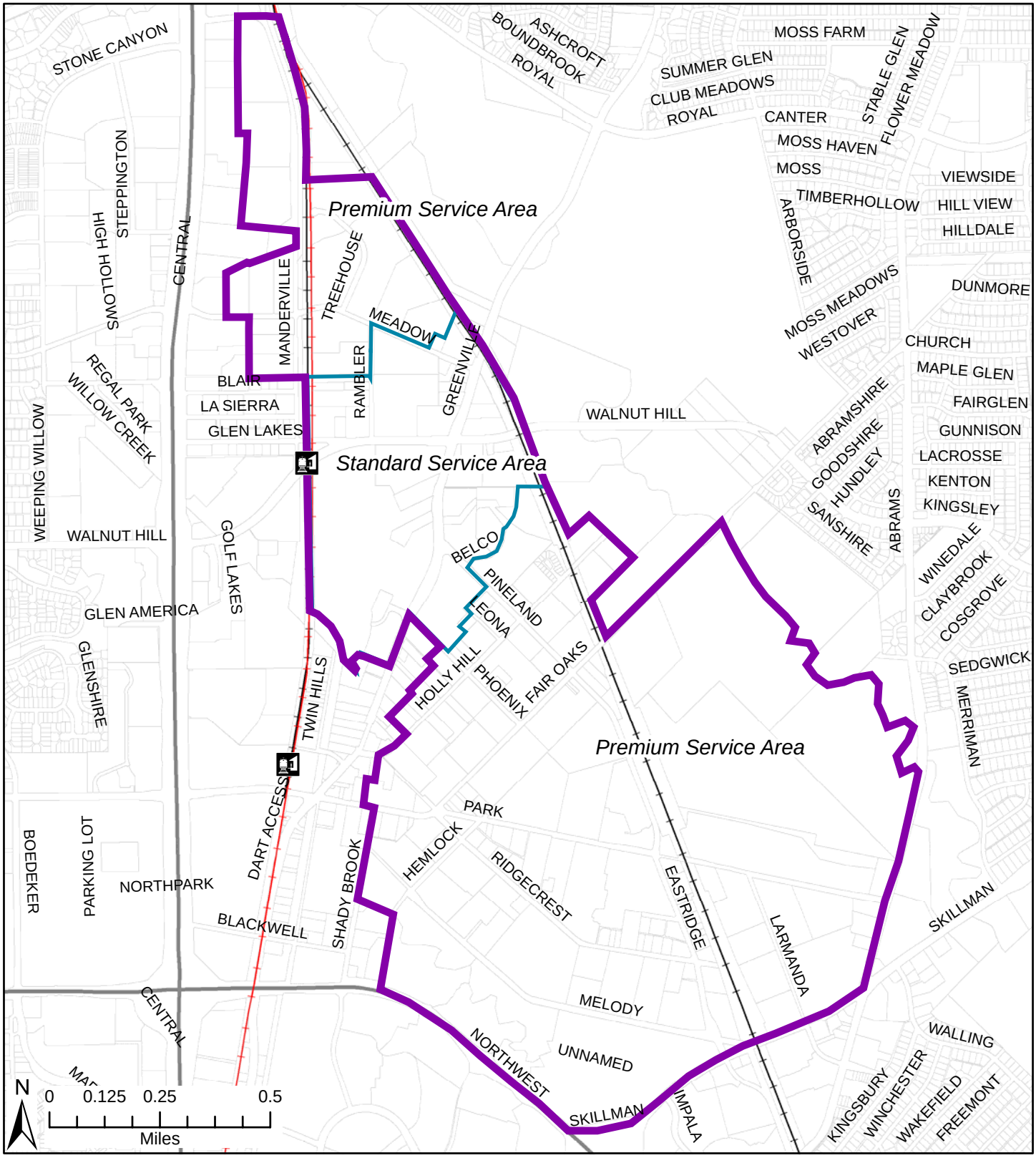
Section 3. That a public hearing shall be held at 1:00 p.m. on September 26, 2007, in the City Council Chamber, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas at which time any interested person may appear and speak for or against the setting of an assessment rate for a special assessment against real property and real property improvements, exclusive of rights-of-way, to continue funding for the District for the purpose of providing supplemental services and public improvements; and at the close of the hearing, City Council shall consider an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Vickery Meadow Public Improvement District; approving, adopting and filing with the City Secretary the 2007 assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date.

Section 4. That notice of such public hearing shall be published in the official newspaper of the City of Dallas and mailed to the property owners in the District before the 10th day before the public hearing.

Section 5. That after the public hearing, the City Council may consider approval of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits accruing to property in the District because of the services and improvements in the District, approving, adopting and filing with the City Secretary the assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2008; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date.

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

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



Vickery Meadow PID Boundary Map

Vickery Meadow PID Boundary

Standard Service Boundary

DART Station

DART Red Line

City of Dallas

Office of Economic Development

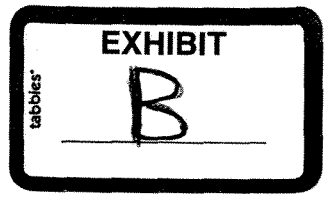
August 2007

EXHIBIT A

VICKERY MEADOW IMPROVEMENT DISTRICT BUDGET - (2008-2014)

	2008 BUDGET	2009 BUDGET	2010 BUDGET	2011 BUDGET	2012 BUDGET	2013 BUDGET	2014 BUDGET
REVENUES:							
Income Accrual - City of Dallas	464,358	487,575	511,954	537,551	564,429	592,650	622283
Income Accrual - Harvest Partners**	0	0	100,000	135,000	150,000	170,000	200000
Fund Raising - Youth Development Fund	250,000	275,000	300,000	325,000	350,000	375,000	400000
Contributions - In-Kind Office	17,100	17,100	17,100	17,100	17,100	17,100	17,100
Contributions- In Kind Program Space	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Contributions- In Kind Storage Space	2,400	2,400	2,400	2,400	2,400	2,400	2,400
Other Donations	9,000	9,000	9,000	9,000	9,000	9,000	9,000
Interest Income	6700	7300	9200	10100	10500	11400	12300
Community Service Grants	12000	12000	12000	12000	12000	12000	12000
Youth Development - Presby	15,132	15132	15132	15132	15132	15132	15132
Community Ser. Mgr. Presby	13,470	6,735	0	0	0	0	0
Contributions- Student Support Committee	40,000	40,000	40,000	40,000	40,000	40,000	40,000
TOTAL REVENUE	***842,160***	***884,242***	***1,028,786***	***1,116,283***	***1,182,581***	***1,256,682***	***1,342,215***
DISBURSEMENTS:							
Administrative Expenses	69,500	73,100	76,700	80,600	84,600	88,800	93,300
Community Service Expenses	460,000	490,000	590,000	660,000	675,000	735,000	775,000
Property Standards Expenses	42,000	42,000	48,000	48,000	54,000	54,000	60,000
Community Safety Expenses	240,000	240,000	264,000	264,000	300,000	300,000	330,000
Public Relation Expenses	18,000	24,000	30,000	36,000	42,000	48,000	54,000
Economic Development Expenses	9,000	12,000	15,000	18,000	21,000	24,000	27,000
TOTAL DISBURSEMENTS	***838,500***	***881,100***	***1,023,700***	***1,106,600***	***1,176,600***	***1,249,800***	***1,339,300***
Current Year Net	**3,660**	**3,142**	**5,086**	**8,683**	**5,961**	**6,882**	**2,915**
Prior Year Surplus/Deficit	**20,423**	**24,083**	**27,225**	**32,311**	**40,994**	**46,955**	**53,837**
Surplus/Deficit Carried Forward	**24,083**	**27,225**	**32,311**	**40,994**	**46,955**	**53,837**	**56,752**

** Park Lane Place Development



2007

VICKERY MEADOW IMPROVEMENT DISTRICT ASSESSMENT PLAN

The cost of the services and improvements by the District will be paid primarily by special assessment against properties in the District. Annual assessments will be based on the total value of real property and real property improvements as determined by the Dallas Central Appraisal District ("DCAD").

The District is divided into a standard service area and a premium service area. Property owners in the premium service area will receive greater benefit from the services and improvements than those in the standard area and will pay a greater assessment. Service areas are shown on Exhibit "A" (the Map of the District).

The anticipated assessment to be levied in 2008 for properties in the premium service area will be $0.10 per $100 of appraised value. The anticipated assessment to be levied in 2008 for the standard service area will be $0.05 per $100 of appraised value or 50% of the rate for the premium service area, whichever is less. Actual assessment rates and levies will be set by the Dallas City Council, subject to an assessment rate of $0.10 per $100, and according to procedures stipulated by Chapter 372 of the Texas Local Government Code.

The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District. The following properties are not specially benefited by the improvements and will be excluded from assessments: Dallas Housing Authority, American Heart Association, Vickery Baptist Church, Sokol Zizka School, Presbyterian Hospital tax-exempt properties, and tax-exempt properties of the Dallas Independent School District. Payment of assessments by other exempt jurisdictions must be established by contract.

AGENDA ITEM # 21

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: Charles W. Daniels, 670-3390

MAPSCO: N/A

SUBJECT

Authorize a contract with the Department of State Health Services for the continuation of local health services to non-Medicaid eligible clients through Title V for the period September 1, 2007 through August 31, 2008 - Not to exceed $80,010 - Financing: Department of State Health Services Grant Funds

BACKGROUND

The City of Dallas is eligible to receive reimbursement for maternal and child health services provided to non-Medicaid eligible clients through Title V. This year, the reimbursement cap for these services has been set at $80,010. The Department of State Health Services also supplies free adult and childhood vaccines, valued at more than a million dollars to the City.

PERFORMANCE MEASURES

	2006-07 Goal	2006-07 Actual*	2007-08 Goal
Child health assessments	1,900	2,888	2,000
Vaccine doses administered	43,000	79,893	41,000

*Thru July 2007

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract for the continuation of local health services to non-Medicaid eligible clients through Title V for FY 2006-07 on August 9, 2006, by Resolution No. 06-2028.

Authorized a contract for the continuation of local health services to non-Medicaid eligible clients through Title V for FY 2005-06 on September 14, 2005, by Resolution No. 05-2642.

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

Authorized a contract for the continuation of local health services to non-Medicaid eligible clients through Title V for FY 2004-05 on August 25, 2004, by Resolution No. 04-2478.

Authorized a contract for the continuation of local health services to non-Medicaid eligible clients through Title V for FY 2003-04 on August 27, 2003, by Resolution No. 03-2312.

Authorized a contract for the continuation of local health services to non-Medicaid eligible clients through Title V for FY 2002-03 on June 26, 2002, by Resolution No. 02-1954.

FISCAL INFORMATION

$80,010 - Department of State Health Services Grant Funds

September 12, 2007

WHEREAS, the Department of State Health Services, Associate Commissioner for Family Health, and the Office of Public Health Practice has approved funds in the amount of $80,010 to the City of Dallas for FY 2007-08; and

WHEREAS, these funds have been made available for services to non-Medicaid eligible clients through Title V reimbursement; and

WHEREAS, there is a continued need in the Dallas community for the delivery of public health services and programs funded through the Department of State Health Services;

NOW, THEREFORE;

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

Section 1. That following the approval as to form by the City Attorney, the City Manager is hereby authorized a contract with the Department of State Health Services for the continuation of local health services to non-Medicaid eligible clients through Title V for the period September 1, 2007 through August 31, 2008, and execute any and all documents required by the contract.

Section 2. That the City Manager is hereby authorized to establish appropriations according to the attached Schedule in an amount not to exceed $80,010.

Section 3. That the City Controller is hereby authorized to receive, deposit, and disburse funds according to the attached Schedule in an amount not to exceed $80,010.

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

SCHEDULE

Department of State Health Services
Maternal and Child Health Services through Title V
September 1, 2007 through August 31, 2008

Fund S188, Dept. EHS, Unit 1608, Revenue Source 6508

Object Code	Description	Amount
1101	Salaries	$70,216
1301	Pensions	5,234
1304	Benefits	4,067
1306	FICA	493
	Total	$80,010

AGENDA ITEM # 22

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 1

DEPARTMENT: Environmental & Health Services

CMO: Charles W. Daniels, 670-3390

MAPSCO: 45W

SUBJECT

Authorize an amendment to Resolution No. 06-2607, previously approved on September 27, 2006, authorizing a secured, no interest, forgivable loan agreement with PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas, for non-substantial rehabilitation at Hillcrest House located at 834 North Marsalis to **(1)** add Hillcrest House Partnership, Ltd. to the agreement as owner of the property, and **(2)** extend the term of the agreement through September 30, 2008 - Financing: No cost consideration to the City

BACKGROUND

On September 27, 2006, City Council approved Resolution No. 06-2607, authorizing a secured, no interest, forgivable loan agreement with PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas (AIDS Services of Dallas or ASD), to replace 245 exterior windows and wood frames at Hillcrest House located at 834 North Marsalis, Dallas, Dallas County, Texas. Funding for the project in the amount of $157,000 is through the 2006-07 Housing Opportunities for Persons with AIDS (HOPWA) grant.

This amendment continues approval for the same project approved by Resolution No. 06-2607, including the same scope of work at the same cost. For the reasons outlined below, the only changes are to add Hillcrest House Partnership, Ltd. to the agreement as owner of the property and to extend the term of the agreement to allow additional time to complete the work on the project.

AIDS Services of Dallas is a non-profit agency providing housing for low-income persons living with HIV/AIDS, and is the sole general partner of Hillcrest House Partnership, Ltd. (Partnership). ASD manages and operates Hillcrest House, a four-story residential community with 64 single room occupancy (SRO) units, serving formerly homeless persons with HIV/AIDS; however, the Partnership itself is the legal owner of the property.

BACKGROUND (Continued)

In 1995, AIDS Services of Dallas, through the Partnership, applied for and was awarded low-income housing tax credits (LIHTC) for the development of Hillcrest House. Because of issues relating to the LIHTC tax basis, a prior rehabilitation project at Hillcrest House in 1999 was funded through an award to ASD, which held a leasehold ownership interest in the basement area that was being remodeled at the time. Based on this earlier transaction, AIDS Services of Dallas and Environmental and Health Services Department (EHS) proceeded to develop the contract with ASD and submitted it to the City Attorney's Office in September 2006.

Following review of several documents submitted by AIDS Services of Dallas at the City Attorney's request, the City Attorney's Office advised that: (1) even though AIDS Services of Dallas is the sole general partner of the Partnership and managing partner for the property, it is necessary to include the Partnership in the agreement, because the Partnership, not ASD, is the legal owner of the portion of the structure being repaired/rehabilitated under this current project (i.e., the windows on the upper floors of the structure), so that the owner can provide a deed of trust to secure the City's lien for the minimum use period required by HUD, but that (2) further research and investigation would be necessary to ensure that the transaction did not cause any LIHTC tax basis issues for Hillcrest House, as had been raised with the earlier 1999 transaction.

In January 2007, AIDS Services of Dallas began soliciting the assistance of Enterprise Community Investment, Inc. (Enterprise), who brokered and funded the LIHTC for Hillcrest House, to look at the LIHTC tax basis issues in funding the window project. In June 2007, Enterprise was able to begin looking at the LIHTC issues. After several consultations with Enterprise and the Certified Public Accountant (CPA) for Hillcrest House, ASD and EHS finally received written confirmation in July 2007 from both Enterprise and the CPA that including the Partnership in the agreement would not adversely affect the LIHTC tax basis, since there was more basis available now than back in 1999. Accordingly, this amendment to Resolution No. 06-2607 adds the Partnership to the agreement for the project.

In addition, this amendment to Resolution No. 06-2607 extends the term of the contract award through September 30, 2008 to allow additional time to complete the work. Because of the LIHTC issues described above, no contract has yet been executed, and neither the Partnership nor AIDS Services of Dallas has begun work on the window replacement. As well, because Hillcrest House was built in 1922, the Texas Historical Commission (THC) is reviewing the project. ASD is working with an architect, who submitted some written documentation to THC on July 19, 2007. However, we still await THC clearance for the project.

BACKGROUND (Continued)

Once the contract is executed and THC clearance is obtained, work on the project is expected to take about three months. Accordingly, approval of this item will extend HOPWA funding through September 30, 2008, in the amount of $157,000, to Hillcrest House Partnership, Ltd. (rather than AIDS Services of Dallas), for the window replacement project, at Hillcrest House located at 834 North Marsalis, Dallas, Dallas County, Texas.

PERFORMANCE MEASURES

Number of Persons Assisted

	2006-07 Goal	2006-07 Actual*	2007-08 Goal
Unduplicated households served at Hillcrest	75	77	83

*YTD data through 6/30/07 (9 months)

OUTCOME MEASURES

The intended outcome of HOPWA facility based housing assistance, as required by HUD, is: Housing Stability, measured by the percentage of clients who remain in stable housing at the end of each program year.

	2006-07 Goal	2006-07 Actual*	2007-08 Goal
Percent in stable housing at Hillcrest	78%	96%	80%

*YTD data through 6/30/07 (9 months)

The agency will also collect and report data in FY2007-08 on the required HOPWA outcomes on access to care and support.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas for facility based housing assistance on August 8, 2007, by Resolution No. 07-0000.

Authorized a secured, no interest forgivable loan agreement with PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas on September 27, 2006, by Resolution No. 06-2607.

Authorized the second twelve-month renewal option to the contract with PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas for facility based housing assistance on June 28, 2006, by Resolution No. 06-1744.

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

Authorized Supplemental Agreement No. 1 to the contract with PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas for facility based housing assistance on January 11, 2006, by Resolution No. 06-0133.

Authorized the first twelve-month renewal option to the contract with PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas for facility based housing assistance on August 24, 2005, by Resolution No. 05-2463.

FISCAL INFORMATION

No cost consideration to the City

ETHNIC COMPOSITION

PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas (Board)

Black Female	3	Black Male	2
White Female	1	White Male	17
Hispanic Female	0	Hispanic Male	0
Other Female	0	Other Male	0

OWNER(S)

Hillcrest House Partnership, Ltd.

General Partner: PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas
Limited Partner: Banc of America Housing Fund Limited Partnership
(by Enterprise Community Investment, Inc., General Partner)
Limited Partner: Corporate Housing Initiatives II Limited Partnership
(by Enterprise Community Investment, Inc., General Partner)

OWNER(S) (Continued)

PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas

Board of Directors

Brian Truncale, Chair
Basil Asaro, Vice Chair
Robert A. Goldberg, Esq., Secretary
Jay W. Oppenheimer, Treasurer
Arika Alexander
Patricia Banks
Matt Bobula
Jacque Borel
Peter Brown
Damien Butler
Sid Carroll
Karen Charleston
David N. Donnell, M.D.
Alfie Gross
Sean Harper
Kurt Heimsath
Robert Helm
Dennis Kershner
Beth McFarland
Richard A. Perry, Jr.
Gary Scott
Craig Smith
Wayne E. Thomas

September 12, 2007

WHEREAS, Housing Opportunities for Persons with AIDS (HOPWA) grant funds received from the U.S. Department of Housing and Urban Development (HUD) have been designated to provide services to low-income persons with HIV/AIDS and HIV-related illness and their families; and

WHEREAS, on September 27, 2006, City Council approved Resolution No. 06-2607, authorizing a secured, no interest, forgivable loan agreement with PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas, in the amount of $157,000 in HOPWA funding, to replace the exterior windows and wood frames at Hillcrest House, which provides housing for formerly homeless persons with HIV/AIDS; and

WHEREAS, Hillcrest House Partnership, Ltd. is the legal owner of Hillcrest House, and it has been determined that the partnership may accept the contract award without adversely affecting the low-income housing tax credits (LIHTC) on the property; and

WHEREAS, due to delays in resolving the LIHTC issues and obtaining Texas Historical Commission clearance for the project, additional time is needed to complete the work;

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 amend Resolution No. 06-2607, previously approved on September 27, 2006, authorizing a secured, no interest, forgivable loan agreement with PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas, for non-substantial rehabilitation at Hillcrest House located at 834 North Marsalis to **(1)** add Hillcrest House Partnership, Ltd. to the agreement as owner of the property, and **(2)** extend the term of the agreement through September 30, 2008, and execute any and all documents required by the agreement.

Section 2. That, in all other respects, Resolution No. 06-2607, previously approved on September 27, 2006, shall remain in full force and effect.

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

AGENDA ITEM # 23

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: Charles W. Daniels, 670-3390

MAPSCO: N/A

SUBJECT

Authorize an amendment to the contract with the Department of State Health Services to **(1)** extend the FY 2006-07 contract to June 30, 2008; and **(2)** accept the FY 2007-08 grant funds for the Childhood Lead Poisoning Prevention Program for the period July 1, 2007 through June 30, 2008 - Not to exceed $108,207 - Financing: Department of State Health Services Grant Funds

BACKGROUND

The Environmental and Health Services Department was notified on July 25, 2007 that the Department of State Health Services has extended the FY 2006-07 contract through June 30, 2008 and awarded $108,207 in grant funds for FY 2007-08 for the enhancement of the City of Dallas' Childhood Lead Poisoning Prevention Program. The objective of the Childhood Lead Poisoning Prevention Program is to improve the follow-up rate for lead testing in children and to screen 2,500 children in FY 2007-08. The program will provide screening, case management, environmental assessments, environmental investigation training, community outreach, and public education.

The Department of State Health Services will provide confirmation of blood lead results to providers for non-Medicaid, uninsured children and their siblings whose initial capillary screening is equal to or above 10 mcg/dl.

Acceptance of these funds will enable the City of Dallas to continue the Childhood Lead Poisoning Prevention Program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acceptance of grant funds for the Childhood Lead Poisoning Prevention Program on October 11, 2006, by Resolution No. 06-2773.

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

Authorized acceptance of grant funds for the Childhood Lead Poisoning Prevention Program on August 10, 2005, by Resolution No. 05-2199.

Authorized acceptance of grant funds for the Childhood Lead Poisoning Prevention Program on June 23, 2004, by Resolution No. 04-2167.

Authorized acceptance of grant funds for the Childhood Lead Poisoning Prevention Program on June 25, 2003, by Resolution No. 03-1857.

Authorized acceptance of grant funds for the Childhood Lead Poisoning Prevention Program on June 26, 2002, by Resolution No. 02-1952.

FISCAL INFORMATION

$108,207 - Department of State Health Services Grant Funds

September 12, 2007

WHEREAS, the Department of State Health Services has awarded grant funds in the amount of $108,207 for FY 2007-08 for the enhancement of the City of Dallas Childhood Lead Poisoning Prevention Program; and

WHEREAS, the goal of this project is to improve the follow-up rate for lead testing in children and to screen 2,500 children for elevated blood lead levels in all areas of the city; and

WHEREAS, there is a continued need for the delivery of childhood lead poisoning prevention initiatives and programs funded through the Department of State Health Services;

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 amend the contract with the Department of State Health Services to **(1)** extend the FY 2006-07 contract to June 30, 2008; and **(2)** accept the FY 2007-08 grant funds for the Childhood Lead Poisoning Prevention Program for the period July 1, 2007 through June 30, 2008, and execute any and all documents required by the agreement.

Section 2. That the City Manager is hereby authorized to establish appropriations according to the attached Schedule in an amount not to exceed $108,207.

Section 3. That the City Controller is hereby authorized to receive and deposit grant funds from the Department of State Health Services according to the attached Schedule into Fund F175, Dept. EHS, Unit 1603, Revenue Source 6506 in an amount not to exceed $108,207.

Section 4. That the City Controller is hereby authorized to disburse funds according to the attached Schedule in an amount not to exceed $108,207.

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

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

SCHEDULE

City of Dallas Childhood Lead Poisoning Prevention Program
July 1, 2007 through June 30, 2008

Fund F175, Dept. EHS, Unit 1603, Revenue Source 6506

Object Code	**Description**	**Amount**
1101	Salaries	$ 74,632
1106	Merit	2,563
1203	SIP	768
1242	Language Pay	1,200
1301	Pension	7,882
1303	Benefits	3,917
1306	FICA	743
2110	Supplies	8,502
3361	Professional Development	8,000
	Total	$108,207

AGENDA ITEM # 24

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: Charles W. Daniels, 670-3390

MAPSCO: N/A

SUBJECT

Authorize the acceptance of a grant from the Department of State Health Services for the City of Dallas' Immunization Initiative Program for the period September 1, 2007 through August 31, 2008 - Not to exceed $358,463 - Financing: Department of State Health Services Grant Funds

BACKGROUND

Environmental and Health Services Department has received this grant for 13 years. The goal of this project is to increase immunity levels for preschool children (targeting ages birth through two years) for measles, mumps, rubella, haempohilus influenza type B, diphtheria, tetanus, pertussis, hepatitis B, varicella and polio vaccines. The national goal for the year 2007 is to reach 90% immunization levels among the 0-2 age population.

Currently immunizations are available five days a week on a walk-in basis at the Oak Cliff, North Dallas, and the West Dallas health centers. John West Health Center, located in the East Dallas area, provides immunizations 3 days a week.

In the Fiscal Year 2005-06, City clinics administered 111,353 doses of vaccine. Approximately 43,219 children who received immunizations can be attributed to the support provided by the staff funded by the Department of State Health Services (DSHS) immunization initiative.

DSHS has authorized the City to subcontract a portion of the grant, $20,000, to the Martin Luther King (MLK), Jr. Family Clinic. Since the inception of the contract with DSHS, the City has contracted with MLK Family Clinic for services. Last year, MLK Family Clinic administered a total of 3,616 doses of vaccine.

BACKGROUND (Continued)

This grant allows the City of Dallas to maintain immunization services provided in the health clinics and daycare centers by providing funds for staff to administer immunizations and provide educational information to parents regarding the importance of proper vaccinations.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the acceptance of grant funds for the City of Dallas Immunization Initiative Program for FY 2006-07 on August 9, 2006, by Resolution No. 06-2026.

Authorized the acceptance of grant funds for the City of Dallas Immunization Initiative Program for FY 2005-06 on September 28, 2005, by Resolution No. 05-2791.

Authorized the acceptance of additional grant funds for the City of Dallas Immunization Initiative Program on January 28, 2004, by Resolution No. 04-0439.

Authorized the acceptance of additional grant funds for the City of Dallas Immunization Initiative on February 26, 2003, by Resolution No. 03-0786.

Authorized the acceptance of grant funds for the City of Dallas Immunization Initiative Program for FY 2002-03 on August 14, 2002, by Resolution No. 02-2236.

FISCAL INFORMATION

$358,463 - Department of State Health Services Grant Funds

September 12, 2007

WHEREAS, the Department of State Health Services, Bureau of Community and Rural Health, Maternal and Child Health, and Immunizations has approved funds in the amount of $358,463 for the City of Dallas' Immunization Initiative Program; and

WHEREAS, there is a continued need for the delivery of public health services and programs funded through the Department of State Health Services;

NOW, THEREFORE;

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

Section 1. That following the approval as to form by the City Attorney, the City Manager is hereby authorized to accept a grant from the Department of State Health Services for the City of Dallas' Immunization Initiative Program for the period September 1, 2007 through August 31, 2008, and execute any and all documents required by the grant agreement.

Section 2. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $358,463 in Fund F176, Dept. EHS, Unit 4082, Revenue Source 6508 according to the attached Schedule.

Section 3. That the City Controller is hereby authorized to receive, deposit and disburse grant funds for these services according to the attached Schedule in an amount not to exceed $358,463.

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

SCHEDULE

Department of State Health Services
City of Dallas' Immunization Initiative Program
September 1, 2007 through August 31, 2008

Fund F176, Dept. EHS, Unit 4082, Revenue Source 6508

Object Code	Description	Amount
1101	Salaries	$266,874
1203	SIP	2,832
1301	Pension	42,025
1303	Benefits	24,402
1306	FICA	3,515
2110	Supplies	2,400
3099	Miscellaneous	13,780
3361	Professional Development	2,635
	Total	$358,463

AGENDA ITEM # 25

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): All

DEPARTMENT: Environmental & Health Services

CMO: Charles W. Daniels, 670-3390

MAPSCO: N/A

SUBJECT

Authorize the acceptance of a grant from the Department of State Health Services for the continuation of community and rural health services for the period September 1, 2007 through August 31, 2008 - Not to exceed $196,600 - Financing: Department of State Health Services Grant Funds

BACKGROUND

The Department of State Health Services (DSHS) and the Office of Public Health Practice (OPHP-000/ORAS) has authorized funding for local health services to the City of Dallas Environmental and Health Services Department for support staff salaries, administrative services, and adult and childhood vaccines.

Approval of this item will authorize funding for FY 2007-08 for community and rural health services including support staff salaries and administrative services. DSHS also supplies free adult and childhood vaccines, valued at more than a million dollars to the City.

PERFORMANCE MEASURES

	2006-07 Goal	2006-07 Actual*	2007-08 Goal
Child Health Assessments	1,900	2,888	2,000
Vaccine Doses Administered	43,000	79,893	41,000

*The performance measures are based on activities through July 2007.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract for the continuation of local health services for FY 2006-07 on August 23, 2006, by Resolution No. 06-2225.

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

Authorized a contract for the continuation of local health services for FY 2005-06 on November 9, 2006, by Resolution No. 05-3261.

Authorized contracts for the continuation of local health services for FY 2004-05 on August 25, 2004, by Resolution No. 04-2487.

Authorized contracts for the continuation of local health services for FY 2003-04 on August 27, 2003, by Resolution No. 03-2312.

Authorized a contract for the continuation of local health services for FY 2002-03 on June 26, 2002, by Resolution No. 02-1954.

FISCAL INFORMATION

$196,600 - Department of State Health Services Grant Funds

September 12, 2007

WHEREAS, the Department of State Health Services and the Office of Public Health Practice has approved funds in the amount of $196,600 to the City of Dallas for FY 2007-08; and

WHEREAS, these funds have been made available for support staff salaries and administrative services; and

WHEREAS, there is a continued need in the Dallas community for the delivery of public health services and programs funded through the Department of State Health Services;

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 accept a grant from the Department of State Health Services for the continuation of community and rural health services for the period September 1, 2007 through August 31, 2008, and execute any and all documents required by the grant agreement.

Section 2. That the City Manager is hereby authorized to establish appropriations according to the attached Schedule in an amount not to exceed $196,600.

Section 3. That the City Controller is hereby authorized to receive, deposit and disburse funds according to the attached Schedule in an amount not to exceed $196,600.

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

SCHEDULE

Department of State Health Services
Community and Rural Health Services
Office of Public Health Practice (OPHP-000/ORAS)
September 1, 2007 through August 31, 2008

Fund S189, Dept. EHS, Unit 1609, Revenue Source 6508

Object Code	Description	Amount
1101	Salaries	$151,518
1301	Pensions	19,928
1303	Benefits	12,201
1306	FICA	1,879
1203	SIP	2,400
1106	Merit	2,787
2110	Office Supplies	4,272
3363	Professional Development	1,615
Total		$196,600

AGENDA ITEM # 26

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 4, 5, 8

DEPARTMENT: Environmental & Health Services

CMO: Charles W. Daniels, 670-3390

MAPSCO: Various

SUBJECT

Authorize the first twelve-month renewal option to the contract with The Bethlehem Foundation to provide a family stabilization program to address the problems of economically disadvantaged persons in the southern sector of Dallas for the period October 1, 2007 through September 30, 2008 - Not to exceed $80,000 - Financing: Current Funds (subject to appropriations)

BACKGROUND

The Bethlehem Foundation is a nonprofit organization located at 1159 W. Camp Wisdom Road, in the southwestern corridor of the city. The foundation was established to alleviate unmet social service needs to address service gaps for persons "falling between the cracks." The service area is primarily the southern sector of the city, however, other residents of the city are eligible for services. The agency currently employs two staff with Spanish language skills to serve the 70% to 80% of clients that only speak Spanish.

The Bethlehem Foundation provides low-income clients financial assistance with delinquent rent, mortgage and/or utility payments, food, clothing, case management services, advocacy services, and follow-up. The agency also provides crisis intervention services to help transition individuals and families into a stabilized environment. There is a six month follow-up provided after services are rendered to determine the client's housing status and if any other services are needed. Clients assisted by the agency must meet the Federal Poverty Income Guidelines.

BACKGROUND (Continued)

PERFORMANCE MEASURES	2006-07 Goal*	2006-07 Actual*	2007-08 Goal
Number of individuals/families provided financial assistance	200	247	200
Number of follow-ups	1,000	538	1,000

*Thru June 2007

OUTCOME MEASURES

75% of families served will maintain stability for six months after receiving services.

The Bethlehem Foundation's budget includes the following funding sources.

St. John Baptist Church	$ 42,000
Other churches	11,000
Events	5,000
Combined Federal Employees	5,000
Emergency Food & Shelter Program	54,695
Companies & Individuals	20,000
City of Dallas - General Fund	80,000
Sharp Foundation	50,000
Social Service Block Grant	99,700
ESG-Community Dev. Block Grant	16,000
Total	$383,395

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with The Bethlehem Foundation for the provision of a family stabilization program on August 23, 2006, by Resolution No. 06-2223.

Authorized the second twelve-month renewal option to the contract with The Bethlehem Foundation for the provision of a family stabilization program on September 28, 2005, by Resolution No. 05-2837.

Authorized a contract with The Bethlehem Foundation for the provision of a family stabilization program on February 25, 2004, by Resolution No. 04-0762.

Authorized the second twelve-month renewal option to the contract with The Bethlehem Foundation for the provision of a family stabilization program on March 26, 2003, by Resolution No. 03-0981.

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

Authorized the first twelve-month renewal option to the contract with The Bethlehem Foundation for the provision of a family stabilization program on March 27, 2002, by Resolution No. 02-1086.

FISCAL INFORMATION

$80,000 - Current Funds (subject to appropriations)

Council District	Amount
4	$26,666.66
5	$26,666.67
8	$26,666.67
Total	$80,000.00

ETHNIC COMPOSITION

The Bethlehem Foundation (Board)

Hispanic Female	1	Hispanic Male	0
Black Female	8	Black Male	3
Other Female	0	Other Male	0
White Male	0	White Female	0

OWNER(S)

The Bethlehem Foundation

Board of Directors

R. C. Clack - Chairman	Thelma L. Wells, President
Byron, Fuller - Secretary	Alice Milligan
Henrietta Wilson - Treasurer	Carolyn Crawford
Pamela Skinner	Dr. Ethel B. Scruggs
Christine Castillo	Joe Tave
Glenda Hamilton	Mertis Evans

September 12, 2007

WHEREAS, there is a need for a family stabilization program in the southern sector of Dallas to assist low income populations; and

WHEREAS, The Bethlehem Foundation provides a family stabilization program through expansion of its existing community-based case management and other services for low income persons; and

WHEREAS, The Bethlehem Foundation has successfully met the terms of previous contracts with the City of Dallas to provide emergency services to the indigent;

NOW, THEREFORE;

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into the first twelve-month renewal option to the contract with The Bethlehem Foundation to provide a family stabilization program to address the problems of economically disadvantaged persons in the southern sector of Dallas for the period October 1, 2007 through September 30, 2008, and execute any and all documents required by the contract.

Section 2. That the City Controller is hereby authorized to disburse funds from Fund 0001, Dept. EHS, Unit 4023, Object Code 3099, Encumbrance No. CTGH184008, to Vendor No. 256232, in an amount not to exceed $80,000 (subject to appropriations).

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

DISTRIBUTION: Environmental and Health Services
City Attorney's Office

AGENDA ITEM # 27

KEY FOCUS AREA: Staff Accountability

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 7

DEPARTMENT: Equipment & Building Services

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

MAPSCO: 46-P

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Campos Engineering, Inc. to provide system design, production of construction documents, and construction administration services for the heating ventilation and air conditioning system repair and modification at the African American Museum located at 3536 Grand Avenue - Total not to exceed $90,987, from $23,500 to $114,487 - Financing: 2006 Bond Funds

BACKGROUND

The African American Museum is experiencing heating ventilation and air conditioning control problems that are resulting in humidity and temperature control issues. These conditions have led to damaged building components and exhibits. Campos Engineering, Inc. provided initial investigative study, testing of the system, recommendations, and cost estimates for remedial action. The 2006 bond program includes funding for the repair and modification of the system. Supplemental Agreement No. 1 will provide the required engineering design and construction administration services.

Equipment and Building Services conducted a Request For Qualifications in 2005, and qualified several consultants for architectural and engineering projects for award in 2006 through 2008. Campos Engineering, Inc. was deemed most qualified from this group for the heating ventilation and air conditioning system repair and modification scope of work, so they were asked to propose a fee for professional services at the African American Museum.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	August 2007
Complete Design	November 2007
Begin Construction	February 2008
Complete Construction	November 2008

FISCAL INFORMATION

2006 Bond Funds - $90,987

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Campos Engineering, Inc.

Hispanic Female	1	Hispanic Male	5
African American Female	0	African American Male	0
Other Female	0	Other Male	1
White Female	4	White Male	19

OWNER(S)

Campos Engineering, Inc.

Joe D. Campos, P.E., President

MAP(S)

Attached.

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Campos Engineering, Inc. to provide system design, production of construction documents, and construction administration services for the heating ventilation and air conditioning system repair and modification at the African American Museum located at 3536 Grand Avenue - Total not to exceed $90,987, from $23,500 to $114,487 - Financing: 2006 Bond Funds

Campos Engineering, Inc., is a local M/WBE minority firm, has signed the "Good Faith Effort" documentation.
PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$90,987.00	100.00%
Total non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$90,987.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

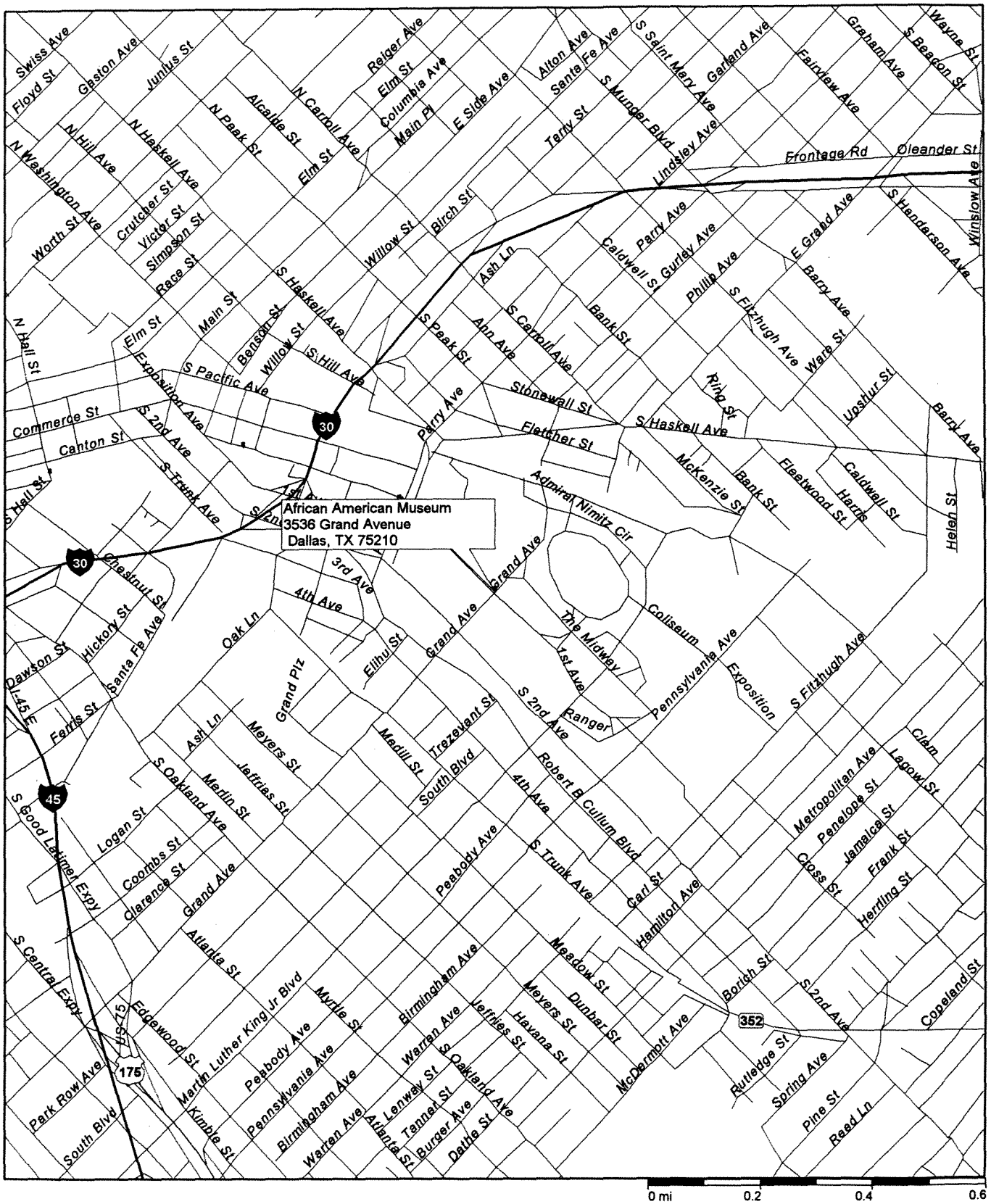
Local	Certification	Amount	Percent
Campos Engineering, Inc.	HMDB31678Y0807	$90,987.00	100.00%
Total Minority - Local		$90,987.00	100.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$90,987.00	100.00%	$90,987.00	100.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$90,987.00	100.00%	$90,987.00	100.00%



African American Museum
3536 Grand Avenue

September 12, 2007

Whereas, on March 22, 2007, Administrative Action No. 07-1079 in the amount of $23,500 authorized a professional services contract with Campos Engineering, Inc. to perform services related to the investigation of the Heating Ventilation and Air Conditioning system at the African American Museum, and;

Whereas, it is now desirable to authorize Supplemental Agreement No. 1 to increase the professional services contract with Campos Engineering, Inc. to provide design, production of construction documents, and construction administration services for the heating ventilation and air conditioning system repair and modification at the African American Museum in the amount of $90,987, increasing the contract from $23,500 to $114,487.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the professional services contract with Campos Engineering, Inc. to provide system design of a Heating Ventilation and Air Conditioning system solution, including the production of construction documents and construction administration services at the African American Museum in the amount of $90,987, increasing the contract from $23,500 to $114,487, after it has been approved as to form by the City Attorney.

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

2006 Bond Funds
Fund 6T49, Department EBS, Unit T700, Activity MMCF
Obj. 4112, Program No. 07DC007, CT No. EBS07T700CT49
Vendor No. 129578 in an amount not to exceed $90,987

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

Distribution: Equipment and Building Services, (Sheila Singleton) 6BN
Office of Financial Services, 4FN
City Attorney

AGENDA ITEM # 28

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	13
DEPARTMENT:	Equipment & Building Services Fire
CMO:	Jill A. Jordan, P.E., 670-5299 Ryan S. Evans, 670-3314
MAPSCO:	25G

SUBJECT

Authorize rescinding the contract with Roof Management Services, Inc. previously approved on December 14, 2005, by Resolution No. 05-3472, for roof replacement and asbestos abatement at Fire Station Number 41 located at 5920 Royal Lane - Financing: No cost consideration to the City

BACKGROUND

City Council approved a contract with Roof Management Services, Inc. by Council Resolution #05-3472 on December 14, 2005, in the amount of $59,881 for roof replacement and asbestos abatement at Fire Station #41 as the lowest bid received for the work. The contract was prepared and issued by the City Attorney's Office, but Roof Management Services, Inc. failed to return signed contracts or proof of insurance. On October 11, 2006, Roof Management Services, Inc. requested a 28 percent increase in the price, raising the value of the contract to $76,647 to move forward with the contract. Based upon the price increase and the failure to respond to the previously authorized contract, staff deemed Roof Management Services, Inc. to be non-responsive. This project will be packaged with other roof replacement projects and be re-bid.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized construction contract on December 14, 2005 by Resolution #05-3472.

ESTIMATED SCHEDULE OF PROJECT

Not applicable

FISCAL INFORMATION

No cost consideration to the City.

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Not applicable

BID INFORMATION

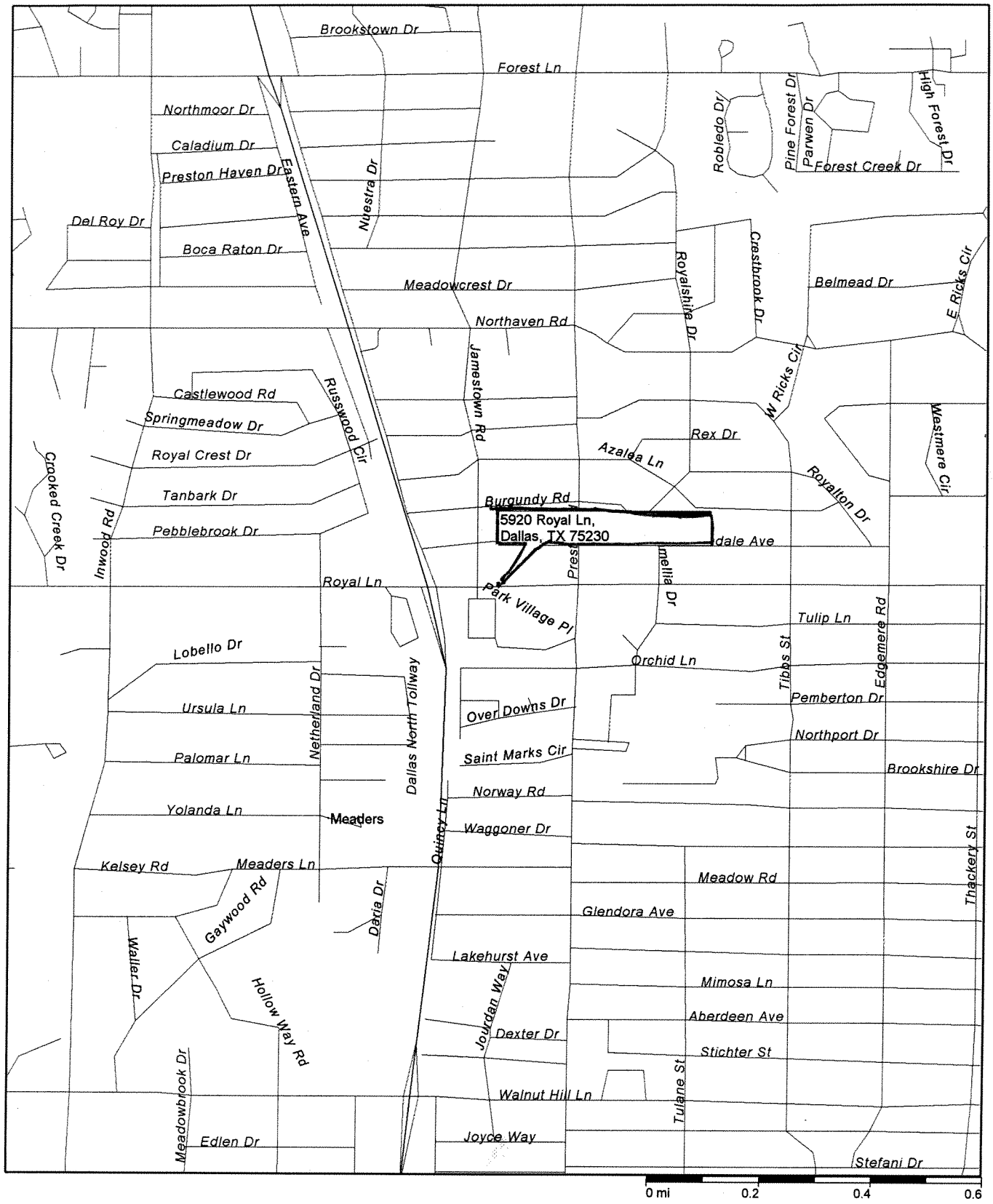
Ten vendors were contacted and the following three bids were received and opened on September 29, 2005:

BIDDER	**AMOUNT OF BID**
**Roof Management Services, Inc.	$59,881
*Castro Roofing of Texas, Inc. 4854 Olson Drive Dallas, Texas 75227	$85,000
Certified/LVI Environmental	$101,274

**Roof Management Services, Inc. was deemed non-responsive due to failure to execute and return a contract, and failure to provide acceptable proof of insurance.

MAP(S)

See attached.



Fire Station No. 41
5920 Royal Lane

September 12, 2007

Whereas, a contract with Roof Management Services, Inc. was previously approved on December 14, 2005, by Resolution No. 05-3472 for roof replacement and asbestos abatement at Fire Station #41 located at 5920 Royal Lane with Roof Management Services, Inc.; and,

Whereas, it has been determined that it would be advantageous to the City to rescind the award of the construction contract from Roof Management Services, Inc.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to rescind the contract with Roof Management Services, Inc. after it has been approved as to form by the City Attorney.

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: Equipment and Building Services (Sheila Singleton) 6BN
Office of Financial Services, 4FN
City Attorney

AGENDA ITEM # 29

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 4

DEPARTMENT: Housing

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 65D

SUBJECT

Authorize **(1)** a public hearing to be held on October 10, 2007 to receive comments on the proposed private sale by quitclaim deed of one unimproved property located at 2619 Custer acquired by the taxing authorities from the Sheriff's Sale to Dallas Neighborhood Alliance for Habitat, Inc., a qualified non-profit organization; and, at the close of the public hearing, **(2)** consideration of approval of the sale of this property - Financing: No cost consideration to the City

BACKGROUND

The 1997 Texas State Legislature enacted House Bill 110 which amended Chapter 34 of the Texas Property Tax Code. Subsequently, Tax Code Section 34.015 was redesignated as Local Government Code Section 253.010. The legislation allows a municipality to adopt an ordinance which provides for land acquired by the municipality following the foreclosure of a tax lien in favor of or seizure by the municipality, to be sold to non-profit organizations for the development of affordable housing for low income individuals and families. The City Council approved Ordinance No. 23713, implementing House Bill 110, on November 11, 1998. Subsequently, the Texas Legislature moved these provisions by redesignating Tax Code Section 34.015 as Local Government Code Section 253.010. On December 8, 2003, the City Council approved Ordinance No. 25443 to reference this applicable state law.

The ordinance requires that housing be provided to households with incomes at or below 80% of Area Median Family Income. The ordinance defines non-profit organization as either: (1) a non-profit corporation as provided by the State law, or (2) a joint venture or partnership between a non-profit corporation and a non-profit corporation or other non-profit legal entity composed of residents or property owners in the community or neighborhood in which the land subject to a purchase proposal under the ordinance is located.

BACKGROUND (continued)

Housing units require a 5-year deed restriction for single-family properties and a 15-year deed restriction for multi-family properties developed under this program. Rental property to be developed that contains more than 25 housing units will also be deed-restricted to require that social services be provided to residents based on the needs of the residents.

Non-profit organizations are allowed to purchase the property for a fixed sum of $1,000 for up to 7,500 square feet of land purchased under the single proposal plus $0.133 for each additional square foot of land purchased under the proposal. This revenue is paid first for court costs and maintenance costs and then any excess to taxing units in proportion to their share of taxes on the property. An additional sum will be paid to the City for costs of recording legal documents associated with the transaction. The purchase of property is subject to any redemption rights of the owners. Approval by the City Council and the other taxing units will be required for all land transactions under this ordinance. The affordable housing unit(s) must be constructed within 3 years from the date on which the City conveys the quitclaim deed, unless City Council extends the time line.

This item will begin the acquisition process for Dallas Neighborhood Alliance for Habitat, Inc. to purchase one (1) property located at 2619 Custer, for the construction of a 1,172 to 1,352 square foot single-family home for purchase by a low to moderate income homebuyer at the proposed sales price from $73,500 to $90,500. The anticipated commencement date of construction is December 2009.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On November 13, 1996, the City Council authorized the development of procedures to allow for the private sale of tax foreclosed or seized properties to qualified non-profit organizations by Resolution No. 96-3691.

On May 14, 1997, the City Council authorized implementation of the procedures for the Land Assembly Program by Resolution No. 97-1504.

On November 11, 1998, the City Council authorized an ordinance amending Chapter 2 of the Dallas City Code to allow for an alternate manner of sale for tax foreclosed property to non-profit housing corporations and non-profit organizations by Ordinance No. 23713.

On September 22, 1999, the City Council authorized an ordinance amending Chapter 2 of the Dallas City Code to authorize and provide requirements, qualifications, restrictions, and procedures for an alternate manner of sale of seized real property to nonprofit organizations for the development of affordable housing by Ordinance No. 24046.

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

On May 9, 2001, the City Council authorized implementation of the procedures contained in the Land Transfer Program Statement and consolidate all land assembly processes under the Land Transfer Program Statement to allow for the private sale of City surplus, tax foreclosed and seized property to qualified, non-profit organizations for the public purpose of creating or preserving affordable housing by Resolution No. 01-1411.

On June 27, 2001, the City Council authorized implementation of policies and procedures contained in the adopted Housing Policy and to allow for modifications to Housing Program Statements under the adopted Housing Policy by Resolution No. 01-2049.

On December 8, 2003, the City Council authorized an ordinance amending Chapter 2 of the Dallas City Code to allow for changes in and extension of the development periods under House Bill 110 proposals and update references to applicable state law by Ordinance No. 25443.

On December 8, 2003, the City Council authorized an amendment to the program statement of the Land Transfer Program Policy to reflect the December 8, 2003 Ordinance change and changes to Section V. of the program statement by Resolution No. 03-3355.

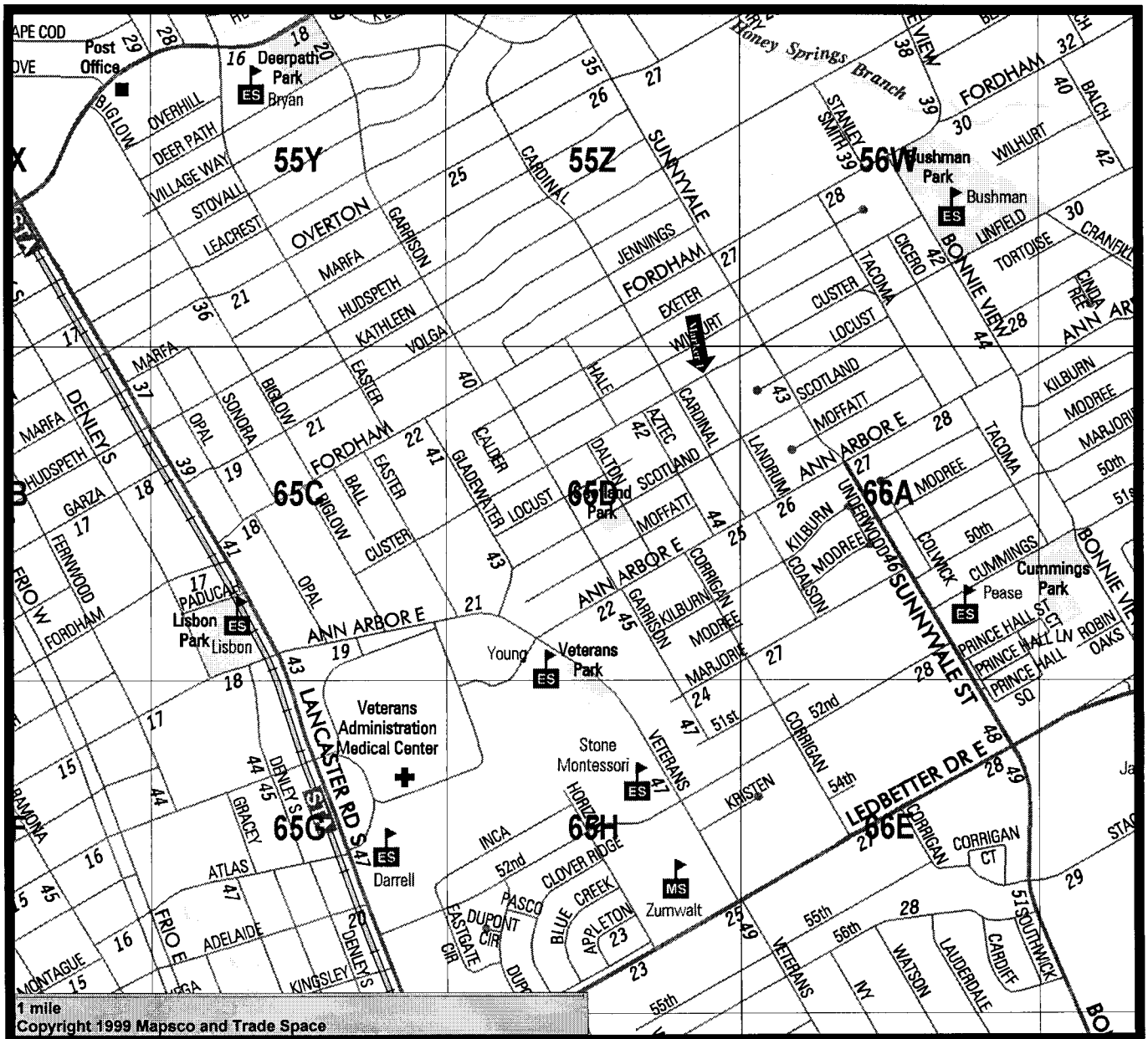
On November 10, 2004, the City Council authorized an amendment to the program statement of the House Bill 110 Program to prohibit the placement of industrialized housing on properties sold by the City by Resolution No. 04-3193.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached



1 : 2619 Custer

WHEREAS, on November 13, 1996, the City Council authorized the development of procedures to allow for the private sale of tax foreclosed or seized properties to qualified non-profit organizations by Resolution No. 96-3691; and

WHEREAS, on May 14, 1997, the City Council authorized implementation of the procedures for the Land Assembly Program by Resolution No. 97-1504; and

WHEREAS, on November 11, 1998, the City Council authorized an ordinance amending Chapter 2 of the Dallas City Code to allow for an alternate manner of sale for tax foreclosed property to non-profit housing corporations and non-profit organizations by Ordinance No. 23713; and

WHEREAS, on September 22, 1999, the City Council authorized an ordinance amending Chapter 2 of the Dallas City Code to authorize and provide requirements, qualifications, restrictions, and procedures for an alternate manner of sale of seized real property to nonprofit organizations for the development of affordable housing by Ordinance No. 24046; and

WHEREAS, on May 9, 2001, the City Council authorized implementation of the procedures contained in the Land Transfer Program Statement and consolidate all land assembly processes under the Land Transfer Program Statement to allow for the private sale of City surplus, tax foreclosed and seized property to qualified, non-profit organizations for the public purpose of creating or preserving affordable housing by Resolution No. 01-1411; and

WHEREAS, on June 27, 2001, the City Council authorized implementation of policies and procedures contained in the adopted Housing Policy and to allow for modifications to Housing Program Statements under the adopted Housing Policy by Resolution No. 01-2049; and

WHEREAS, on December 8, 2003, the City Council authorized an ordinance amending Chapter 2 of the Dallas City Code to allow for changes in and extension of the development periods under House Bill 110 proposals and update references to applicable state law by Ordinance No. 25443; and

WHEREAS, on December 8, 2003, the City Council authorized an amendment of the program statement of the Land Transfer Program Policy to reflect the December 8, 2003 Ordinance change and changes to the program statement by Resolution 03-3355; and

WHEREAS, on November 10, 2004, the City Council authorized an amendment of the program statement of the House Bill 110 Program to prohibit the placement of industrialized housing on properties sold by the City by Resolution 04-3193; and

September 12, 2007

WHEREAS, on May 24, 2007, the City received a proposal from Dallas Neighborhood Alliance for Habitat to purchase one (1) property shown on Exhibit "A" for construction of one (1) single-family home for purchase by a low to moderate income homebuyer; and, **NOW THEREFORE;**

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

Section 1. That the public hearing shall be held at 1:00 p.m. on October 10, 2007 in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, at which time any interested person may appear and speak for or against the proposed private sale by quitclaim deed of one (1) unimproved property acquired by the taxing authorities from the Sheriff's Sale to a qualified non-profit organization; and, at the close of the public hearing, consider approval of the sale of the property to the nonprofit organization, all as shown on Exhibit "A".

Section 2. That notice of such public hearing shall be published in the newspaper of record not later than ten (10) days prior to the date of such hearing. Written notice of such hearing shall be sent to all owners of real property lying within 200 feet of the boundary of the area subject to the purchase and notice of the hearing along with a copy of this resolution shall be delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed purchase.

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

DISTRIBUTION:

Housing Department
City Attorney's Office
Office of Financial Services/Community Development, 4FN
Office of Property Management

EXHIBIT A

Tax Foreclosure Property Sale

Parcel No.	Address	Mapsco	Non-Profit Organization	Proposal	Council District
1.	2619 Custer	65D	Dallas Neighborhood Alliance for Habitat, Inc.	$1,000	4

AGENDA ITEM # 30

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 2

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 45-E

SUBJECT

Authorize a contract for the installation of a fire sprinkler system in the basement under the grandstand seating area for the Little Heroes baseball field at Pike Park located at 2807 Harry Hines Boulevard - Mutual Sprinklers, Inc., lowest responsible bidder of four - $69,430 - Financing: Park Beautification Trust Funds

BACKGROUND

On May 31, 2007, four bids were received for the installation of a fire sprinkler system in the basement under the grandstand seating area for the Little Heroes baseball field at Pike Park located at 2807 Harry Hines Boulevard. This item authorizes award of the construction contract to Mutual Sprinklers, Inc., lowest responsible bidder for Base Bid, in the amount of $69,430.

Mutual Sprinklers, Inc. has had no contractual activities with the City of Dallas for the past three years.

ESTIMATED SCHEDULE OF PROJECT

Began Design	January 2007
Completed Design	March 2007
Begin Construction	October 2007
Complete Construction	December 2007

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized award of the contract on August 16, 2007.

FISCAL INFORMATION

Park Beautification Trust Funds - $69,430

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Mutual Sprinklers, Inc.

White Male	62	White Female	4
Black Male	1	Black Female	0
Hispanic Male	30	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following four bids with quotes were received and opened on May 31, 2007:

*Denotes successful bidder

Bidder	Amount
*Mutual Sprinklers, Inc. 10935 Alder Circle, Mesquite, Tx	$69,430
GFS Texas, Inc.	$77,481
A S Con, Inc.	$92,800
Ranger Fire, Inc.	$103,862

OWNERS

Mutual Sprinklers, Inc.

J. Timothy Walsh, President
William E. Corbin, Vice President

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the installation of a fire sprinkler system in the basement under the grandstand seating area for the Little Heroes baseball field at Pike Park located at 2807 Harry Hines Boulevard - Mutual Sprinklers, Inc., lowest responsible bidder of four - $69,430 - Financing: Park Beautification Trust Funds

Mutual Sprinkler, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use their own workforce.
PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$31,395.00	45.22%
Total non-local contracts	$38,035.00	54.78%
TOTAL CONTRACT	$69,430.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

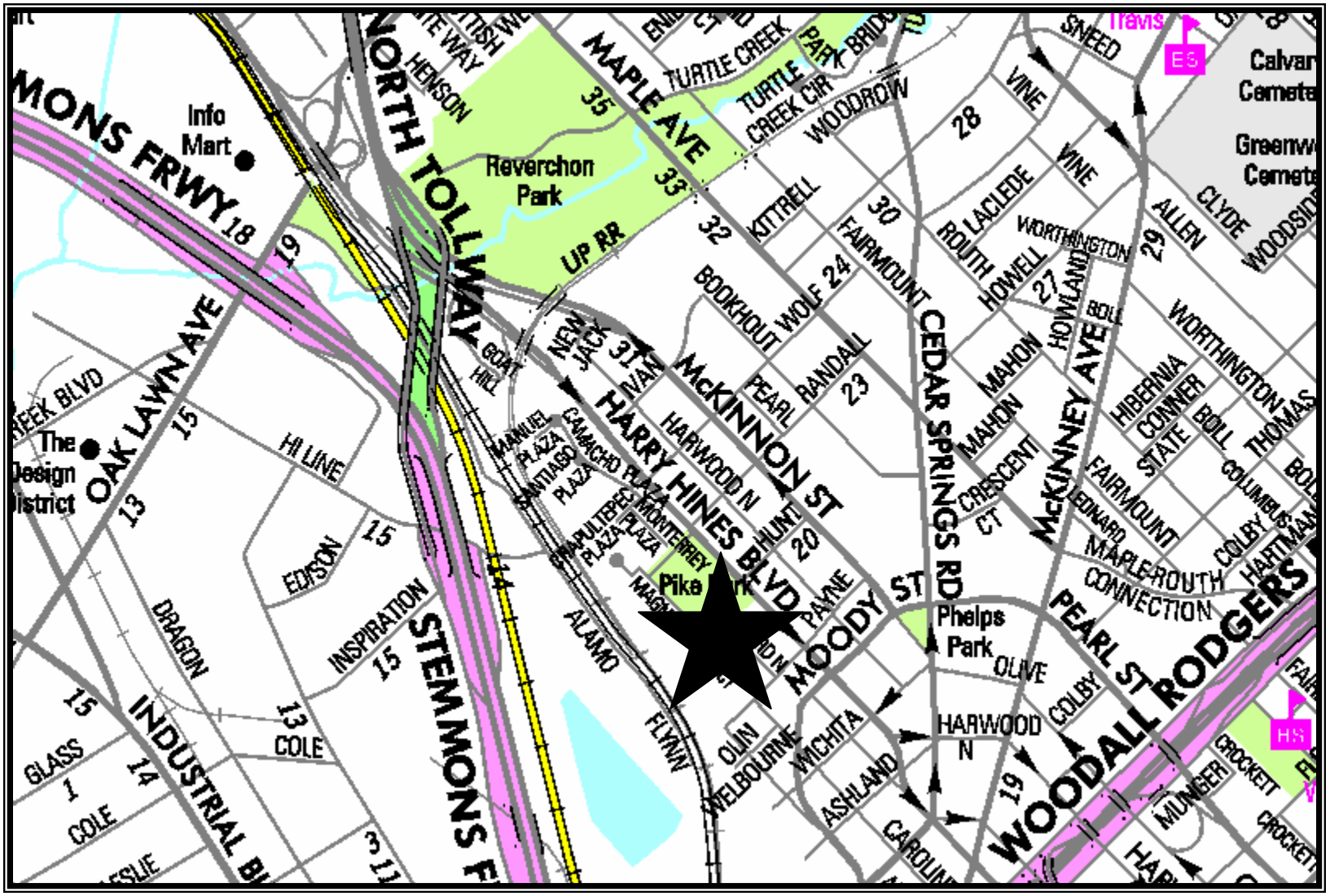
None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

Pike Park

Council District 2



2807 Harry Hines Blvd.

Mapsco # 45-E

September 12, 2007

WHEREAS, on May 31, 2007, four bids were received for the installation of a fire sprinkler system in the basement under the grandstand seating area for the Little Heroes baseball field at Pike Park located at 2807 Harry Hines Boulevard.

Bidder	**Amount**
Mutual Sprinklers, Inc.	$69,430
GFS Texas, Inc.	$77,481
A S Con, Inc.	$92,800
Ranger Fire, Inc.	$103,862

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into a contract with Mutual Sprinklers, Inc. for the installation of a fire sprinkler system in the basement under the grandstand seating area for the Little Heroes baseball field at Pike Park located at 2807 Harry Hines Boulevard, in an amount not to exceed $69,430.

SECTION 2. That the President of the Park and Recreation Board and the City Manager be authorized to execute the contract with Mutual Sprinklers, Inc., after approval as to form by the City Attorney's Office.

SECTION 3. That the City Controller be and is hereby authorized to pay the amount of $69,430 to Mutual Sprinklers, Inc. from Park Beautification Trust Fund 0641, Department PKR, Unit 6421, Object 4599, Activity COPK, Program PKLK2003, CT-PKR07018912, Commodity 91200, Vendor 359125.

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

AGENDA ITEM # 31

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: 27-K

SUBJECT

Authorize a contract for the reconstruction and expansion of the existing parking lot along White Rock Trail at Lake Highlands North Park located at 9344 Church Road - Riverway Contractors and Management, Inc., lowest responsible bidder of four - $421,209 - Financing: 2003 Bond Funds

BACKGROUND

On April 26, 2007, four bids were received for the reconstruction and expansion of the existing parking lot along White Rock Trail at Lake Highlands North Park located at 9344 Church Road. This item authorizes award of the construction contract to Riverway Contractors and Management, Inc., lowest responsible bidder for Base Bid and Alternate No. 1, with a bid of $421,208.75.

The following chart illustrates Riverway Contractors and Management, Inc.'s contractual activities with the City of Dallas for the past three years:

	PWT	DWU	PKR
Project Completed	0	0	1
Change Orders	0	0	2
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2005
Completed Design	December 2006
Begin Construction	November 2007
Complete Construction	February 2008

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized the advertisement for bids on December 7, 2006.

The Park and Recreation Board authorized award of the contract on August 16, 2007.

FISCAL INFORMATION

2003 Bond Funds - $421,208.75

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Riverway Contractors and Management, Inc.

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

BID INFORMATION

The following four bids with quotes were received and opened on April 26, 2007:

*Denotes successful bidder

BID INFORMATION (Continued)

Bidder	Base Bid	Alter. No. A1**	Total Bid
*Riverway Contractors and Management, Inc. 4237 Lively Lane, Dallas, Tx	$286,621.25	$134,587.50	$421,208.75
Jeske Construction Company	$338,766.50	$146,966.00	$485,732.50
The Gilbert Construction Group, Inc.	$352,025.00	$143,377.00	$495,402.00
Gilbert May, Inc. dba Phillips/May Corporation	$511,049.40	$242,957.40	$754,006.80

**Alternate No. 1 - provides for expansion of the parking lot along White Rock Trail.

OWNERS

Riverway Contractors and Management, Inc.

Richard Hightower, President
Sherry Hightower, Secretary

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the reconstruction and expansion of the existing parking lot along White Rock Trail at Lake Highlands North Park located at 9344 Church Road - Riverway Contractors and Management, Inc., lowest responsible bidder of four - $421,209 - Financing: 2003 Bond Funds

Riverway Contractors and Management, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$322,966.75	76.68%
Total non-local contracts	$98,242.00	23.32%
TOTAL CONTRACT	$421,208.75	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
WBC Holdings Company	BMMB17294N0608	$46,125.00	14.28%
I & H Concrete Cutting	BMDB31613Y0807	$8,300.00	2.57%
Adco Decal & Sign Co., Inc.	BMMB30992Y0607	$540.00	0.17%
J.T. Dersner, Inc.	WFDB32651Y1107	$3,500.00	1.08%
10 Point Environmental	WFWB31942N0907	$2,600.00	0.81%
Total Minority - Local		$61,065.00	18.91%

Non-Local Contractors / Sub-Contractors

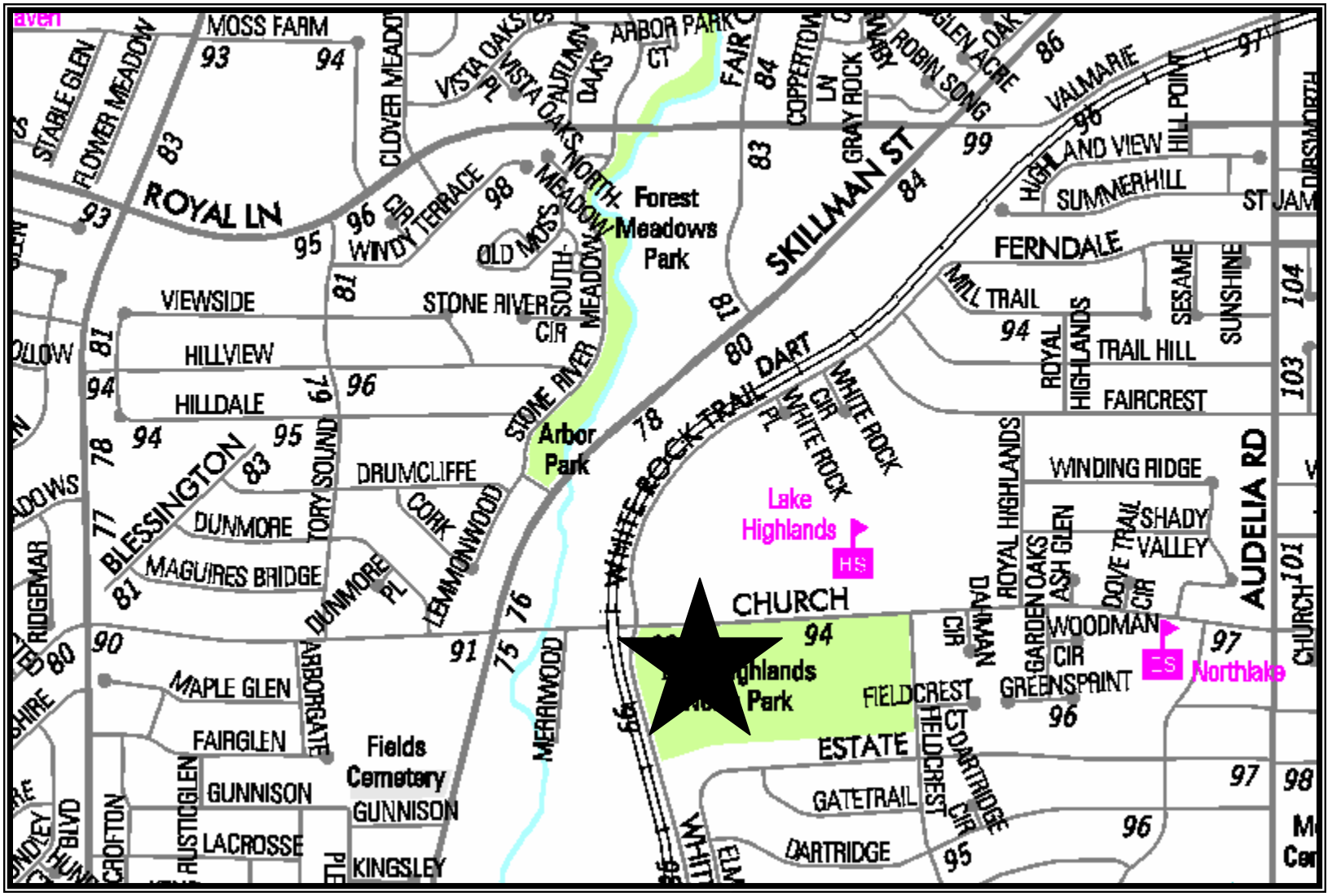
Non-local	Certification	Amount	Percent
Action Services	WFDB33214Y0108	$4,992.00	5.08%
Total Minority - Non-local		$4,992.00	5.08%

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$54,965.00	17.02%	$54,965.00	13.05%
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	$6,100.00	1.89%	$11,092.00	2.63%
Total	$61,065.00	18.91%	$66,057.00	15.68%

Lake Highlands North Park

Council District 10



9344 Church Rd.

Mapsco # 27-K

September 12, 2007

WHEREAS, on April 26, 2007, four bids were received for the reconstruction and expansion of the existing parking lot along White Rock Trail at Lake Highlands North Park located at 9344 Church Road.

Bidder	**Base Bid**	**Alter. No. A1****	**Total Bid**
Riverway Contractors and Management, Inc.	$286,621.25	$134,587.50	$421,208.75
Jeske Construction Company	$338,766.50	$146,966.00	$485,732.50
The Gilbert Construction Group, Inc.	$352,025.00	$143,377.00	$495,402.00
Gilbert May, Inc. dba Phillips/May Corporation	$511,049.40	$242,957.40	$754,006.80

**Alternate No. A1 - provides for expansion of the parking lot along White Rock Trail.

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 reconstruction and expansion of the existing parking lot at Lake Highlands North Park as approved by the Park and Recreation Board.

Lake Highlands Trail	2003 Bond Program (K205)	($316,400)
Lake Highlands North	2003 Bond Program (K203)	$296,400
Arbor Park	2003 Bond Program (K104)	$20,000

SECTION 2 That the City Manager is hereby authorized to enter into a contract with Riverway Contractors and Management, Inc. for the reconstruction and expansion of the existing parking lot along White Rock Trail at Lake Highlands North Park located at 9344 Church Road, in an amount not to exceed $421,208.75.

SECTION 3. That the President of the Park and Recreation Board and the City Manager be authorized to execute a contract with Riverway Contractors and Management, Inc., after approval as to form by the City Attorney's Office.

SECTION 4. That the City Controller be and is hereby authorized to pay the amount of $421,208.75 to Riverway Contractors and Management, Inc., as follows:

(2003) Neighborhood Park and Recreation Facilities Fund 3R05, Department PKR, Unit K203, Object 4599, Activity COPK, Program PK03K203, CT-PKR07018913, Commodity 91200, Vendor 213792	$11,533.46
(2003) Neighborhood Park and Recreation Facilities Fund 4R05, Department PKR, Unit K203, Object 4599, Activity COPK, Program PK03K203, CT-PKR07018913, Commodity 91200, Vendor 213792	$193,656.97
(2003) Neighborhood Park and Recreation Facilities Fund 5R05, Department PKR, Unit K203, Object 4599 Activity COPK, Program PK03K203, CT-PKR07018913, Commodity 91200, Vendor 213792	$216,018.32

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.

AGENDA ITEM # 32

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 1, 4

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 54-H

SUBJECT

Authorize a decrease in the contract with C. Green Scaping, L.P. for the modifications to the gates at the hay barn, landscaping to accommodate a future access bridge across Cedar Creek, modifications to the zebra holding barns 5 and 6 drainage collection, and deletion of Alternate 2A for the DART outfall in the woodland area for the storm water quality improvements at the Dallas Zoo located at 650 South R.L. Thornton Freeway - ($22,079), from $771,854 to $749,775 - Financing: 2004 Certificates of Obligation Funds

BACKGROUND

The original contract with C. Green Scaping, L.P. for storm water quality improvements for the woodland area, hay barn, zebra pens and the hill at the Dallas Zoo, Phase II located at 650 South R.L. Thornton Freeway in the amount of $740,496.97 was approved on September 14, 2005, by Resolution No. 05-2589.

On June 13, 2006, Administrative Action No. 06-1529, approved Change Order No. 1 for adjusting the alignment for the installation of the storm water quality device and removal of the concrete structure (abandoned water feature) in the Gorilla exhibit area in the amount of $11,801.68, making a revised contract amount of $752,398.55.

On October 3, 2006, Administrative Action No. 06-2722, approved Change Order No. 2 for adding one inlet and pipe to barns 11 and 12, a deduction of the draincore structure drainage and flume to woodland pens, adding paving to hay barn, changes to zebra holding pens, new gates, reducing grade beams, adding ramps for animal access and maintenance, and outflow corrections to old Zebra/Overlook exhibit in the amount of $19,555.07, making a revised contract amount of $771,853.72.

BACKGROUND (Continued)

Change Order No. 3 includes for the modifications to the gates at the hay barn, landscaping to accommodate a future access bridge across Cedar Creek, modifications to the zebra holding barns 5 and 6 drainage collection, and deletion of Alternate 2A for the DART outfall in the woodland area for the storm water quality improvements at the Dallas Zoo located at 650 South R.L. Thornton Freeway, for a total credit of ($22,078.72), decreasing the contract from $771,853.72 to $749,775.

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 April 21, 2005.

The Park and Recreation Board authorized award of the contract on August 18, 2005.

City Council authorized award of the contract on September 14, 2005, by Resolution No. 05-2589.

The Park and Recreation Board authorized Change Order No. 3 on August 16, 2007.

FISCAL INFORMATION

2004 Certificates of Obligation Funds - $22,078.72

Original Contract	$740,496.97
Change Order No. 1	$11,801.68
Change Order No. 2	$19,555.07
Change Order No. 3	($22,078.72)
	$749,775.00

Council District	Amount
1	($22,078.72)
4	$0.00
Total	($22,078.72)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

C. Green Scaping, L.P.

White Male	8	White Female	2
Black Male	1	Black Female	0
Hispanic Male	6	Hispanic Female	1
Other Male	0	Other Female	0

OWNERS

C. Green Scaping, L.P.

Cathleen Ruiz, President
Curtis J. Green, Vice President

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a decrease in the contract with C. Green Scaping, L.P. for the modifications to the gates at the hay barn, landscaping to accommodate a future access bridge across Cedar Creek, modifications to the zebra holding barns 5 and 6 drainage collection, and deletion of Alternate 2A for the DART outfall in the woodland area for the storm water quality improvements at the Dallas Zoo located at 650 South R.L. Thornton Freeway - ($22,079), from $771,854 to $749,775 - Financing: 2004 Certificates of Obligation Funds

C. Green Scaping, L.P. 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 Amount	Revised Amount	Percent
Local contracts	($22,078.72)	$702,020.00	93.63%
Non-local contracts	$0.00	$47,755.00	6.37%
TOTAL CONTRACT	($22,078.72)	$749,775.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

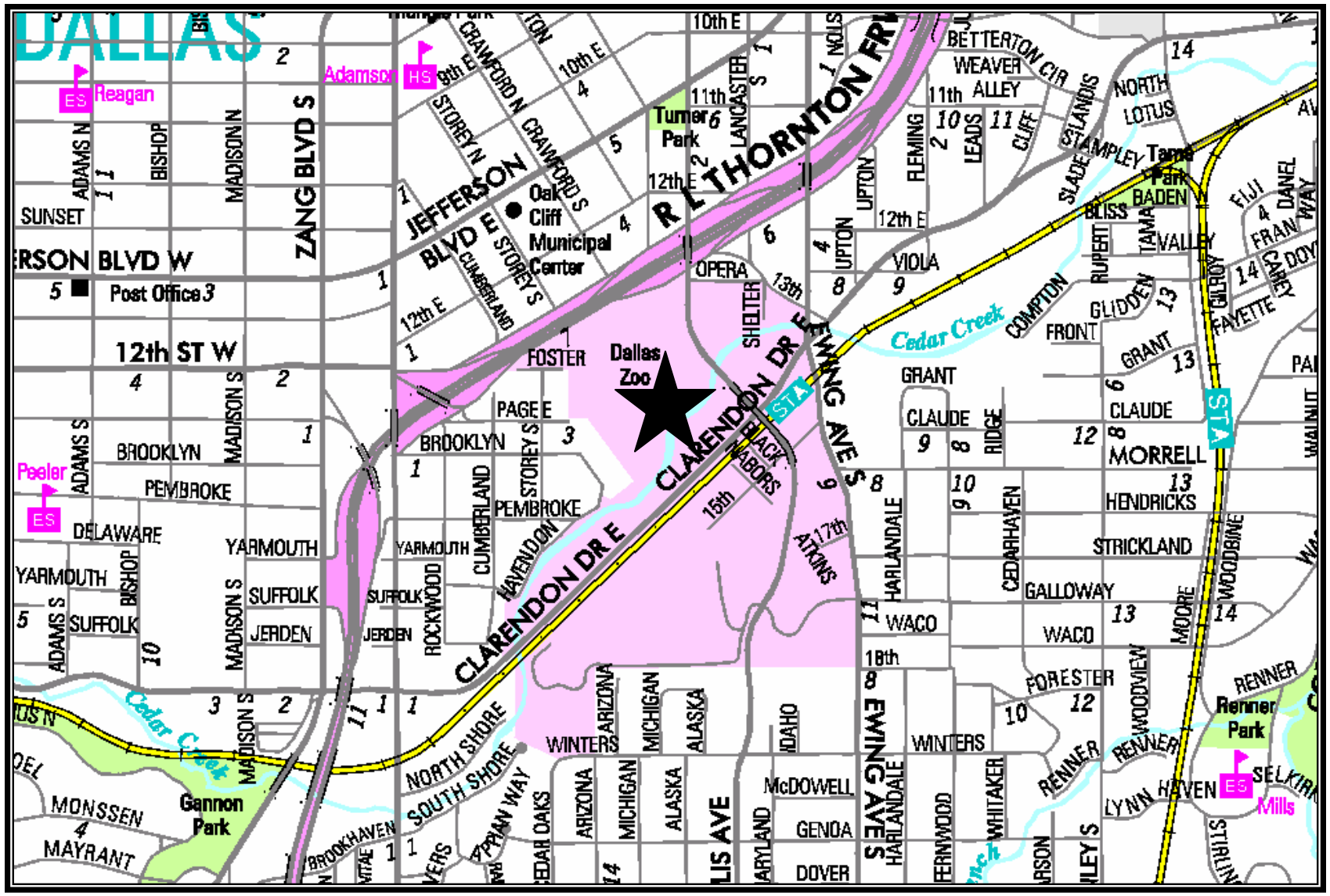
None

TOTAL M/WBE PARTICIPATION

	Original Amount	Percent	This Action Amount	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$594,831.29	73.33%	($22,078.72)	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	$594,831.29	73.33%	($22,078.72)	0.00%

Dallas Zoo

Council Districts 1, 4



650 South R. L. Thornton Freeway

Mapsco # 54-H

September 12, 2007

WHEREAS, on September 14, 2005, C. Green Scaping, L.P. was awarded a contract for storm water quality improvements for the woodland area, hay barn, zebra pens and the hill exhibit area at the Dallas Zoo, Phase II located at 650 South R. L. Thornton Freeway in the amount $740,497, by Resolution No. 05-2589; and

WHEREAS, on June 13, 2006 (Administrative Action No. 06-1529), Change Order No. 1 was approved for adjusting the alignment for the installation of storm water quality device and removal of concrete structure (abandoned water feature) in the Gorilla exhibit area at the Dallas Zoo in the amount of $11,801.68, making a revised contract amount of $752,398.55; and

WHEREAS, on October 3, 2006 (Administrative Action No. 06-2722), Change Order No. 2 was approved for adding one inlet and pipe to barns 11 and 12, deduction of the draincore structure drainage and flume to woodland pens; adding 12 square yards of paving to hay barn, changes to zebra holding pens, new gates, reducing grade beams, adding ramps for animal access and maintenance, and outflow corrections to old Zebra/Overlook exhibit at the Dallas Zoo, in the amount of $19,555.07, making a revised contract amount of $771,853.72; and

WHEREAS, this Change Order provides for the modifications to the gates for hay barn and landscaping to accommodate a future access bridge across Cedar Creek, modifications to the zebra holding barns 5 and 6 drainage collection, and deletion of Alternate 2A for DART outfall in the woodland area for the storm water quality improvements at the Dallas Zoo located at 650 South R.L. Thornton Freeway. This change order consisted of additive and deductive items which resulted in a net deduction of ($22,078.72), decreasing the contract from $771,853.72 to $749,775.00.

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. 3 with C. Green Scaping, L.P. to the contract for storm water quality improvements for the modifications to the gates for hay barn and landscaping to accommodate a future access bridge across Cedar Creek, modifications to the zebra holding barns 5 and 6 drainage collection, and deletion of Alternate 2A for DART outfall in the woodland area at the Dallas Zoo located at 650 South R.L. Thornton Freeway, reducing the contract ($22,078.72), from $771,853.72 to $749,775.00.

SECTION 2. That the City Controller be and is hereby authorized to reduce encumbrance by ($22,078.72) from 2004 Certificates of Obligation Fund 0589, Unit P197, Department PKR, Object 4599, Activity MAPK, Program PKCOP197, CT-PDPKR05018514, Commodity 91200, Vendor 514347.

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.

AGENDA ITEM # 33

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 7

DEPARTMENT: Public Works & Transportation
Water Utilities

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

MAPSCO: 55A B

SUBJECT

Authorize a contract for the construction of street paving, sidewalks, driveway approaches, barrier free ramps, curbs, gutters, water and wastewater adjustments for the Tenth Street Historic District pedestrian improvements - V.A. Construction, Inc., lowest responsible bidder of five - $687,365 - Financing: 2003 Bond Funds ($654,515), and Water Utilities Capital Construction Funds ($32,850)

BACKGROUND

This project was funded with the 2003 Bond Program. This project will consist of the pedestrian improvements to several streets within the Tenth Street Historic District, which is bounded by Eighth Street and Tenth Street/Clarendon Street between I-35 service road and Corinth Street. The improvements will encourage pedestrian traffic between Townview Magnet Center, Harllee Elementary School and adjacent residential areas to the Light Rail Transit Station at Eighth Street and Corinth Street.

The following chart shows V.A. Construction, Inc. completed contractual activities for the past three years:

	PWT	WTR	PKR
Projects Completed	3	0	0
Change Orders	0	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	February 2006
Completed Design	April 2007
Begin Construction	November 2007
Complete Construction	December 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract on December 14, 2005, by Resolution No. 05-3469.

FISCAL INFORMATION

2003 Bond Funds - $654,515
Water Utilities Capital Construction Funds - $32,850

Design	$147,780
Construction	
Paving - (PBW)	$654,515
Water & Wastewater - (DWU)	$ 32,850
Total Project Cost	$835,145

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

V.A. Construction, Inc.

Hispanic Female	0	Hispanic Male	24
African-American Female	0	African-American Male	2
Other Female	0	Other Male	1
White Female	1	White Male	0

BID INFORMATION

The following bids with quotes were received and opened on May 31, 2007:

*Denotes successful bidder(s)

BIDDERS	BID AMOUNT
*V.A. Construction, Inc. 3604 Marlborough Drive Plano, Texas 75075	$ 687,365.00
Green Scaping	$ 739,339.50
Jeske Construction Company	$1,120,541.00
Ed Bell Construction Company	$1,239,000.00
Texas Standard Construction, Inc.	$1,287,800.00

Original estimate: PBW - $854,000

OWNER(S)

V.A. Construction, Inc.

Akbar Ali, President

MAP

Attached.

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of street paving, sidewalks, driveway approaches, barrier free ramps, curbs, gutters, water and wastewater adjustments for the Tenth Street Historic District pedestrian improvements - V.A. Construction, Inc., lowest responsible bidder of five - $687,365 - Financing: 2003 Bond Funds ($654,515), and Water Utilities Capital Construction Funds ($32,850)

V.A. Construction, Inc. is a non-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

	Amount	Percent
Total local contracts	$192,467.72	28.00%
Total non-local contracts	$494,897.28	72.00%
TOTAL CONTRACT	$687,365.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Ram Tool	WFWB32584N1107	$103,107.67	53.57%
Total Minority - Local		$103,107.67	53.57%

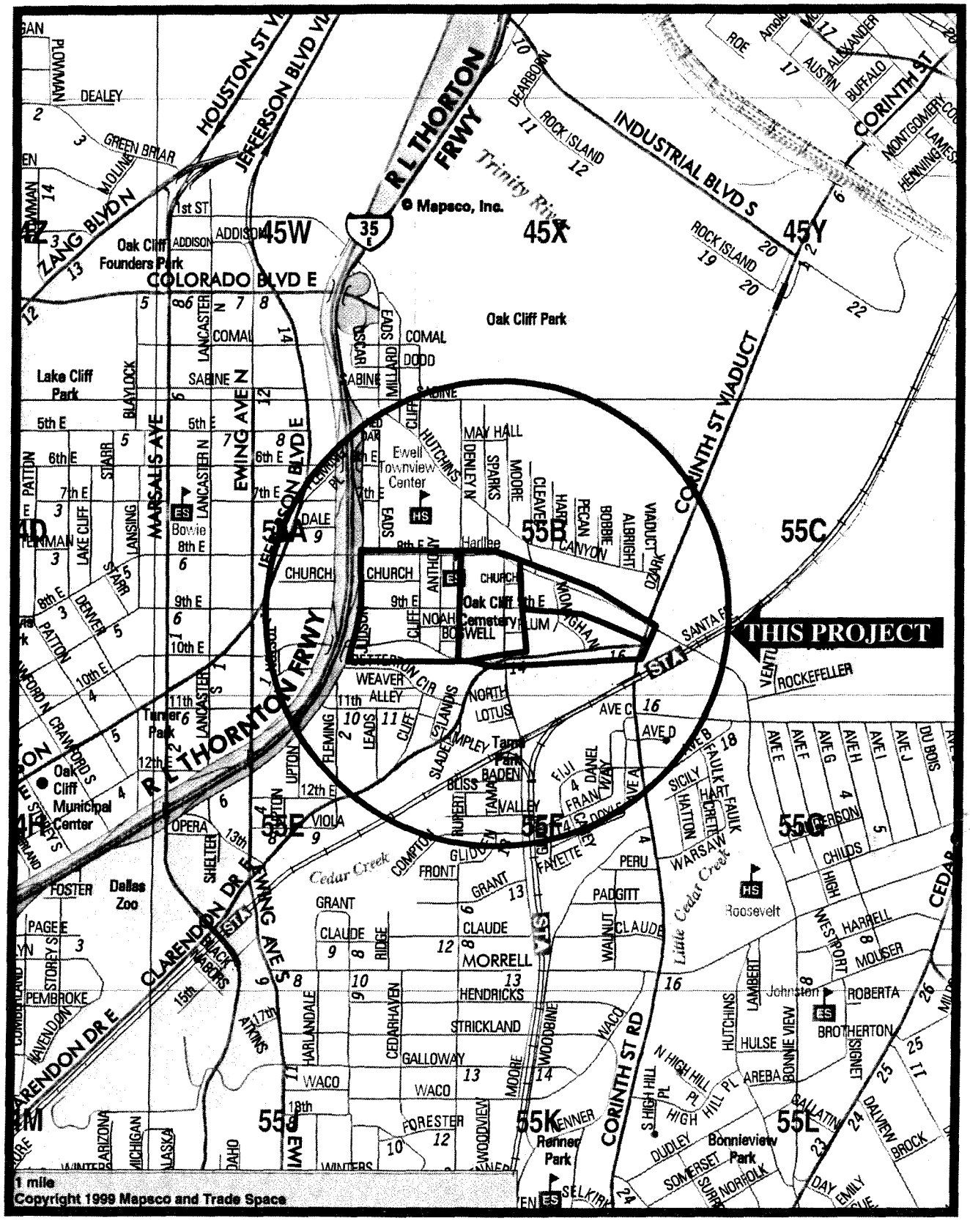
Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
V.A. Construction, Inc.	IMMB32788N1107	$329,944.88	66.67%
Total Minority - Non-local		$329,944.88	66.67%

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
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%	$329,944.88	48.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$103,107.67	53.57%	$103,107.67	15.00%
Total	$103,107.67	53.57%	$433,052.55	63.00%

TENTH STREET HISTORIC DISTRICT
PEDESTRIAN IMPROVEMENTS



MAPSCO 55A&B

September 12, 2007

WHEREAS, as December 14, 2005, Resolution No. 05-3469 authorized a professional services contract with Pacheco Koch Consulting Engineers, Inc. for the design of paving, street lights, boundary and topographic survey for the Tenth Street Historic District pedestrian improvements in an amount not to exceed $147,780.00; and,

WHEREAS, bids were received on May 30, 2007, for the construction of street paving, water and wastewater main improvements, as follows:

*Denotes successful bidders(s)

BIDDERS	**BID AMOUNT**
*V.A. Construction, Inc.	$ 687,365.00
Green Scaping	$ 793,339.50
Jeske Construction Company	$1,120,541.00
Ed Bell Construction Company	$1,239,000.00
Texas Standard Construction	$1,287,800.00

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with V.A. Construction, Inc. for the construction of street paving, water and wastewater main improvements for the Tenth Street Historic District pedestrian improvements in an amount not to exceed $687,365.00, this being the lowest responsive bid received as indicated by the tabulation of bids.

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

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

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R525, Act. INGV
Obj. 4110, Program #PB03R525, CT PBW03R525L1
Vendor #519910, in an amount not to exceed $654,515

Water Construction Fund
Fund 0102, Department DWU, Unit CW42, Act. RELP
Obj. 3221, Program #705429X, Reporting WU52, CT PBW705429EN
Vendor #519910, in an amount not to exceed $ 27,500

Wastewater Construction Fund	
Fund 0103, Department DWU, Unit CS42, Act. RELP	
Obj. 3222, Program #705430X, Reporting TM18, CT PBW705430EN	
Vendor #519910, in an amount not to exceed	$ 5,350
Total in an amount not to exceed	$687,365

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

Distribution: Public Works and Transportation, Agenda Coordinator, OCMC, Room 101
Public Works and Transportation, Dell Cole, OCMC, Room 307
City Attorney
Water, Esther Darden, 5AN

AGENDA ITEM # 34

KEY FOCUS AREA: Economic Development

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	11, 12
DEPARTMENT:	Public Works & Transportation Water Utilities
CMO:	Ramon F. Miguez, P.E., 670-3308
MAPSCO:	15H 16A 16B 16P 16K

SUBJECT

Authorize a contract for the reconstruction of alley paving, drainage and wastewater main improvements for Alley Reconstruction Group 03-2020 (list attached) - Jeske Construction Company, lowest responsible bidder of five - $536,359 - Financing: 2003 Bond Funds ($407,281), Water Utilities Capital Improvement Funds ($111,693) and Water Utilities Capital Construction Funds ($17,385)

BACKGROUND

The alley between Briar Cove Drive and Cliffbrook Drive from Hillcrest Road to Cliffbrook Drive, the alley between Hillfawn Circle and Habersham Lane from "T" alley to Coit Road, the alley between Redfern Lane and Flagstone Drive from Coit Road to Blossom Heath Lane, and the alley between Rolling Hills Lane and RISD Academy from Coit Road to Willow Bend Road are specific alley reconstruction items in the 2003 Bond Program.

Two of the bids on this project were rejected after bids were opened. One bidder, PAEE Engineering Company, submitted an irregular proposal and was considered as non-responsive. Another bidder, VAS Engineering & Construction, submitted a proposal that contained several errors resulting in their request to have the bid withdrawn.

This action will replace four deteriorated concrete alleys with a 10-foot wide reinforced concrete alley pavement and wastewater main improvements.

BACKGROUND (Continued)

The following chart shows Jeske Construction Company's completed contractual activities for the past three years:

	PWT	WTR	PKR
Projects Completed	4	0	3
Change Orders	0	0	5
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	May 2006
Completed Design	April 2007
Begin Construction	October 2007
Complete Construction	March 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract on April 12, 2006, by Resolution No. 06-1036.

FISCAL INFORMATION

2003 Bond Funds - $407,281.10
Water Utilities Capital Improvement Funds - $111,692.40
Water Utilities Capital Construction Funds - $17,385.00

Design	$ 87,280.00
Construction	
Paving & Drainage - (PBW)	$407,281.10
Wastewater - (DWU)	$129,077.40
Total Project Cost	$623,638.50

Council District	Amount
11	$457,068.50
12	$ 79,290.00
Total	$536,358.50

FISCAL INFORMATION (Continued)

Alley between Briar Cove Dr. & Cliffbrook Dr. from Hillcrest Rd. to Cliffbrook Dr.

Design (PBW)	$ 18,540.00
Construction	$106,332.00
Total	$124,872.00

Alley between Hillfawn Cir. & Habersham Ln. from "T" alley to Coit Rd.

Design (PBW)	$ 15,605.00
Construction	$ 79,290.50
Total	$ 94,895.50

Alley between Redfern Ln. & Flagstone Dr. from Coit Rd. to Blossom Heath Ln.

Design (PBW)	$ 28,465.00
Construction	$139,432.60
Total	$167,897.60

Alley between Rolling Hills Ln. & RISD Acad. from Coit Rd. to Willow Bend Rd.

Design (PBW)	$ 17,575.00
Construction	$211,303.00
Total	$228,878.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Jeske Construction Company

Hispanic Female	0	Hispanic Male	12
African-American Female	2	African-American Male	4
Other Female	0	Other Male	0
White Female	0	White Male	0

BID INFORMATION

The following bids with quotes were received and opened on May 4, 2007:

*Denotes successful bidder(s)

BIDDERS	BID AMOUNT
*Jeske Construction Company 2646 Merrill Road, Suite 106 Dallas, Texas 75229	$536,358.50
P & E Contractors, Inc.	$551,232.00
Rayco Construction Company	$602,229.41
VAS Engineering & Construction	Non-responsive**
PAEE Engineering Company	Non-responsive**

**VAS Engineering & Construction was deemed non-responsive due to a proposal that contained several errors resulting in their request to have the bid withdrawn.

**PAEE Engineering & Company was deemed non-responsive due to an irregular proposal.

Original estimate for construction: PBW - $457,973.00
DWU - $126,918.00

Total $584,891.00

OWNER(S)

Jeske Constructon Company

Ed Jeske, Owner

MAP

Attached.

Alley Group 03-2020

Project	Limits	Council District
Alley between Briar Cove Drive and Cliffbrook Drive	Hillcrest Road to Cliffbrook Drive	11
Alley between Hillfawn Circle and Habersham Lane	From "T" Alley to Coit Road	12
Alley between Redfern Lane and Flagstone Drive	Coit Road to Blossom Heath Lane	11
Alley between Rolling Hills Lane and RISD Academy	Coit Road to Willow Bend Road	11

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the reconstruction of alley paving, drainage and wastewater main improvements for Alley Reconstruction Group 03-2020 (list attached) - Jeske Construction Company, lowest responsible bidder of five - $536,359 - Financing: 2003 Bond Funds ($407,281), Water Utilities Capital Improvement Funds ($111,693) and Water Utilities Capital Construction Funds ($17,385)

Jeske Construction Company 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

	Amount	Percent
Total local contracts	$533,508.50	99.47%
Total non-local contracts	$2,850.00	0.53%
TOTAL CONTRACT	$536,358.50	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
I & H Concrete	BMBD31613Y0807	$8,700.00	1.63%
W.M. Bussey Trucking	BMMB6457Y1007	$7,800.00	1.46%
Combination Plus Brokers	BMMB31849N0807	$2,850.00	0.53%
Tri-Star Utilities	HMMB32481N1007	$114,707.00	21.50%
Total Minority - Local		$134,057.00	25.13%

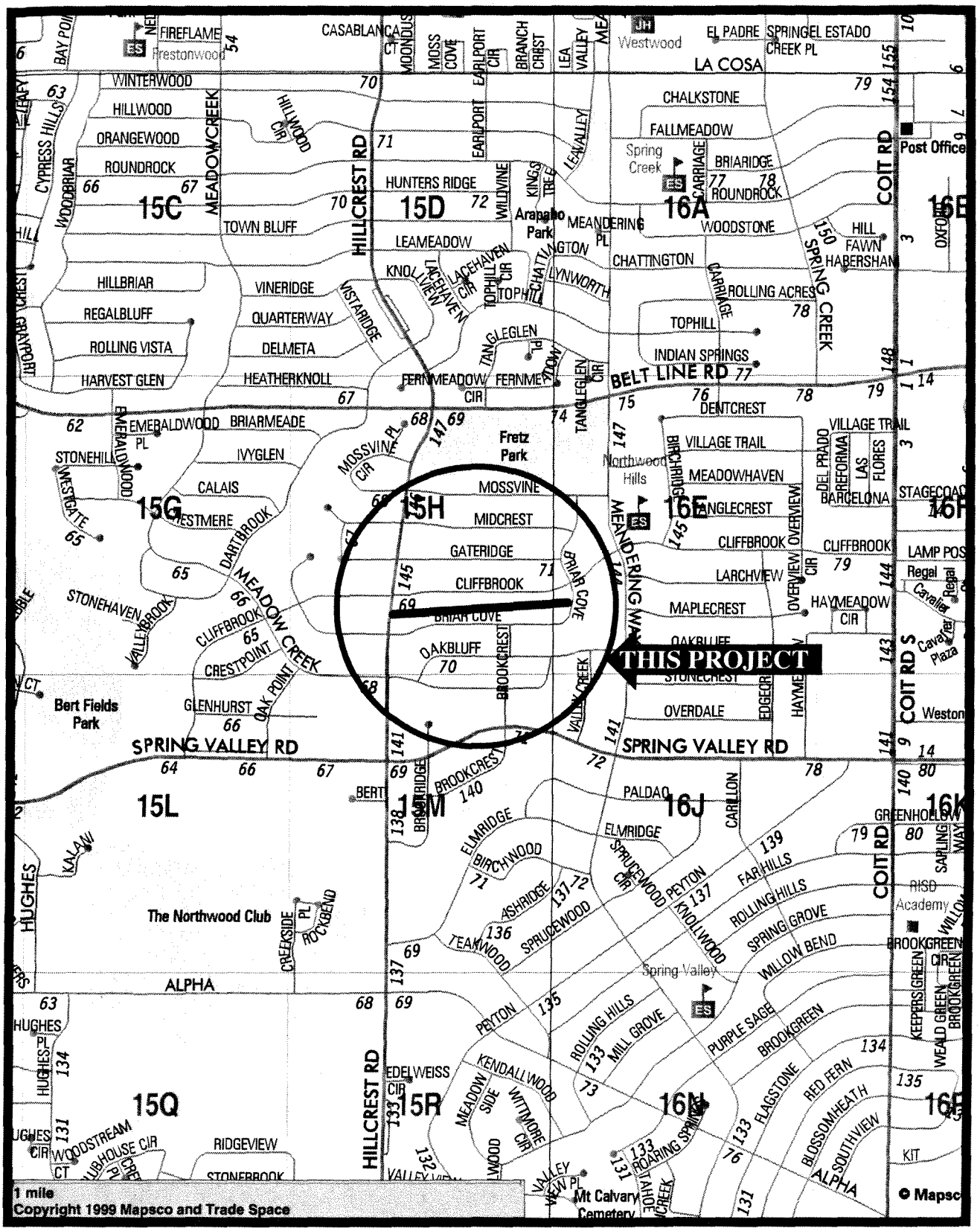
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

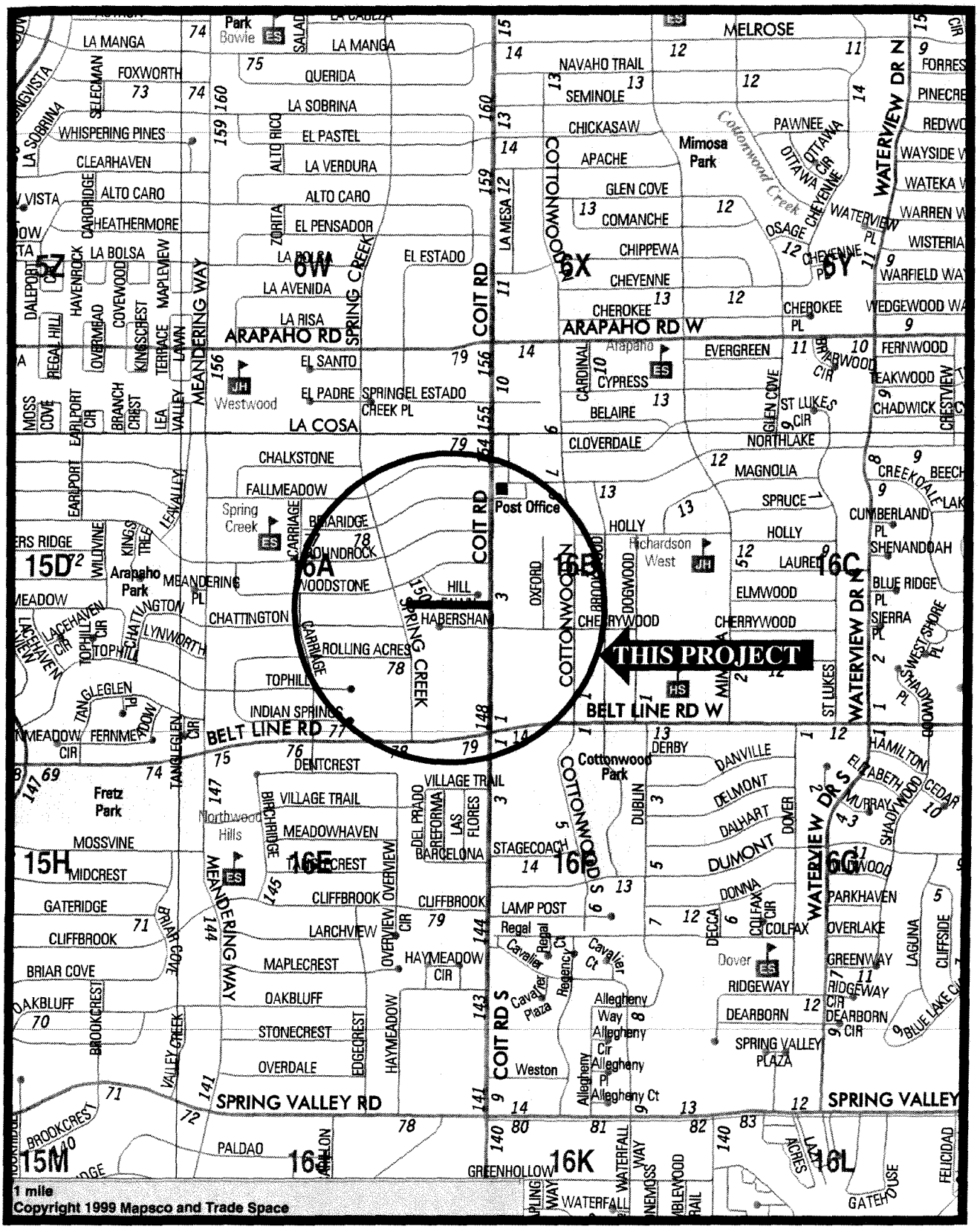
	Local	Percent	Local & Non-Local	Percent
African American	$19,350.00	3.63%	$19,350.00	3.61%
Hispanic American	$114,707.00	21.50%	$114,707.00	21.39%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$134,057.00	25.13%	$134,057.00	24.99%

ALLEY GROUP 03-2020
BRIAR COVE DR. & CLIFFBROOK DR.



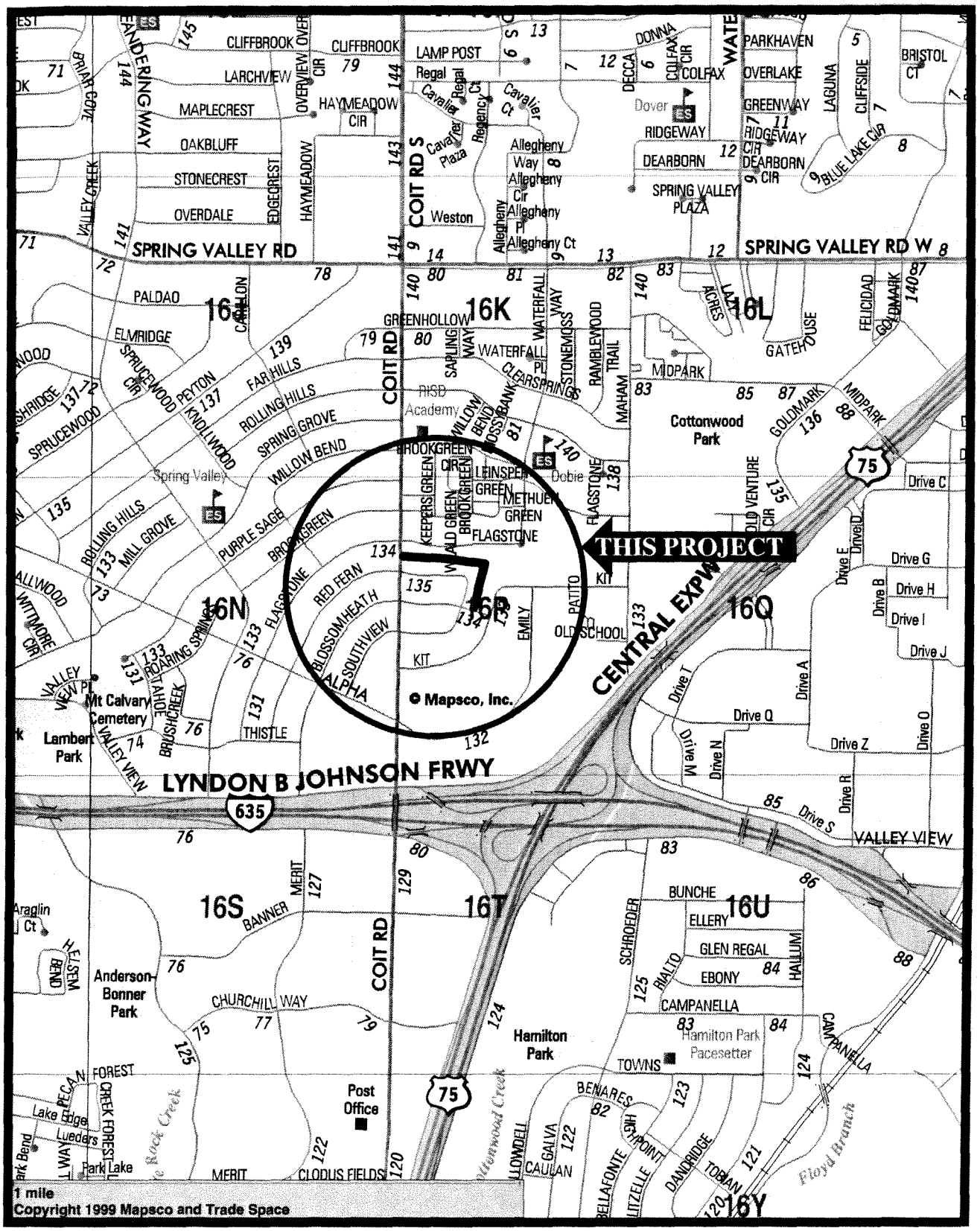
MAPSCO 15H

ALLEY GROUP 03-2020
HILLFAWN CR. & HABERSHAM LN.



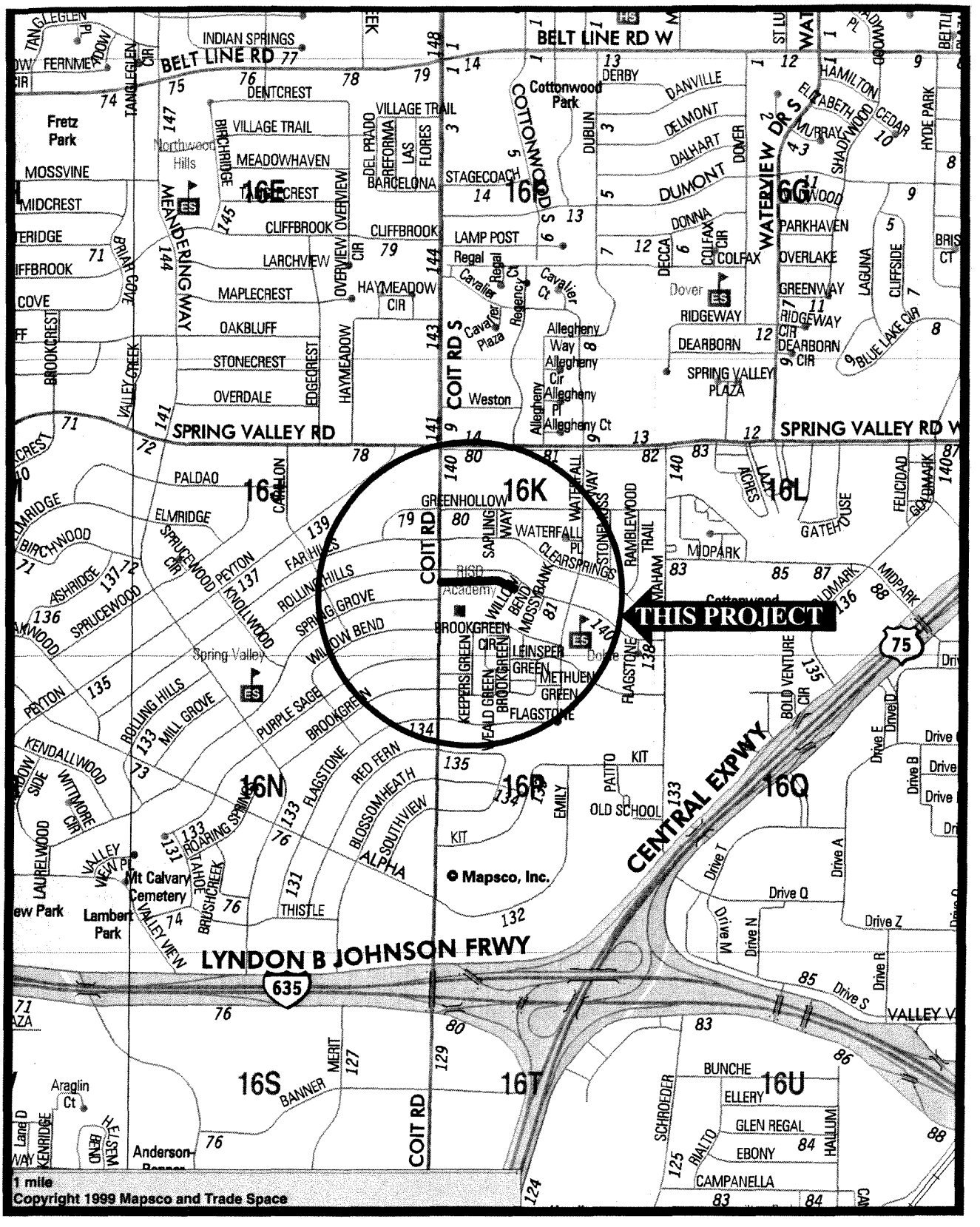
MAPSCO 16A,B

ALLEY GROUP 03-2020
RED FERN LN. & FLAGSTONE DR.



MAPSCO 16P

ALLEY GROUP 03-2020
ROLLING HILLS LN. & RISD ACADEMY



MAPSCO 16K

September 12, 2007

WHEREAS, on April 12, 2006, Resolution No. 06-1036 authorized a professional services contract; and,

WHEREAS, bids were received on May 4, 2007, for the reconstruction of alley paving, drainage and wastewater main improvements for Alley Group 03-2203, as follows:

BIDDERS	**AMOUNT OF BID**
Jeske Construction Company	$536,358.50
P & E Contractors, Inc.	$551,232.00
Rayco Construction Company	$602,229.41
VAS Engineering & Construction	Non-responsive**
PAEE Engineering Company	Non-responsive**

**VAS Engineering & Construction was deemed non-responsive due to a proposal that contained several errors resulting in their request to have the bid withdrawn.
**PAEE Engineering & Company was deemed non-responsive due to an irregular proposal.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Jeske Construction Company for the reconstruction of alley paving, drainage and wastewater main improvements for Alley Reconstruction Group 03-2020 in an amount not to exceed $536,358.50, this being the lowest responsive bid received as indicated by the tabulation of bids.

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

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

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R049, Act. AREC
Obj. 4510, Program #PB03R049, CT PBW03R049L1-01
Vendor #083791, in an amount not to exceed $106,332.00

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R239, Act. AREC
Obj. 4510, Program #PB03R239, CT PBW03R049L1-02
Vendor #083791, in an amount not to exceed $79,290.50

Street and Transportation Improvements Fund Fund 6R22, Department PBW, Unit R432, Act. AREC Obj. 4510, Program #PB03R432, CT PBW03R049L1-03 Vendor #083791, in an amount not to exceed	$139,432.60
Street and Transportation Improvements Fund Fund 6R22, Department PBW, Unit R438, Act. AREC Obj. 4510, Program #PB03R438, CT PBW03R049L1-04 Vendor #083791, in an amount not to exceed	$ 82,226.00
Wastewater Capital Improvement Fund Fund 0116, Department DWU, Unit PS42, Act. RELP Obj. 4560, Program #707024, Reporting TL97, CT PBW707024CP Vendor #083791, in an amount not to exceed	$111,692.40
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42, Act. RELP Obj. 3222, Program #7707024X, Reporting TL97, CT PBW707024EN Vendor #083791, in an amount not to exceed	$ 17,385.00
Total in an amount not to exceed	$536,358.50

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

Distribution: Public Works and Transportation, Agenda Coordinator Office, OCMC, Room 101
Public Works and Transportation, Modesta Pena, OCMC, Room 307
Water, Esther Darden, 5AN

AGENDA ITEM # 35

KEY FOCUS AREA: Economic Development

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	11
DEPARTMENT:	Public Works & Transportation Water Utilities
CMO:	Ramon F. Miguez, P.E., 670-3308
MAPSCO:	25F G 26A 3E

SUBJECT

Authorize a contract for the reconstruction of alley paving, drainage and wastewater main improvements for Alley Reconstruction Group 03-2203 (list attached) - Jeske Construction Company, lowest responsive bidder of four - $1,273,024 - Financing: 2003 Bond Funds ($614,366), Water Utilities Capital Improvement Funds ($645,283), and Water Utilities Capital Construction Funds ($13,375)

BACKGROUND:

The alley between Azalea and Lavendale from St. Michaels to Pebbledowne, the alley at Rex (6247) from Royalshire to "T" alley, the alley between Rex Drive and Royalton from Royalshire to T-alley, the alley at Royalton (6123, Top of "T") from Azalea to Burgundy, and the alley from Yamini (7422) and Midbury to St. Michaels to Pebbledowne was funded for alley reconstruction in the 2003 Bond Program. This action will replace five deteriorated asphalt alleys with a 10-foot wide reinforced concrete alley pavement and wastewater main improvements.

VAS Engineering & Construction requested to have the bid withdrawn after submitting a proposal that contained several errors.

The following chart shows Jeske Construction Company's completed contractual activities for the past three years:

	PWT	WTR	PKR
Projects Completed	5	0	3
Change Orders	0	0	5
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	April 2006
Completed Design	March 2007
Begin Construction	October 2007
Complete Construction	October 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract on April 12, 2006, by Resolution No. 06-1036.

FISCAL INFORMATION

2003 Bond Funds - $646,422
Water Utilities Capital Improvement Funds - $645,283
Water Utilities Capital Construction Funds - $13,375

Design	$ 89,232.00
Construction	
Paving & Drainage - (PBW)	$ 614,366.00
Water & Wastewater - (DWU)	$ 658,658.00
Total Project Cost	$1,362,256.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Jeske Construction Company

Hispanic Female	0	Hispanic Male	20
African-American Female	0	African-American Male	5
Other Female	0	Other Male	0
White Female	1	White Male	5

BID INFORMATION

The following bids with quotes were received and opened on May 13, 2007:

*Denotes successful bidder(s)

BIDDERS	**BID AMOUNT**
*Jeske Construction Company P.O. Box 59025 Dallas, Texas 75229	$1,273,024.00
P & E Contractors, Inc.	$1,282,698.50
Camino Construction, L.P.	$1,542,725.00
VAS Engineering & Construction	Non-Responsive**

**VAS Engineering & Construction was deemed non-responsive due to errors in their bid.

Original estimate:	PBW	$ 570,495.40
	DWU	$ 788,807.00
Total		$1,359,302.40

OWNER(S)

Jeske Construction Company

Steve Jeske, President

MAP

Attached.

Alley Group 03-2203

Project	Limits	Council District
Azalea Lane and Lavendale Avenue	St. Michaels Drive to Pebbledowne Drive	11
Rex Drive (6427)	Royalshire Drive to T-Alley	11
Rex Drive and Royalton Drive	Royalshire Drive to T-Alley	11
Royalton Drive (6223), Top of "T"	Azalea Lane to Burgundy Road	11
Yamini Drive (7422) and Midbury Drive	St. Michaels Drive to Pebbledowne Drive	11

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the reconstruction of alley paving, drainage and wastewater main improvements for Alley Reconstruction Group 03-2203 (list attached) - Jeske Construction Company, lowest responsive bidder of four - $1,273,024 - Financing: 2003 Bond Funds ($614,366), Water Utilities Capital Improvement Funds ($645,283), and Water Utilities Capital Construction Funds ($13,375)

Jeske Construction Company is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$718,040.00	56.40%
Total non-local contracts	$554,984.00	43.60%
TOTAL CONTRACT	$1,273,024.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
WM Bussey Trucking	BMMB6457Y1007	$37,700.00	5.25%
I & H Concrete Cutting	BMDB31613Y0807	$5,900.00	0.82%
Combination Plus Brokers	BMMB31894N0807	$4,790.00	0.67%
Total Minority - Local		$48,390.00	6.74%

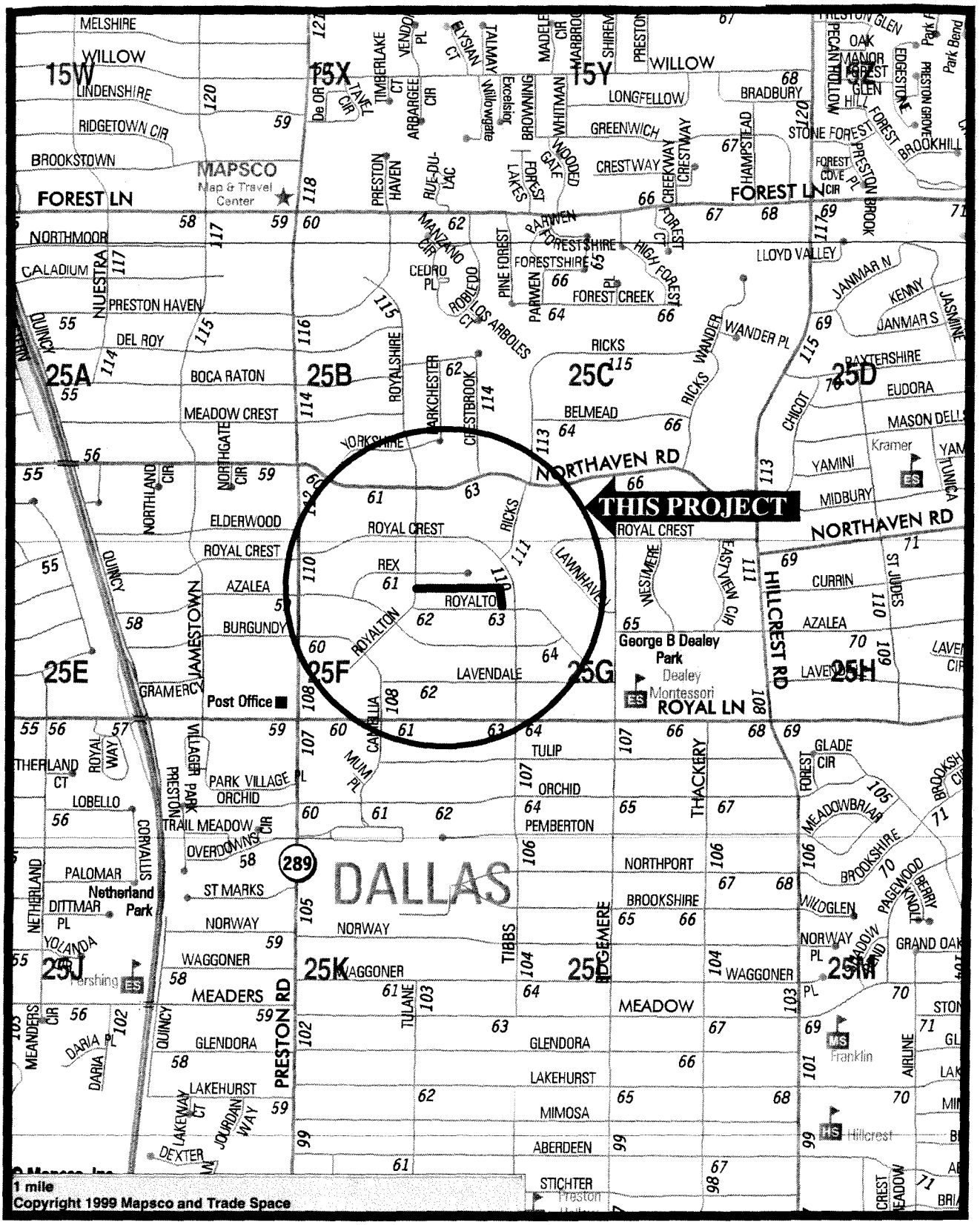
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

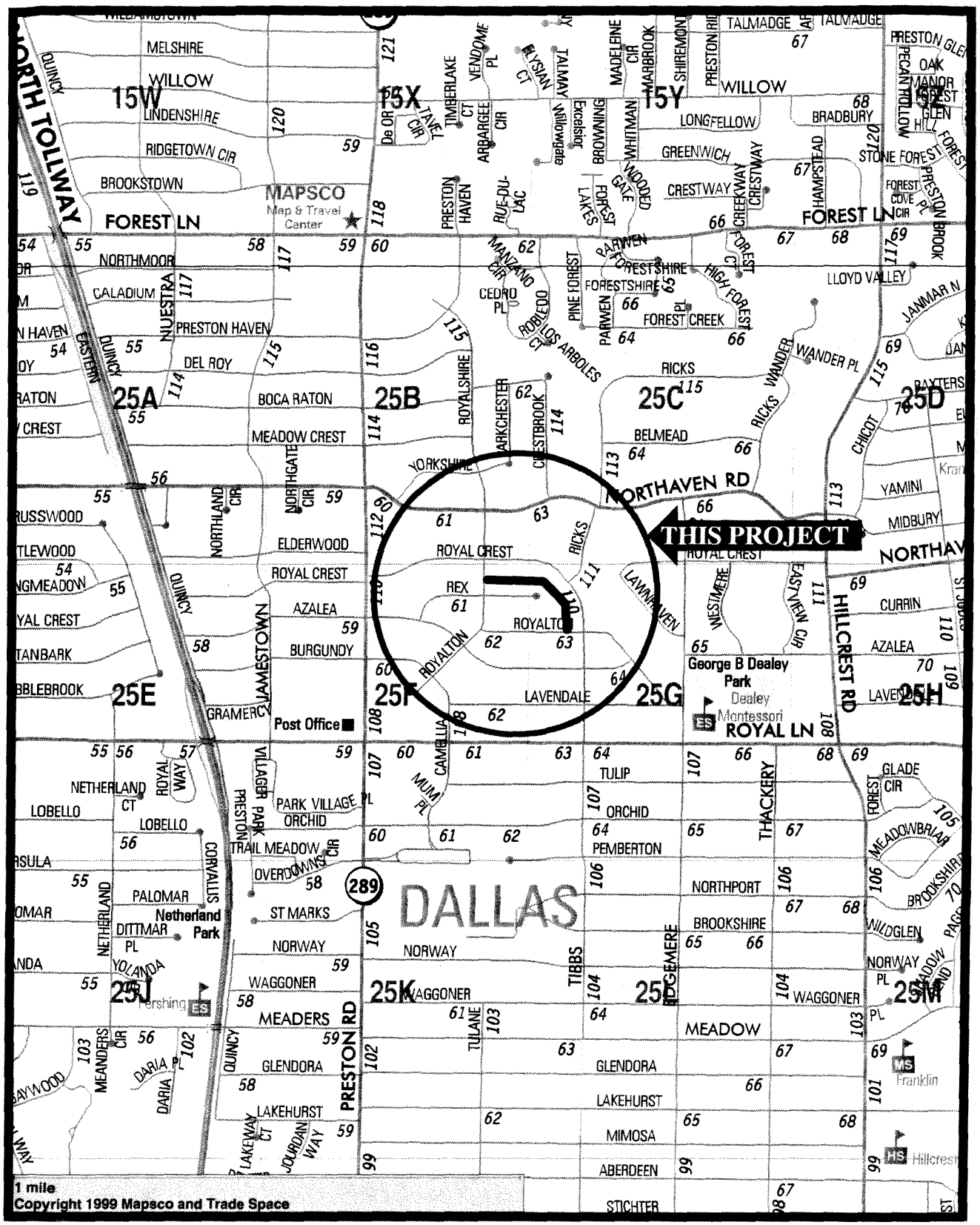
	Local	Percent	Local & Non-Local	Percent
African American	$48,390.00	6.74%	$48,390.00	3.80%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$48,390.00	6.74%	$48,390.00	3.80%

ALLEY GROUP 03-2203
REX DR. & ROYALTON



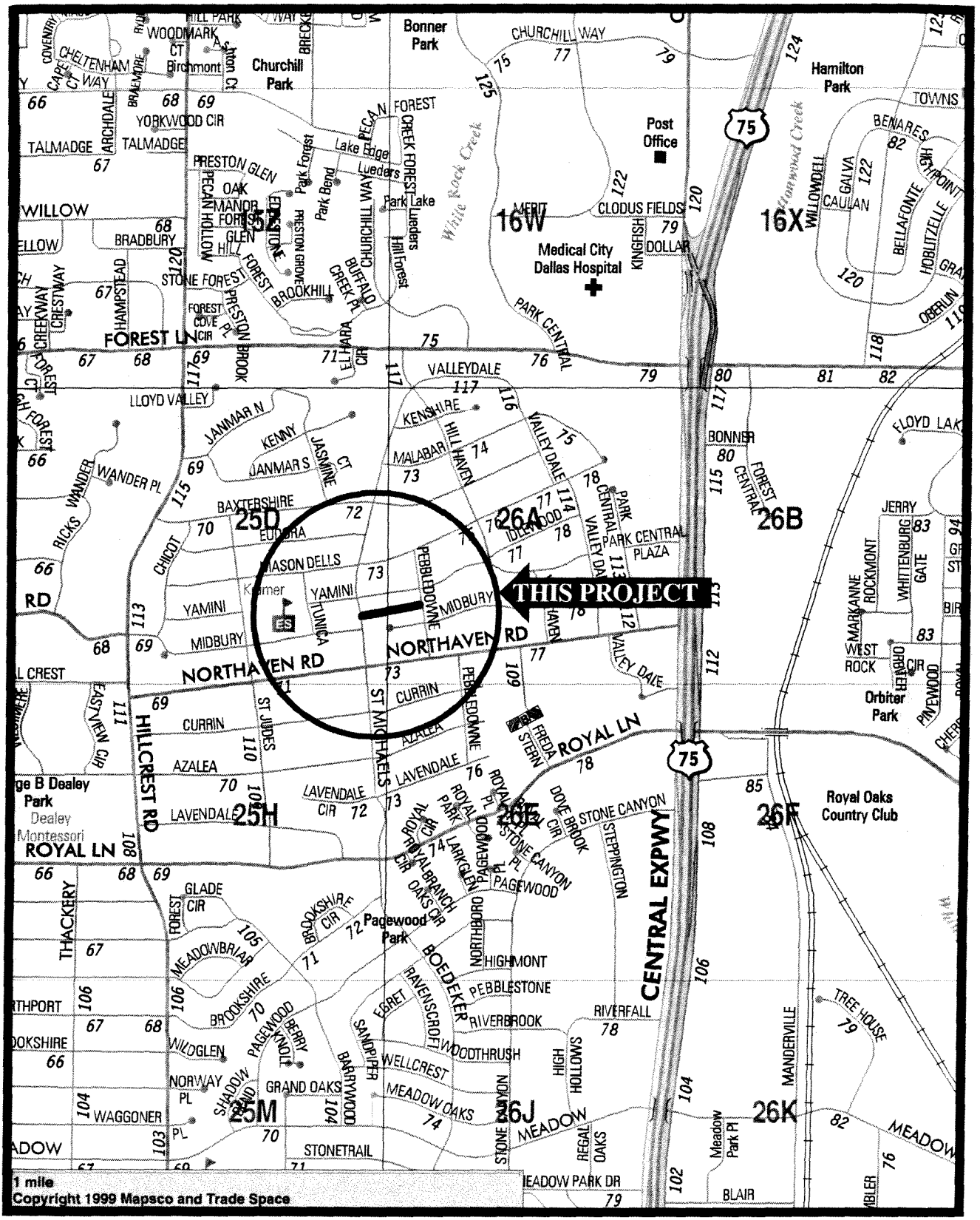
MAPSCO 25G

ALLEY GROUP 03-2203
REX DR. FROM ROYALTON TO T ALLEY



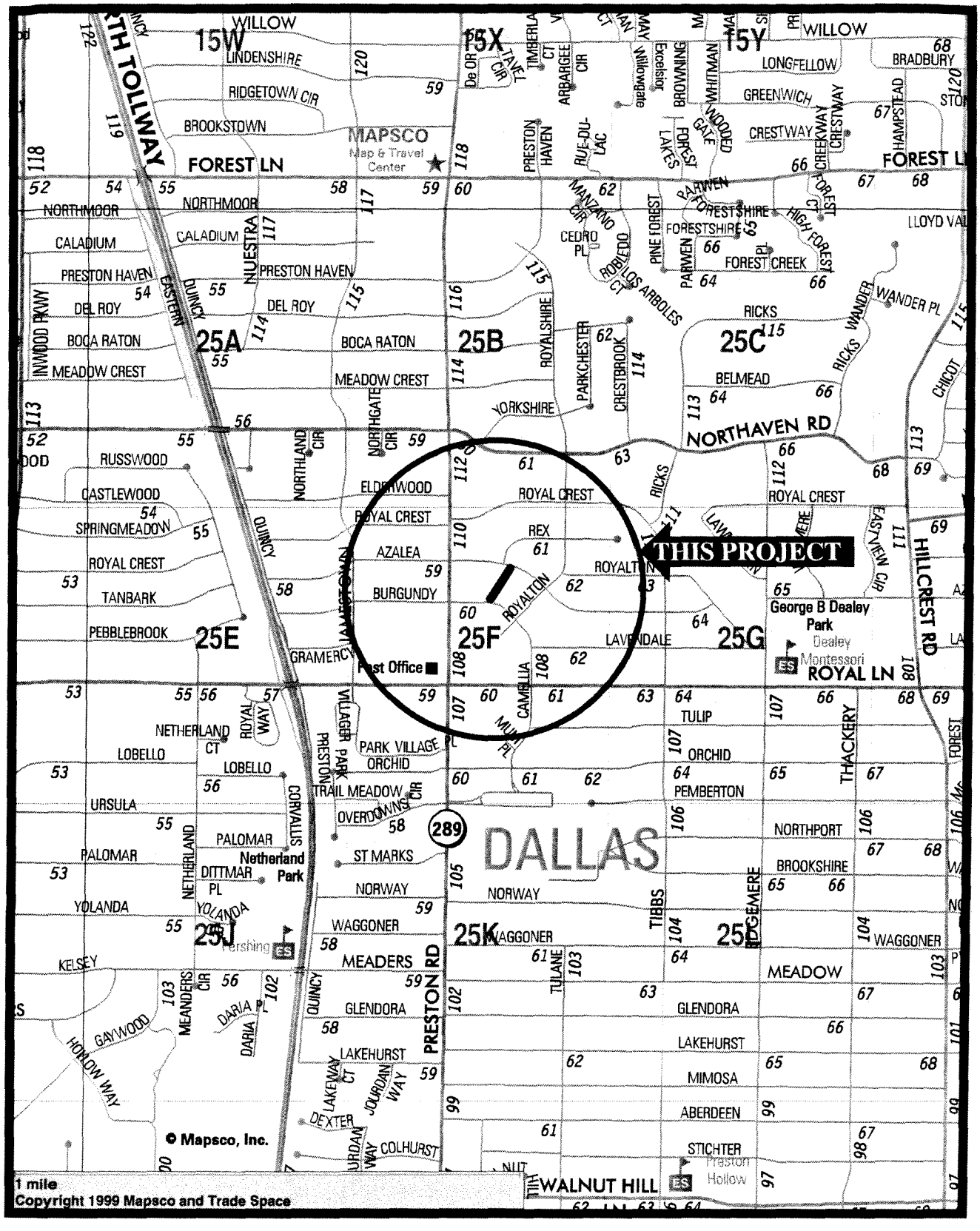
MAPSCO 25G

ALLEY GROUP 03-2203
YAMINI & MIDBURY



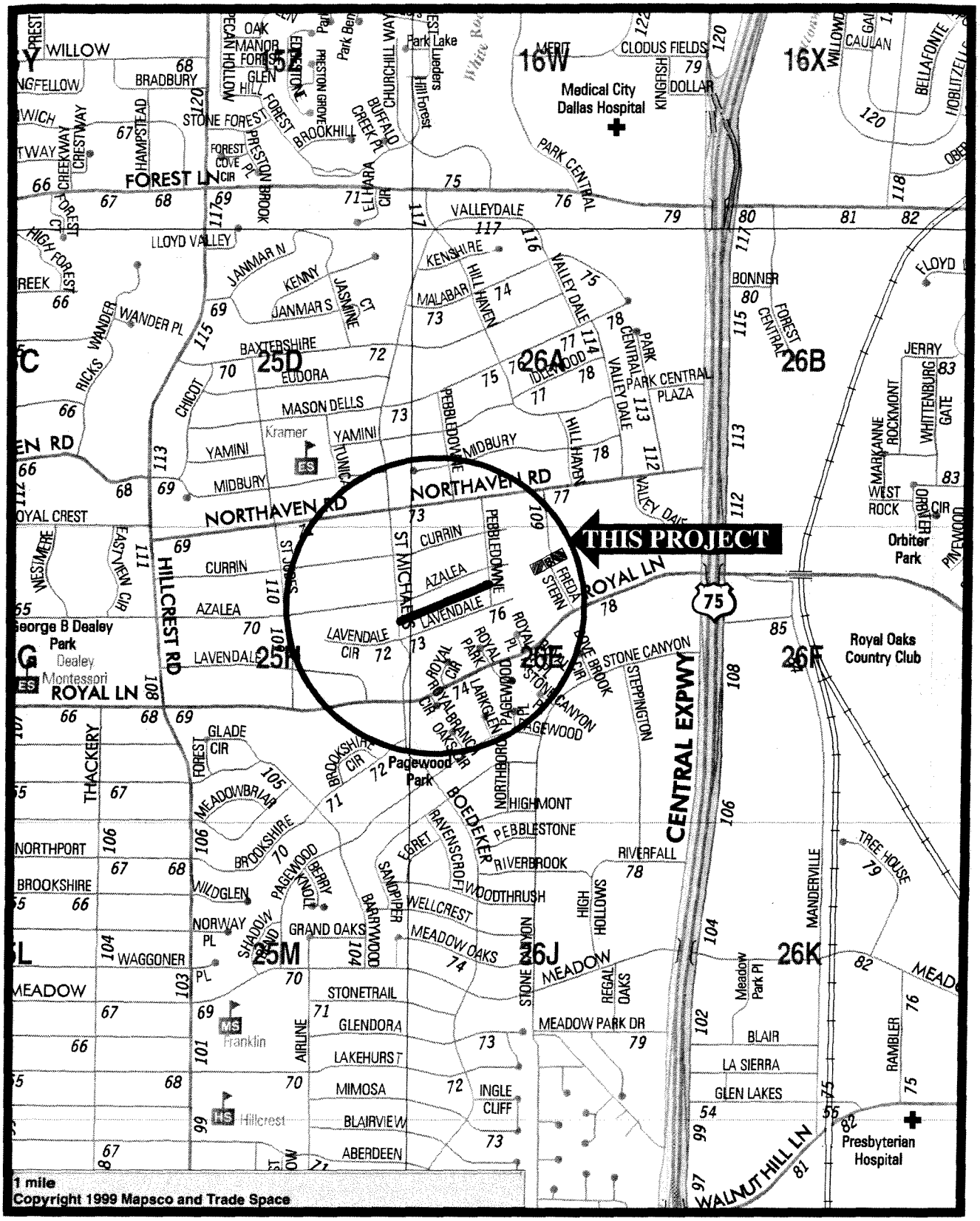
MAPSCO 26A

ALLEY GROUP 03-2203
ROYALTON & TOP OF "T" ALLEY



MAPSCO 25F

ALLEY GROUP 03-2203
AZALEA & LAVENDALE



MAPSCO 26E

September 12, 2007

WHEREAS, on April 12, 2006, Resolution No. 06-1036 authorized a professional services contract; and,

WHEREAS, bids were received on May 3, 2007 for the reconstruction of alley paving, drainage and wastewater main improvements for Alley Reconstruction Group 03-2203, as follows:

BIDDERS	**BID AMOUNT**
Jeske Construction Company	$1,273,024.00
P & E Contractors, Inc.	$1,282,698.50
Camino Construction, L.P.	$1,542,725.00
VAS Engineering	Non-responsive**

**VAS Engineering & Construction was deemed non-responsive due to errors in their bid.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Jeske Construction Company for the reconstruction of alley paving, drainage and wastewater main improvements for Alley Reconstruction Group 03-2203 in an amount not to exceed $1,273,024.00, this being the lowest responsive bid received as indicated by the tabulation of bids.

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

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

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R021, Act. AREC
Obj. 4510, Program #PB03R021, CT PBW03R021K1-01
Vendor #083791, in an amount not to exceed $137,942.00

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R434, Act. AREC
Obj. 4510, Program #PB03R434, CT PBW03R021K1-02
Vendor #083791, in an amount not to exceed $177,255.00

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R435, Act. AREC
Obj. 4510, Program #PB03R435, CT PBW03R021K1-03
Vendor #083791, in an amount not to exceed $130,954.00

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R453, Act. AREC
Obj. 4510, Program #PB03R453, CT PBW03R021K1-04
Vendor #083791, in an amount not to exceed $ 74,745.00

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R571, Act. AREC
Obj. 4510, Program #PB03R571, CT PBW03R021K1-05
Vendor #083791, in an amount not to exceed $ 93,469.00

Wastewater Capital Improvement Fund
Fund 0116, Department DWU, Unit PS42, Act. RELP
Obj. 4560, Program #706680, Reporting TM19, CT PBW706680CP
Vendor #083791, in an amount not to exceed $645,283.00

Wastewater Construction Fund
Fund 0103, Department DWU, Unit CS42, Act. RELP
Obj. 3222, Program #706680, Reporting TM19, CT PBW706680EN
Vendor #083791, in an amount not to exceed $ 13,376.00

Total in an amount not to exceed $1,273,024.00

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

Distribution: Public Works and Transportation, Agenda Coordinator, OCMC, Room 101
Public Works and Transportation, Modesta Pena, OCMC, Room 307
City Attorney
Esther Darden, Water Utilities, 5AN

AGENDA ITEM # 36

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 2, 6, 14

DEPARTMENT: Public Works & Transportation
Water Utilities

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

MAPSCO: 23E F 34D 35S 36T Y 46A

SUBJECT

Authorize a contract for the reconstruction of alley paving, water and wastewater main improvements for Alley Reconstruction Group 03-2019 (list attached) - P & E Contractors, Inc., lowest responsible bidder of two - $1,054,805 - Financing: 2003 Bond Funds ($571,515), Water Utilities Capital Improvement Funds ($460,440), and Water Utilities Capital Construction Funds ($22,850)

BACKGROUND

The alley between Belmont Avenue and Goliad Avenue from Concho Street to the Fire Station, the alley between Bowser Avenue and Holland Avenue from Knight Street to Douglas Avenue, Brockbank Court (10700) from Brockbank Drive to Brockbank Drive, Gaston Avenue (4803) from Grigsby Avenue to Dead End, Gaston Avenue (5808-5816) from Skillman Street to Ridgeway Street and the alley between Inwood Road and Robin Road from Newmore Avenue to Lovers Lane was funded for alley reconstruction in the 2003 Bond Program. This action will replace five deteriorated asphalt alleys and one deteriorated concrete alley with a 10-foot wide reinforced concrete alley pavement, water and wastewater main improvements.

The following chart shows P & E Contractors, Inc. completed contractual activities for the past three years:

	PWT	WTR	PKR
Projects Completed	10	0	0
Change Orders	0	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2006
Completed Design	June 2007
Begin Construction	October 2007
Complete Construction	February 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract on April 12, 2006, by Resolution No. 06-1036.

FISCAL INFORMATION

2003 Bond Funds - $571,515
Water Utilities Capital Improvement Funds - $460,440
Water Utilities Capital Construction Funds - $22,850

Design	$ 67,130.26
Construction	
Paving - (PBW)	$ 571,515.00
Water & Wastewater - (DWU)	$ 483,290.00
Total Project Cost	$1,121,935.26

Council District	Amount
2	$ 61,350.00
6	$ 266,655.00
14	$ 726,800.00
Total	$1,054,805.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

P & E Contractors, Inc.

Hispanic Female	0	Hispanic Male	18
African-American Female	0	African-American Male	4
Other Female	0	Other Male	0
White Female	0	White Male	0

BID INFORMATION

The following bids with quotes were received and opened on July 19, 2007:

*Denotes successful bidder(s)

BIDDERS	**BID AMOUNT**
*P & E Contractors, Inc. 603 Stratford Lane Coppell, TX 75019	$1,054,805.00
Camino Construction, LP	$1,441,801.00

Original estimate: PBW - $507,101
DWU - $561,455

OWNER(S)

P & E Contractors, Inc.

Peter Anumele, President

MAP

Attached.

Alley Group 03-2019

Project	Limits	Council District
Alley between Belmont Avenue and Goliad Avenue	Concho Street to Fire Station	14
Alley between Bowser Avenue and Holland Avenue	Knight Street to Douglas Avenue	14
Brockbank Court (10700)	Brockbank Drive to Brockbank Drive	6
Gaston Avenue (4803)	Grigsby Avenue to Dead End	2
Gaston Avenue (5808-5816)	Skillman Street to Ridgeway Street	14
Alley between Inwood Road and Robin Road	Newmore Avenue to Lovers Lane	14

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the reconstruction of alley paving, water and wastewater main improvements for Alley Reconstruction Group 03-2019 (list attached) - P & E Contractors, Inc., lowest responsible bidder of two - $1,054,805 - Financing: 2003 Bond Funds ($571,515), Water Utilities Capital Improvement Funds ($460,440), and Water Utilities Capital Construction Funds ($22,850)

P & E Contractors, Inc. is a local, minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$627,226.25	59.46%
Total non-local contracts	$427,578.75	40.54%
TOTAL CONTRACT	$1,054,805.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
P & E Contractors, Inc.	BMMB33095N1207	$431,735.35	68.83%
Total Minority - Local		$431,735.35	68.83%

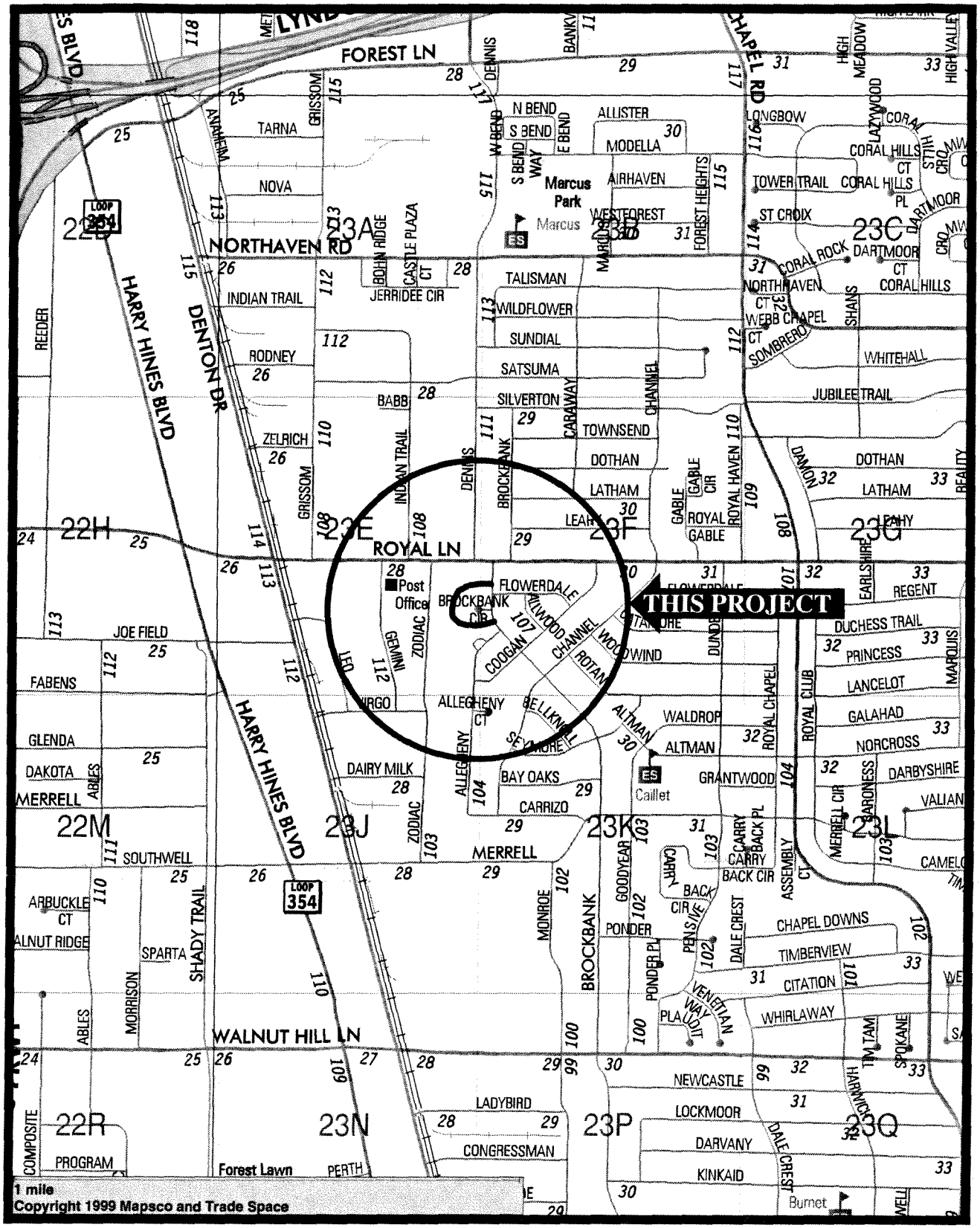
Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
PAEE Engineers	BMDB31839Y0807	$190,035.00	44.44%
Total Minority - Non-local		$190,035.00	44.44%

TOTAL M/WBE CONTRACT PARTICIPATION

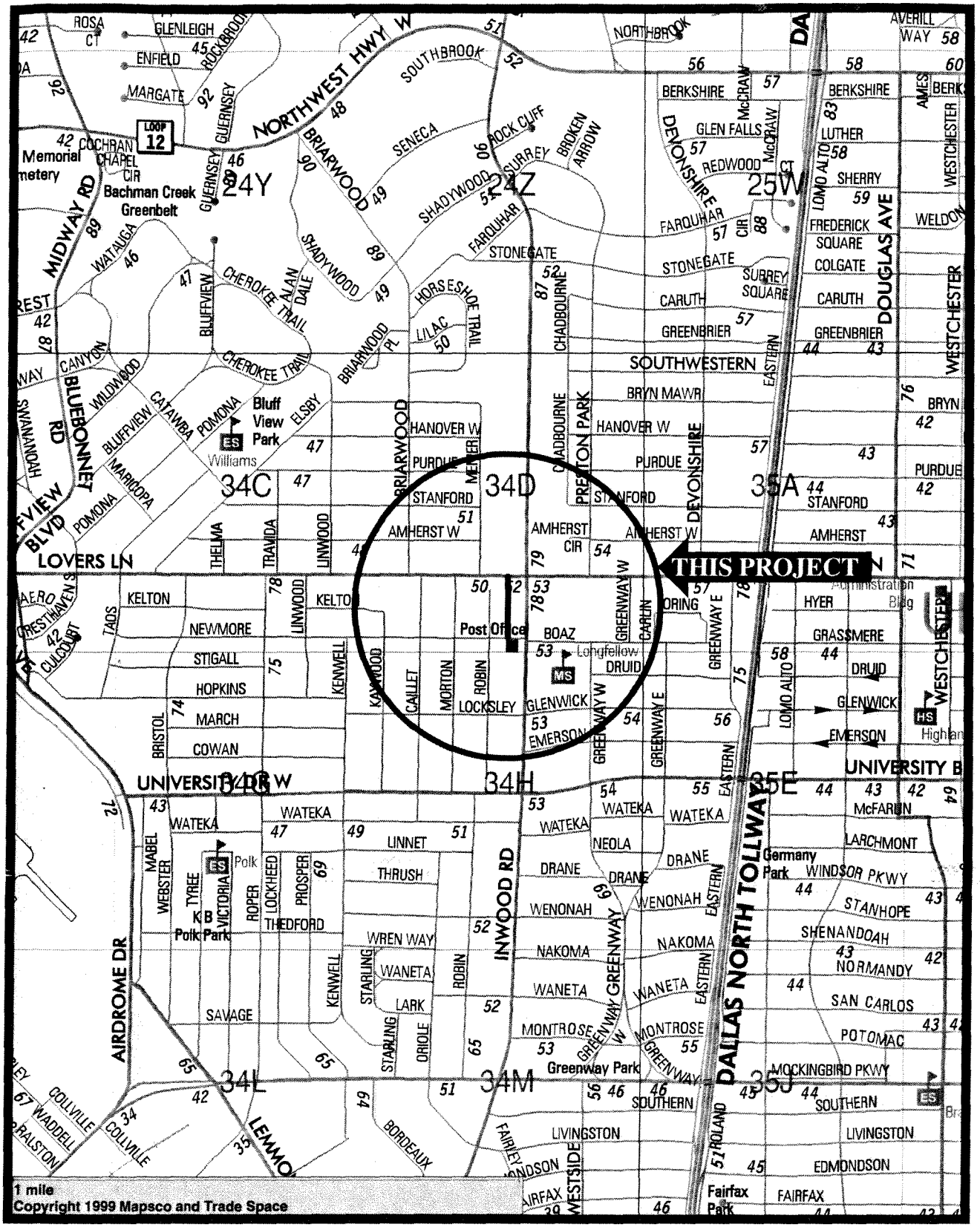
	Local	Percent	Local & Non-Local	Percent
African American	$431,735.35	68.83%	$621,770.35	58.95%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$431,735.35	68.83%	$621,770.35	58.95%

ALLEY RECONSTRUCTION GROUP 03-2019
BROCKBANK COURT ALLEY
FROM BROCKBANK DRIVE TO BROCKBANK DRIVE



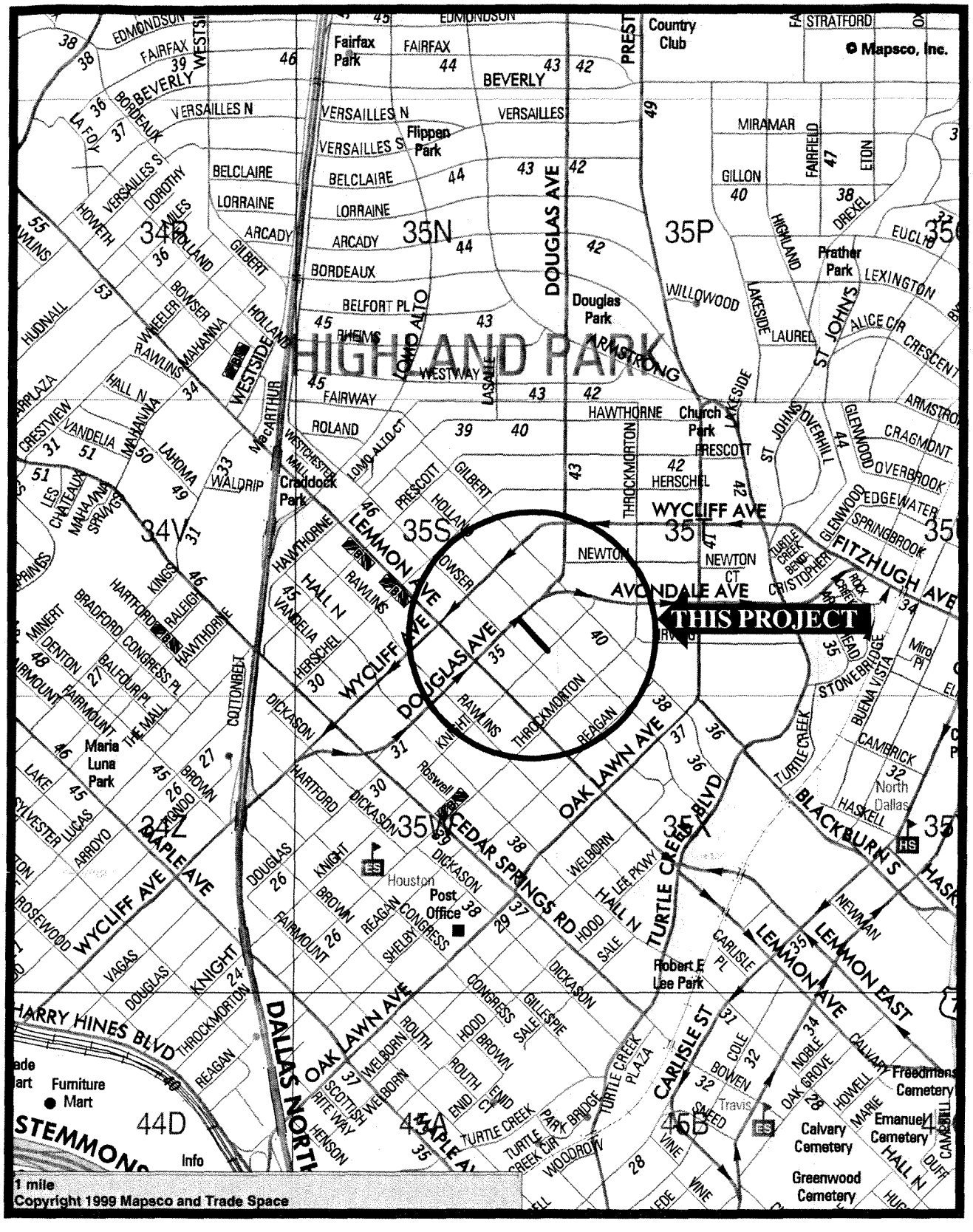
MAPSCO 23 E&F

ALLEY RECONSTRUCTION GROUP 03-2019
BETWEEN INWOOD ROAD AND ROBIN ROAD
FROM NEWMORE AVENUE TO LOVERS LANE



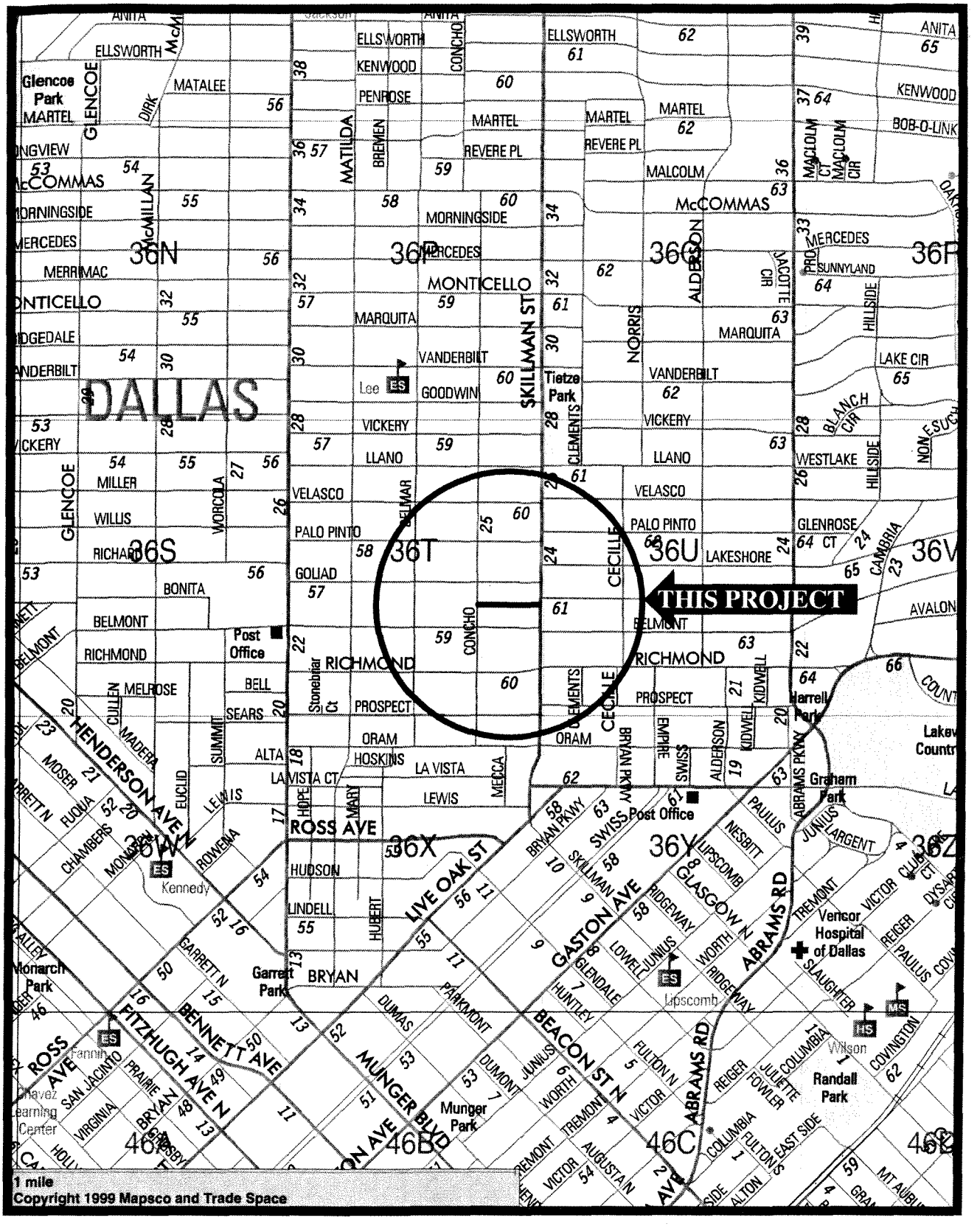
MAPSCO 34D

ALLEY RECONSTRUCTION GROUP 03-2019
BETWEEN BOWSER AVENUE AND HOLLAND AVENUE
FROM KNIGHT STREET TO DOUGLAS AVENUE



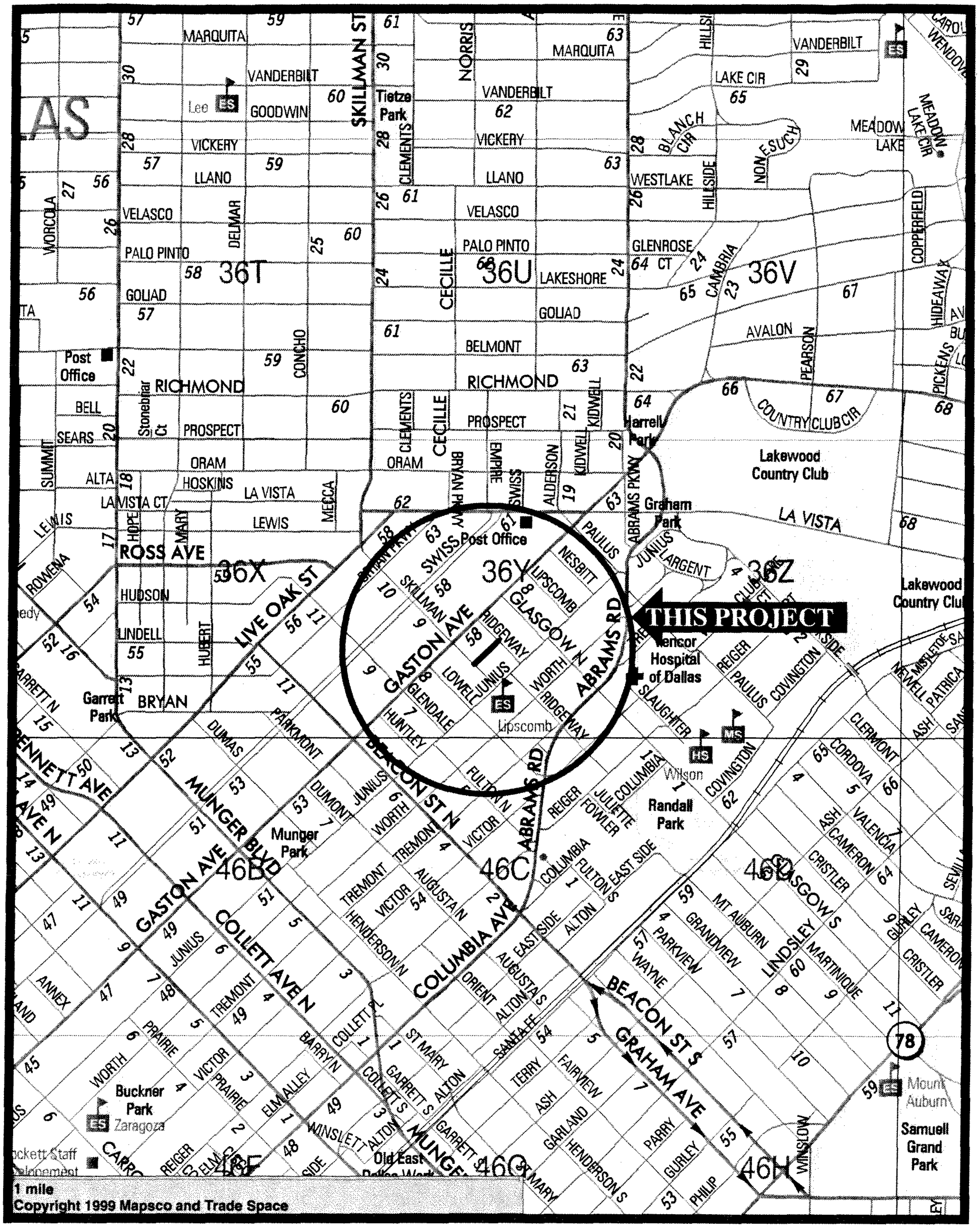
MAPSCO 35S

ALLEY RECONSTRUCTION GROUP 03-2019
BETWEEN BELMONT AVENUE AND GOLIAD AVENUE
FROM CONCHO STREET TO FIRE STATION



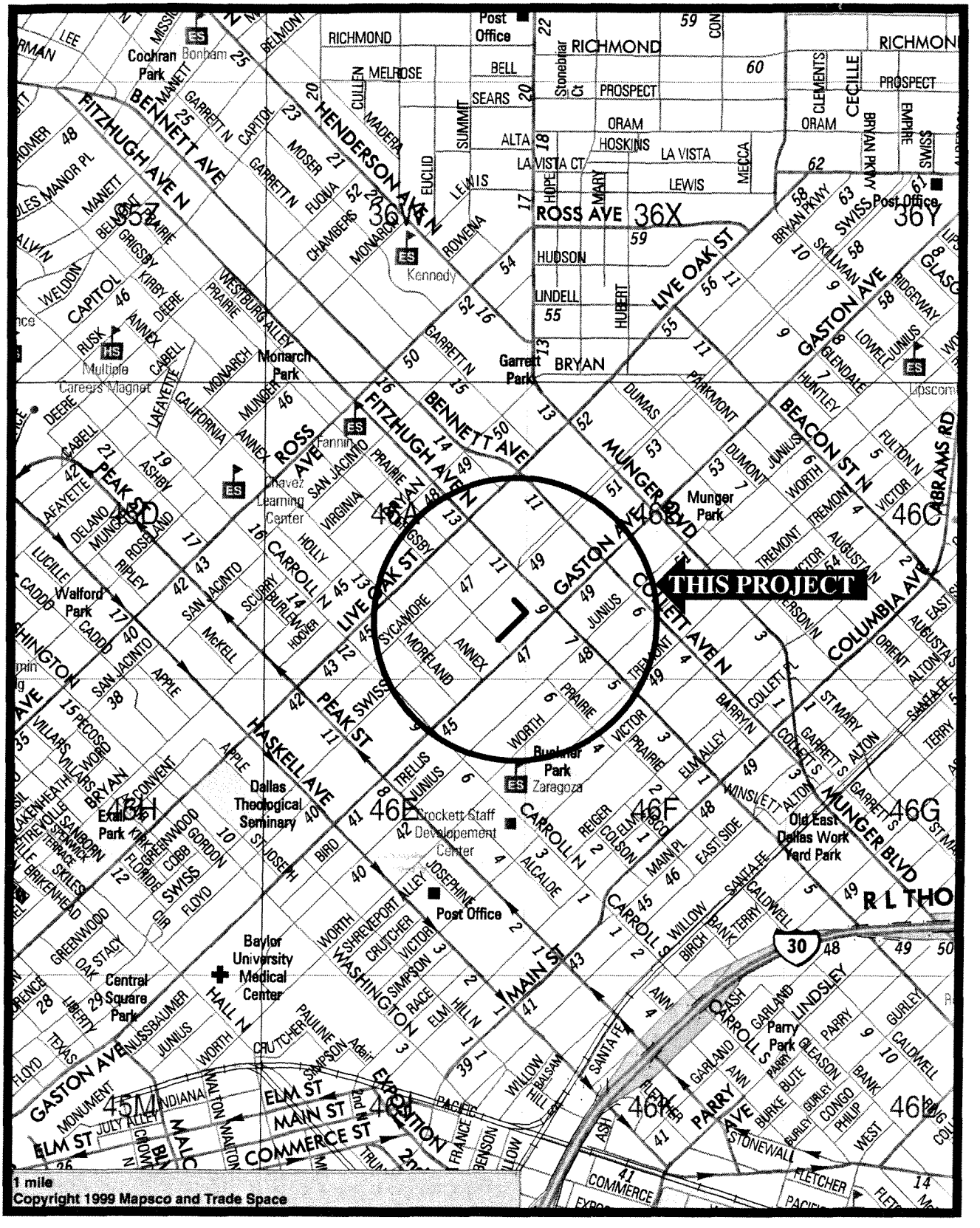
MAPSCO 36T

ALLEY RECONSTRUCTION GROUP 03-2019
GASTON AVENUE ALLEY
FROM SKILLMAN STREET TO RIDGEWAY STREET



MAPSCO 36Y

ALLEY RECONSTRUCTION GROUP 03-2019
GASTON AVENUE ALLEY
FROM GRIGSBY AVENUE TO DEAD END



MAPSCO 46A

September 12, 2007

WHEREAS, on April 12, 2006, Resolution No. 06-1036 authorized a professional services contract; and,

WHEREAS, bids were received on July 19, 2007, for the reconstruction of alley paving, water and wastewater main improvements for Alley Group 03-2019, as follows:

*Denotes successful bidder(s)

BIDDERS	**AMOUNT OF BID**
*P & E Contractors, Inc.	$1,054,805
Camino Construction, L.P.	$1,441,801

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with P & E Contractors, Inc. for the reconstruction of alley paving, water and wastewater main improvements for Alley Group 03-2019 in an amount not to exceed $1,054,805, this being the lowest responsive bid received as indicated by the tabulation of bids.

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

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

Street and Transportation Improvements Fund
Fund 3R22, Department PBW, Unit R027, Act. AREC
Obj. 4510, Program #PB03R027, CT PBW03R027L1-01
Vendor #359050, in an amount not to exceed $ 63,234

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R027, Act. AREC
Obj. 4510, Program #PB03R027, CT PBW03R027L1-02
Vendor #359050, in an amount not to exceed $ 73,221

Street and Transportation Improvements Fund
Fund 3R22, Department PBW, Unit R046, Act. AREC
Obj. 4510, Program #PB03R046, CT PBW03R027L1-03
Vendor #359050, in an amount not to exceed $ 12,139

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R046, Act. AREC
Obj. 4510, Program #PB03R046, CT PBW03R027L1-04
Vendor #359050, in an amount not to exceed $ 69,971

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R052, Act. AREC
Obj. 4510, Program #PB03R052, CT PBW03R027L1-05
Vendor #359050, in an amount not to exceed $ 142,175

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R194, Act. AREC
Obj. 4510, Program #PB03R194, CT PBW03R027L1-06
Vendor #359050, in an amount not to exceed $ 61,350

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R195, Act. AREC
Obj. 4510, Program #PB03R195, CT PBW03R027L1-07
Vendor #359050, in an amount not to exceed $ 51,215

Street and Transportation Improvements Fund
Fund 3R22, Department PBW, Unit R261, Act. AREC
Obj. 4510, Program #PB03R261, CT PBW03R027L1-08
Vendor #359050, in an amount not to exceed $ 17,820

Street and Transportation Improvements Fund
Fund 6R22, Department PBW, Unit R261, Act. AREC
Obj. 4510, Program #PB03R261, CT PBW03R027L1-09
Vendor #359050, in an amount not to exceed $ 80,390

Water Improvement Fund
Fund 0115, Department DWU, Unit PW42, Act. RELP
Obj. 4550, Program #707161, Reporting WU66, CT PBW707161CP
Vendor #359050, in an amount not to exceed $ 117,890

Water Construction Fund
Fund 0102, Department DWU, Unit CW42, Act. RELP
Obj. 3221, Program #707161, Reporting WU66, CT PBW707161EN
Vendor #359050, in an amount not to exceed $ 5,550

Wastewater Capital Improvement Fund
Fund 0116, Department DWU, Unit PS42, Act. RELP
Obj. 4560, Program #707162, Reporting TM27, CT PBW707162CP
Vendor #359050, in an amount not to exceed $ 342,550

September 12, 2007

Wastewater Construction Fund	
Fund 0103, Department DWU, Unit CS42, Act. RELP	
Obj. 3222, Program #707162X, Reporting TM27, CT PBW707162EN	
Vendor #359050, in an amount not to exceed	$ 17,300
Total in an amount not to exceed	$1,054,805

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

Distribution: Public Works and Transportation, Agenda Coordinator, OCMC, Room 101
Public Works and Transportation, Dell Cole, OCMC, Room 307
Water, Esther Darden, 5AN

AGENDA ITEM # 37

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 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)	$ 44,024.40
Total Project Cost	$2,824,715.40

Original Estimate: PBW - $3,500,000

Council District	Amount
2	$ 4,402.44
14	$39,621.96
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

	Amount	Percent
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

Local	Certification	Amount	Percent
American Striping	WFDB33170Y0807	$489.50	1.11%
Total Minority - Local		$489.50	1.11%

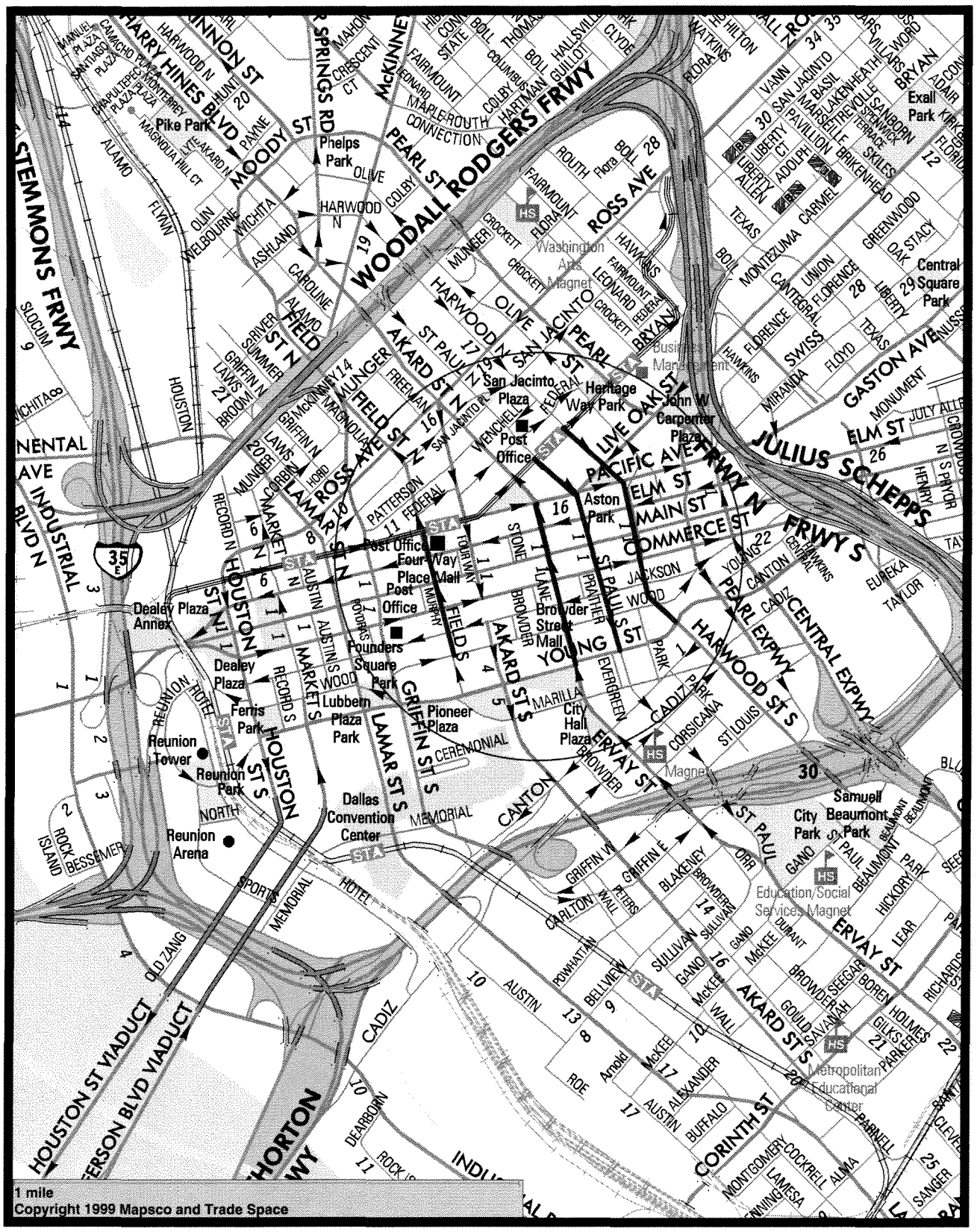
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
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 DEVQ021I134-02
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

AGENDA ITEM # 38

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 6

DEPARTMENT: Public Works & Transportation

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

MAPSCO: 32YA

SUBJECT

Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on SH 356 (Irving Boulevard) at Regal Row - $14,971 - Financing: Texas Department of Transportation Grant Funds

BACKGROUND

The Texas Department of Transportation (TxDOT) will be making intersection improvements on SH 356 (Irving Boulevard) at Regal Row, including geometric changes and new traffic signal hardware. TxDOT has requested that the City of Dallas provide traffic signal control equipment for this project compatible with the City's central traffic signal computer control and monitoring system. Work will be performed by a State contractor. TxDOT will fund the entire cost of the project. This action is for TxDOT to reimburse the City of Dallas for traffic signal control equipment.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

This item has no prior action.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	January 2008
Complete Construction	June 2009

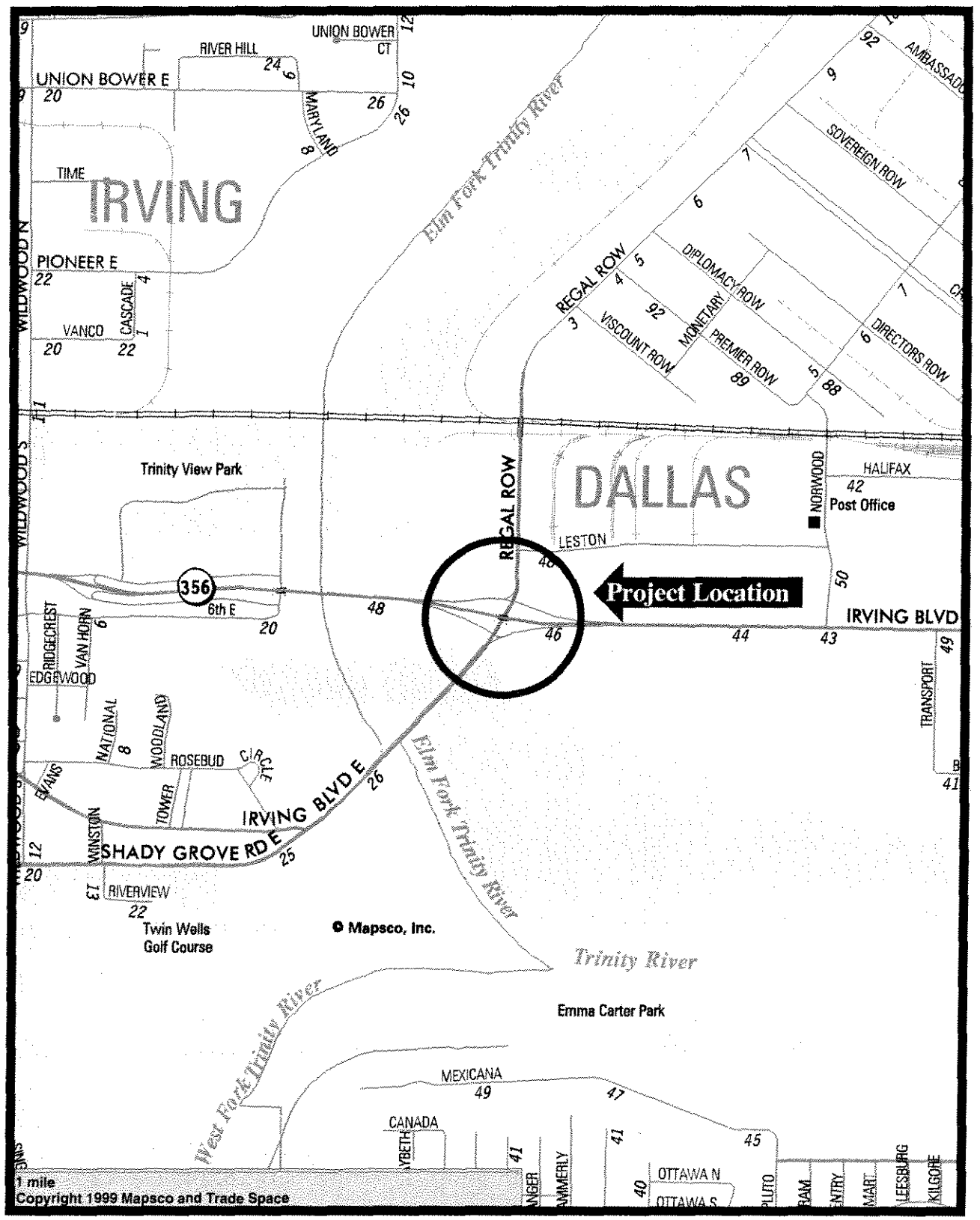
FISCAL INFORMATION

Texas Department of Transportation Grant Funds - $14,970.89

MAP

Attached

Irving Blvd. at Regal Row



Mapsco Page 32Y, Z

September 12, 2007

WHEREAS, the Texas Department of Transportation (TxDOT) desires that the City assist with traffic signal improvements on SH 356 (Irving Boulevard) at Regal Row; and,

WHEREAS; the City of Dallas is in agreement with this proposal in order that safety and traffic flow be maintained at these locations during construction and in order that the equipment be compatible with the standard operations of other signals in the area; and,

WHEREAS, TxDOT will fund the entire cost of the project in an amount not to exceed $14,970.89.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into an Interlocal Agreement with the Texas Department of Transportation for the reimbursement of costs for traffic control equipment related to traffic signal improvements at SH 356 (Irving Boulevard) at Regal Row in an amount not to exceed $14,970.89.

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 an appropriation in the amount of $14,970.89 in Fund 08EJ, Department PBW, Unit 88EJ, Obj. 4820, Activity Code THRG, Major Program TxDOT, Program TP08EJ07.

Section 4. That the City Controller is hereby authorized to disburse funds from Fund 08EJ, Department PBW, Unit 88EJ, Obj. 4820, Activity Code THRG, Program TP08EJ07, in an amount not to exceed $14,970.89.

Section 5. That the City Controller is hereby authorized to deposit all reimbursements from TxDOT pertaining to this project in an amount not to exceed $14,970.89 in Fund 08EJ, Department PBW, Unit 88EJ, 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, City Hall, L1BS

AGENDA ITEM # 39

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 2, 6

DEPARTMENT: Public Works & Transportation

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

MAPSCO: 44G L

SUBJECT

Authorize Supplemental Agreement No. 3 to the contract with HNTB Corporation to provide a catalog of aesthetic treatment options for the design of paving, drainage, and bridge replacement improvements to the Sylvan Avenue Bridge over the Trinity River from Gallagher Street to Irving Boulevard - $51,500, from $1,469,628 to $1,521,128 - Financing: 2003 Bond Funds

BACKGROUND

Replacement of the Sylvan Avenue bridges was included in the approved Off-System Federal-Aid Bridge Replacement and Rehabilitation program as authorized by Texas Transportation Commission Minute Orders 108310, dated September 2000, and 108653, dated September 2001. This program provides for up to 90 percent reimbursement of allowable costs. The remaining 10 percent is the local match to be funded by the City, which is estimated at $2,090,000. Engineering services necessary for the development of this project will be funded and administered by the City of Dallas.

This project calls for the replacement of three existing two lane bridge structures located on Sylvan Avenue at the main channel, the South Levee and the North Levee of the Trinity River. These bridge structures are classified by TxDOT as being structurally deficient and are considered inadequate for their intended purpose. In addition, Sylvan Avenue is periodically closed to through traffic due to flooding. The proposed bridge will be one continuous six lane bridge that spans the entire width of the floodway.

BACKGROUND (Continued)

On May 24, 1989, the design for the replacement of the Sylvan Avenue bridges was approved. Design was substantially complete and in accordance with the City of Dallas standards and specifications. It was originally designed with the intent of being a locally funded (City, County) construction project. As the bridge is now a federal aid project and has federal funds for construction, major modifications to the current design will be required to bring the design to TxDOT's current standards. To that end, Supplemental Agreement No. 2 to HNTB's design contract was authorized by Resolution 04-0409 on January 28, 2004.

Because aesthetic treatments to the bridge are desired, the HNTB Corporation will be developing a catalog of standard aesthetic treatments that can be offered to the community as an added value to this project and other typical City of Dallas infrastructure projects. The catalog will include aesthetic treatment options for landscape, architectural, structural, and civil elements of infrastructure projects. Elements to be covered in the catalog for which treatment options will be explored include: intersections, crosswalks, sidewalks, ramps, drainage inlets, culvert headwalls, channel lining, bridge railing, bridge pedestrian separation barrier and traffic safety barrier, bridge abutments and riprap, planting leave-outs, median planting, median paving, retaining walls, tree grates, boundary fencing, and safety fencing.

This action will authorize Supplemental Agreement No. 3 to the contract with HNTB Corporation to provide the required additional services. Future council actions will be required to authorize payment to TxDOT for construction funding and to authorize final design services with HNTB.

ESTIMATED SCHEDULE OF PROJECT

Began Environmental & Schematics	March 2004
Complete Environmental & Schematics	November 2007
Begin Design	March 2008
Complete Design	March 2009
Begin Construction	September 2009
Complete Construction	September 2011

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with HNTB on May 24, 1989, by Resolution 89-1591.

Authorized Master Interlocal Agreement with Dallas County on November 11, 1992, by Resolution 92-3863.

Authorized Supplemental Agreement to Interlocal Agreement with Dallas County on January 12, 1994, by Resolution 94-0212.

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

Authorized Supplemental Agreement No. 1 with HNTB on January 12, 1994, by Resolution 94-0213.

Authorized Supplemental Agreement No. 2 with HNTB on January 28, 2004, by Resolution 04-0409.

Authorized an Interlocal Agreement with TxDOT on January 28, 2004, by Resolution 04-0410.

FISCAL INFORMATION

2003 Bond Funds - $51,500

Council District	Amount
2	$ 7,725
6	$43,775
Total	$51,500

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

HNTB Corporation

Hispanic Female	2	Hispanic Male	6
African-American Female	5	African-American Male	5
Other Female	6	Other Male	9
White Female	37	White Male	72

OWNER(S)

HNTB Corporation

John F. Becker, Vice President

MAP

Attached.

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 3 to the contract with HNTB Corporation to provide a catalog of aesthetic treatment options for the design of paving, drainage, and bridge replacement improvements to the Sylvan Avenue Bridge over the Trinity River from Gallagher Street to Irving Boulevard - $51,500, from $1,469,628 to $1,521,128 - Financing: 2003 Bond Funds

HNTB Corporation 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

	Amount	Percent
Local contracts	$51,500.00	100.00%
Non-local contracts	$0.00	0.00%
TOTAL THIS ACTION	$51,500.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

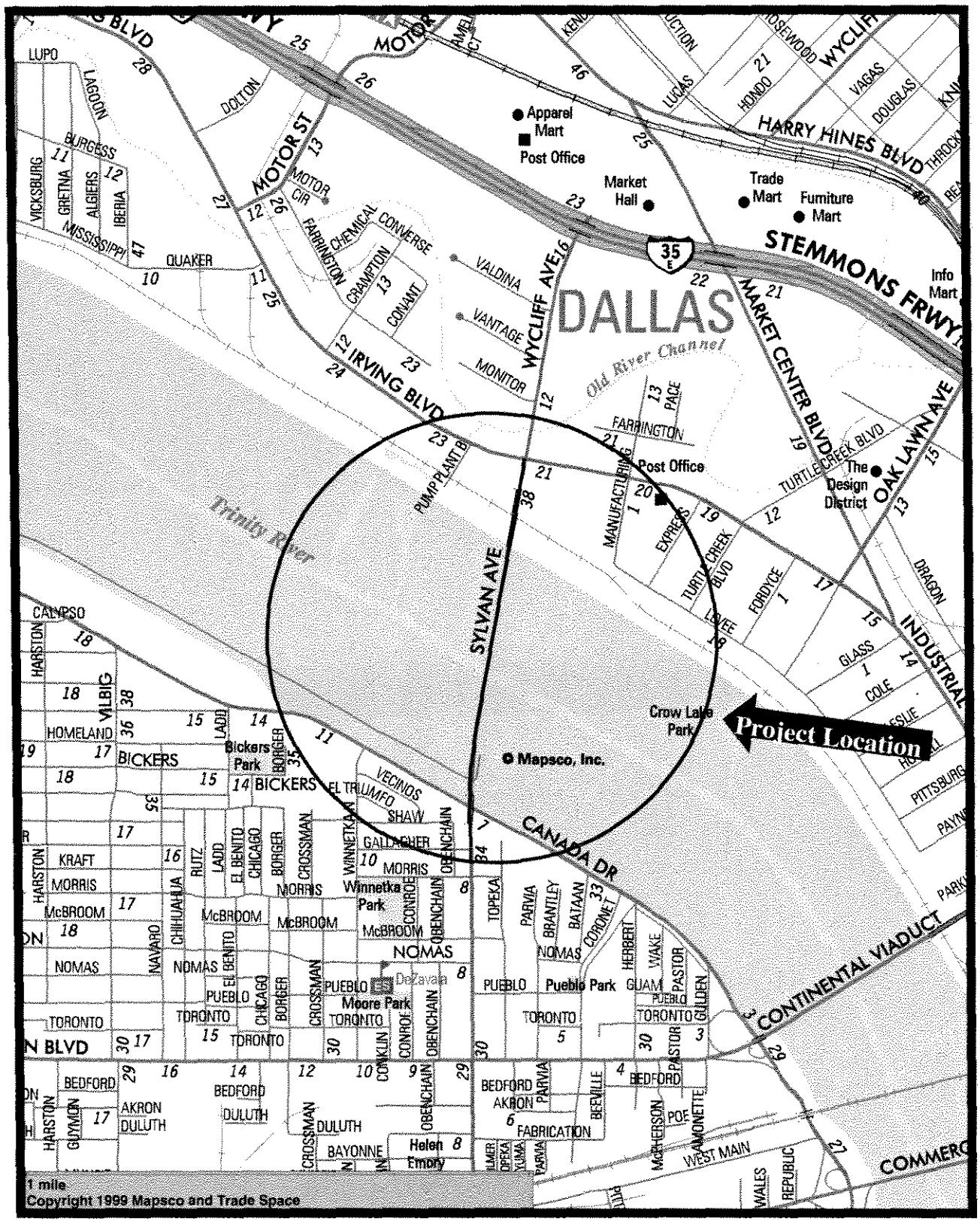
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$107,579.00	7.07%
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%	$92,880.00	6.11%
Total	$0.00	0.00%	$200,459.00	13.18%

Sylvan Avenue Bridge



Mapsco 44 F, G, K, L

WHEREAS, on May 24, 1989, Resolution No. 89-1591 authorized a professional services contract with Howard Needles Tammen and Bergendoff (currently HNTB Corporation) to provide engineering services for Sylvan Avenue Bridge from Gallagher Street to Irving Boulevard in the amount of $152,396; and,

WHEREAS, on November 11, 1992, Resolution No. 92-3863 authorized Dallas County and the City of Dallas to enter into a Master Interlocal Agreement for the City of Dallas to support and cooperate in the implementation of Dallas County's 1991 Bond Program in which the Sylvan Avenue Bridge from Canada Drive to Irving Boulevard was included; and,

WHEREAS, on January 12, 1994, Resolution No. 94-0212 authorized a Supplemental Agreement to the Master Interlocal Agreement with Dallas County to authorize Dallas County to pay $771,105 for engineering services required to provide preliminary design services for the Sylvan Avenue Bridge from Canada Drive to Irving Boulevard; and,

WHEREAS, on January 12, 1994, Resolution No. 94-0213 authorized Supplemental Agreement No. 1 to the contract with HNTB Corporation for additional professional design services for the Sylvan Avenue Bridge from Canada Drive to Irving Boulevard in the amount of $771,105, from $152,396 to $923,501; and,

WHEREAS, replacement of the Sylvan Avenue bridges over the Trinity River was included in the Off-system Federal-Aid Bridge Replacement and Rehabilitation Program in September 2000; and, as a federal aid project, total redesign or major modifications to the current design are required to bring the design of the Sylvan Avenue Bridge over the Trinity River to the current standards of the Texas Department of Transportation (TxDOT); and,

WHEREAS, on January 28, 2004, Resolution No. 04-0409 authorized Supplemental Agreement No. 2 to the contract with HNTB Corporation to provide additional professional services for the schematics and environmental documentation necessary for the design of paving, drainage, and bridge replacement improvements of the Sylvan Avenue Bridge over the Trinity River from Gallagher Street to Irving Boulevard in an amount not to exceed $546,127, increasing the contract from $923,501 to $1,469,628; and,

WHEREAS, on January 28, 2004, Resolution No. 04-0410 authorized an Interlocal Agreement with TxDOT; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 3 to the contract with HNTB Corporation to provide a catalog of aesthetic treatment options for the Sylvan Bridge over the Trinity River from Gallagher Street to Irving Boulevard.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 3 to the contract with HNTB Corporation to provide a catalog of aesthetic treatment options for the design of paving, drainage, and bridge replacement improvements to the Sylvan Avenue Bridge over the Trinity River from Gallagher Street to Irving Boulevard in an amount not to exceed $51,500, increasing the contract from $1,469,628 to $1,521,128, after it has been approved as to form by the City Attorney.

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

Street and Transportation Improvements Fund
Fund 3R22, Dept. PBW, Unit R520, Act. INGV
Obj. 4111, Program #PB03R520, CT PBW03R520D1
Vendor #352433, in an amount not to exceed $51,500

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, Dell Cole, OCMC, Room 101
Public Works and Transportation, Dawna Brown, 1500 Marilla, L1BS
City Attorney
Office of Financial Services

AGENDA ITEM # 40

KEY FOCUS AREA: Public Safety & Homeland Security

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Public Works & Transportation Aviation
CMO:	Ramon F. Miguez, P.E., 670-3308
MAPSCO:	34E

SUBJECT

Authorize Supplemental Agreement No. 3 to the contract with Lockwood Greene Engineers, Inc. for additional design services for the baggage claim renovations, tunnel expansion joint repairs and a new tunnel ramp to Garage "A" in the amount of $34,000, from $182,750 to $216,750 - Financing: Aviation Capital Construction Funds ($8,500) and Federal Aviation Administration Airport Improvement Program Grant Funds ($25,500)

BACKGROUND

On May 28, 1997, Council Resolution No. 97-1704 authorized a professional services contract with Edward Just and Associates for a feasibility study of various options for renovation of the Baggage Claim Wing in the Main Terminal Building at Dallas Love Field. The consultant researched and analyzed the existing facility and equipment, developed comparisons for the actual and projected passenger loads and volume of baggage flowing through the system, and established sizing requirements for the building and conveyor equipment.

The findings and recommendations of the feasibility study were based primarily on periods of peak usage. The baggage handling system was severely congested when attempting to address the capacity of 16 gates. Cross circulation patterns to the passenger pickup areas, central lobby and garage contributed to the congestion. In accordance with the 2001 Master Plan for Love Field, the renovation of the baggage claim area and ancillary spaces was designed to meet the demand of 32 gates at peak usage, without congestion. The construction was phased so that full services continued from existing facilities to minimize inconvenience. Project cost, including new equipment, is $10,751,210 to date. This project was a recommendation of the 2001 Master Plan.

BACKGROUND (Continued)

On June 13, 2001, City Council Resolution No. 01-1765 authorized the consultant, Edward Just and Associates, to proceed with design development and preparation of construction documents for this project based on the findings of a 1997 study of facility needs. Construction administration was also included in the contract.

During this project, Edward Just and Associates closed the business. On December 7, 2005, Administrative Action No. 05-3717 authorized an Agreement of Assignment, Acknowledgment and Approval, to assign the remaining scope of work of Edward Just and Associates' contract (construction administration phase of the contract) to Lockwood Greene Engineers, Inc. There was no additional cost to the City of Dallas.

On March 13, 2006, Administrative Action No. 06-0752 authorized Supplemental Agreement No. 1 to the contract with Lockwood Greene Engineers, Inc. to provide additional services for modifications to the Baggage Service Office Area and additional construction administration in the amount of $12,971.

On October 23, 2006, Administrative Action No. 06-3519 authorized Supplemental Agreement No. 2 to the contract with Lockwood Greene Engineers, Inc. to provide additional design services for reglazing the existing Skybridge from Parking Garage "A" in the amount of $22,360.

During the construction of this project, staff determined that the tunnel connecting Parking Garage "A" to the Baggage Claim area has a section of stairs that are difficult to negotiate when carrying baggage. It is desirable to modify the tunnel so that the stairs are replaced with a ramp in place of the stairs. This will better accommodate airline passengers entering and departing the terminal via the tunnel. In addition to the new ramp, it was discovered that a deteriorated expansion joint was allowing water to penetrate the tunnel.

This action authorizes Supplemental Agreement No. 3 to professional services contract with Lockwood Greene Engineers, Inc. for design and preparation of construction documents for replacement of the tunnel stairs with a ramp in the amount of $34,000.

ESTIMATED SCHEDULE OF PROJECT

Began Design	September 2003
Completed Design	May 2005
Began Construction	January 2006
Complete Construction	February 2007

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a feasibility study on May 28, 1997, by Resolution No. 97-1704.

Authorized adoption of the Airport Master Plan on April 11, 2001, by Resolution No. 01-1295.

Authorized a professional services contract on June 13, 2001, by Resolution No. 01-1765.

Authorized acceptance of a grant from the Federal Aviation Administration on August 10, 2005, by Resolution No. 05-2248.

Authorized a construction contract on August 24, 2005, by Resolution No. 05-2418.

Authorized an increase in the construction contract on June 28, 2006, by Resolution No. 06-1793.

Authorized an increase in the construction contract on December 13, 2006, by Resolution No. 06-3442.

FISCAL INFORMATION

Aviation Capital Construction Funds - $ 8,500.00
Federal Aviation Administration Airport Improvement Program Grant Funds - $ 25,500.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Lockwood Greene Engineers, Inc.

Hispanic Female	3	Hispanic Male	6
African-American Female	5	African-American Male	8
Other Female	4	Other Male	1
White Female	25	White Male	71

OWNER(S)

Lockwood Greene Engineers, Inc.

George N. Lemmon, President
Michael Avant, Senior Vice President
Rob Smith, Senior Vice President
Donald R. Zabilansky, Senior Vice President
Margaret B. McLean, Secretary

MAP

Attached.

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 3 to the contract with Lockwood Greene Engineers, Inc. for additional design services for the baggage claim renovations, tunnel expansion joint repairs and a new tunnel ramp to Garage "A" in the amount of $34,000, from $182,750 to $216,750 - Financing: Aviation Capital Construction Funds ($8,500) and Federal Aviation Administration Airport Improvement Program Grant Funds ($25,500)

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$33,000.00	97.06%
Non-local contracts	$1,000.00	2.94%
TOTAL THIS ACTION	$34,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

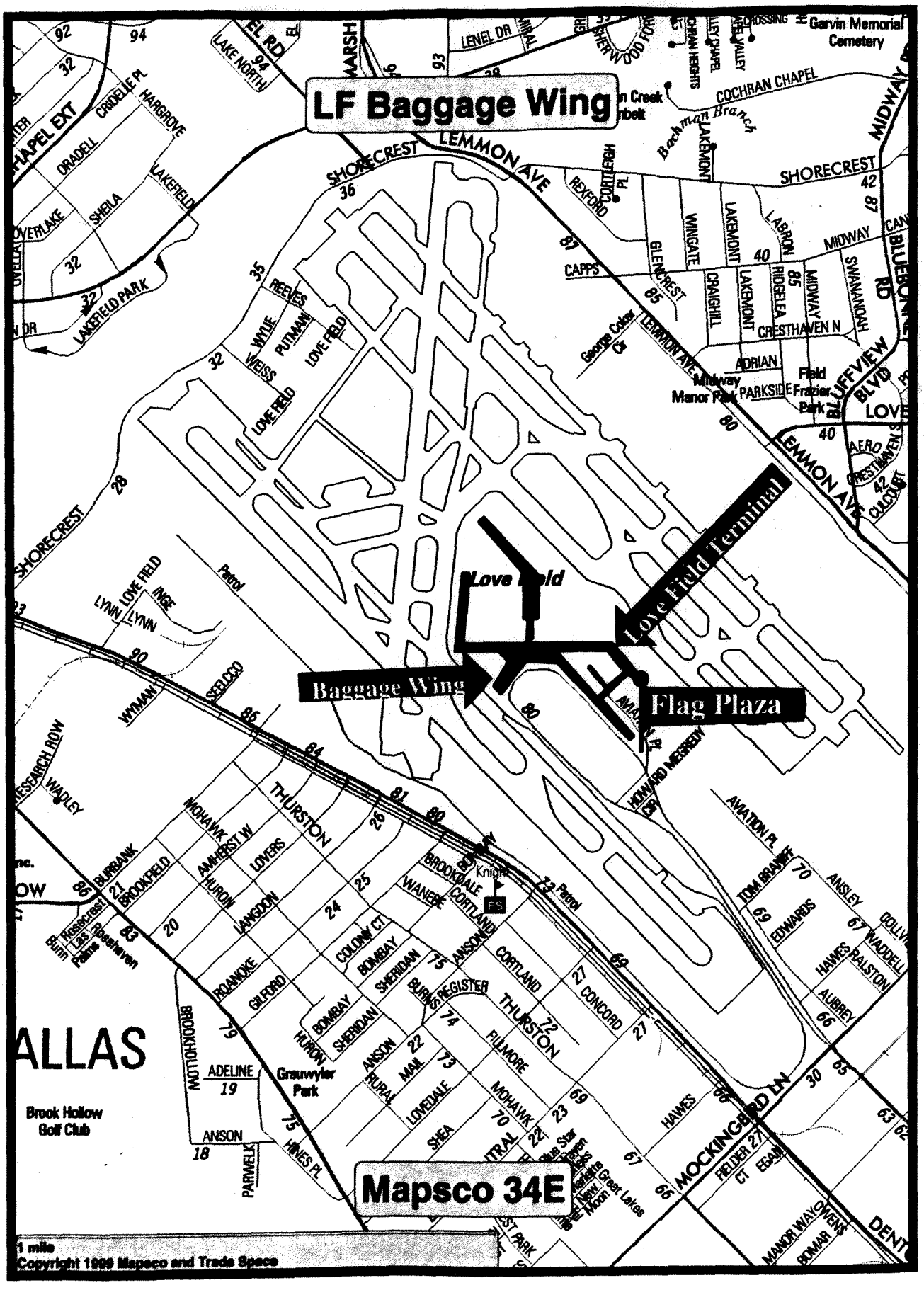
None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$19,419.00	8.96%
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%	$19,419.00	8.96%


LF Baggage Wing
Love Field Terminal
Baggage Wing
Flag Plaza
Mapsco 34E
Garvin Memorial Cemetery
COCHRAN CHAPEL
Bachman Branch
SHORECREST
LEMMON AVE
MIDWAY
BLUEBONNET RD
BLUFFVIEW BLVD
LOVE
Midway Manor Park
Field Frazier Park
George Coker Cir
LAKEFIELD PARK
LAKEFIELD
SHEILA
ORADELL
CRIDELLE PL
HARGROVE
LAKE NORTH
LENEL DR
REXFORD
CORTLEIGH PL
WINGATE
LAKEMONT
LABRON
CAPPS
GLENCREST
CRAIGHILL
RIDGELEA
SWANANOAH
CRESTHAVEN N
ADRIAN
PARKSIDE
AERO
CULCOURT
REEVES
WYLIE
PUTMAN
LOVE FIELD
WEISS
INGE
LYNN
WYMAN
SEELCCO
WADLEY
RESEARCH ROW
THURSTON
MOHAWK
AMHERST W
LOVERS
HURON
LANGDON
BURBANK
BROOKFIELD
ROANOKE
GILFORD
COLONY CT
BOMBAY
SHERIDAN
BROOKDALE
WANERE
CORTLAND
ANSON
REGISTER
BURNS
FILLMORE
CONCORD
RURAL
MAIL
LOVEDALE
SHEA
HAWES
MOCKINGBIRD LN
AVIATION PL
TOM BRANIFF
EDWARDS
ANSLEY
WADDELL
RALSTON
AUBREY
FIELDER CT
EGAN
MANOR WAY
BOMAR
HOWARD MEGREDY CIR
Knight
FS
Patrol
Rosecrest
Las Palmas
Rosehaven
Bunn
BROOKHOLLOW
ADELINE
ANSON
PARWELK
HINES PL
Grauwyler Park
Brook Hollow Golf Club
ALLAS
1 mile
Copyright 1999 Mapsco and Trade Space

September 12, 2007

WHEREAS, on May 28, 1997, Resolution No. 97-1704 authorized a professional services contract with Edward Just & Associates for a feasibility study of various options for renovation of the Dallas Love Field Main Terminal Building Baggage Wing; and,

WHEREAS, on April 11, 2001, Resolution No. 01-1295 authorized adoption of the Love Field Master Plan; and,

WHEREAS, on June 13, 2001, Resolution No. 01-1765 authorized a professional services contract with Edward Just Associates to provide design and preparation of construction documents for the Love Field baggage claim renovation; and,

WHEREAS, on August 24, 2005, Resolution No. 05-2418 authorized a contract with Satterfield & Pontikes Construction, Inc. for construction of the Love Field baggage claim renovation; and,

WHEREAS, on December 7, 2005, Administrative Action No. 05-3717 authorized the assignment of the remaining scope of work of Edward Just & Associates' contract (construction administration phase of the contract) to Lockwood Greene Engineers, Inc.; and,

WHEREAS, on March 13, 2006, Administrative Action No. 06-0752 authorized Supplemental Agreement No. 1 to the contract with Lockwood Greene Engineers, Inc. to provide additional services for modifications to the Baggage Service Office Area and additional construction administration in the amount of $12,971; and,

WHEREAS, on October 23, 2006, Administrative Action No. 06-3519 authorized Supplemental Agreement No. 2 to the contract with Lockwood Greene Engineers, Inc. to provide additional design services for reglazing the existing Skybridge from Parking Garage "A" in the amount of $22,360; and,

WHEREAS, it is now desirable to authorize Supplemental Agreement No. 3 to the contract with Lockwood Greene Engineers, Inc. for additional services for the baggage claim renovations for tunnel expansion joint repairs and a new tunnel ramp to Garage "A" in the amount of $34,000, from $182,750 to $216,750.

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 Lockwood Greene Engineers, Inc. for additional design services for the baggage claim renovations for tunnel expansion joint repairs and a new tunnel ramp to Garage "A" in the amount of $34,000, increasing the contract amount from $182,750 to $216,750.

Section 2. That the City Manager is hereby authorized to increase appropriations for the total project cost, which includes design cost and construction administration, in an amount not to exceed $34,000 in the Aviation AIP Grant Fund F120, Department AVI, Unit 8788, Obj. 4599.

Section 3. That the City Controller is hereby authorized to transfer 25% of the total project cost, which is the City's matching share of the project cost, from the Aviation Capital Construction Fund 0131, Obj. 3700, Balance Sheet Account 0001, to the Aviation AIP Grant Fund F120, Balance Sheet Account 0001, (Cash Account), Revenue Source 8976.

Section 4. That the City Controller is hereby authorized to transfer 75% of the total eligible project cost reimbursement from the Federal Aviation Administration (FAA Grant No. 28) in the AIP Grant Fund F120, Department AVI, Unit 8788, Act. AVI2, Revenue Source 9907 as approved by Council on August 10, 2005 by Resolution No. 05-2248.

Section 5. That the City Controller is hereby authorized transfer 100% of the design and construction management service cost incurred in the Aviation Capital Construction Fund from Fund 0131, Department AVI, Unit 8788, Act. AVI2, Obj. 4599, to the Aviation AIP Grant Fund F120, Department AVI, Act. AVI2 Obj. 4599.

Section 6. That the City Controller is authorized to disburse funds under the terms and conditions of the contract from:

Aviation Capital Construction Funds
Fund F120, Department AVI, Unit 8788, Act. AVTR
Obj. 4599, Program #A8788-02, PD CT AVI8788B001
Vendor #088985, amount not to exceed $34,000

Section 7. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is so resolved.

Distribution: Public Works and Transportation, Agenda Coordinator, OCMC, Room 101
Public Works and Transportation, Len Mills, OCMC, Room 321
Aviation
City Attorney

AGENDA ITEM # 41

KEY FOCUS AREA: Public Safety & Homeland Security

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Public Works & Transportation Fire
CMO:	Ramon F. Miguez, P.E., 670-3308 Ryan S. Evans, 670-3314
MAPSCO:	34K

SUBJECT

Authorize a contract for the construction of a replacement facility for Fire Station No. 42 located at 3333 West Mockingbird Lane - Big Sky Construction Company, Inc., best value proposer of five - $3,127,000 - Financing: 2003 Bond Funds

BACKGROUND

Fire Station No. 42 was constructed in 1957 on a site located on the edge of Dallas Love Field at 3333 West Mockingbird Lane. The citizens approved funding in the 2003 Bond Program for a replacement facility.

The Fire Station No. 42 replacement facility is to be located on the site of the existing station. The existing station will be demolished prior to construction of the new station. The Fire-Rescue personnel and equipment will be relocated during construction to Fire Station No. 21, 3210 Love Field Drive, on the north side of Love Field. The replacement facility will have 2 full bays and 2 half bays, will be approximately 12,000 sq. ft. and built for Leadership in Energy and Environmental Design (LEED) Silver Certification.

On June 28, 2006, Resolution No. 06-1788 authorized a contract with PSA Dewberry Inc. to provide architectural services, civil engineering, structural engineering, MEP engineering, landscape architecture, cost estimating, fundamental LEED commissioning, and re-platting as needed for permitting.

This action will authorize a contract with Big Sky Construction Company, Inc. to provide construction of the replacement facility for Fire Station No. 42 located at 3333 West Mockingbird Lane in an amount not to exceed $3,127,000.

ESTIMATED SCHEDULE OF PROJECT

Began Design	July 2006
Completed Design	May 2007
Begin Construction	October 2007
Complete Construction	November 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract for architectural services, civil engineering, structural engineering, MEP engineering, landscape architecture, cost estimating, fundamental LEED commissioning, and re-platting on June 28, 2006, by Resolution No. 06-1788.

FISCAL INFORMATION

2003 Bond Funds - $3,127,000.00

Design	$ 329,500.00
Construction	$ 3,127,000.00
Project Expenses	$ 293,287.00
	$ 3,749,787.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Big Sky Construction Company, Inc.

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

PROPOSAL INFORMATION

The following proposals were received and opened on June 7, 2007.

*Designates best value proposer

Proposer

*Big Sky Construction Company, Inc.
211 N Beltline Road, Ste. 105
Sunnyvale, Texas 75182
CME Builders & Engineers, Inc.
Alshall Construction Company, Inc.
Phillips/May Corporation
Tegrus Construction Company, Inc.

Consultant's estimate (excluding existing station demolition cost): $3,121,119

Final Negotiated Amount (includes $25,000 for demolition): $3,127,000

OWNER(S)

Big Sky Construction Company, Inc.

Robert C. Long, President
Cathy L. Long, Vice President/Secretary

MAP

Attached.

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of a replacement facility for Fire Station No. 42 located at 3333 West Mockingbird Lane - Big Sky Construction Company, Inc., best value proposer of five - $3,127,000 - Financing: 2003 Bond Funds

Big Sky Construction Company, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$2,174,995.00	69.56%
Total non-local contracts	$952,005.00	30.44%
TOTAL CONTRACT	$3,127,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

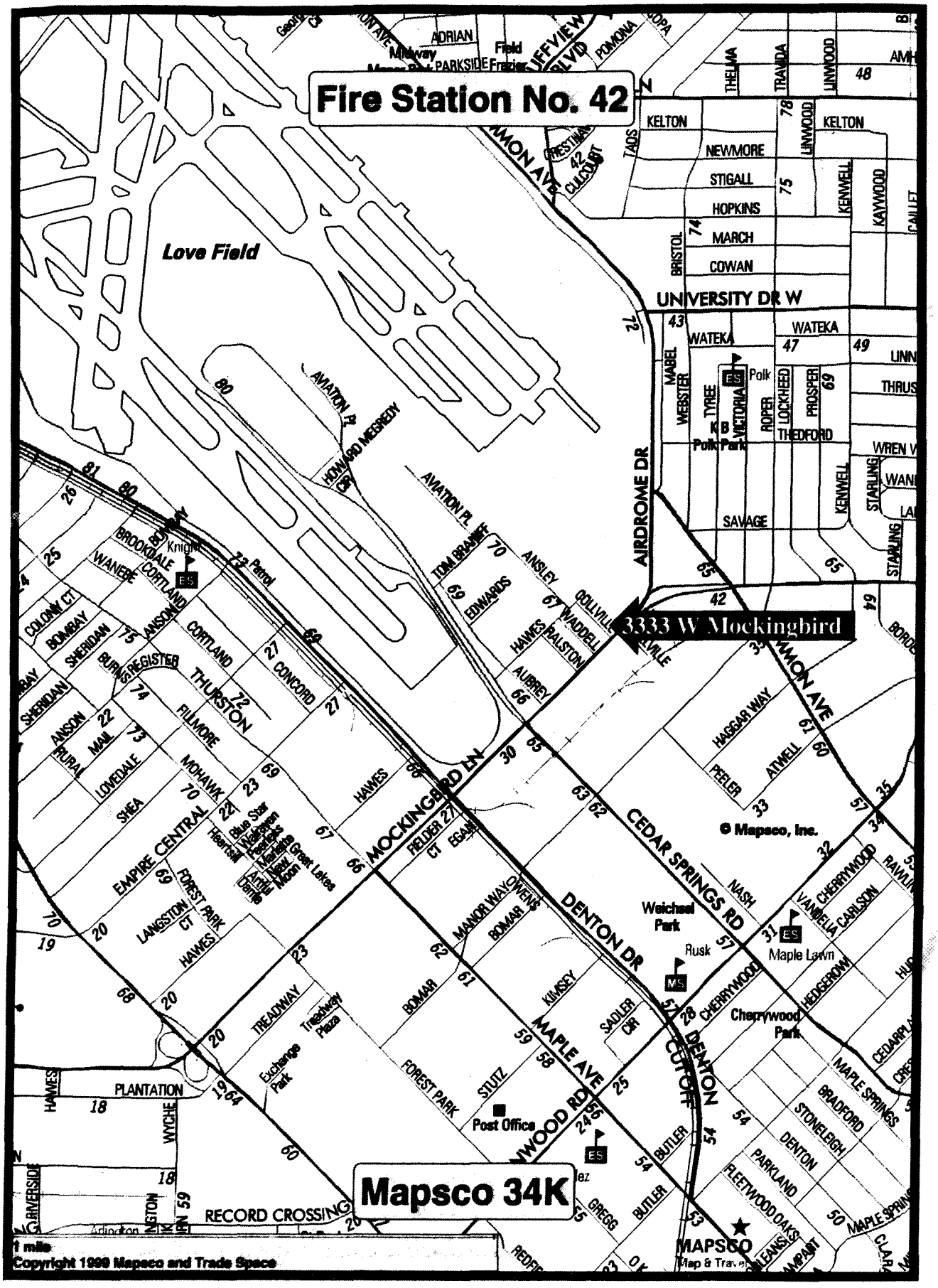
None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%


Fire Station No. 42
Love Field
3333 W Mockingbird
Mapsco 34K
UNIVERSITY DR W
AIRDROME DR
MOCKINGBIRD LN
CEDAR SPRINGS RD
DENTON DR
MAPLE AVE
DENTON CUTOFF
RECORD CROSSING
© Mapsco, Inc.
Weichsel Park
Cherrywood Park
Post Office
Maple Lawn
Rusk
Knight
Patrol
Polk
Polk Park
Treadway Plaza
Exchange Park
1 mile
Copyright 1999 Mapsco and Trade Space

September 12, 2007

WHEREAS, Fire Station No. 42 was constructed in 1957 on a site located at 3333 West Mockingbird Lane in the Love Field area; and,

WHEREAS, the citizens approved funding in the 2003 Bond Program for a replacement facility; and,

WHEREAS, on June 28, 2006, Resolution No. 06-1788 authorized a contract with PSA Dewberry Inc. to provide architectural services, civil engineering, structural engineering, MEP engineering, landscape architecture, cost estimating, fundamental LEED commissioning, and re-platting as needed for permitting in an amount not to exceed $329,500; and,

WHEREAS, the following proposals were received and opened on June 7, 2007.

Proposer

Big Sky Construction Company, Inc.
CME Builders & Engineers, Inc.
Alshall Construction Company, Inc.
Phillips/May Corporation
Tegrus Construction Company, Inc.

WHEREAS, it was determined that the proposal from Big Sky Construction Company, Inc. offered the best value for the City of Dallas; and,

WHEREAS, it is now desirable to authorize a contract for the construction of Fire Station No. 42 to be located at 3333 West Mockingbird Lane, with Big Sky Construction Company, Inc., in the amount of $3,127,000, this being the best and final offer.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Big Sky Construction Company, Inc. for construction of a replacement facility for Fire Station No. 42, located at 3333 West Mockingbird Lane, in the amount of $3,127,000.

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

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

Fire Station Facilities Fund Fund 4R41, Dept. PBW, Unit R943, Act. FIRF, Obj. 4310 Program PB03R943, CT PBW03R943K1-01, Vendor #VS0000016146, in an amount not to exceed	$172,988
Fire Station Facilities Fund Fund 5R41, Dept. PBW, Unit R943, Act. FIRF, Obj. 4310 Program PB03R943, CT PBW03R943K1-02, Vendor #VS0000016146, in an amount not to exceed	$373,091
Fire Station Facilities Fund Fund 6R41, Dept. PBW, Unit R943, Act. FIRF, Obj. 4310 Program PB03R943, CT PBW03R943K1-03, Vendor #VS0000016146, in an amount not to exceed	$2,580,921
Total in an amount not to exceed	$3,127,000

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

Distribution: Public Works and Transportation, Agenda Coordinator, OCMC, Room 101
Public Works and Transportation, Len Mills, OCMC, Room 321
City Attorney
Fire-Rescue
Office of Financial Services

AGENDA ITEM # 42

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 7

DEPARTMENT: Water Utilities

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

MAPSCO: 56 J

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Carollo Engineers, P.C. for the design of miscellaneous improvements associated with major maintenance and rehabilitation at the Central Wastewater Treatment Plant - $1,595,163, from $677,268 to $2,272,431 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item is the second of two planned awards for engineering services associated with major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant (CWWTP). The original contract developed a design report which identified replacement and rehabilitation alternatives for deteriorated equipment and infrastructure throughout the CWWTP. Based on the design report findings, this item provides additional services to prepare detailed design documents and construction administration for the recommended improvements.

The design work includes replacing or repairing deteriorated equipment and infrastructure throughout the CWWTP. Among the design elements are: two new sulfur dioxide injectors, replacement of valves and modifications to ductwork and piping at the chlorine facility to improve reliability and safety. Also included are the replacement of dewatering pumps and scum removal equipment in the activated sludge process and replacement of scum and sludge pumps in primary basins that have reached the end of their service life. This project will include the replacement of 16 sluice gates and installation of motorized valve operators at 46 locations to improve control and isolation of wastewater flows through the plant treatment processes. Also included are the replacement of deteriorated sidewalks, replacement of mixing pumps and new screening equipment at the solids holding tank, and design of a ramp to facilitate clean-up in one of the existing peak flow basins.

The work also includes the design of security monitoring improvements at the CWWTP and building fire alarm upgrades necessary to comply with current codes.

BACKGROUND (Continued)

The construction contract associated with these improvements is scheduled for award in August 2008 at an estimated cost of $11,000,000.

ESTIMATED SCHEDULE OF PROJECT

Began Design September 2005
Complete Design June 2008
Construction Administration Complete May 2010

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized a professional services contract with Carollo Engineers, P.C. to prepare a design report with recommendations for miscellaneous improvements at the Central Wastewater Treatment Plant on August 10, 2005, by Council Resolution No. 05-2145.

FISCAL INFORMATION

$1,595,163.00 - Water Utilities Capital Improvement Funds

M/WBE INFORMATION

Attached

ETHNIC COMPOSITION

Carollo Engineers, P.C.

Hispanic female	22	Hispanic male	35
Black female	9	Black male	15
Other female	44	Other male	86
White female	189	White male	434

OWNER

Carollo Engineers, P.C.

Gary Deis, President

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Carollo Engineers, P.C. for the design of miscellaneous improvements associated with major maintenance and rehabilitation at the Central Wastewater Tre atment Plant - $1,595,163, from $677,268 to $2,272,431 - Financing: Water Utilities Capital Improvement Funds

Carollo Engineers, P.C. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$1,595,163.00	100.00%
Non-local contracts	$0.00	0.00%
TOTAL THIS ACTION	$1,595,163.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

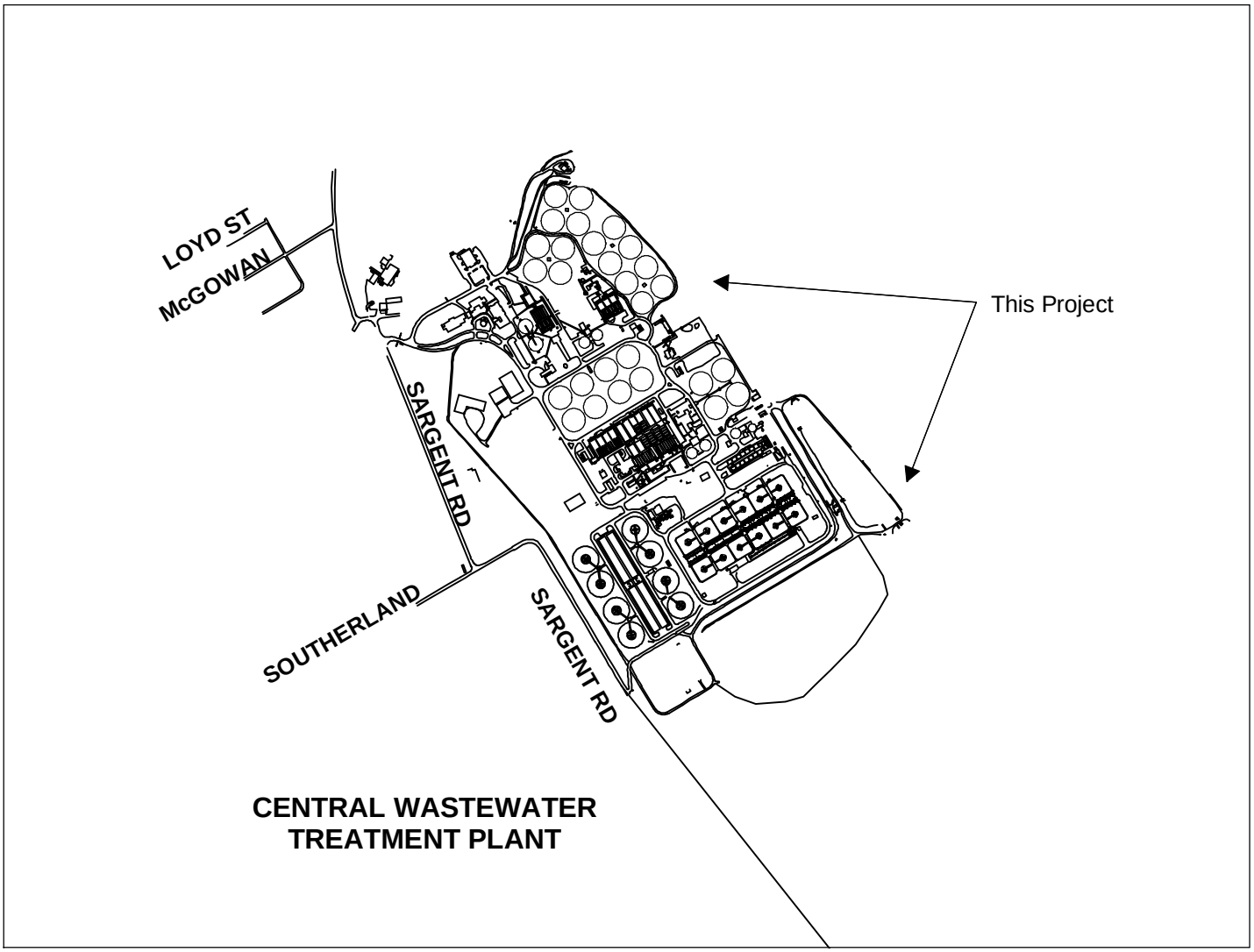
Local	Certification	Amount	Percent
Technical Associates Services	BMDB31889Y0907	$41,290.00	2.59%
VAI Architects, Inc.	HMDB33637Y0208	$246,901.00	15.48%
Reed Fire Protection Engineering	HMMB34064N0608	$7,442.00	0.47%
Gupta & Associates, Inc.	PMMB33873Y0508	$235,336.00	14.75%
DAL-TECH Engineering, Inc.	WFWB31047Y0607	$42,001.00	2.63%
Total Minority - Local		$572,970.00	35.92%

Non-Local Contractors / Sub-Contractors

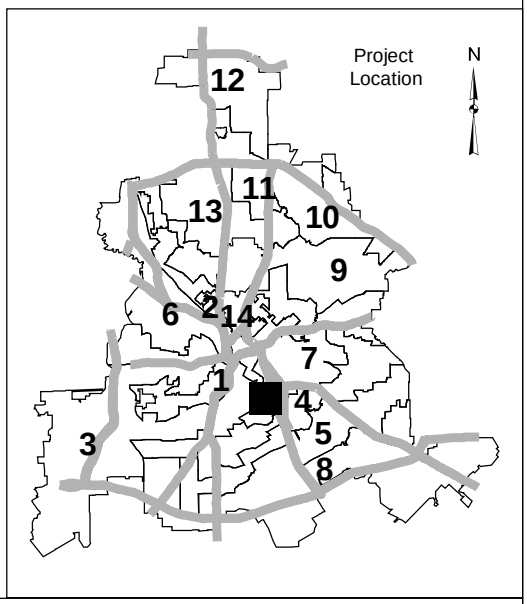
None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$41,290.00	2.59%	$41,480.00	1.83%
Hispanic American	$254,343.00	15.94%	$254,593.00	11.20%
Asian American	$235,336.00	14.75%	$292,627.00	12.88%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$42,001.00	2.63%	$163,198.00	7.18%
Total	$572,970.00	35.92%	$751,898.00	33.09%



Mapsco: 56 J
Council District: 7



Dallas Water Utilities

Contract No. 05-056 E
Supplemental Agreement No. 1
Central Wastewater Treatment Plant
Miscellaneous Improvements Design

D1707

September 12, 2007

WHEREAS, on August 10, 2005, the City Council awarded Contract No. 05-056E in the amount of $677,268.00 by Resolution No. 05-2145, to Carollo Engineers, P.C., 14785 Preston Road, Suite 950, Dallas, Texas 75254, to evaluate deteriorated equipment and infrastructure and prepare a design report with recommendations for miscellaneous improvements for repairs, modifications, or replacements at the Central Wastewater Treatment Plant; and,

WHEREAS, additional engineering services are required to prepare the detailed design documents and provide administration services during construction for the recommended improvements; and,

WHEREAS, Carollo Engineers, P.C. has submitted an acceptable proposal to provide these engineering services; and,

WHEREAS, the Water Utilities Department recommends that Contract No. 05-056E be increased by $1,595,163.00 from $677,268.00 to $2,272,431.00; **Now, Therefore,**

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

Section 1. That the proposed Supplemental Agreement No. 1 be accepted and that Contract No. 05-056E with Carollo Engineers, P.C. be revised accordingly.

Section 2. That the City Manager be and is hereby authorized to enter into Supplemental Agreement No. 1 with Carollo Engineers, P.C. for the design of miscellaneous improvements at the Central Wastewater Treatment Plant, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of $1,595,163.00 from the Wastewater Improvement Fund as follows:

FUND	DEPT	UNIT	ACT	OBJ	PRO	REP	ENCUMBRANCE	VENDOR
0116	DWU	PS30	WWTP	4111	705056	TM26	CTDWU705056CP	339957

Carollo Engineers, P.C. - (Contract No. 05-056E) - $1,595,163.00

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

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield

AGENDA ITEM # 43

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 7

DEPARTMENT: Water Utilities

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

MAPSCO: 56 J

SUBJECT

Authorize a contract for the construction of effluent filters expansion and rehabilitation improvements at the Central Wastewater Treatment Plant - Archer Western Contractors, Ltd., lowest responsible bidder of three - $19,733,000 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This project consists of the construction of eight new effluent filters and supporting facilities to expand the effluent filter capacity at the Central Wastewater Treatment Plant and complete the implementation of the recommended improvements of the Wastewater Treatment Plan of 1994. This item also includes rehabilitation of the existing effluent filter facilities, as well as improvements to the non-potable water pumps and storage tank.

After proceeding through the various wastewater treatment processes including chlorination, the effluent is filtered through anthracite (fine coal particles) media. The effluent is then dechlorinated to avoid impact on aquatic life and discharged to the Trinity River. The existing effluent filter facilities have a capacity of 190 million gallons per day (MGD), which is not adequate during high flow periods. This expansion will provide an additional capacity of 136 MGD.

The existing effluent filter complex was constructed in 1973 and requires extensive rehabilitation. Various parts of the complex including the filter media, electrical wiring, valve actuators, and control system are being replaced to improve reliability. In addition, several improvements are being constructed to the non-potable water system, including new pumps and tank piping modifications to improve distribution of filtered effluent for uses throughout the Central Wastewater Treatment Plant.

BACKGROUND (Continued)

Archer Western Contractors, Ltd., contractual activities with the City of Dallas for the past three years:

	PWT	DWU	PKR
Projects Authorized	0	7	0
Change Orders	0	8	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	November 2007
Complete Construction	November 2009

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized a professional services contract with Camp Dresser & McKee, Inc. for design of effluent filter facility improvements at the Central Wastewater Treatment Plant on May 25, 2005, by Resolution No. 05-1556.

FISCAL INFORMATION

$19,733,000.00 - Water Utilities Capital Improvement Funds

M/WBE INFORMATION

Attached

ETHNIC COMPOSITION

Archer Western Contractors, Ltd.

Hispanic female	17	Hispanic male	492
Black female	1	Black male	29
Other female	3	Other male	6
White female	31	White male	289

BID INFORMATION

The following bids with quotes were opened on July 19, 2007:

*Denotes successful bidder

Bidders	Amount
*Archer Western Contractors, Ltd. 2121 Avenue J, Suite 103 Arlington, Texas 76006	$19,733,000.00
Eagle Contracting, L.P.	$20,348,000.00
Oscar Renda Contracting, Inc.	$21,331,133.00
Engineer's Construction Estimate	$23,140.000.00

OWNER

Archer Western Contractors, Ltd.

Matthew Walsh, President
Daniel J. Walsh, Vice President

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of effluent filters expansion and rehabilitation improvements at the Central Wastewater Treatment Plant - Archer Western Contractors, Ltd., lowest responsible bidder of three - $19,733,000 - Financing: Water Utilities Capital Improvement Funds

Archer Western Contractors, Ltd. 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

	Amount	Percent
Total local contracts	$5,279,702.00	26.76%
Total non-local contracts	$14,453,298.00	73.24%
TOTAL CONTRACT	$19,733,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Clemons Trucking	BFDB31490Y0707	$156,535.00	2.96%
Soto's Rebar Construction	HMDB31427Y0707	$135,500.00	2.57%
Garland Heating & Air Conditioning	HMMB33702Y1107	$68,000.00	1.29%
James C. Paris Co.	NMDB31774Y0807	$3,327,748.00	63.03%
Total Minority - Local		$3,687,783.00	69.85%

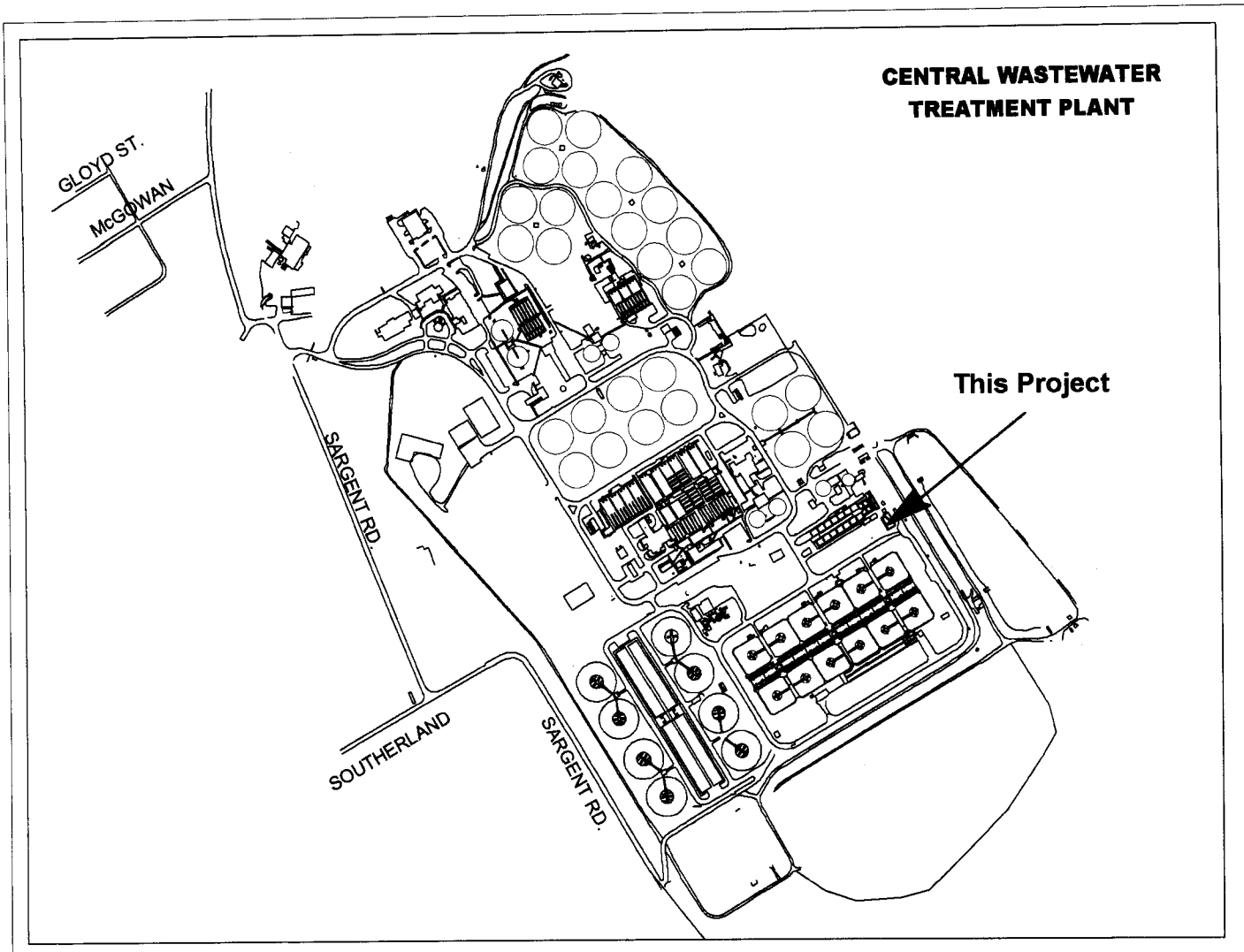
Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Rebar Service & Supply, Inc.	WFDB33518Y0208	$876,900.00	6.07%
Blue Star Electric	WFWB34177Y0608	$372,485.00	2.58%
Ricochet Fuel	WFDB31818Y0807	$150,000.00	1.04%
Total Minority - Non-local		$1,399,385.00	9.68%

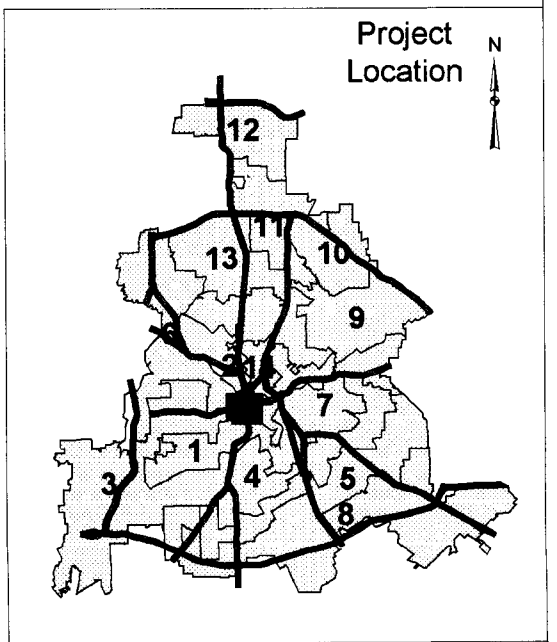
GOOD FAITH EFFORT SUMMARY
Page 2

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$156,535.00	2.96%	$156,535.00	0.79%
Hispanic American	$203,500.00	3.85%	$203,500.00	1.03%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$3,327,748.00	63.03%	$3,327,748.00	16.86%
WBE	$0.00	0.00%	$1,399,385.00	7.09%
Total	$3,687,783.00	69.85%	$5,087,168.00	25.78%



MAPSCO : 56 J
Council District : 7



Dallas Water Utilities

Contract No. 07-156
Central Wastewater Treatment Plant
Effluent Filters Expansion

September 12, 2007

WHEREAS, bids were received on July 18, 2007 and opened on July 19, 2007 for the construction of effluent filters rehabilitation and expansion improvements at the Central Wastewater Treatment Plant, Contract No. 07-156, listed as follows:

Bidders	**Amount**
Archer Western Contractors, Ltd.	$19,733,000.00
Eagle Contracting, L.P.	$20,348,000.00
Oscar Renda Contracting, Inc.	$21,331,133.00

and,

WHEREAS, the bid submitted by Archer Western Contractors, Ltd., 2121 Avenue J, Suite 103, Arlington, Texas 76006, in the amount of $19,733,000.00 is the lowest and best of all bids received; **Now, Therefore,**

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

Section 1. That the bid of Archer Western Contractors, Ltd. in the amount of $19,733,000.00, for doing the work covered by the plans, specifications and contract documents, Contract No. 07-156, be accepted.

Section 2. That the City Manager be and is hereby authorized to enter into a contract with Archer Western Contractors, Ltd., for the construction of effluent filters rehabilitation and expansion improvements at the Central Wastewater Treatment Plant, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of $19,733,000.00 from the Wastewater Capital Improvement Fund as follows:

FUND	DEPT	UNIT	ACT	OBJ	PRO	REP	ENCUMBRANCE	VENDOR
0116	DWU	PS30	WWTP	4330	707156	TM25	CTDWU707156CP	343436

Archer Western Contractors, Ltd. - (Contract 07-156) - $19,733,000.00

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

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield

AGENDA ITEM # 44

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 7, 8

DEPARTMENT: Water Utilities

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

MAPSCO: 56 J 79 G

SUBJECT

Authorize a professional services contract with Malcolm Pirnie, Inc. to evaluate alternatives and prepare a design report with recommendations for use of odor reducing chemicals and for odor control improvements at the Southside and Central Wastewater Treatment Plants - $917,628 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item includes services required for the evaluation and pre-design of new ventilation and odor control improvements at the Southside Wastewater Treatment Plant (SWWTP). This item also includes an odor assessment update for the Central Wastewater Treatment Plant (CWWTP).

This is the first of two phases for engineering services required to complete the design of ventilation and odor control improvements for three facilities at the Southside Wastewater Treatment Plant. The three facilities include the Influent Pump Station and both grit removal facilities. They were the key plant process units identified and prioritized as potential contributors to off-site nuisance odors in a plant-wide odor assessment of the SWWTP completed in March 2005. The second phase will be to provide the services for a detailed design and construction administration associated with this work. It will be awarded in a subsequent Council action after the full extent of the work is determined.

In addition, various process improvements at the Central Wastewater Treatment Plant have impacted the existing plant odor control assessment and implementation plan. This item will evaluate and update the assessment and implementation plan to reflect these improvements. This project will also evaluate and recommend improvements to current chemical application practices at both the SWWTP and CWWTP in an effort to further reduce odors.

The construction contract associated with these improvements is scheduled for award in April 2010 at an estimated cost of $14,000,000.

ESTIMATED SCHEDULE OF PROJECT

Begin Design October 2007
Complete Design May 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$917,628.00 - Water Utilities Capital Improvement Funds

District	Amount
7	$150,000.00
8	$767,628.00
Total	$917,628.00

ETHNIC COMPOSITION

Malcolm Pirnie, Inc.

Hispanic female	0	Hispanic male	2
Black female	1	Black male	1
Other female	1	Other male	5
White female	4	White male	15

M/WBE INFORMATION

Attached

OWNER

Malcolm Pirnie, Inc.

William Dee, President

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Malcolm Pirnie, Inc. to evaluate alternatives and prepare a design report with recommendations for use of odor reducing chemicals and for odor control improvements at the Southside and Central Wastewater Treatment Plants - $917,628 - Financing: Water Utilities Capital Improvement Funds

Malcolm Pirnie, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$845,628.00	92.15%
Total non-local contracts	$72,000.00	7.85%
TOTAL CONTRACT	$917,628.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

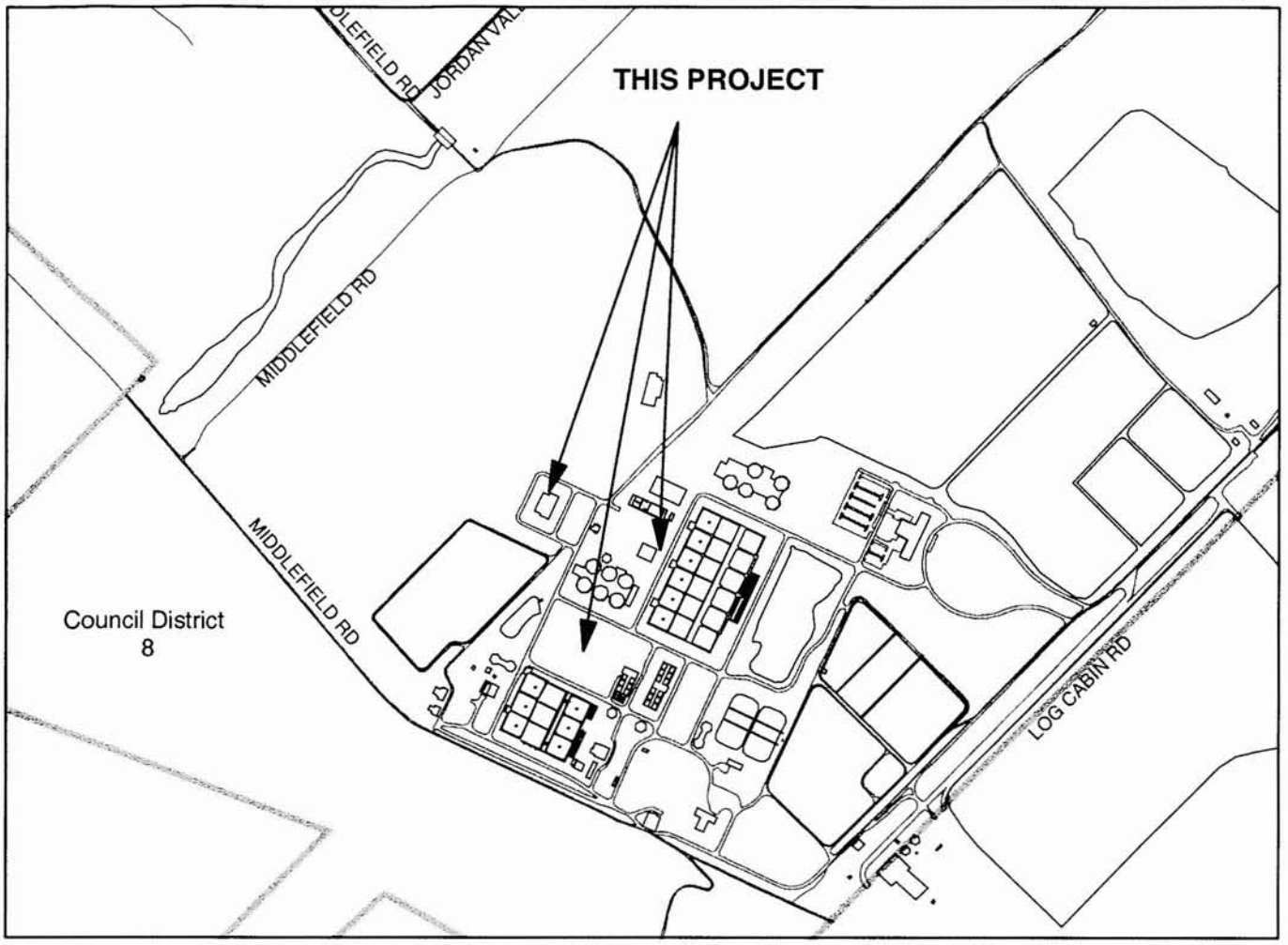
Local	Certification	Amount	Percent
Multatech Engineering, Inc.	HMDB33091Y1207	$59,754.00	7.07%
Jaster-Quintanilla Dallas, LLP	HMMB32784N1107	$44,017.00	5.21%
Classic Legal Document Services, Inc.	HMMB33165N0108	$5,000.00	0.59%
Mehta West Brashear Group, LLC	WFDB32964Y1207	$58,210.00	6.88%
Total Minority - Local		$166,981.00	19.75%

Non-Local Contractors / Sub-Contractors

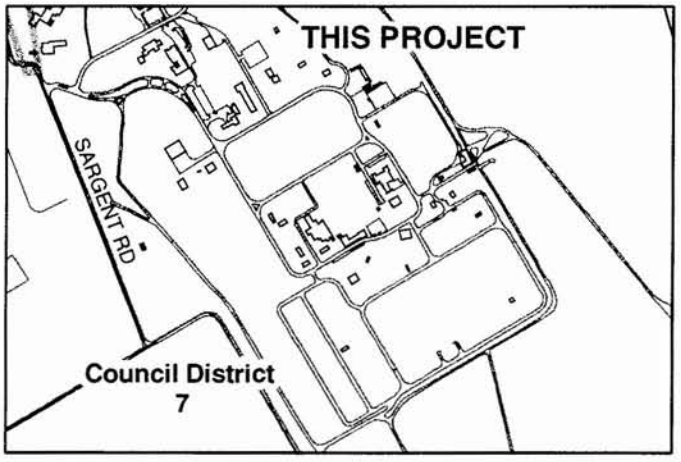
Non-local	Certification	Amount	Percent
Inventive Concepts, Inc.	WFDB33080Y1207	$72,000.00	100.00%
Total Minority - Non-local		$72,000.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

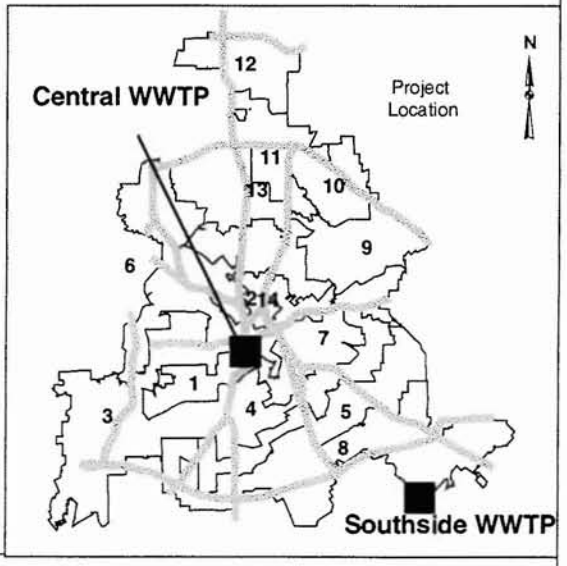
	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$108,771.00	12.86%	$108,771.00	11.85%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$58,210.00	6.88%	$130,210.00	14.19%
Total	$166,981.00	19.75%	$238,981.00	26.04%



Southside WWTP: Mapsco: 79 G
Council District: 8



Central WWTP: Mapsco: 56J
Council District: 7



Dallas Water Utilities

Contract No. 07-232E
Central and Southside Wastewater Treatment Plants
Odor Control Improvements Design

D1680 1

September 12, 2007

WHEREAS, a study was performed recommending odor control improvements of the Pump Station C, Pista Grit Facility and the Aerated Grit Facility at the Southside Wastewater Treatment Plant in 2005; and,

WHEREAS, various process improvements at the Central Wastewater Treatment Plant have impacted the existing plant odor control assessment and implementation plan; and,

WHEREAS, engineering services are required for the evaluation and pre-design of new ventilation and odor control improvements at the Southside Wastewater Treatment Plant and odor assessment update for the Central Wastewater Treatment Plant; and,

WHEREAS, Malcolm Pirnie, Inc., 12400 Coit Road, Suite 1200, Dallas, Texas, 75251, has submitted an acceptable proposal to provide these engineering services; **Now, Therefore,**

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

Section 1. That the proposal submitted by Malcolm Pirnie, Inc. in the amount of $917,628.00 be approved and the consultant be authorized to perform the required engineering services.

Section 2. That the City Manager be and is hereby authorized to enter into a contract with Malcolm Pirnie, Inc., to evaluate alternatives and prepare a design report with recommendations for use of odor reducing chemicals and for odor control improvements at the Southside and Central Wastewater Treatment Plants after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of $917,628.00 from the Wastewater Capital Improvement Fund as follows:

FUND	DEPT	UNIT	ACT	OBJ	PRO	REP	ENCUMBRANCE	VENDOR
0116	DWU	PS31	WWTP	4111	707232	TM13	CTDWU707232CP	341680

Malcolm Pirnie, Inc. (Contract No. 07-232E) - $917,628.00

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

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield

AGENDA ITEM # 45

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 2, 7, 9, 14

DEPARTMENT: Water Utilities

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

MAPSCO: Various

SUBJECT

Authorize a contract for the installation of water and wastewater mains at 23 locations (list attached) - John Burns Construction Company of Texas, Inc., lowest responsible bidder of four - $7,537,265 - Financing: Water Utilities Capital Improvement Funds ($7,518,227), 2003 Bond Funds ($19,038)

BACKGROUND

This project consists of the installation of approximately 38,930 feet of water and wastewater mains. This includes the installation of approximately 80 feet of 4-inch, 730 feet of 6-inch, and 26,890 feet of 8-inch water mains, and the installation of approximately 9,580 feet of 8-inch, 550 feet of 10-inch, and 1,100 feet of 16-inch wastewater mains.

The existing water and wastewater mains that were built between 1937 and 1966 are deteriorating and resulting in increased maintenance costs, service interruptions, and water quality complaints. The installation of the proposed segments will improve water quality, increase the capacity of the water and wastewater mains for improved service and fire flows, and reduce maintenance costs.

John Burns Construction Company of Texas, Inc. contractual activities for the past three years:

	PWT	DWU	PKR
Projects Authorized	0	9	0
Change Orders	0	4	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Begin Construction October 2007
Complete Construction December 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized a professional services contract with DAL-TECH Engineering, Inc. for the design to replace water mains and rehabilitate or replace wastewater mains at various locations on April 13, 2005, by Resolution No. 05-1110.

FISCAL INFORMATION

$7,518,226.80 - Water Utilities Capital Improvement Funds
$ 19,038.00 - 2003 Bond Funds

District	Amount
2	$2,713,415.33
7	$ 979,844.42
9	$3,014,905.92
14	$ 829,099.13
Total	$7,537,264.80

M/WBE INFORMATION

Attached

ETHNIC COMPOSITION

John Burns Construction Company of Texas, Inc.

Hispanic female	0	Hispanic male	59
Black female	0	Black male	0
Other female	0	Other male	0
White female	4	White male	34

BID INFORMATION

The following bids with quotes were opened on May 10, 2007:

*Denotes successful bidder

Bidders	Amount
*John Burns Construction Company of Texas, Inc. 655 East Main Street Lewisville, Texas 75057	$7,537,264.80
Barson Utilities, Inc.	$8,292,413.50
SYB Construction Company, Inc.	$8,471,955.50
Atkins Brothers Equipment Company, Inc.	$10,318,284.00

OWNER

John Burns Construction Company of Texas, Inc.

John T. O'Malley, President

MAP

Attached

Installation of Water and Wastewater Mains at 23 Locations

District 2

North Carroll Avenue from U.S. 75 to Atoka Street
Deere Street from Annex Avenue to North Fitzhugh Avenue
Hartford Street from Dallas North Tollway to Douglas Avenue
Hershel Avenue from Dallas North Tollway to Cedar Springs Road
Santa Fe Avenue/Willow Street from South Peak Street to South Fitzhugh Avenue
*Kirby Street from Capitol Avenue to Monarch Street

District 7

Jonesboro Avenue from Rustown Drive to Ashdown Drive
Klondike Drive from Rustown Drive to Ashdown Drive

District 9

Alley between San Fernando Way and Forest Hills Boulevard from Tavaros Avenue to Redwood Circle
Bondstone Drive from Champa Drive to Waterview Road
Casa View Avenue from Crest Ridge Drive to San Medina Avenue
Copperfield Lane from Westlake Avenue to Lakewood Boulevard
Desdemona Drive from alley South of Barnes Bridge Road to Monterrey Avenue
Eustis Avenue from Tavaros Avenue to Old Gate Lane
Heath Street from Lakewood Boulevard to Tokalon Drive
Lakeshore Drive from Lakewood Boulevard to Tokalon Drive
Lakewood Boulevard from Brendenwood Drive to Lakeshore Drive
Old Gate Lane from Angora Street to San Fernando Way
Winsted Drive from Lakeshore Drive to Tokalon Drive

District 14

Alley between Goodwin Avenue and Vickery Boulevard from Concho Street to Skillman Street
Alley between Junius Street and Worth Street from North Fulton Street to Lowell Street
Holland Avenue from Hawthorne Avenue to Herschel Avenue
Matalee Avenue from McMillan Avenue to Worcola Street

*Trenchless Installation

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a contract for the installation of water and wastewater mains at 23 locations (list attached) - John Burns Construction Company of Texas, Inc., lowest responsible bidder of four - $7,537,265 - Financing: Water Utilities Capital Improvement Funds ($7,518,227), 2003 Bond Funds ($19,038)

John Burns Construction Company of Texas, 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

	Amount	Percent
Total local contracts	$2,580,269.83	34.23%
Total non-local contracts	$4,956,994.97	65.77%
TOTAL CONTRACT	$7,537,264.80	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

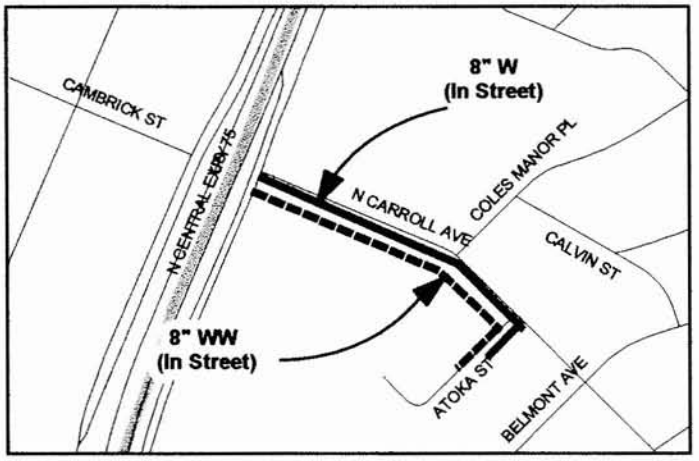
Local	Certification	Amount	Percent
Bussey Trucking, Inc.	BMMB31100Y0608	$248,663.20	9.64%
ER Construction	HMMB33954N0508	$235,640.30	9.13%
Supreme Sawing & Seal, Inc.	HMDB31036Y0608	$57,196.00	2.22%
J. Guzman Construction, Inc.	HMMB32787Y1107	$52,488.00	2.03%
Andrews Paving & Construction	WFDB32461Y1007	$826,928.00	32.05%
Magnum Manhole & Underground Co.	WFDB31900Y0907	$59,230.00	2.30%
Partnering for Success, Inc.	WFWB31780Y0807	$15,600.00	0.60%
Total Minority - Local		$1,495,745.50	57.97%

Non-Local Contractors / Sub-Contractors

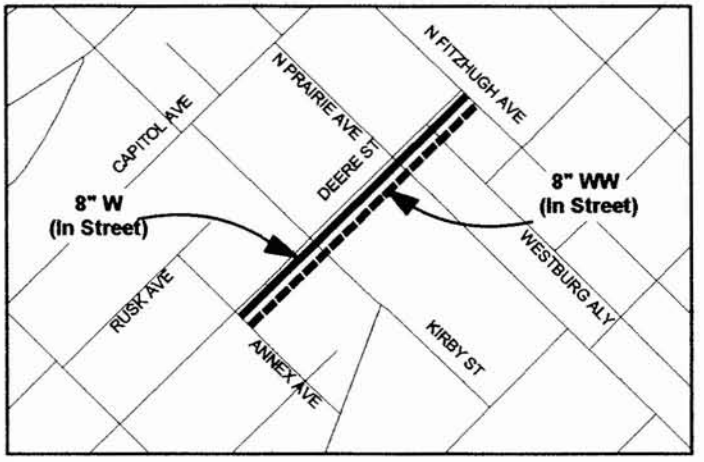
Non-local	Certification	Amount	Percent
McRyan Hauling, Inc.	WFDB33169Y0108	$148,005.00	2.99%
Lucky Lady Oil Co.	WFWB30711Y0508	$79,249.00	1.60%
Total Minority - Non-local		$227,254.00	4.58%

TOTAL M/WBE CONTRACT PARTICIPATION

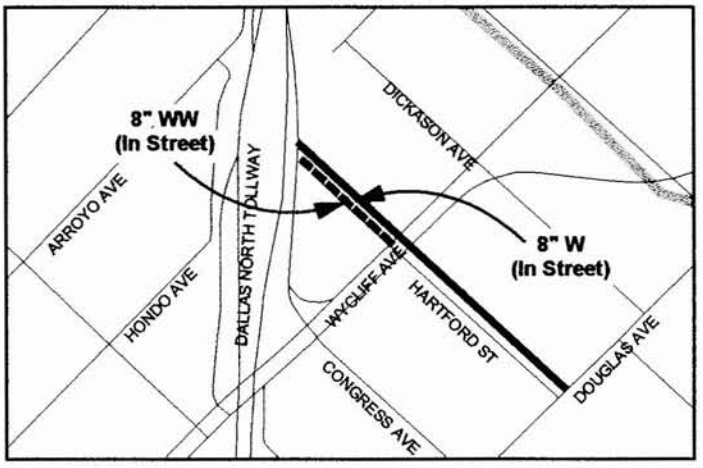
	Local	Percent	Local & Non-Local	Percent
African American	$248,663.20	9.64%	$248,663.20	3.30%
Hispanic American	$345,324.30	13.38%	$345,324.30	4.58%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$901,758.00	34.95%	$1,129,012.00	14.98%
Total	$1,495,745.50	57.97%	$1,722,999.50	22.86%



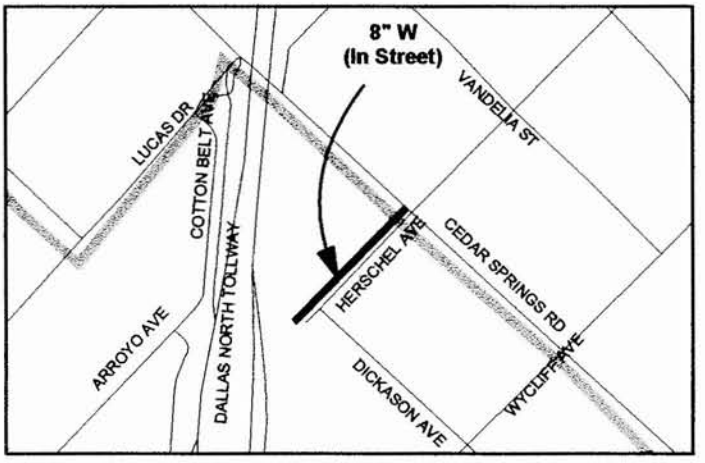
1: Mapsco: 35Y, 35Z
Council District: 2



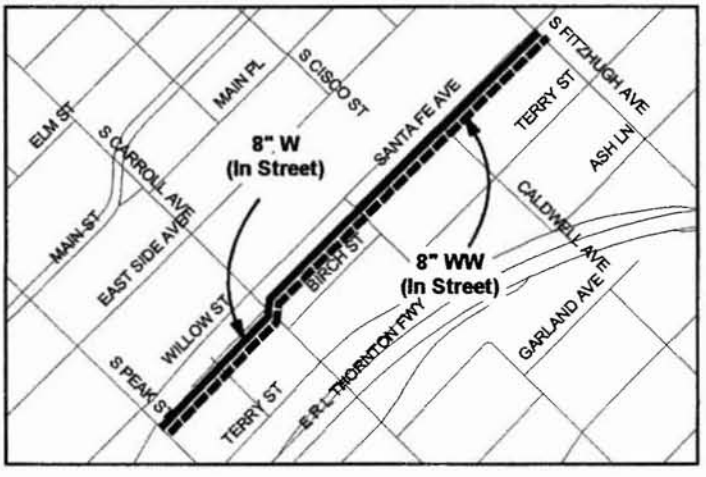
2: Mapsco: 35Z
Council District: 2



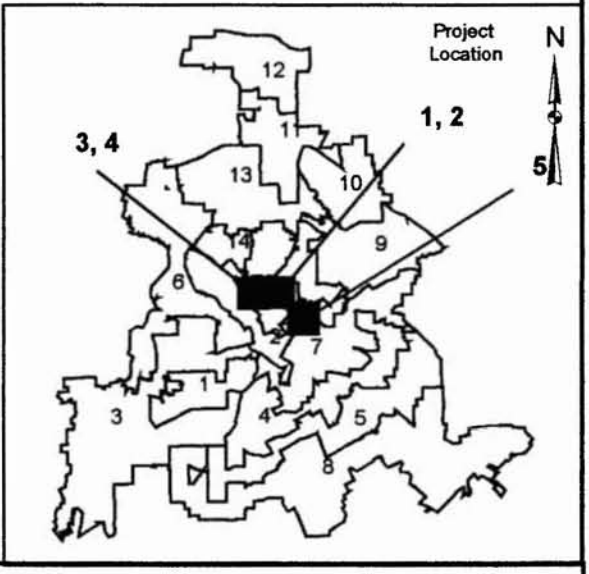
3: Mapsco: 35W
Council District: 2



4: Mapsco: 35S, 35W
Council District: 2

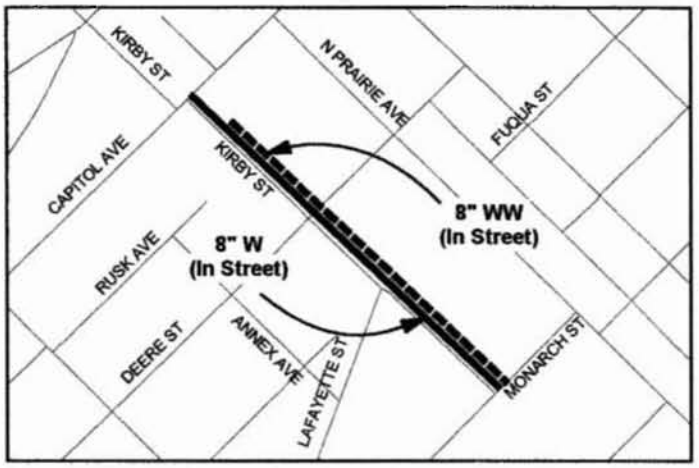


5: Mapsco: 46F, 46K
Council District: 2

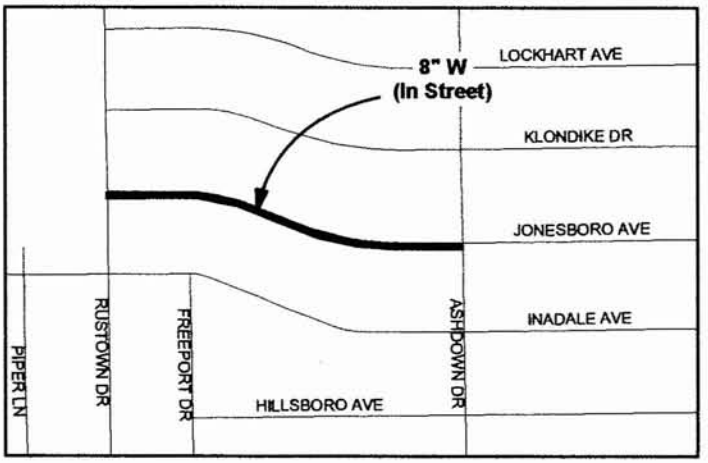


Dallas Water Utilities

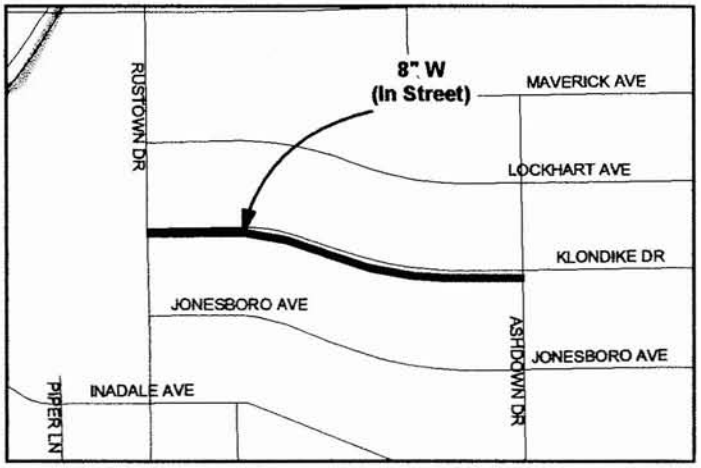
Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations



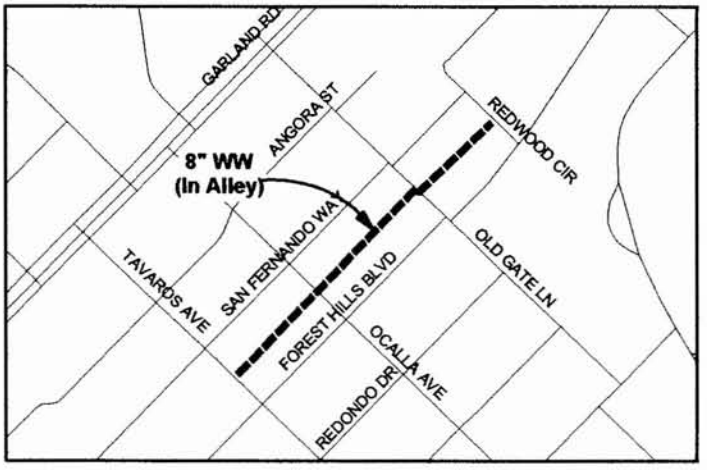
6: Mapsco: 35Z
Council District: 2



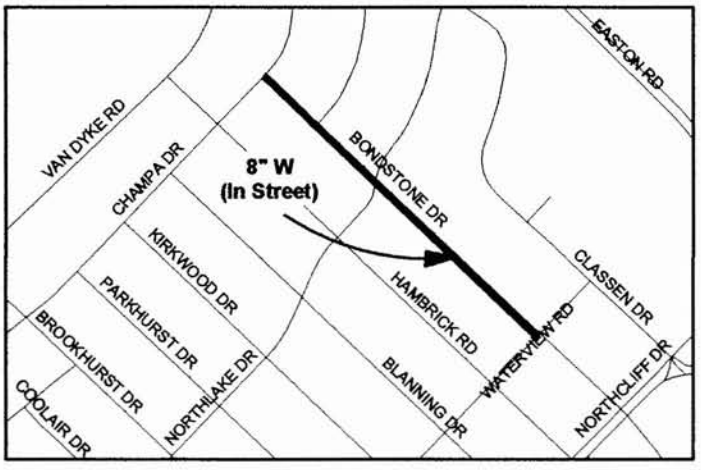
7: Mapsco: 38V
Council District: 7



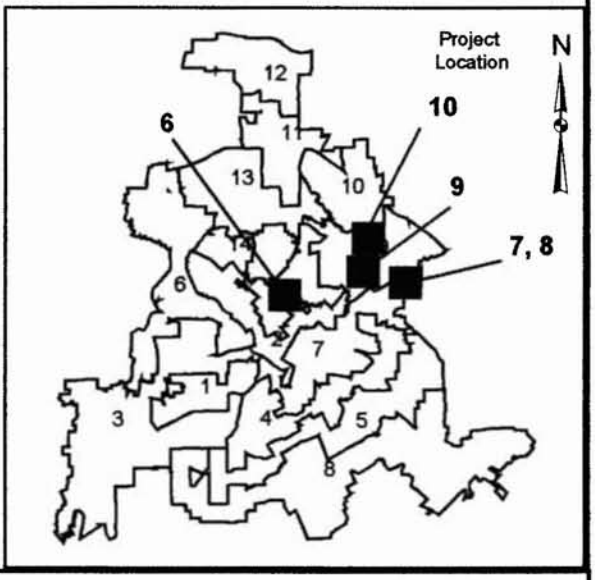
8: Mapsco: 38V
Council District: 7



9: Mapsco: 37R
Council District: 9

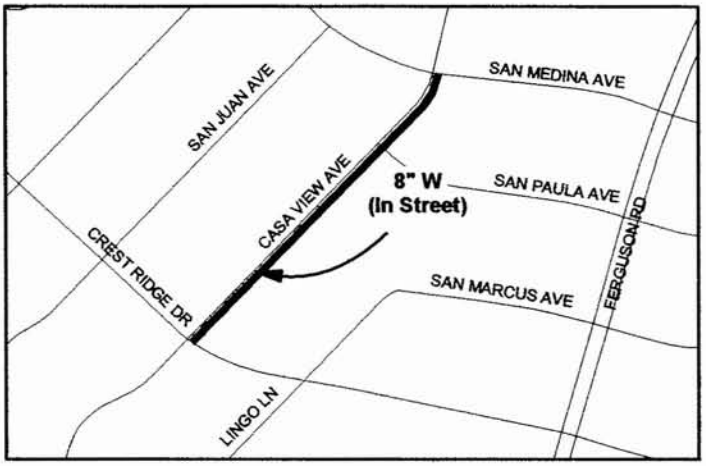


10: Mapsco: 37D, 38A
Council District: 9

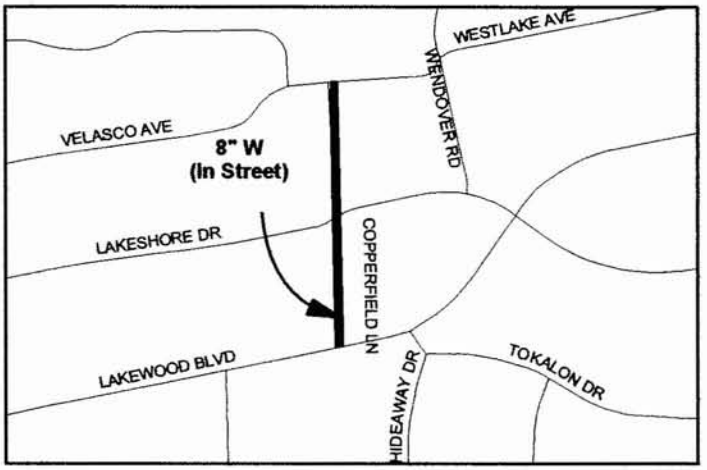


Dallas Water Utilities

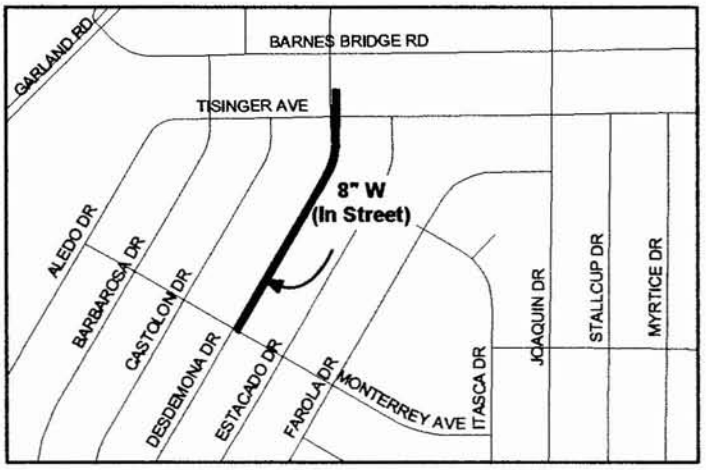
Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations



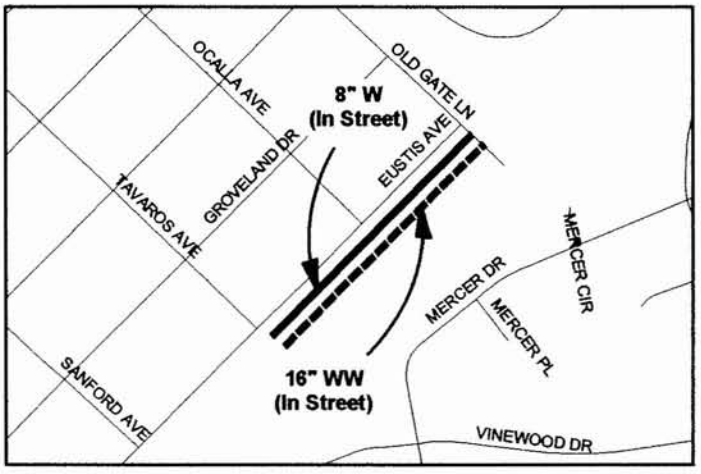
11: Mapsco: 38M, 38R
Council District: 9



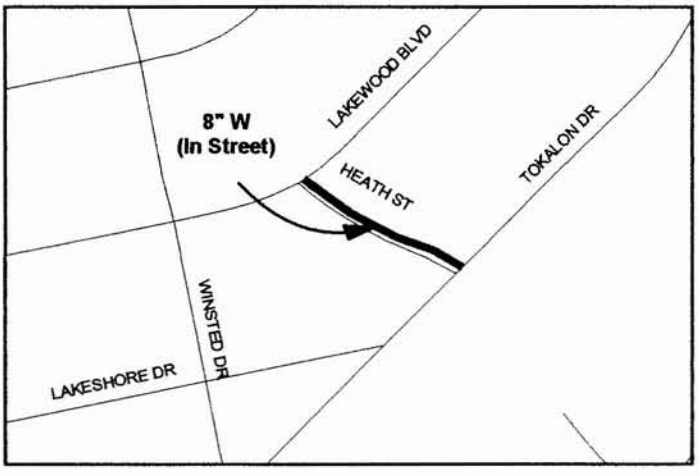
12: Mapsco: 37S
Council District: 9



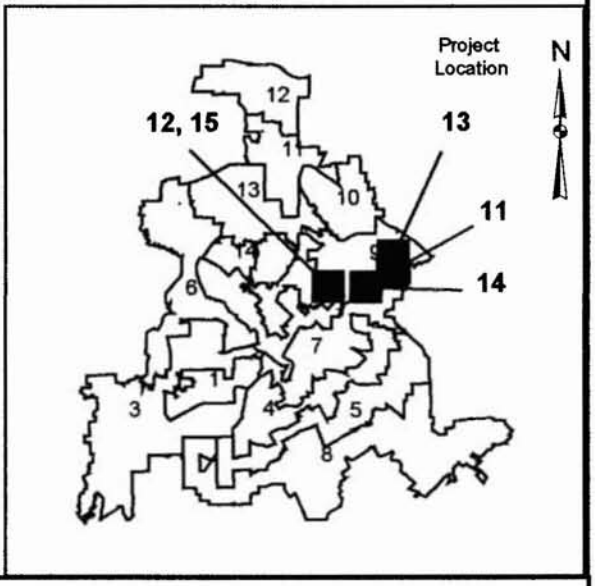
13: Mapsco: 38D, 38H
Council District: 9



14: Mapsco: 38S
Council District: 9

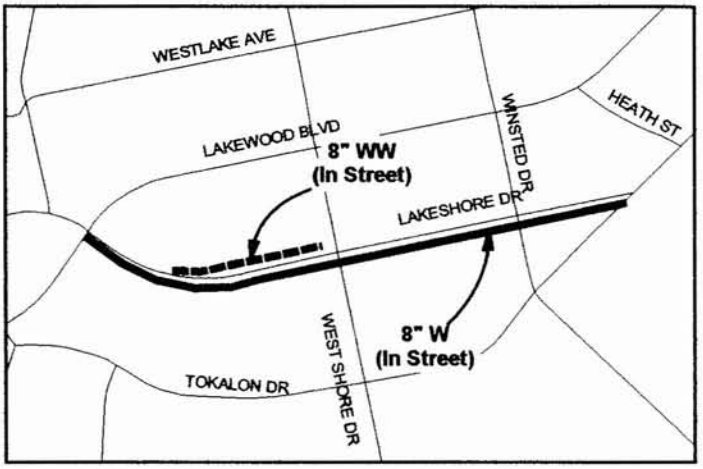


15: Mapsco: 37S, 37T
Council District: 9

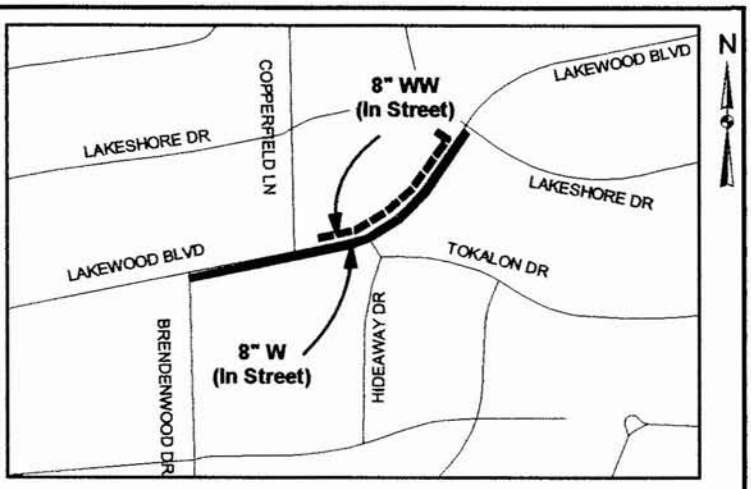


Dallas Water Utilities

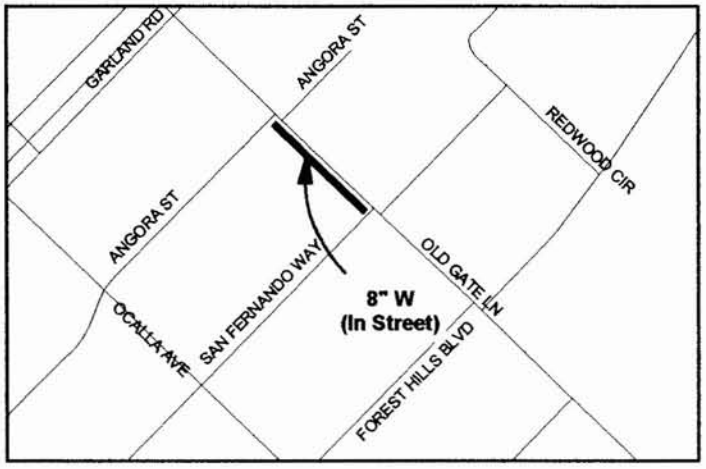
Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations



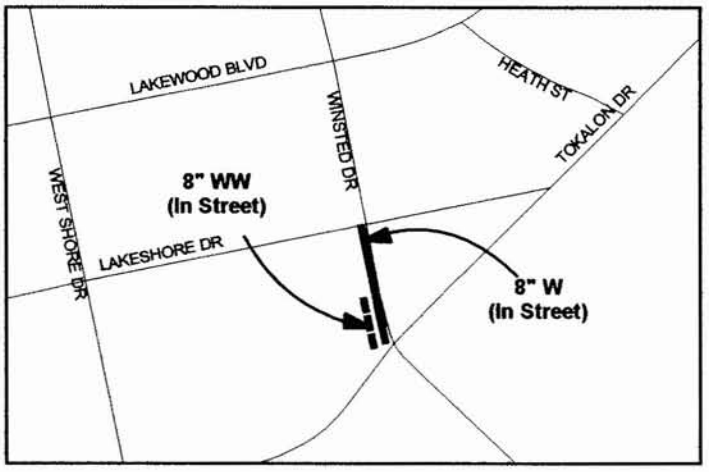
16: Mapsco: 37S
Council District: 9



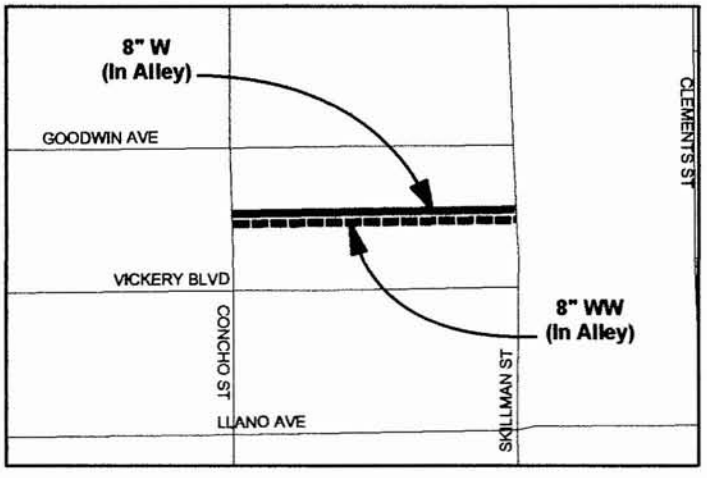
17: Mapsco: 36V, 37S
Council District: 9



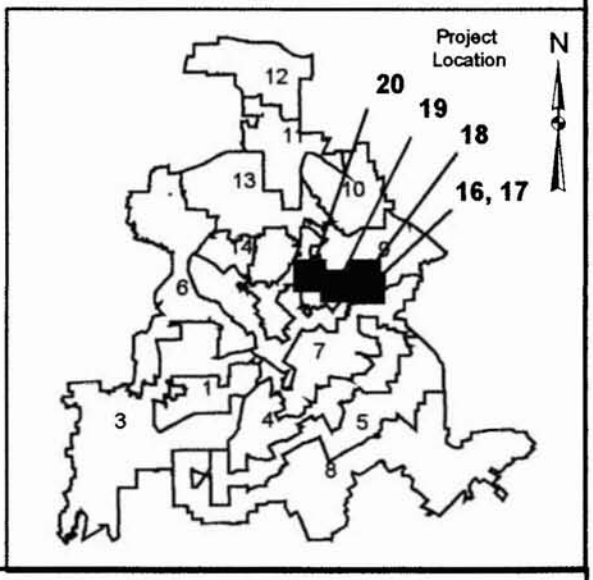
18: Mapsco: 37R
Council District: 9



19: Mapsco: 37S
Council District: 9

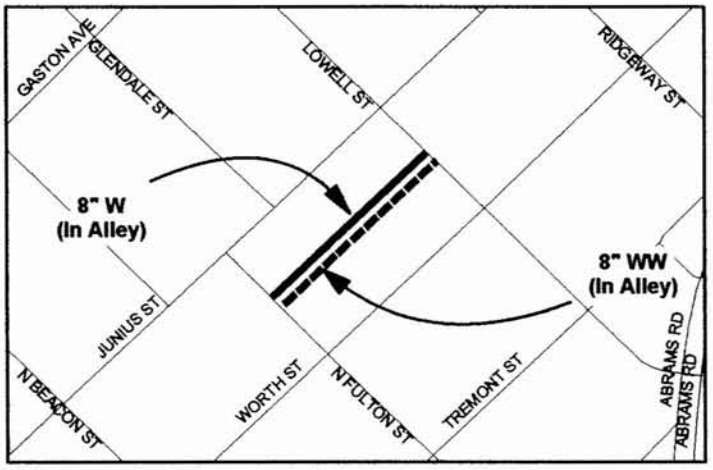


20: Mapsco: 36P
Council District: 14

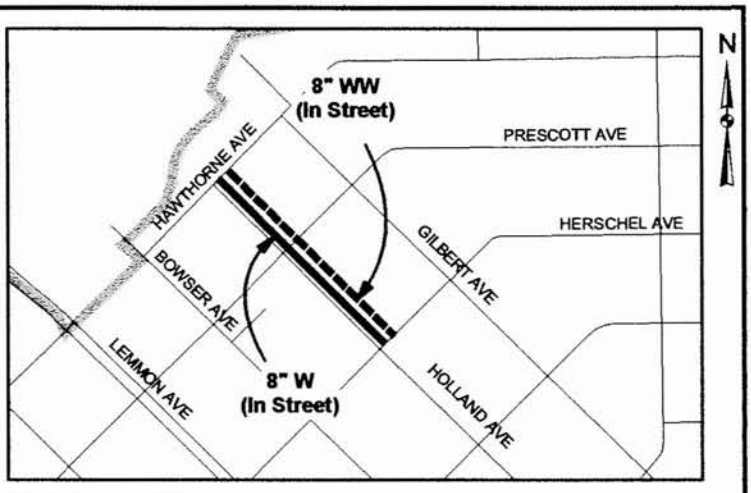


Dallas Water Utilities

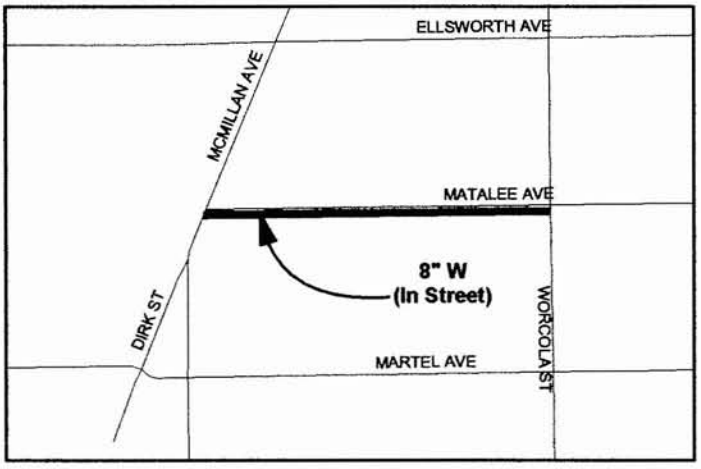
Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations



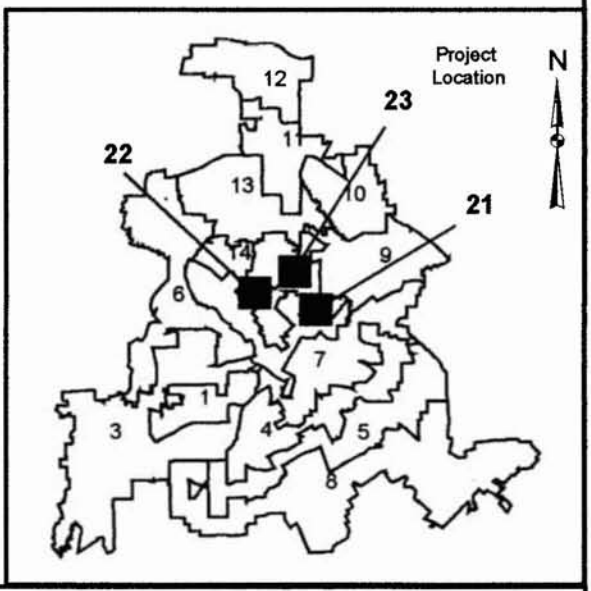
21: Mapsco: 36Y, 46C
Council District: 14



22: Mapsco: 35S
Council District: 14

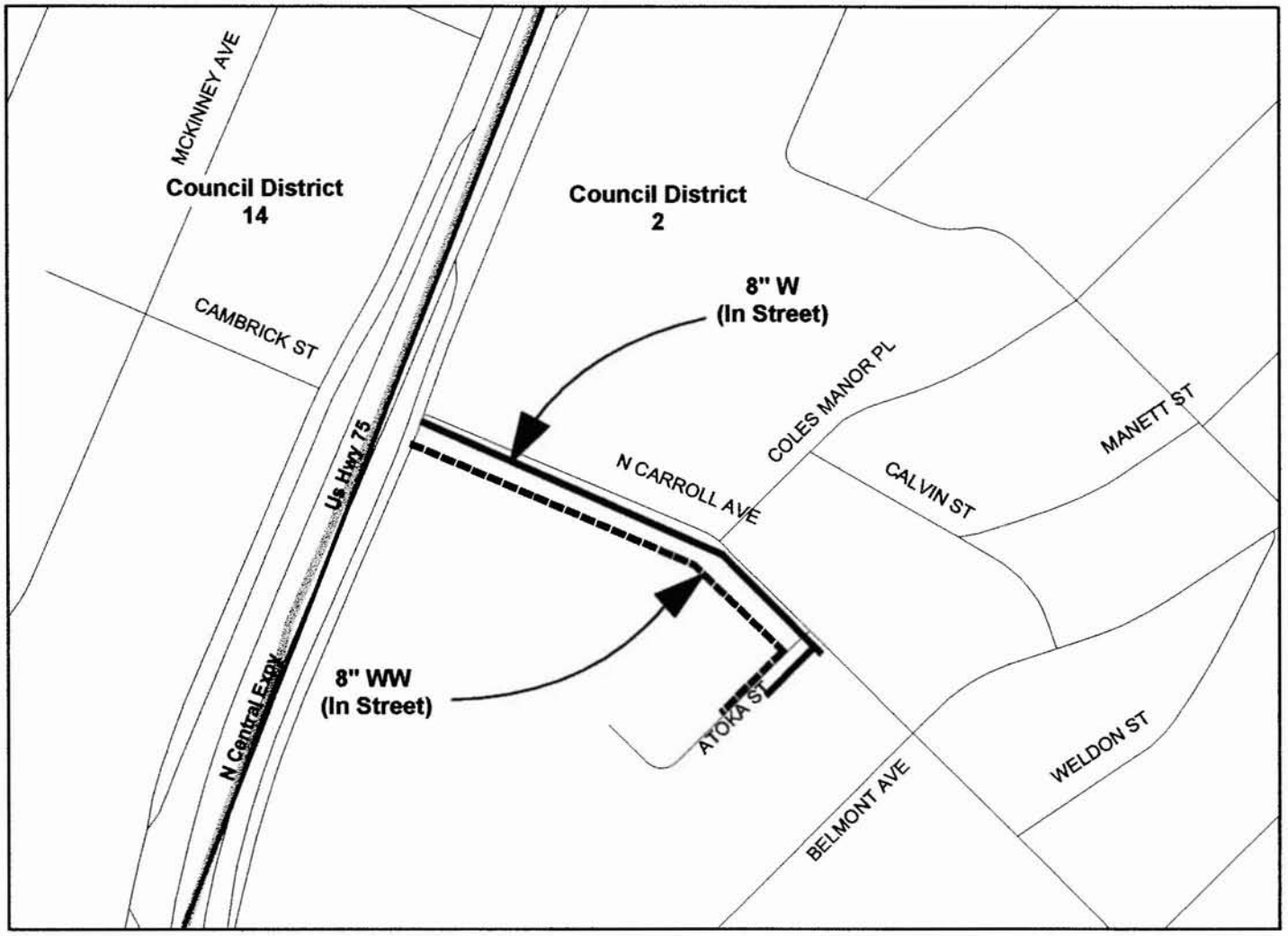


23: Mapsco: 36J
Council District: 14

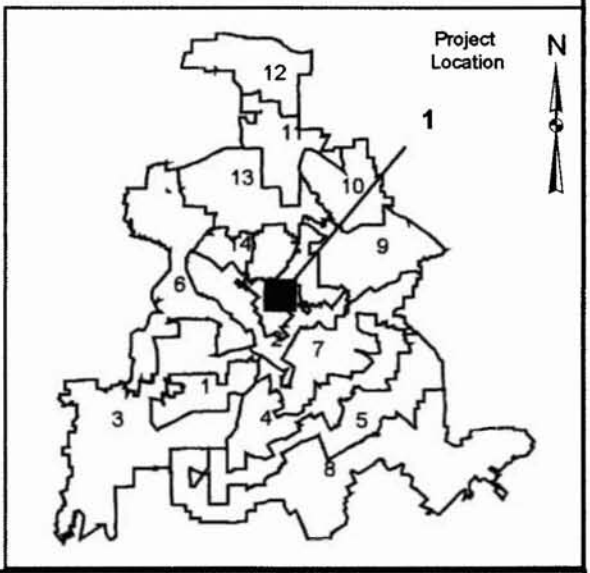


Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations



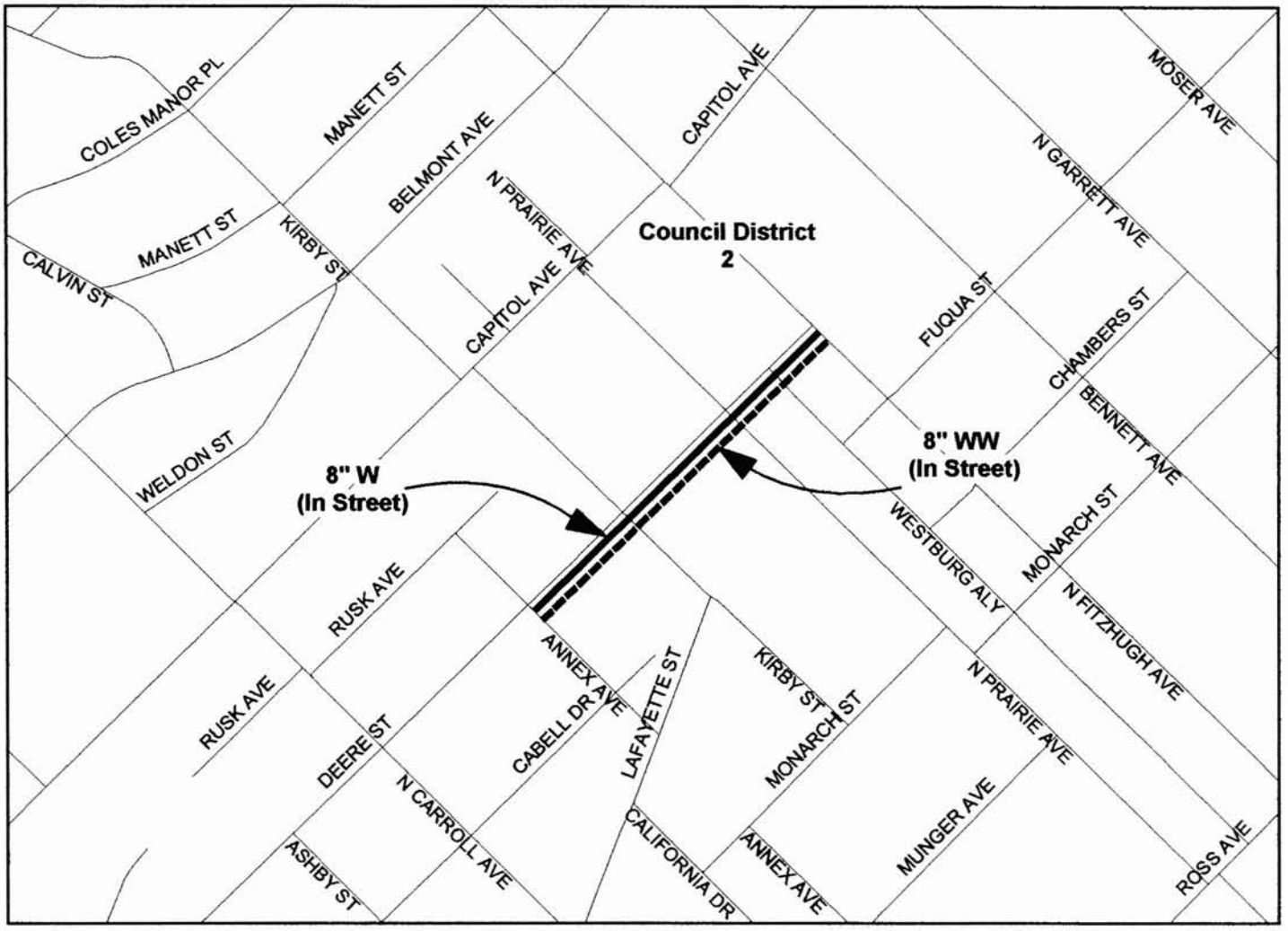
1: Mapsco: 35Y, 35Z
Council District: 2



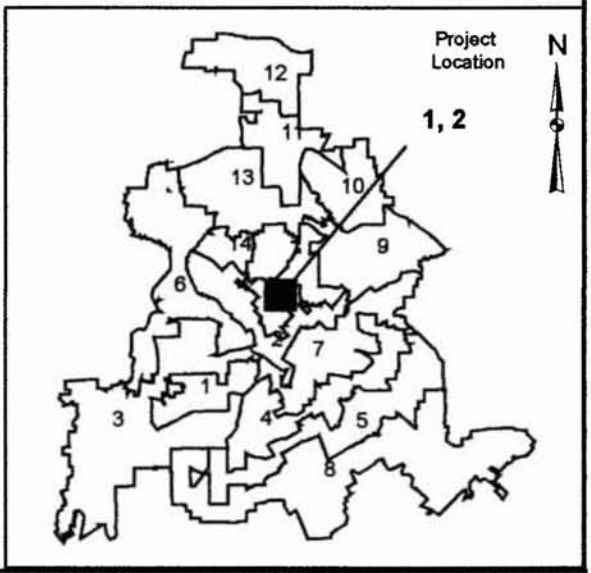
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 1



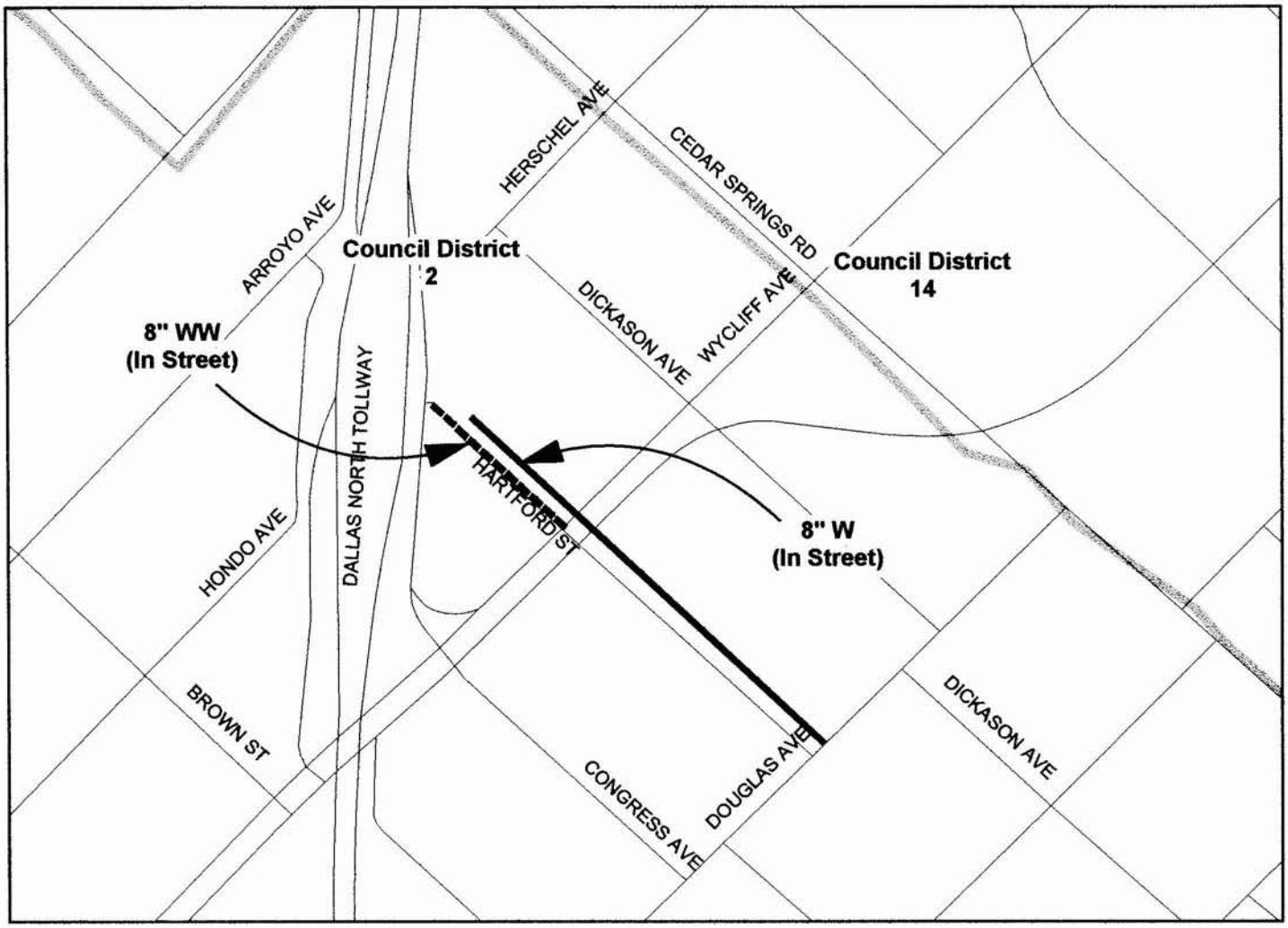
2: Mapsco: 35Z
Council District: 2



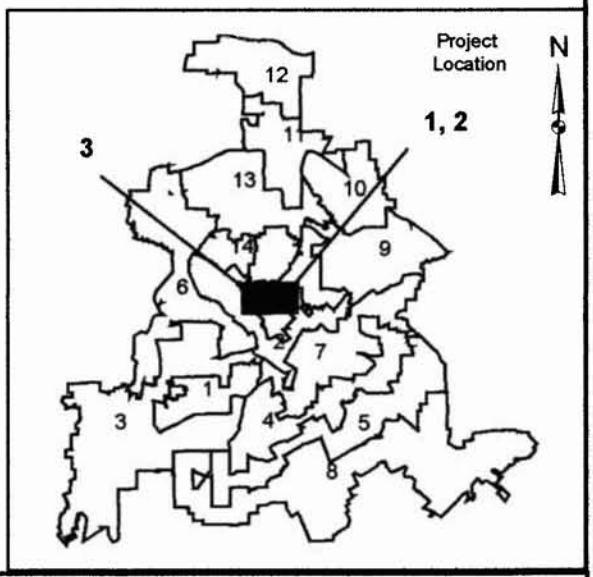
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 2



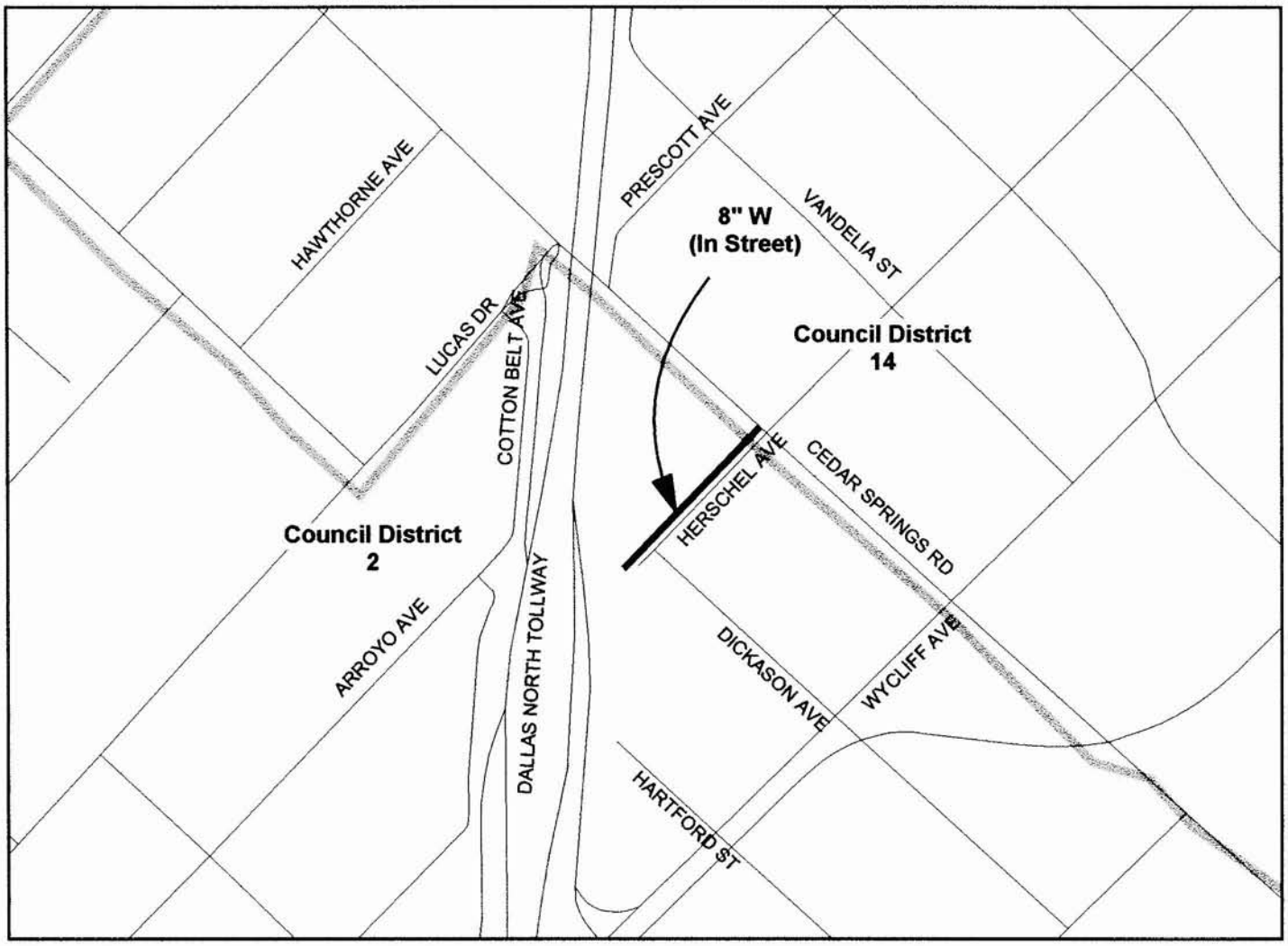
3: Mapsco: 35W
Council District: 2



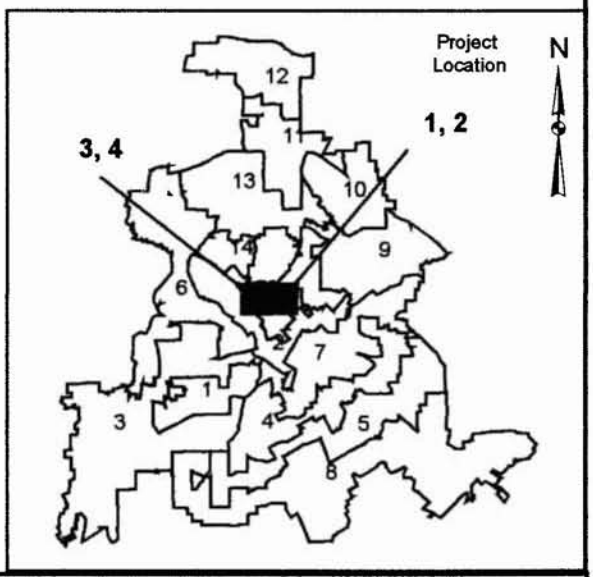
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 3



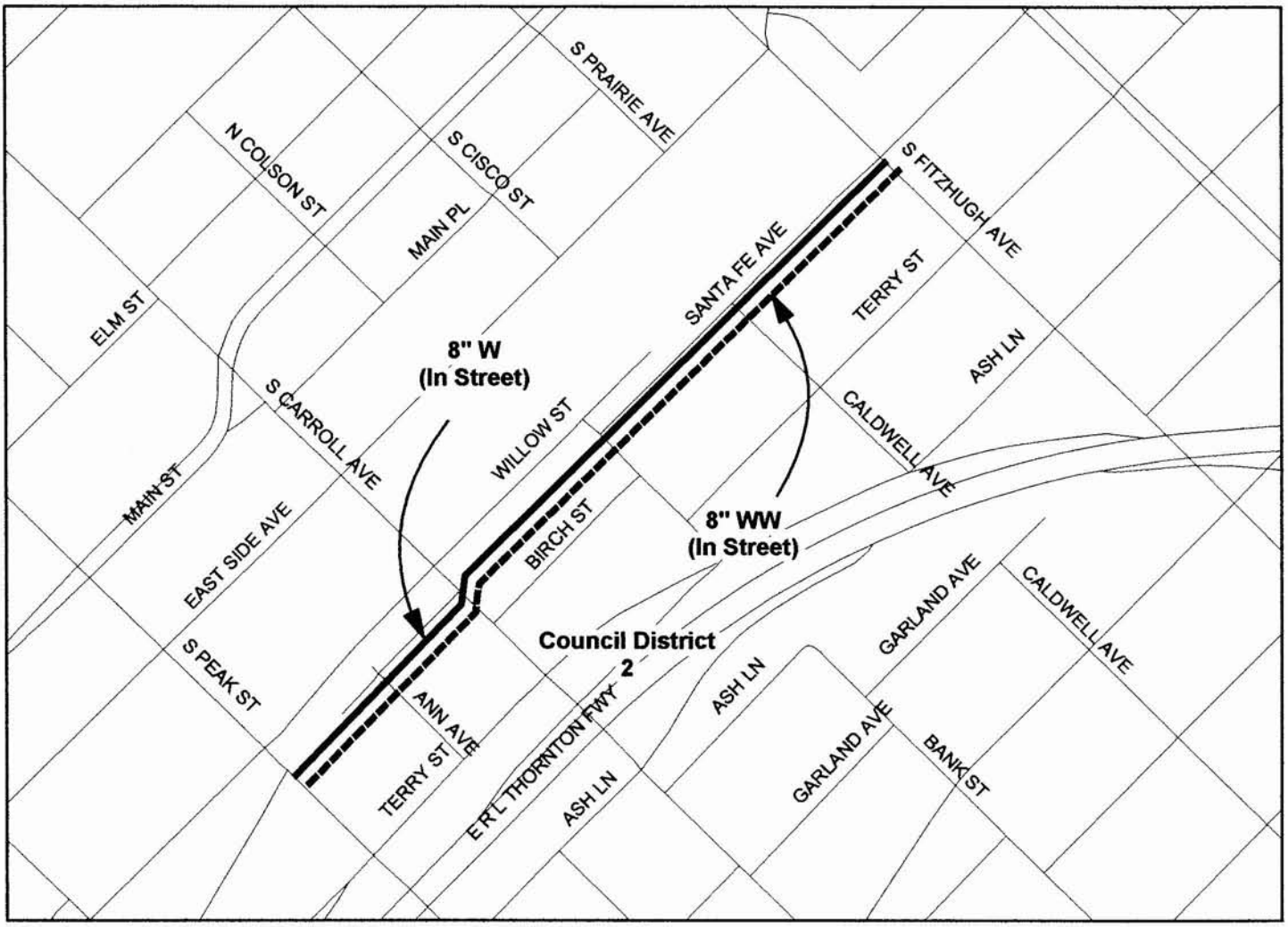
4: Mapsco: 35S, 35W
Council District: 2



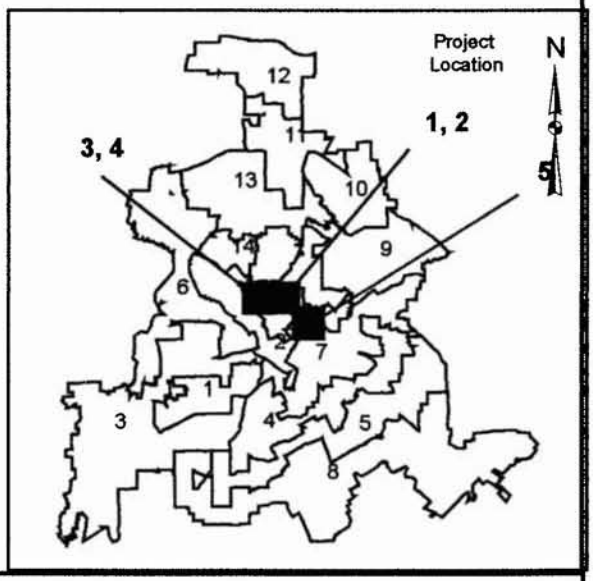
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 4



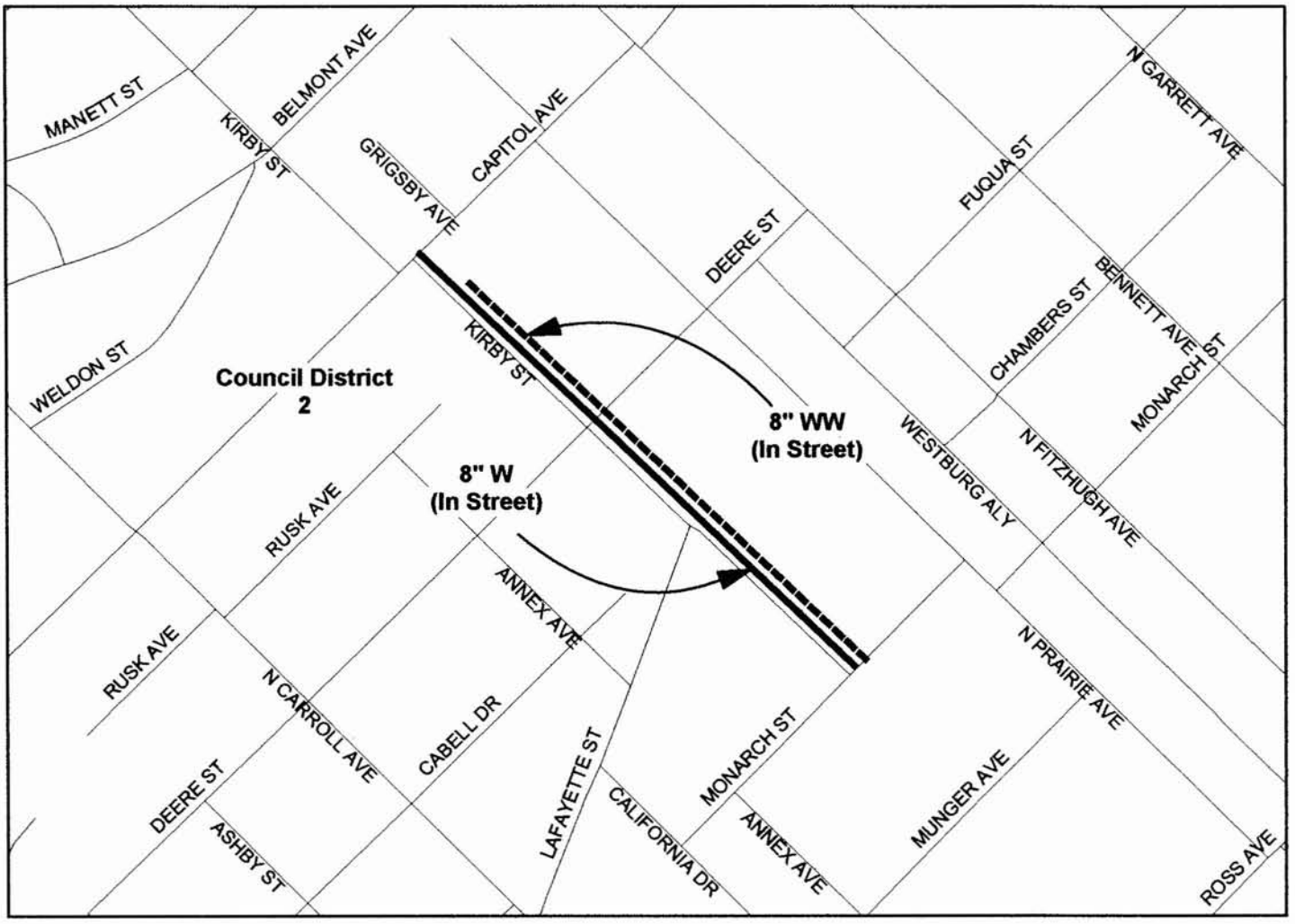
5: Mapsco: 46F, 46K
Council District: 2



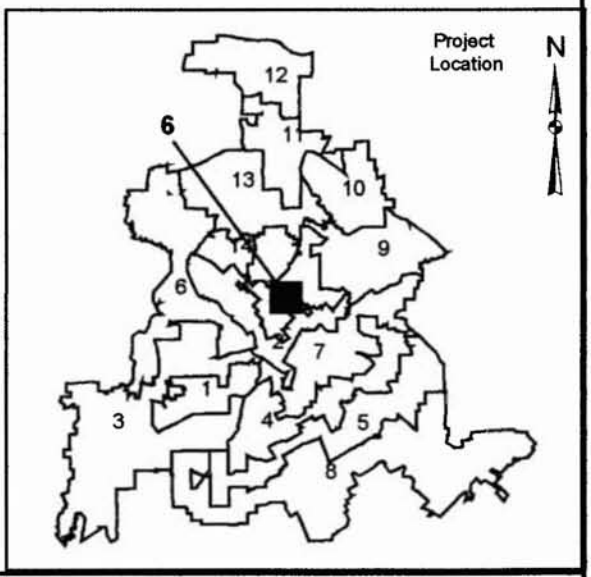
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 5



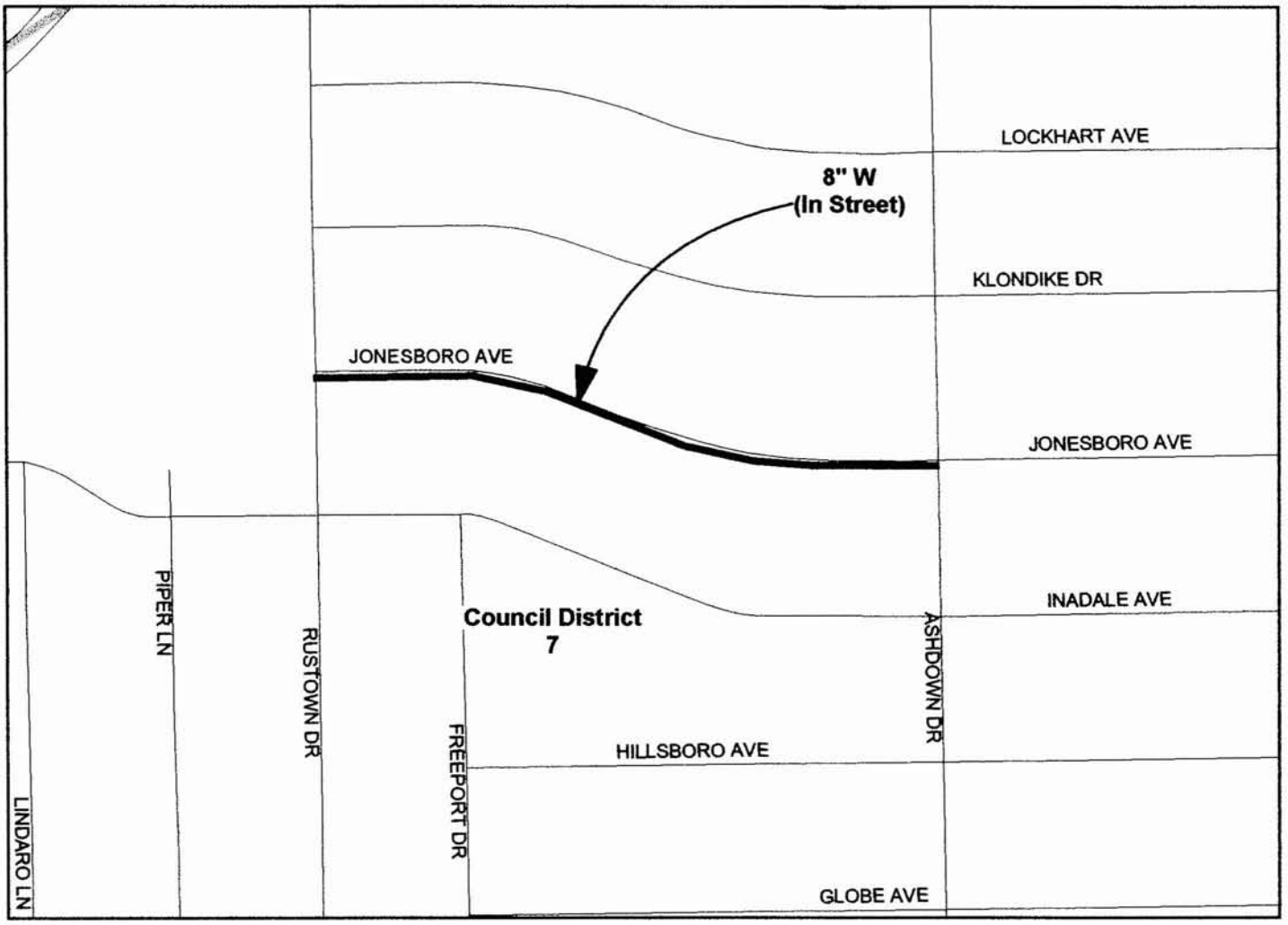
6: Mapsco: 35Z
Council District: 2



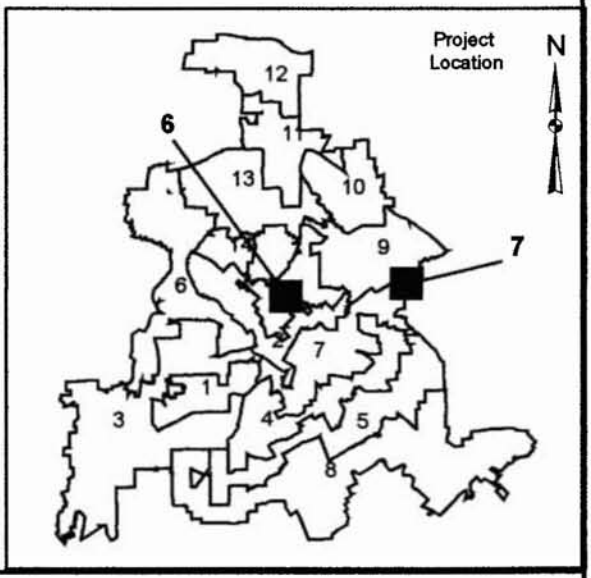
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 6



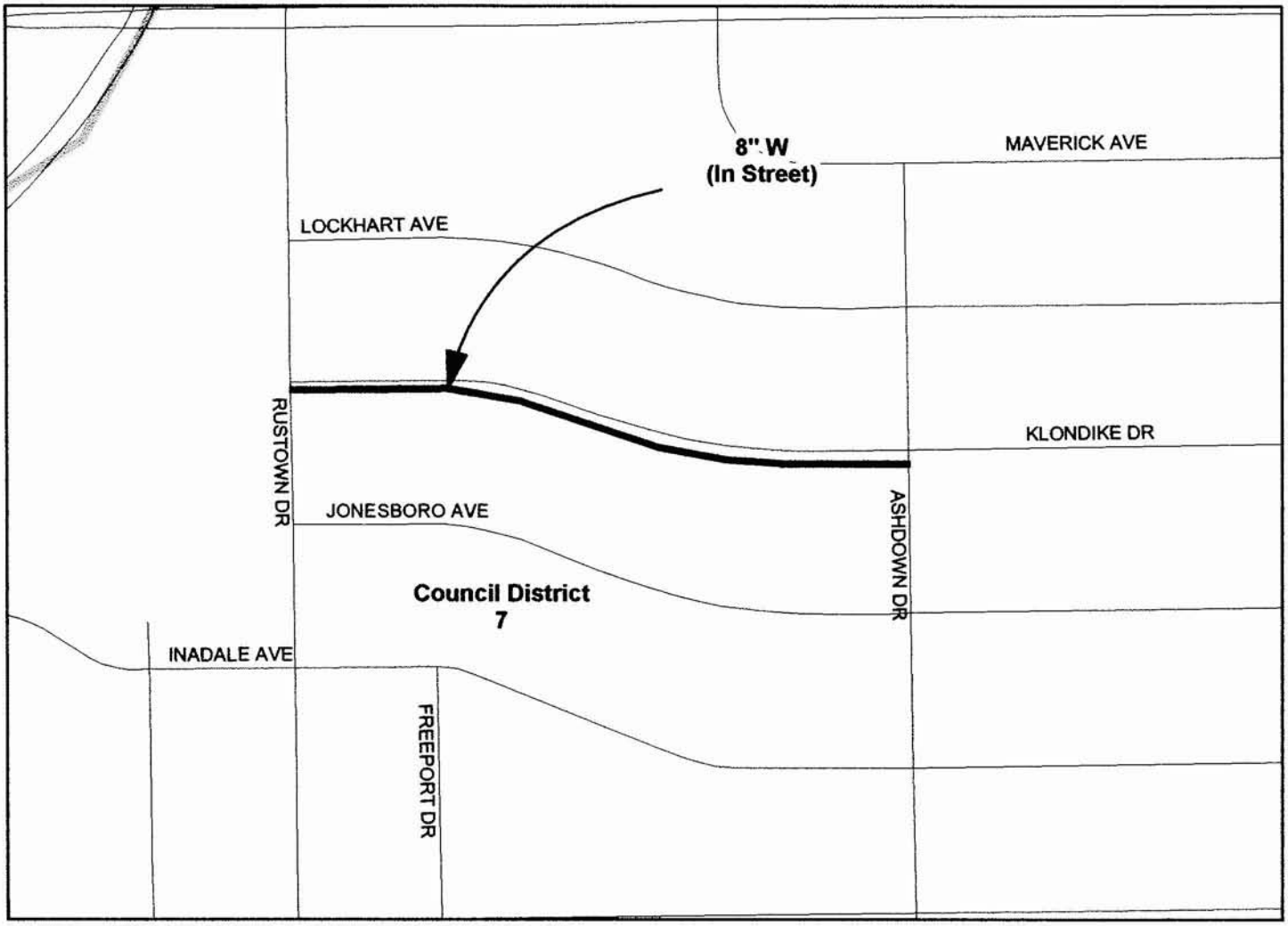
7: Mapsco: 38V
Council District: 7



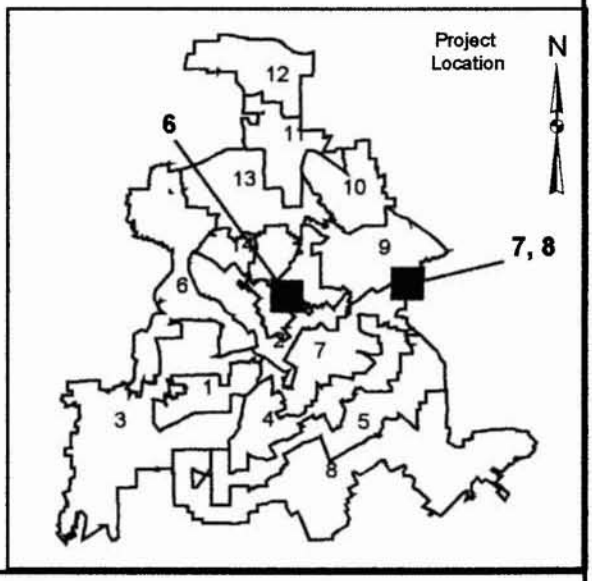
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 7



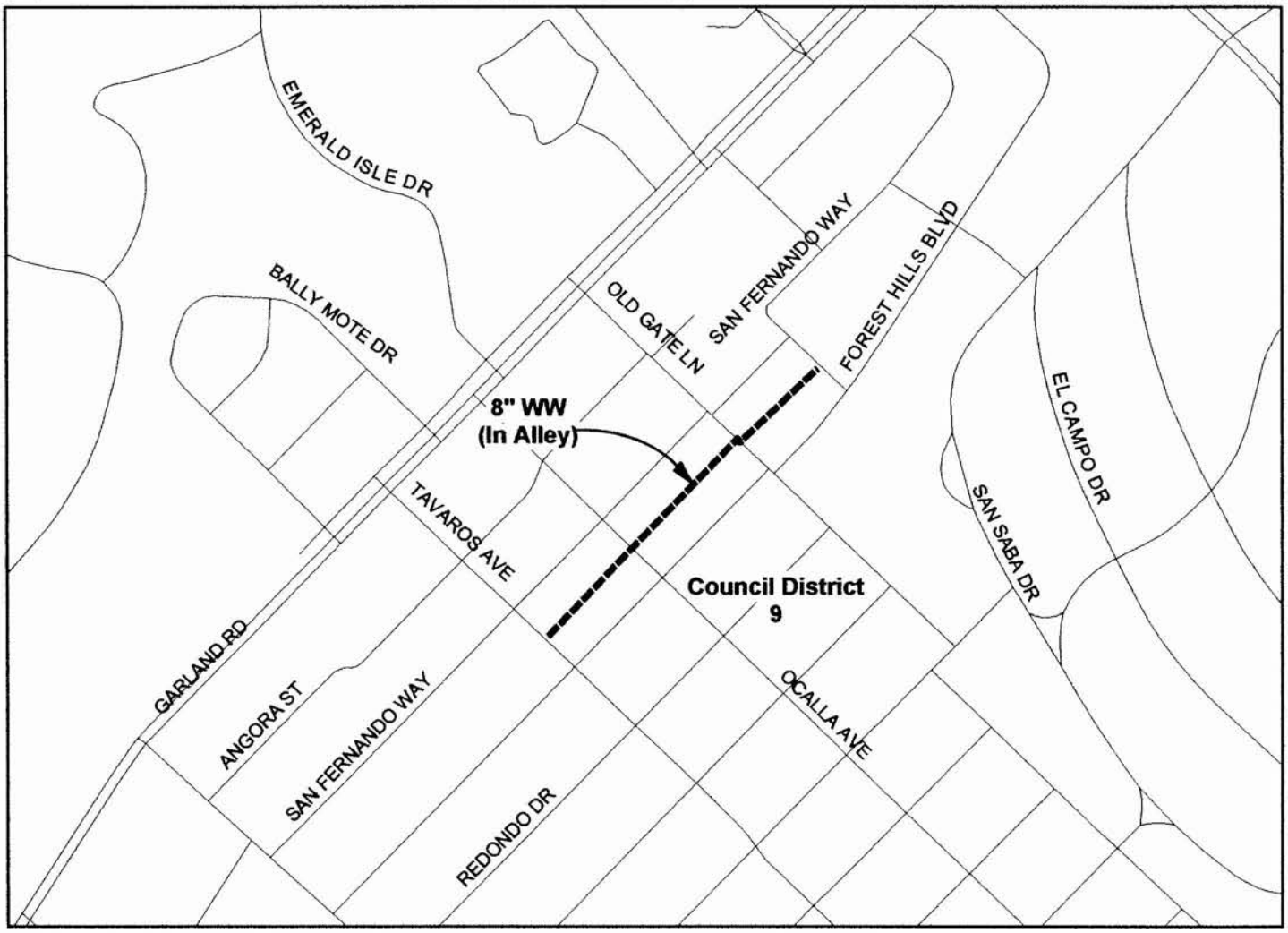
8: Mapsco: 38V
Council District: 7



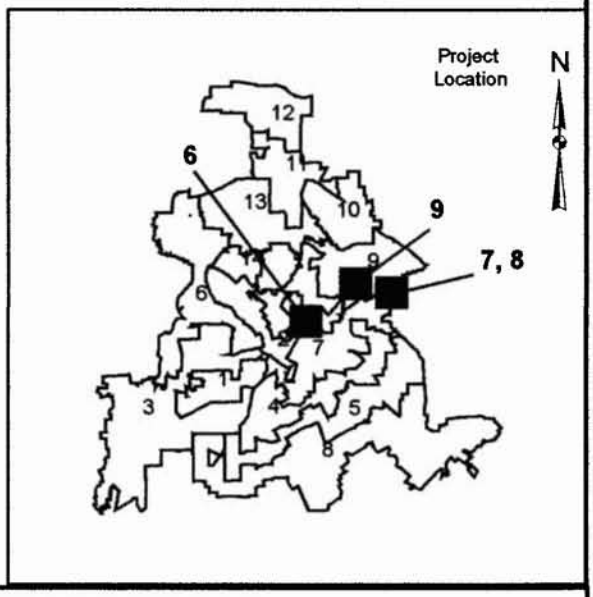
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 8



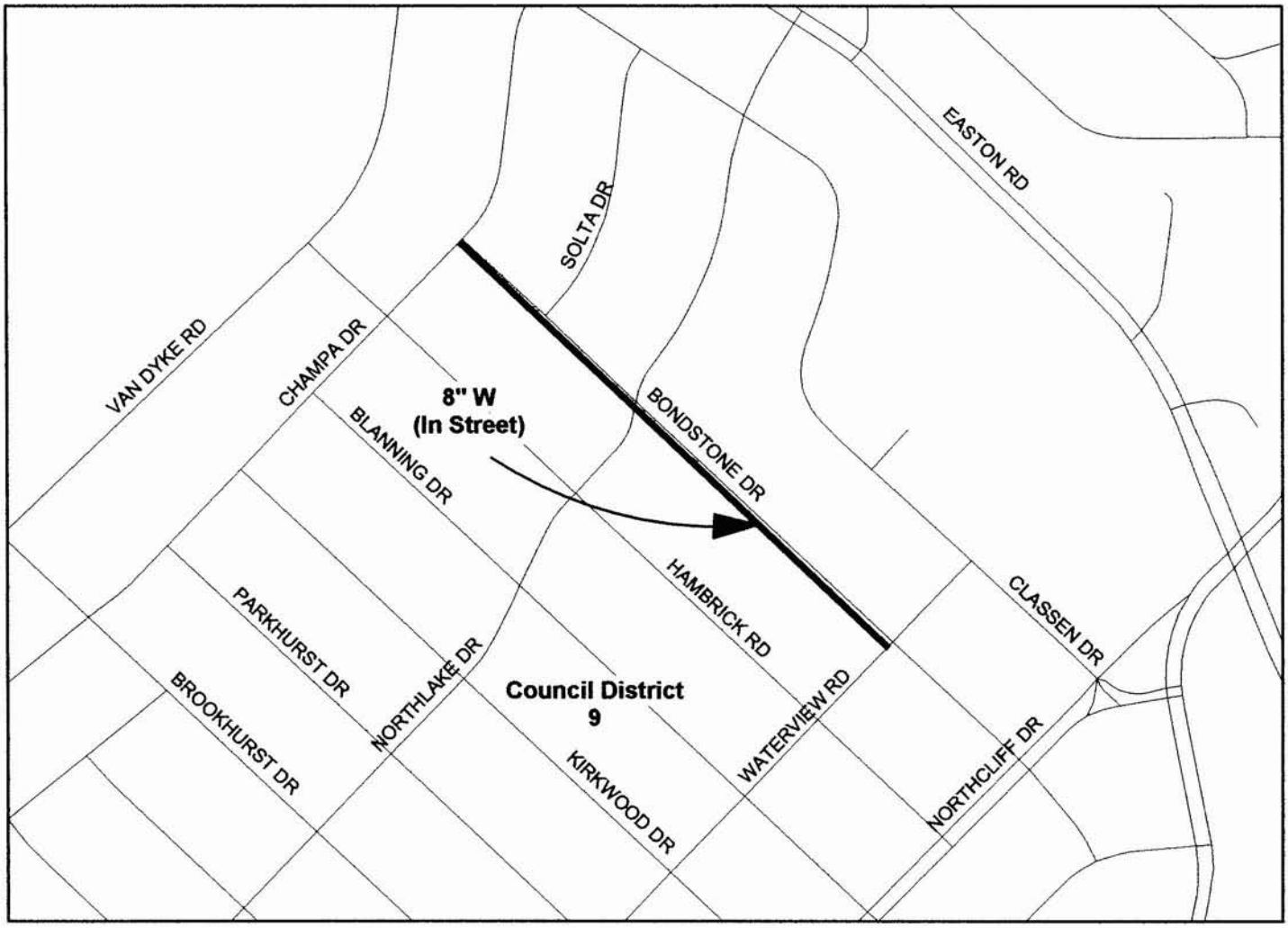
9: Mapsco: 37R
Council District: 9



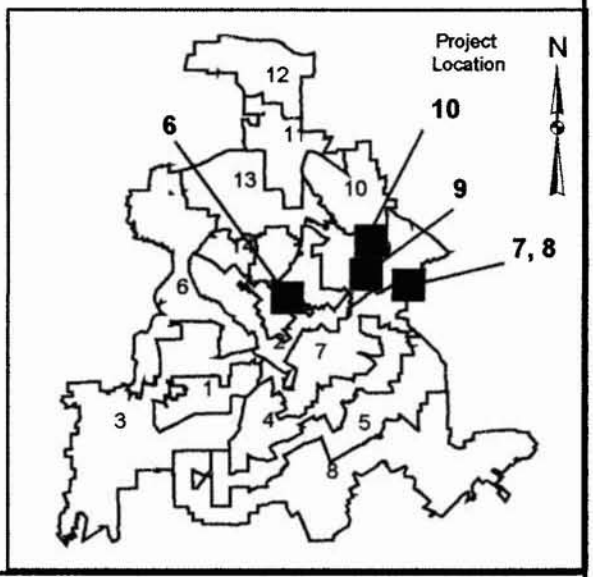
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 9



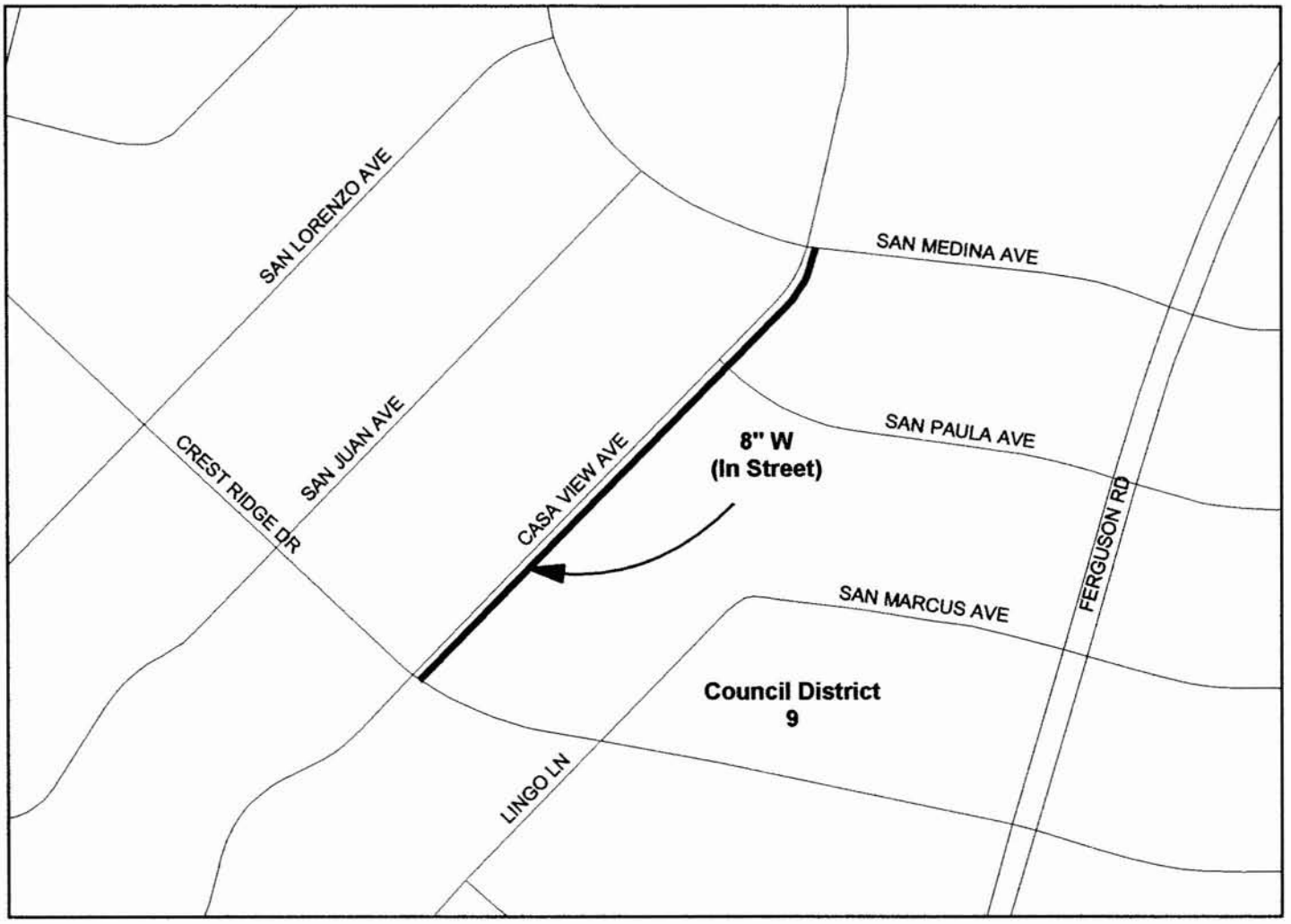
10: Mapsco: 37D, 38A
Council District: 9



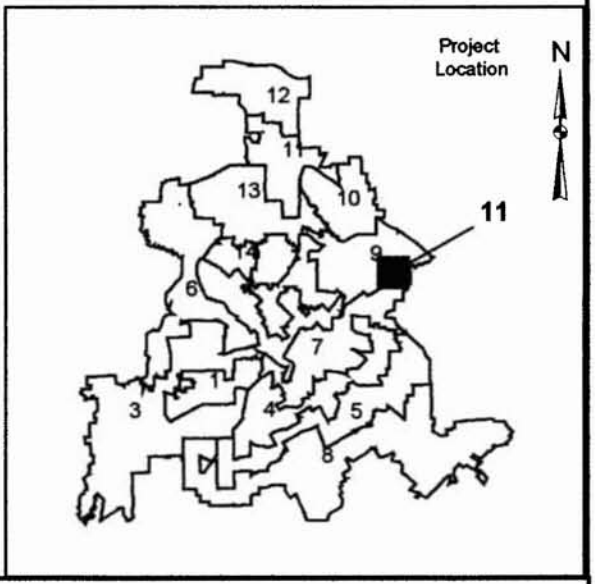
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 10



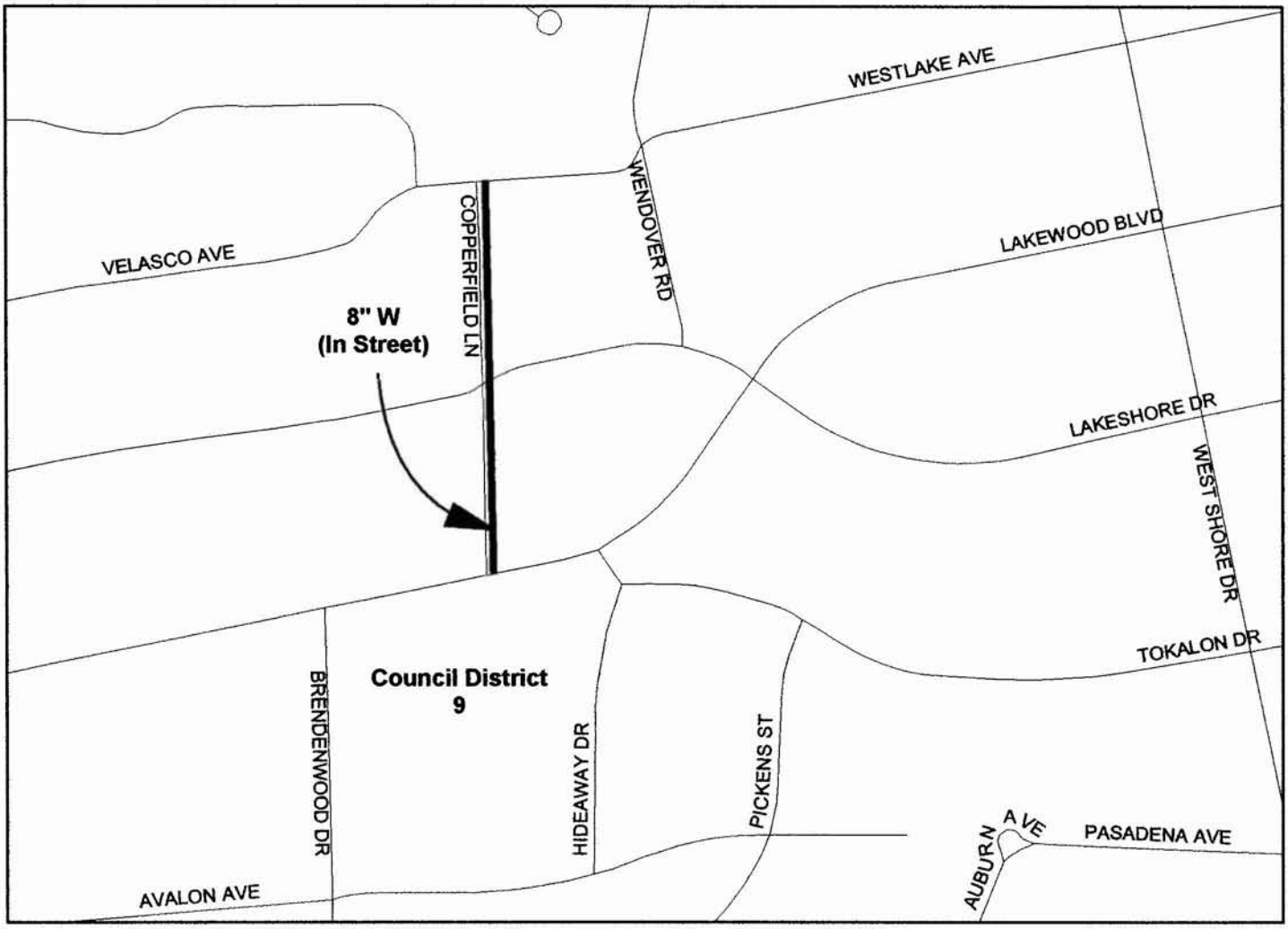
11: Mapsco: 38M, 38R
Council District: 9



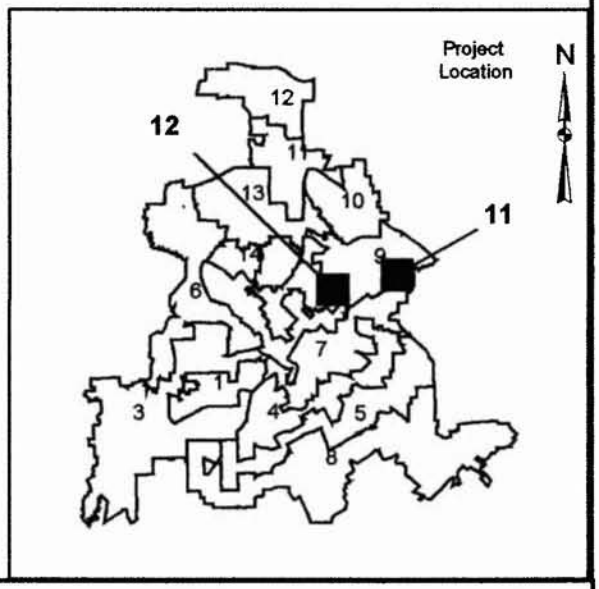
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 11



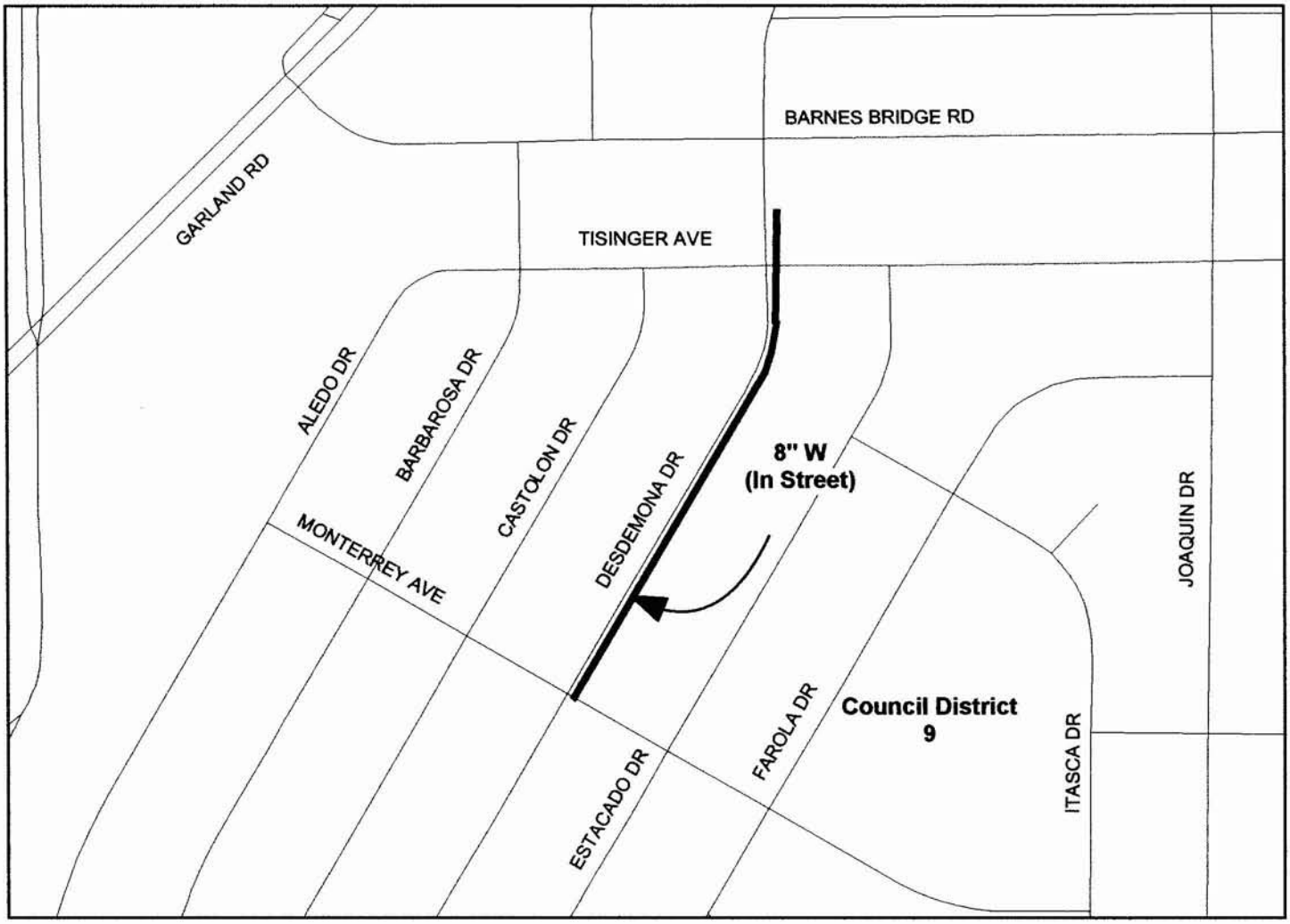
12: Mapsco: 37S
Council District: 9



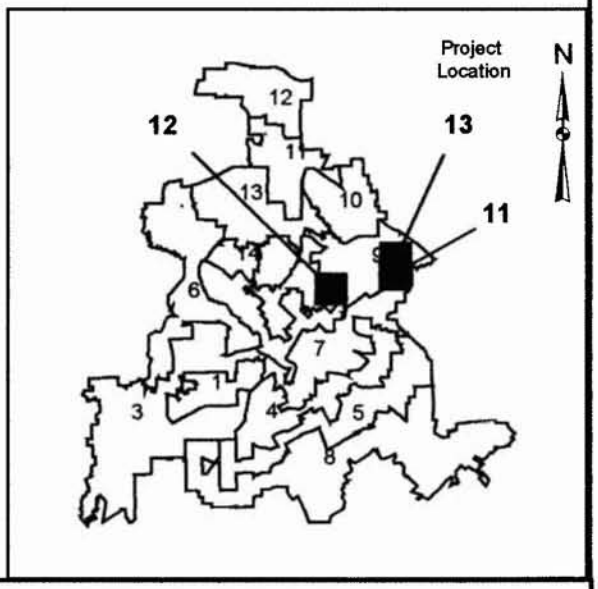
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 12



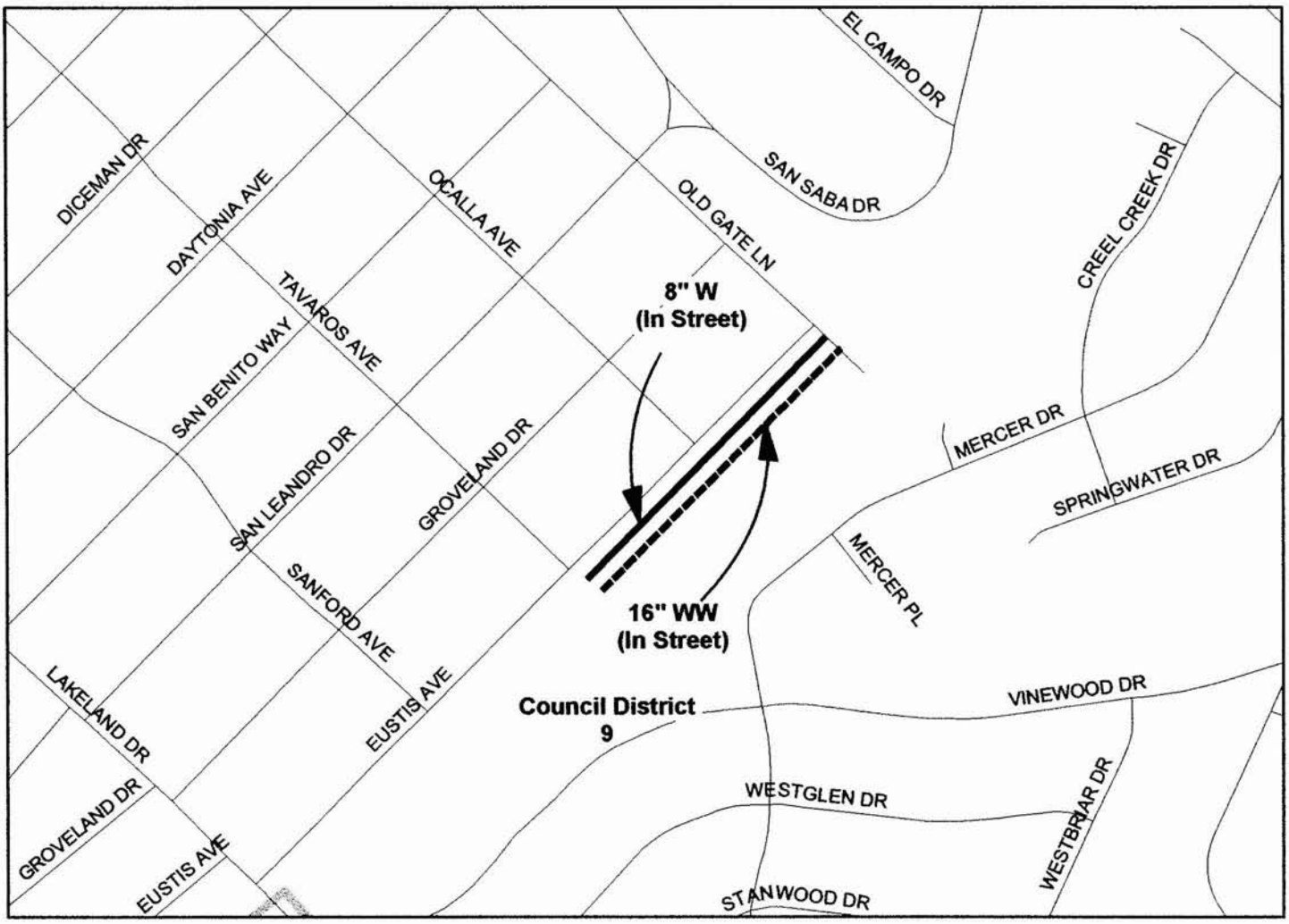
13: Mapsco: 38D, 38H
Council District: 9



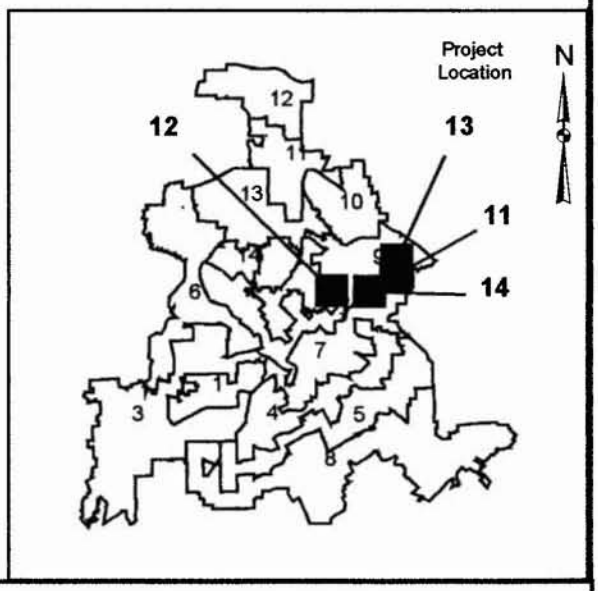
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 13



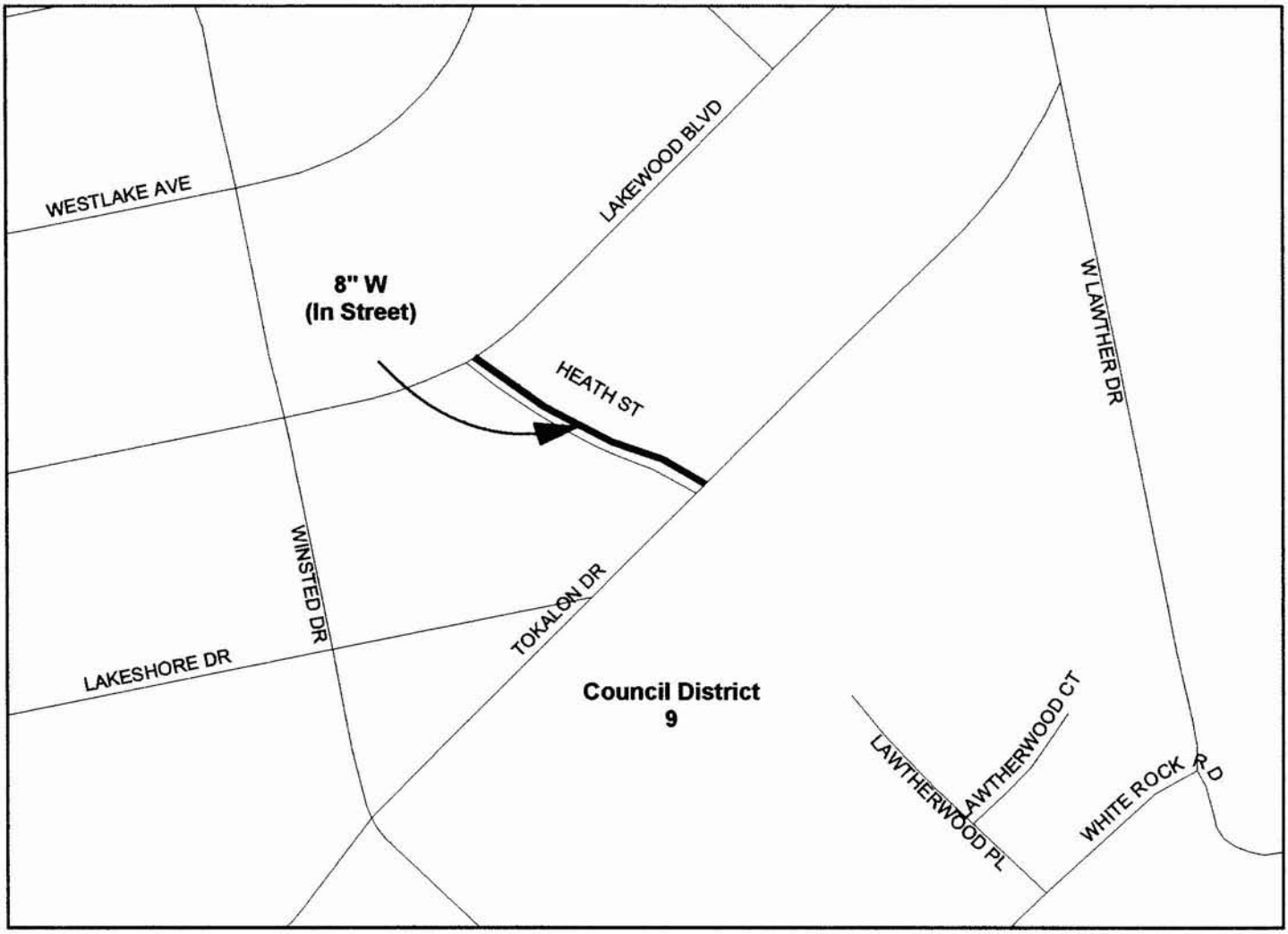
14: Mapsco: 38S
Council District: 9



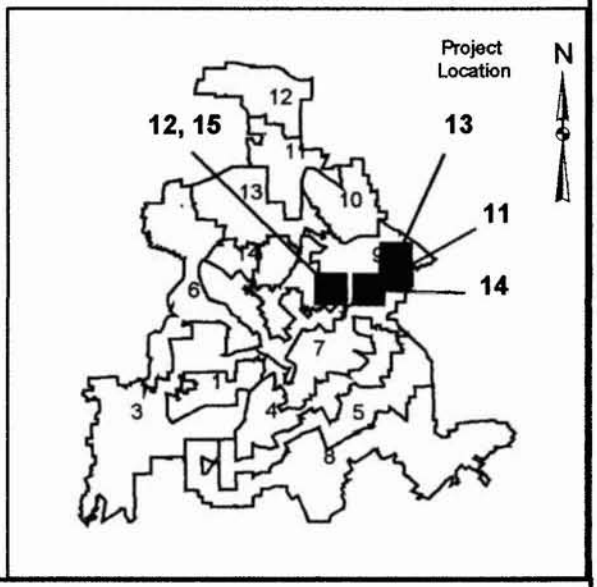
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 14



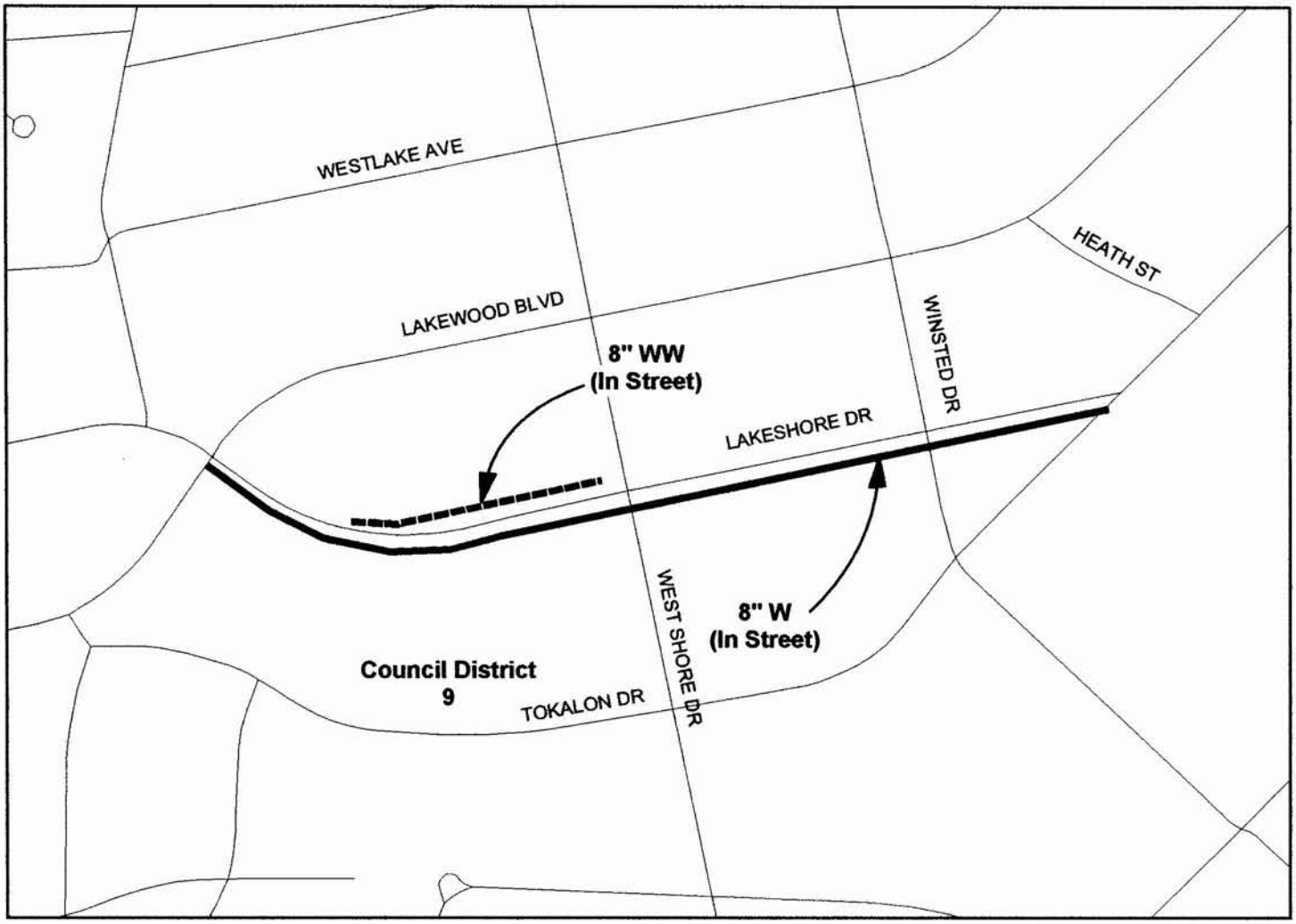
15: Mapsco: 37S, 37T
Council District: 9



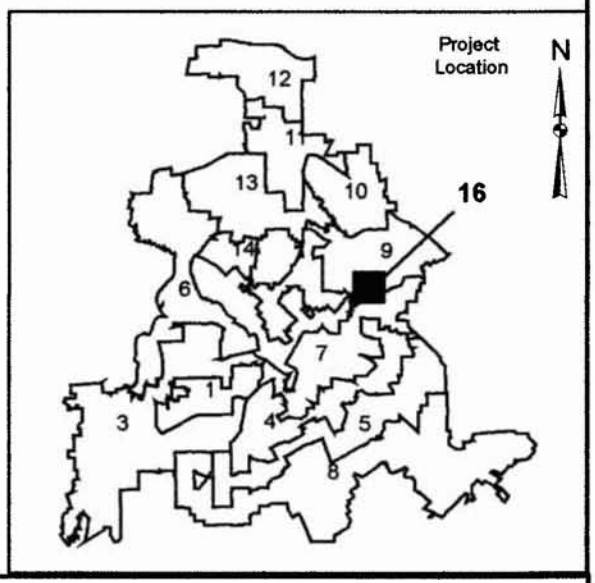
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 15



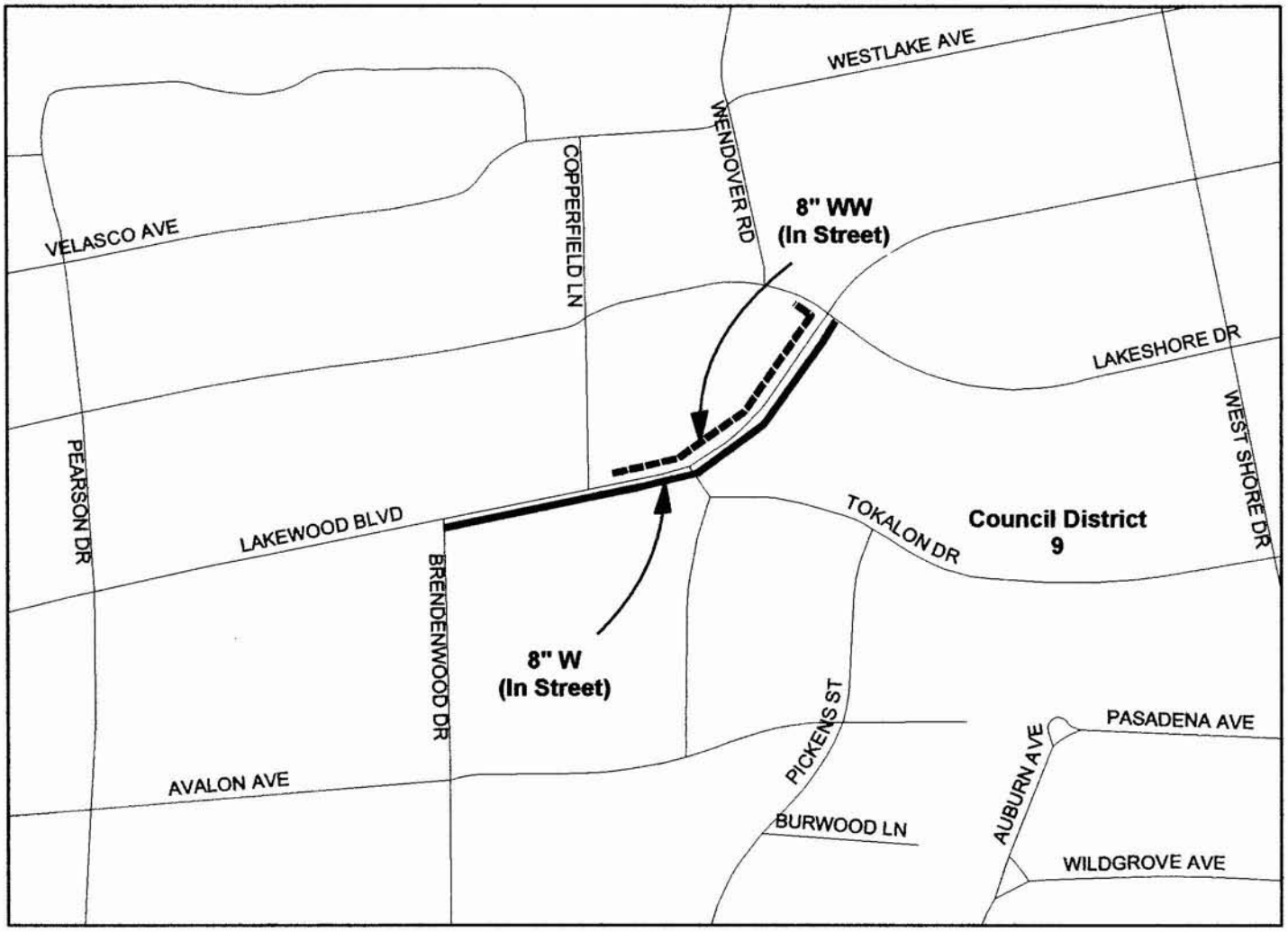
16: Mapsco: 37S
Council District: 9



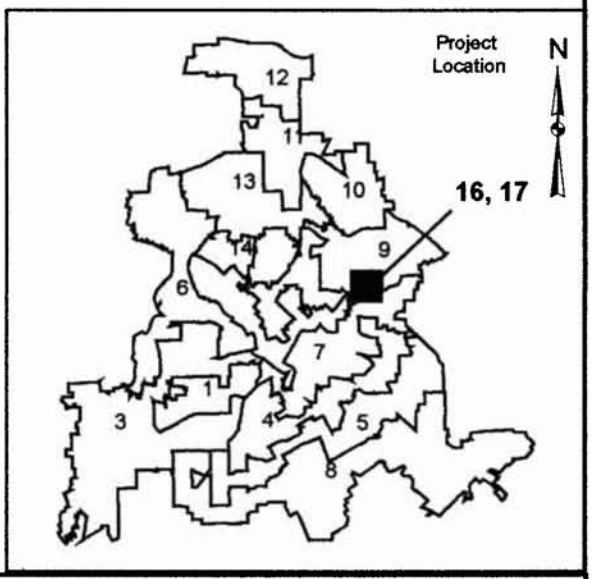
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 16



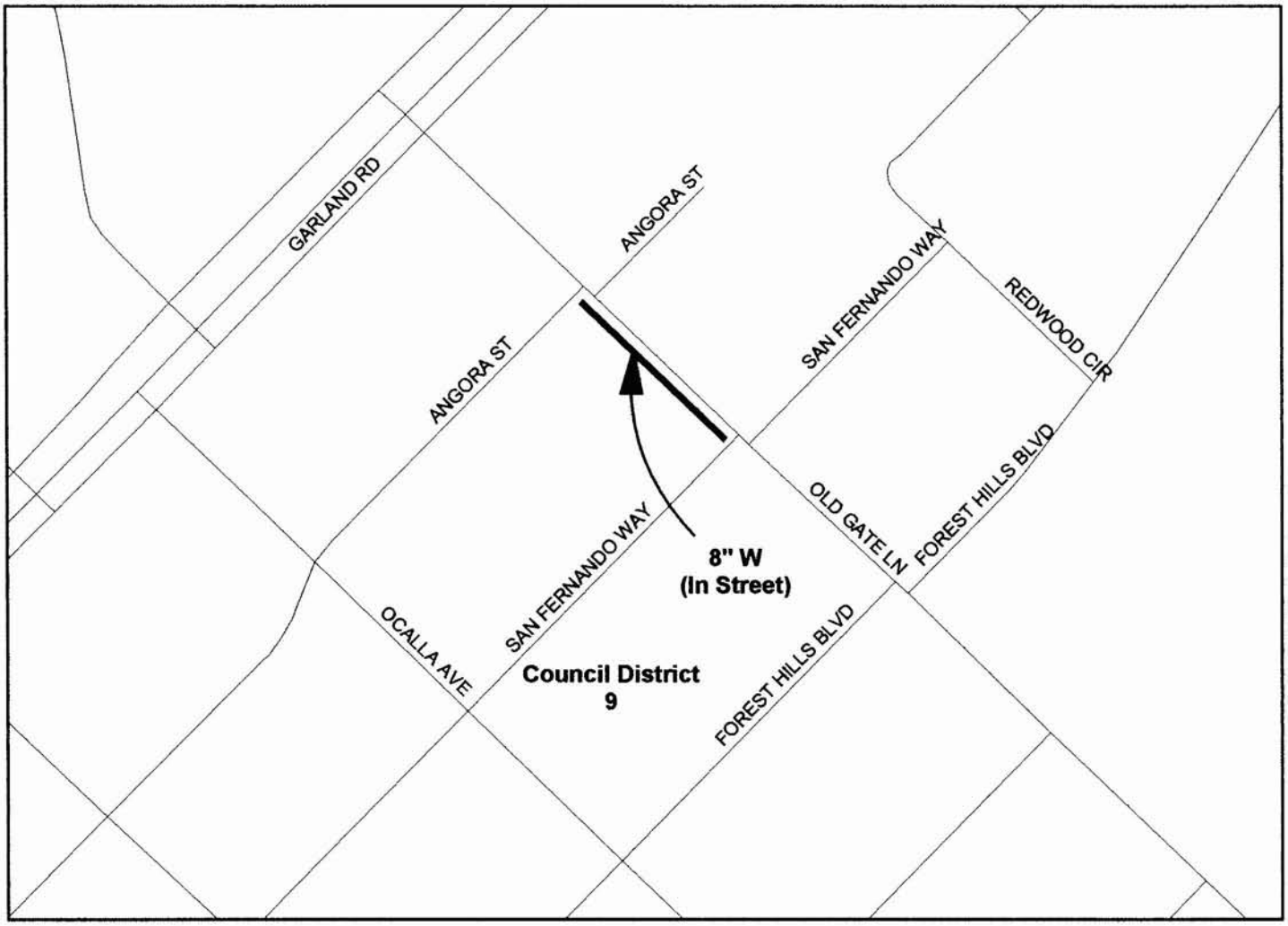
17: Mapsco: 36V, 37S
Council District: 9



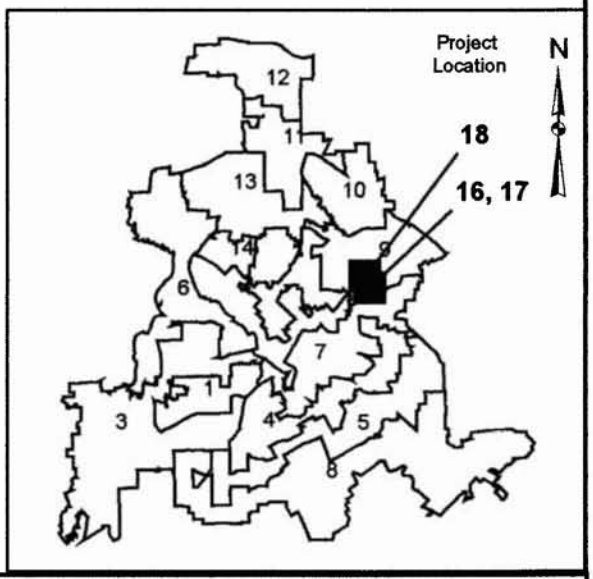
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 17



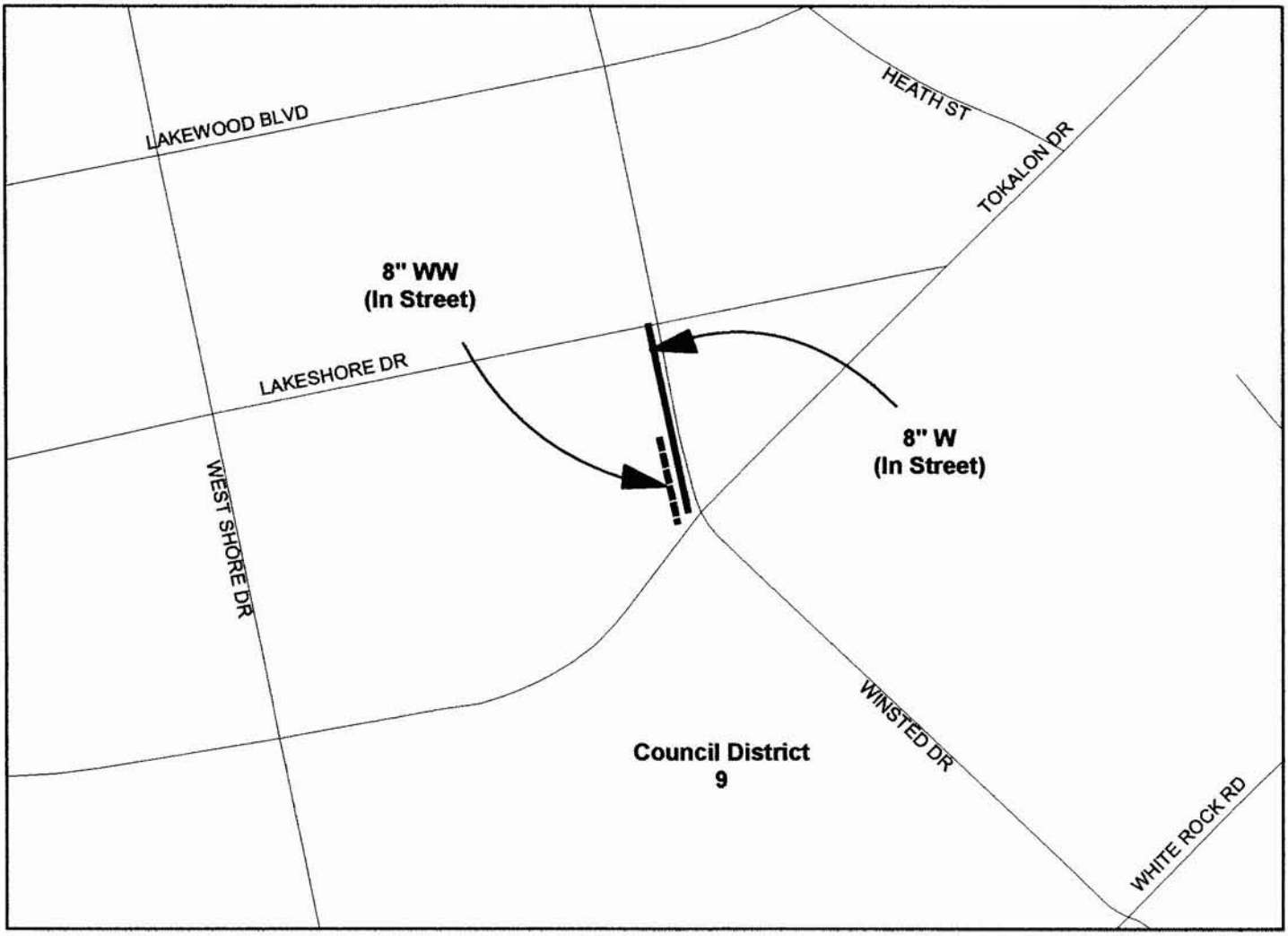
18: Mapsco: 37R
Council District: 9



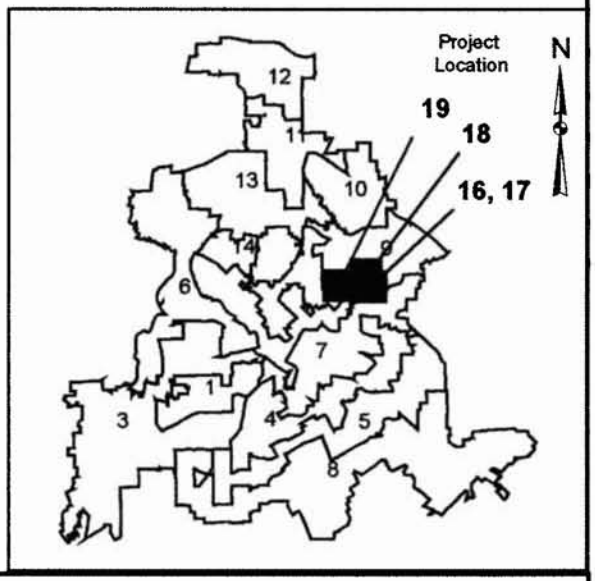
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 18



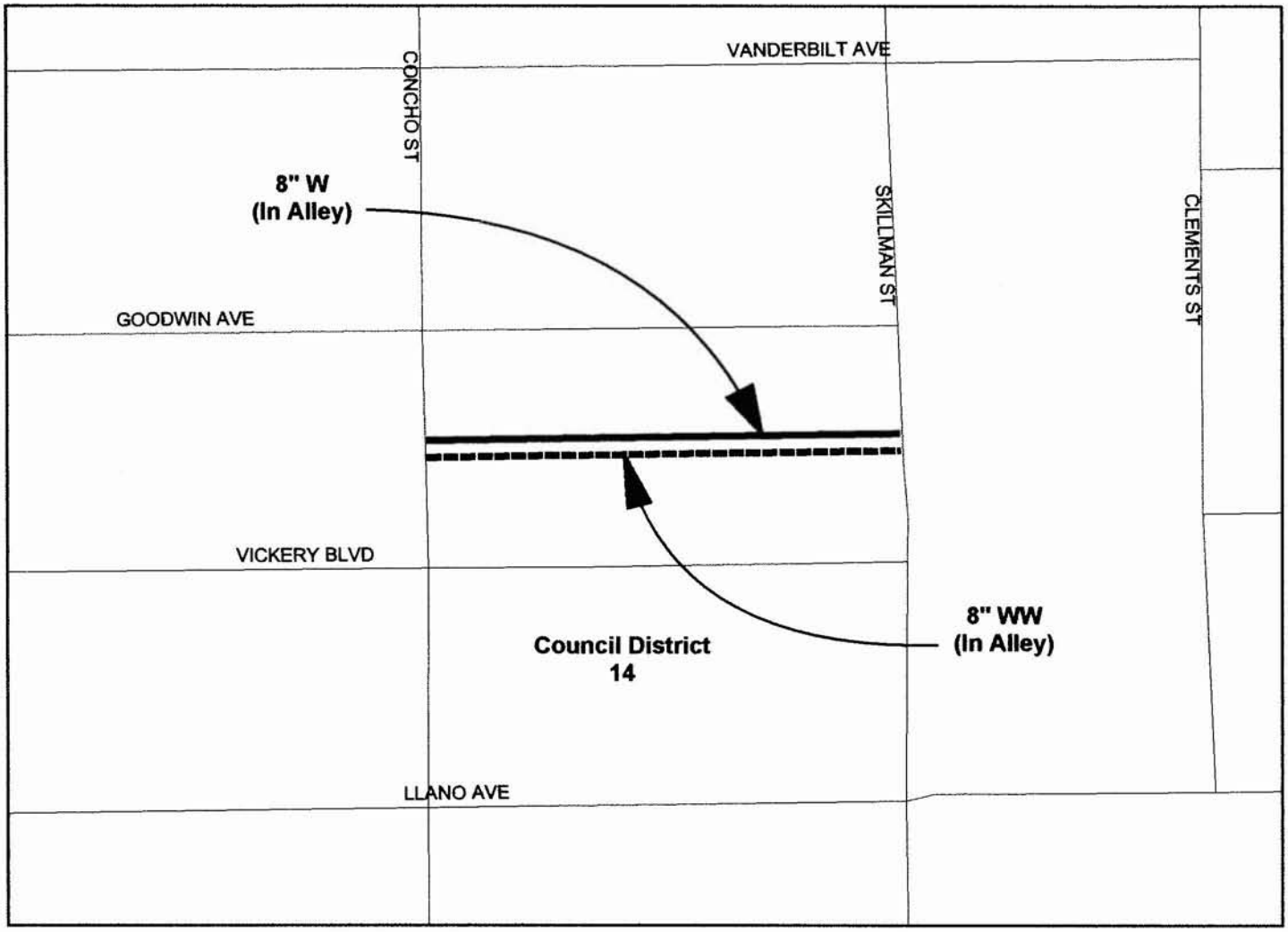
19: Mapsco: 37S
Council District: 9



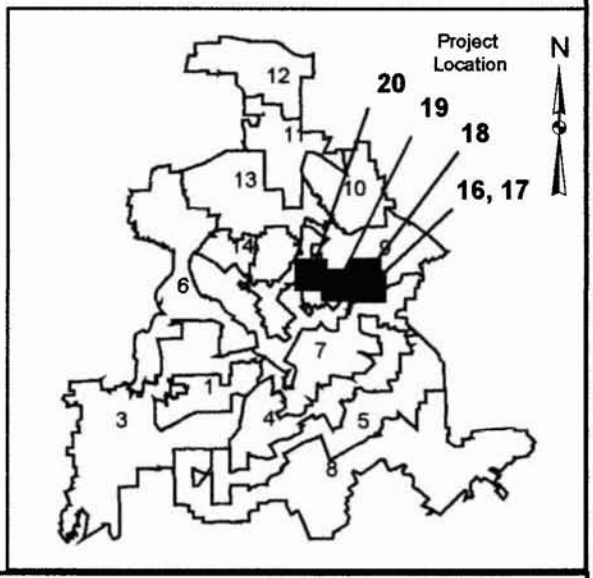
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 19



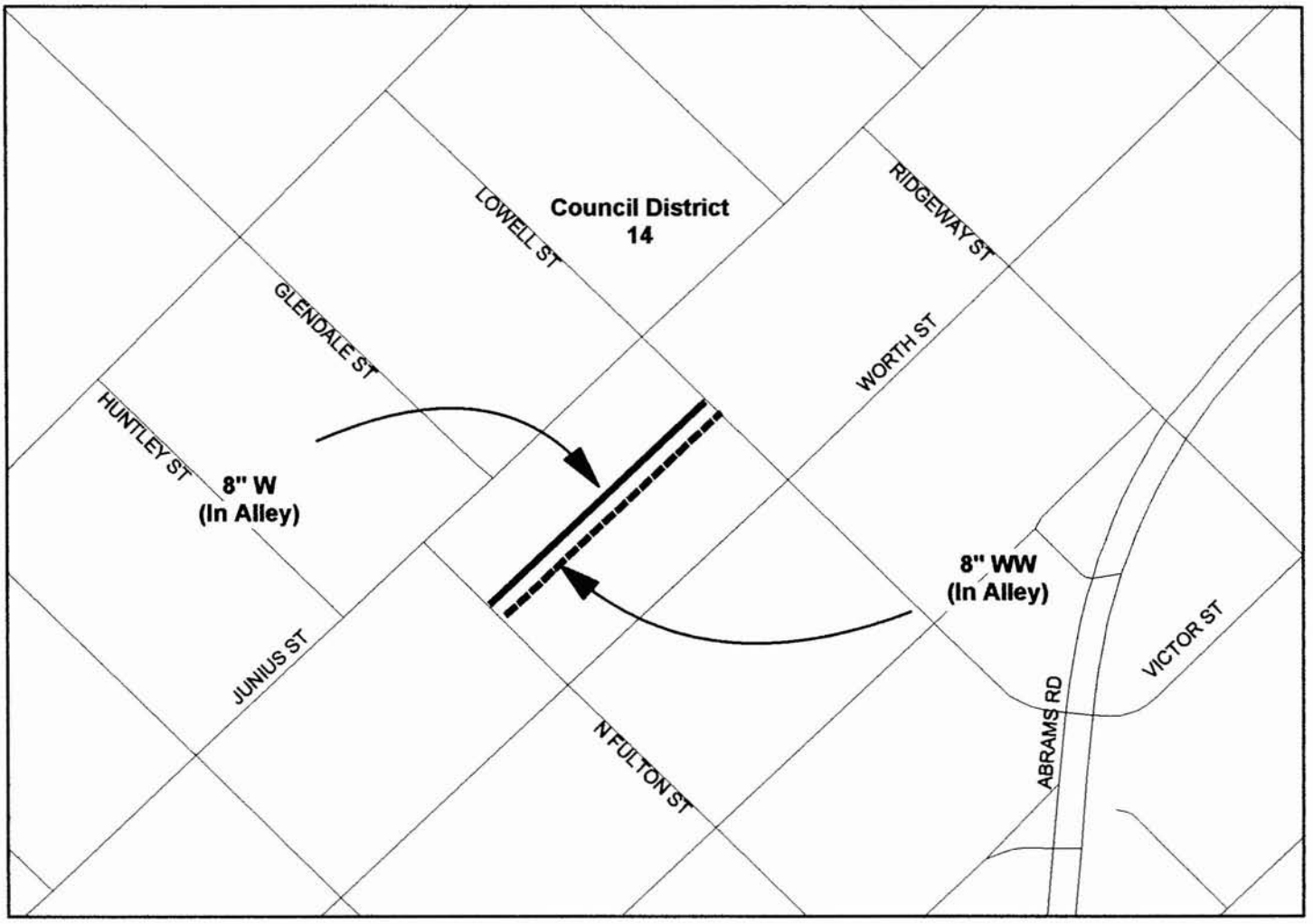
20: Mapsco: 36P
Council District: 14



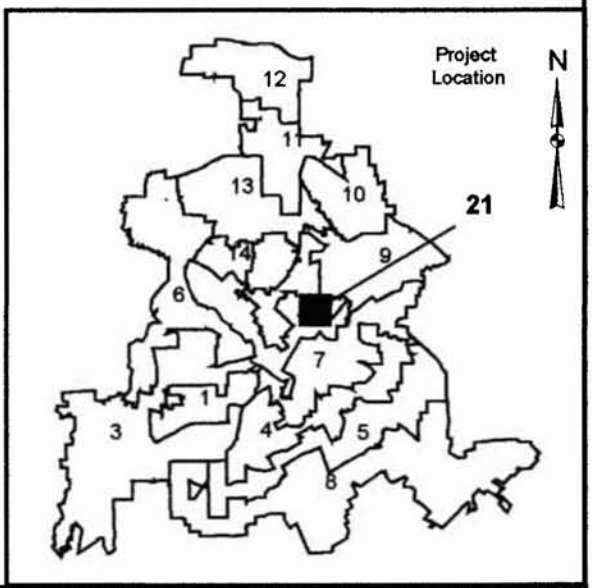
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 20



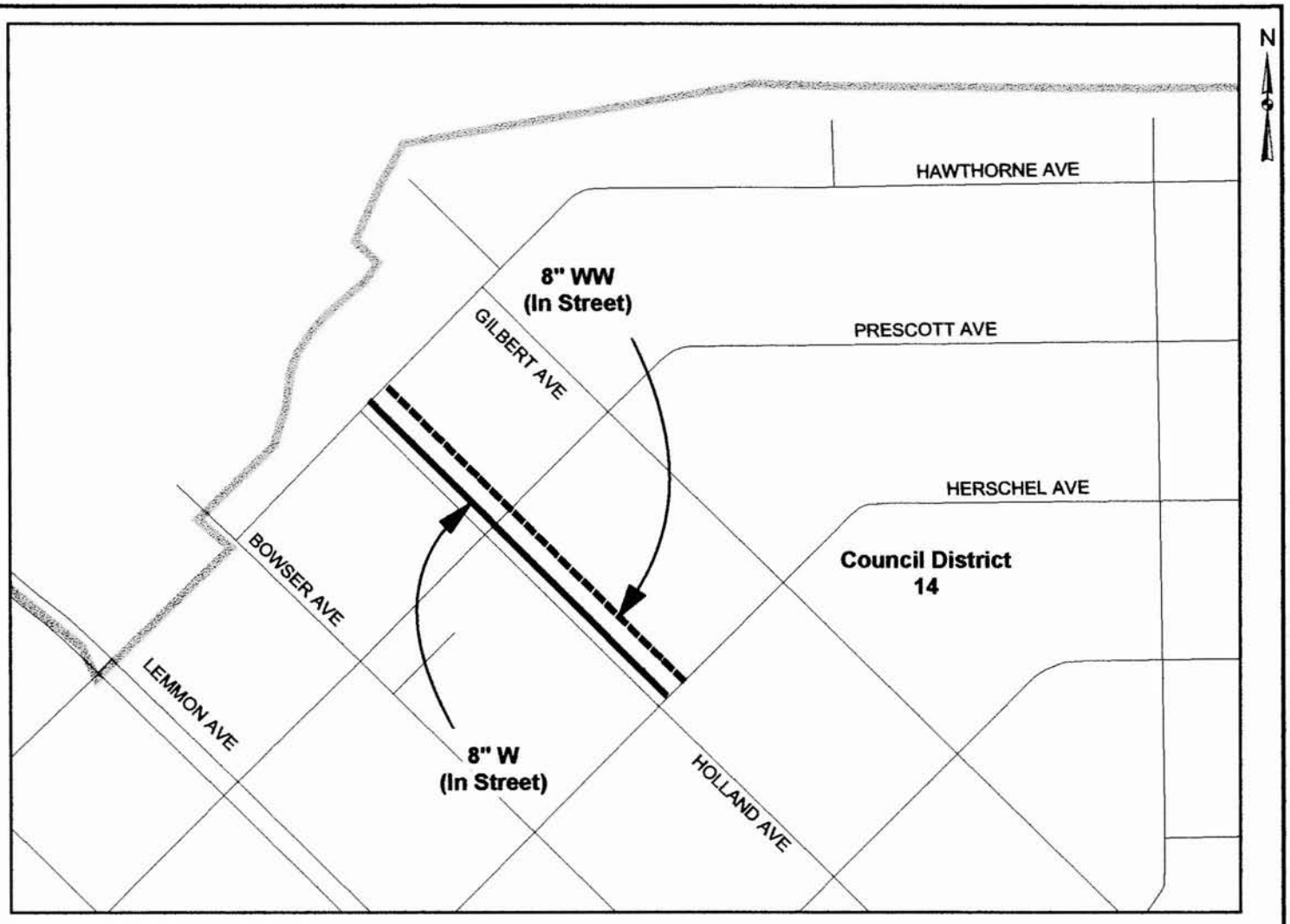
21: Mapsco: 36Y, 46C
Council District: 14



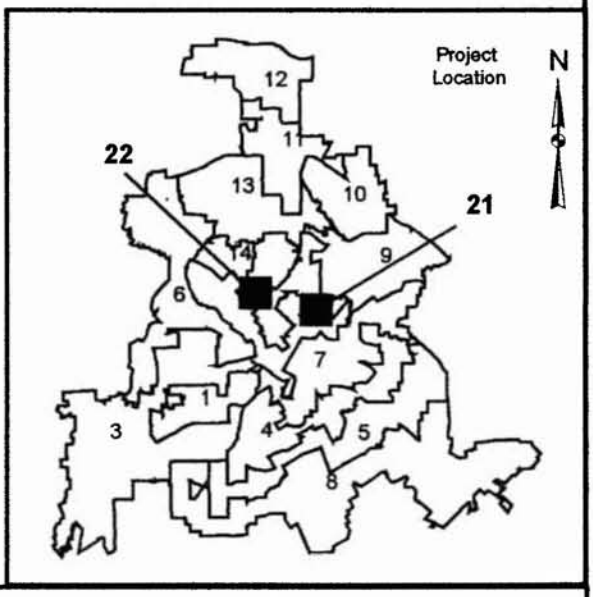
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 21



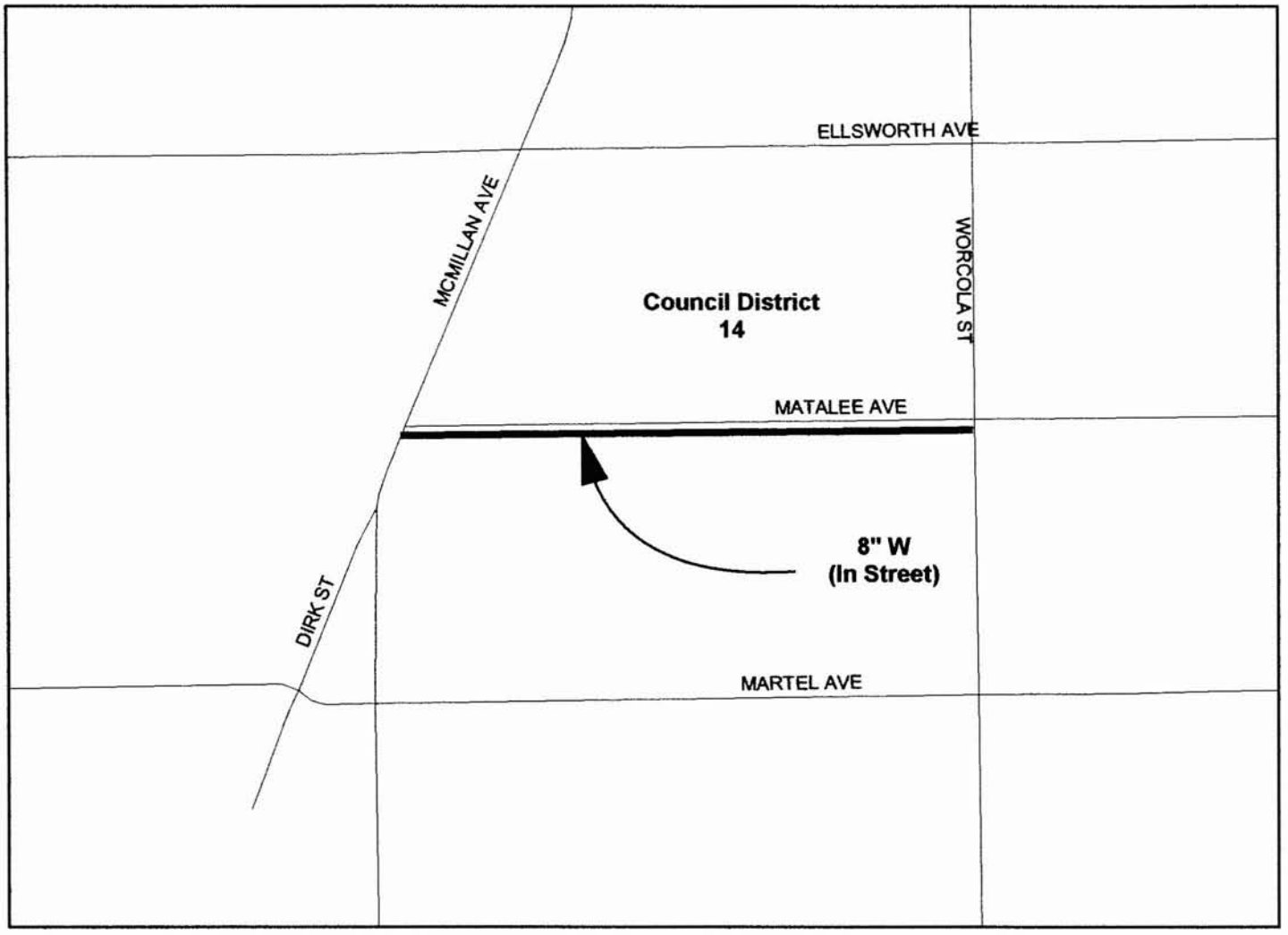
22: Mapsco: 35S
Council District: 14



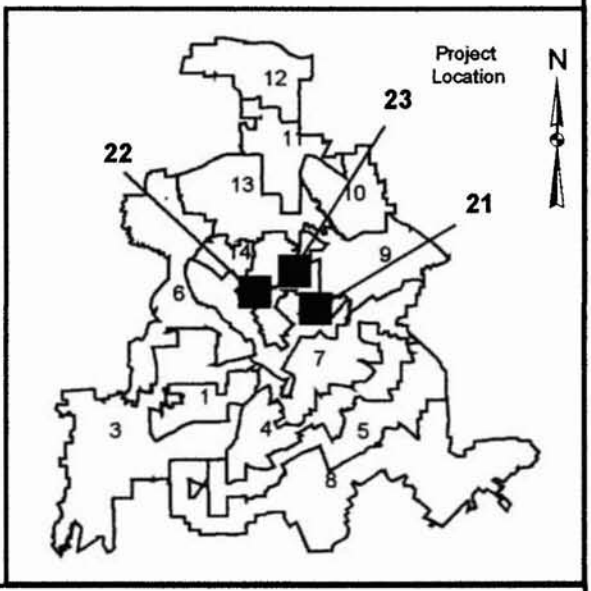
Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 22



23: Mapsco: 36J
Council District: 14



Dallas Water Utilities

Contract Nos. 06-553 and 06-554
Water and Wastewater Main Installation
at 23 Locations

D1692 23

September 12, 2007

WHEREAS, bids were received on May 10, 2007 for the installation of water and wastewater mains at 23 locations, Contract Nos. 06-553 and 06-554, listed as follows:

Bidders	**Amount**
John Burns Construction Company of Texas, Inc.	$7,537,264.80
Barson Utilities, Inc.	$8,292,413.50
SYB Construction Company, Inc.	$8,471,955.50
Atkins Brothers Equipment Company, Inc.	$10,318,284.00

and,

WHEREAS, the bid submitted by John Burns Construction Company of Texas, Inc., 655 East Main Street, Lewisville, Texas 75067, in the amount of $7,537,264.80 is the lowest and best of all bids received; **Now, Therefore,**

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

Section 1. That the bid of John Burns Construction Company of Texas, Inc., in the amount of $7,537,264.80, for doing the work covered by the plans, specifications and contract documents, Contract Nos. 06-553 and 06-554, be accepted.

Section 2. That the City Manager be and is hereby authorized to enter into a contract with John Burns Construction Company of Texas, Inc., for the installation of water and wastewater mains at 23 locations, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of $7,537,264.80 from the Water Capital Improvement Fund, Wastewater Capital Improvement Fund and Street and Transportation Improvements Fund as follows:

FUND	DEPT	UNIT	ACT	OBJ	PRO	REP	ENCUMBRANCE	VENDOR
0115	DWU	PW40	MPSA	4550	706553	WU73	CTDWU706553CP	199054

John Burns Construction Company of Texas, Inc. (Contract No. 06-553) $5,337,941.03

FUND	DEPT	UNIT	ACT	OBJ	PRO	REP	ENCUMBRANCE	VENDOR
0116	DWU	PS40	MPSA	4560	706554	TM31	CTDWU706554CP	199054

John Burns Construction Company of Texas, Inc. (Contract No. 06-554) $2,180,285.77

September 12, 2007

FUND	DEPT	UNIT	ACT	OBJ	PRO	ENCUMBRANCE	VENDOR
3R22	PBW	R011	AREC	4510	PB03R011	PBW03R011L1	199054

John Burns Construction Company of Texas, Inc. $19,038.00

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

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield

AGENDA ITEM # 46

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 8

DEPARTMENT: Water Utilities

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

MAPSCO: 79 G

SUBJECT

Authorize a professional services contract with DAL-TECH Engineering, Inc. to evaluate deteriorated equipment and infrastructure and prepare a design report with recommendations for miscellaneous improvements associated with major maintenance and rehabilitation at the Southside Wastewater Treatment Plant - $748,348 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item is the first of two planned awards for engineering services associated with major maintenance and rehabilitation improvements at the Southside Wastewater Treatment Plant. It includes the evaluation and preparation of a design report outlining the recommended improvements.

The evaluation includes pump modifications at the Influent Pump Station to improve reliability and efficiency, replacement of influent and effluent control valves at the effluent filters that have reached the end of their service life, and roof repairs at the effluent filters, digesters and Influent Pump Station. This work also includes evaluation of high water level alarms to prevent accidental flooding of the process facilities, and evaluation of current security and fire alarm systems necessary for compliance with current codes. The evaluation also includes regrading of the dedicated land disposal fields to restore proper drainage and wet weather recovery of the fields, necessary for bio-solids disposal permit compliance.

The second phase of this project will provide the detailed design and construction administration associated with this work and will be awarded in a subsequent Council action after the full extent of the work is determined.

The two construction contracts associated with these improvements are scheduled for award in April 2009 and May 2011 at an estimated cost of $4,000,000 and $8,000,000, respectively.

ESTIMATED SCHEDULE OF PROJECT

Begin Design September 2007
Complete Design March 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

$748,348.00 - Water Utilities Capital Improvement Funds

M/WBE INFORMATION

Attached

ETHNIC COMPOSITION

DAL-TECH Engineering, Inc.

Hispanic female	0	Hispanic male	1
Black female	0	Black male	1
Other female	1	Other male	6
White female	3	White male	8

OWNER

DAL-TECH Engineering, Inc.

Sedi Toumani, President

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with DAL-TECH Engineering, Inc. to evaluate deteriorated equipment and infrastructure and prepare a design report with recommendations for miscellaneous improvements associated with major maintenance and rehabilitation at the Southside Wastewater Treatment Plant - $748,348 - Financing: Water Utilities Capital Improvement Funds

DAL-TECH Engineering, Inc. is a local, minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$712,912.00	95.26%
Total non-local contracts	$35,436.00	4.74%
TOTAL CONTRACT	$748,348.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

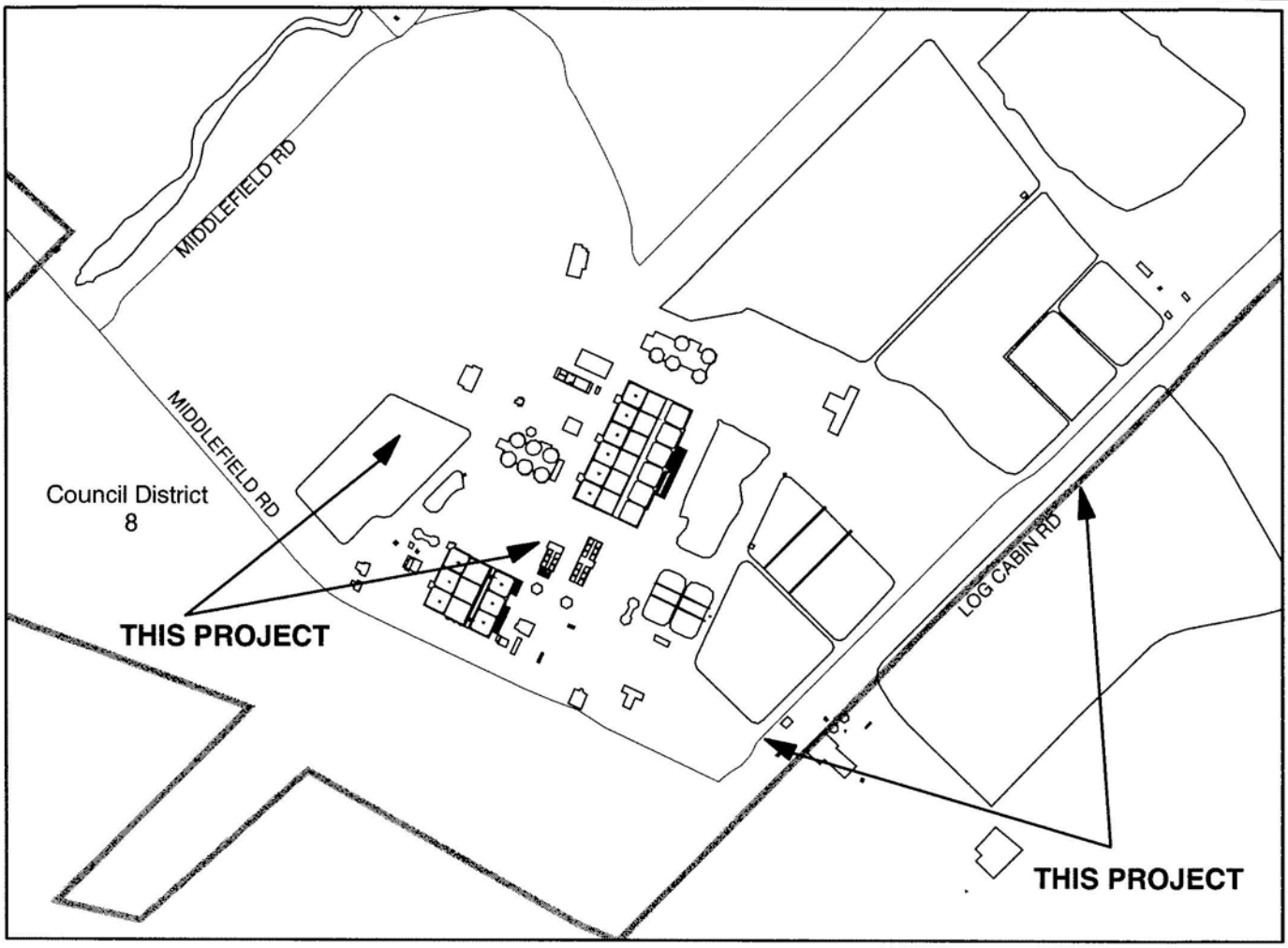
Local	Certification	Amount	Percent
Mas-Tek Engineering & Associates, Inc.	BFDB34341Y0708	$5,000.00	0.70%
Reed Fire Protection Engineering	HMMB34064N0608	$69,700.00	9.78%
VAI Architects, Inc.	HMDB33637Y0208	$13,300.00	1.87%
Gupta & Associates, Inc.	PMMB33873Y0508	$34,990.00	4.91%
DAL-TECH Engineering, Inc.	WFWB31047Y0607	$490,094.00	68.75%
Total Minority - Local		$613,084.00	86.00%

Non-Local Contractors / Sub-Contractors

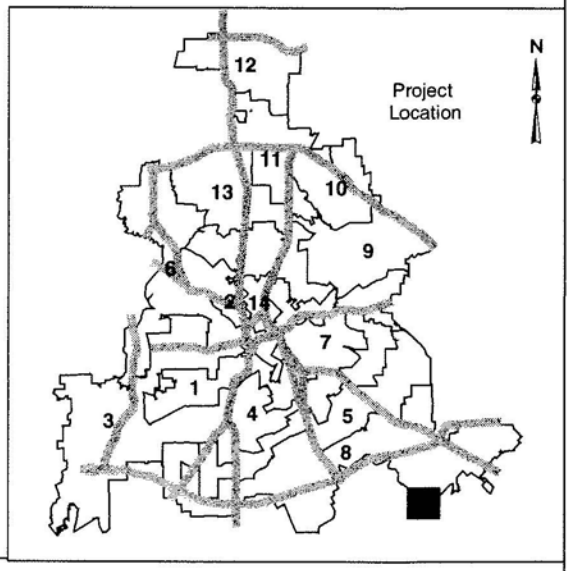
None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$5,000.00	0.70%	$5,000.00	0.67%
Hispanic American	$83,000.00	11.64%	$83,000.00	11.09%
Asian American	$34,990.00	4.91%	$34,990.00	4.68%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$490,094.00	68.75%	$490,094.00	65.49%
Total	$613,084.00	86.00%	$613,084.00	81.92%



1: Mapsco: 79 G
Council District: 8



Contract No. 07-286E
Southside Wastewater Treatment Plant
Miscellaneous Improvements Design

D1681 1

September 12, 2007

WHEREAS, deteriorated equipment and infrastructure have been identified for replacement or repair; and,

WHEREAS, changes to codes and regulations necessitate an evaluation of the security and emergency alarm systems for code compliance of facilities; and,

WHEREAS, engineering services are required for the evaluation and pre-design of miscellaneous improvements associated with major maintenance and rehabilitation at the Southside Wastewater Treatment Plant; and,

WHEREAS, DAL-TECH Engineering, Inc., 17311 Dallas Parkway, Suite 300, Dallas, Texas, 75248, has submitted an acceptable proposal to provide these engineering services; **Now, Therefore,**

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

Section 1. That the proposal submitted by DAL-TECH Engineering, Inc. in the amount of $748,348.00 be approved and the consultant be authorized to perform the required engineering services.

Section 2. That the City Manager be and is hereby authorized to enter into a professional services contract with DAL-TECH Engineering, Inc. to provide engineering design services to evaluate deteriorated equipment and infrastructure and prepare a design report with recommendations for miscellaneous improvements associated with major maintenance and rehabilitation at the Southside Wastewater Treatment Plant, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of $748,348.00 from the Wastewater Capital Improvement Fund as follows:

FUND	DEPT	UNIT	ACT	OBJ	PRO	REP	ENCUMBRANCE	VENDOR
0116	DWU	PS31	WWTP	4111	707286	TM20	CTDWU707286CP	262063

DAL-TECH Engineering, Inc. - (Contract No. 07-286E) - $748,348.00

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

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield

AGENDA ITEM # 47

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 8, Outside City Limits

DEPARTMENT: Water Utilities

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

MAPSCO: Various

SUBJECT

Authorize a professional services contract with Halff Associates, Inc. to provide engineering services for the study, surveying and design of a water transmission main from the East Side Water Treatment Plant to the City of Hutchins West Corporate limits - $2,674,500 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This project consists of providing engineering services for the study, design, and surveying for the construction of approximately 86,400 feet of 96-inch and 120-inch diameter water transmission main. The water transmission main is required to facilitate conveyance of treated water to the south and southwest portions of Dallas and its customer cities. Installation of the new transmission water main is needed to meet near and long term critical demands associated with the population growth as determined through master planning efforts. The overall pipeline is sized to meet the water demands as identified in the Long Range Water Master Plan and the Water Distribution Master Plan.

This project will be performed in multiple phases. This portion is for the award of the first phase which provides for the utility coordination, surveying to ensure the availability of right-of-way (ROW), and a preliminary design report describing all findings and recommendations. Subsequent phases for the actual obtainment of ROW, final detailed designs, and services during construction will be submitted for award through the Council as needed.

The estimated construction cost associated with this design project is $128,000,000.

ESTIMATED SCHEDULE OF PROJECT

Begin Project	October 2007
Complete Project	April 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized a professional services contract with Turner, Collie & Braden, Inc. to provide services for the expansion of the East Side Water Treatment Plant transfer pumping capacity and a pipeline alignment study, on December 11, 2002 by Resolution No. 02-3475.

Council authorized Supplemental Agreement No. 1, engineering services for the design of three critical sections of the Wintergreen pipeline, on April 13, 2005 by Resolution No. 05-1124.

Council authorized Supplemental Agreement No. 2, hydraulic modeling of the proposed Transfer Pump Station No. 3 at the East Side Water Treatment Plant, on June 28, 2006 by Resolution No. 06-1705.

FISCAL INFORMATION

$2,674,500.00 - Water Utilities Capital Improvement Funds

District	Amount
8	$1,337,250.00
Outside City Limits	$1,337,250.00
Total	$2,674,500.00

M/WBE INFORMATION

Attached

ETHNIC COMPOSITION

Halff Associates, Inc.

Hispanic female	16	Hispanic male	65
Black female	8	Black male	12
Other female	6	Other male	16
White female	89	White male	286

OWNER

Halff Associates, Inc.

Martin Molloy, President

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Halff Associates, Inc. to provide engineering services for the study, surveying and design of a water transmission main from the East Side Water Treatment Plant to the City of Hutchins West Corporate limits - $2,674,500 - Financing: Water Utilities Capital Improvement Funds

Halff Associates, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$2,624,500.00	98.13%
Total non-local contracts	$50,000.00	1.87%
TOTAL CONTRACT	$2,674,500.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

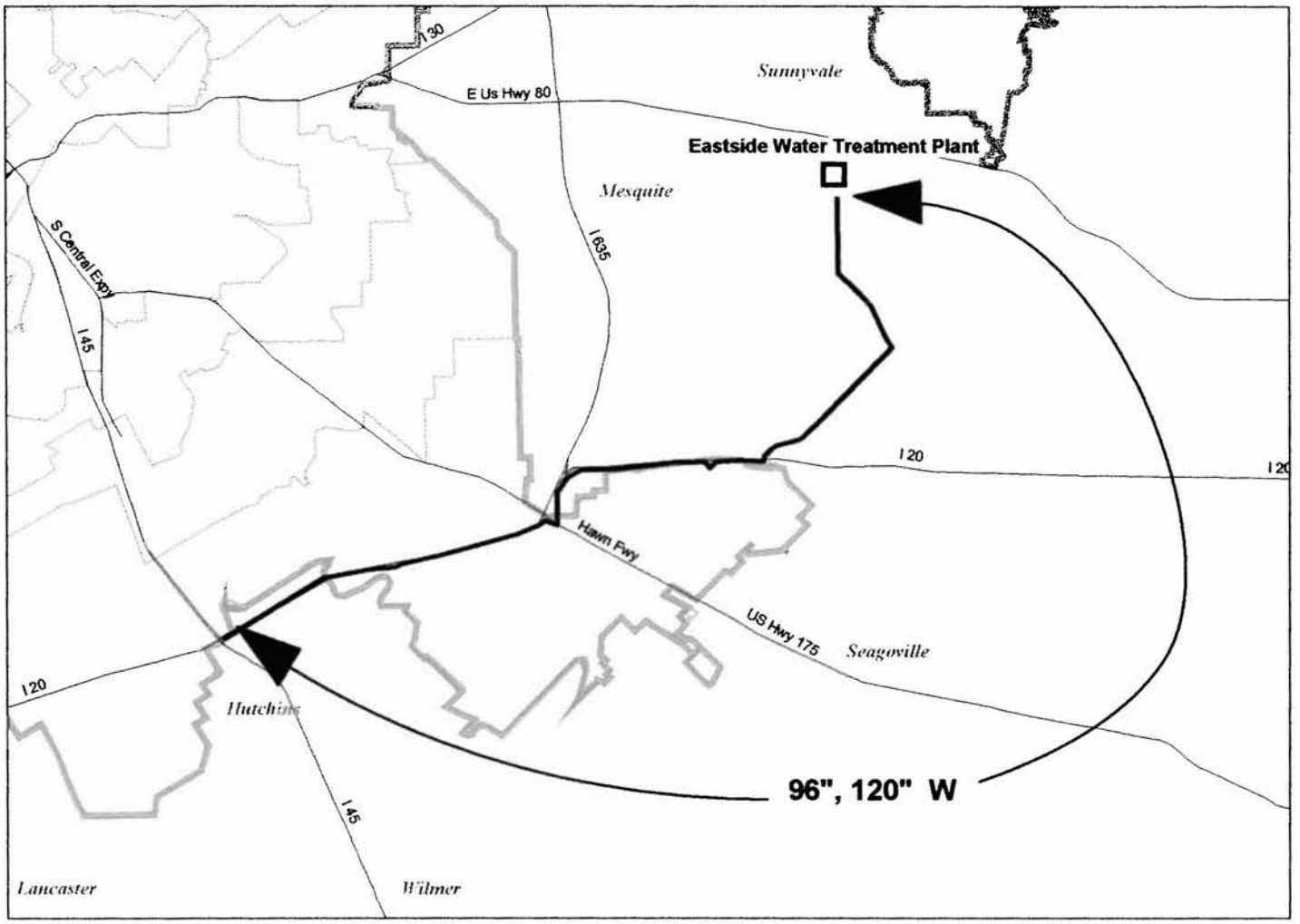
Local	Certification	Amount	Percent
Lopez Garcia Group, Inc.	HFDB30364Y0407	$820,000.00	31.24%
Texas Municipal Engineering, LLC	HMMB32118Y0907	$150,000.00	5.72%
Garcia Land Data, Inc.	HMMB32999N1207	$60,000.00	2.29%
Total Minority - Local		$1,030,000.00	39.25%

Non-Local Contractors / Sub-Contractors

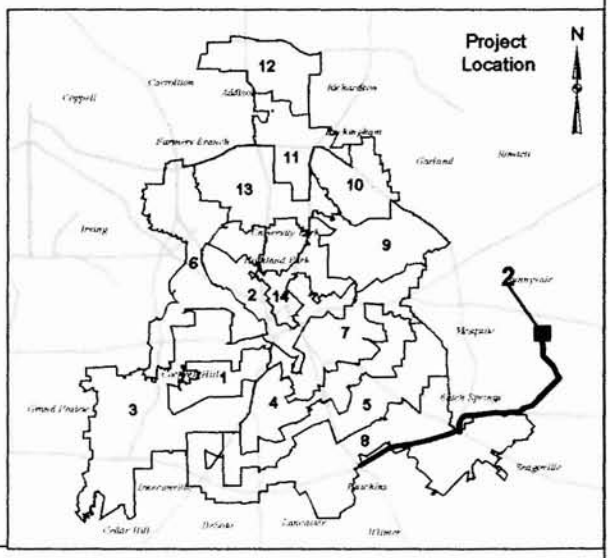
None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$1,030,000.00	39.25%	$1,030,000.00	38.51%
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	$1,030,000.00	39.25%	$1,030,000.00	38.51%



1: Mapsco: 50A, 60A, 60, 67, 68, 69, 69A, 70
Council District: 8
Cities: Outside City Limits



Dallas Water Utilities

Contract No. 06-623E
East Side Water Treatment Plant to South West Dallas
Pipeline Design
Section 2

D1694 1

September 12, 2007

WHEREAS, this project consists of providing engineering services for the study, design, surveying and construction administration support for a new water transmission main; and,

WHEREAS, a new water transmission main is needed to maintain service to our customers for future population growth and water supply capacity; and,

WHEREAS, Halff Associates, Inc., 8616 Northwest Plaza Drive, Dallas, Texas 75225, has submitted an acceptable proposal to provide these engineering services; **Now, Therefore,**

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

Section 1. That the proposal submitted by Halff Associates, Inc., in the amount of $2,674,500.00 be approved and the consultant be authorized to perform the required engineering services.

Section 2. That the City Manager be and is hereby authorized to enter into a contract with Halff Associates, Inc., for the study and design of a water transmission main from the East Side Water Treatment Plant to the City of Hutchins West Corporate limits, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of $2,674,500.00 from the Water Capital Improvement Fund as follows:

FUND	DEPT	UNIT	ACT	OBJ	PRO	REP	ENCUMBRANCE	VENDOR
0115	DWU	PW40	MPSA	4111	706623	WU11	CTDWU706623CP	089861

Halff Associates, Inc. - (Contract No. 06-623E) - $2,674,500.00

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

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield

AGENDA ITEM # 48

KEY FOCUS AREA: Economic Development

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	3, 8, Outside City Limits
DEPARTMENT:	Water Utilities
CMO:	Ramon F. Miguez, P.E., 670-3308
MAPSCO:	Various

SUBJECT

Authorize a professional services contract with TCB, Inc. to provide engineering services for the study, surveying and design of a water transmission main from the City of Hutchins West Corporate limits to the Sorcey Pump Station - $3,487,195 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This project consists of providing engineering services for the study, design, and surveying for the construction of approximately 82,000 feet of 96-inch diameter water transmission main. The water transmission main is required to facilitate conveyance of treated water to the south and southwest portions of Dallas and its customer cities. Installation of the new transmission water main is needed to meet near and long term critical demands associated with the population growth as determined through master planning efforts. The overall pipeline is sized to meet the water demands as identified in the Long Range Water Master Plan and the Water Distribution Master Plan.

This project will be performed in multiple phases. This portion is for the award of the first phase which provides for the utility coordination, surveying to ensure the availability of right-of-way (ROW), tunneling evaluation, and preliminary design report describing all findings and recommendations. Subsequent phases for the actual obtainment of ROW, final detailed designs, and services during construction will be submitted for award through the Council as needed.

The estimated construction cost associated with this design project is $120,000,000.

ESTIMATED SCHEDULE OF PROJECT

Begin Project	September 2007
Complete Project	March 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized a professional services contract with Turner, Collie & Braden, Inc., to provide services for expansion of the East Side Water Treatment Plant transfer pumping capacity and a pipeline alignment study on December 11, 2002 by Resolution No. 02-3475.

Council authorized Supplemental Agreement No. 1, engineering services for the design of three critical sections of the Wintergreen pipeline, on April 13, 2005 by Resolution No. 05-1124.

Council authorized Supplemental Agreement No. 2, hydraulic modeling of the proposed Transfer Pump Station No. 3 at the East Side Water Treatment Plant, on June 28, 2006 by Resolution No. 06-1705.

FISCAL INFORMATION

$3,487,195.00 - Water Utilities Capital Improvement Funds

District	Amount
3	$ 700,000.00
8	$2,437,195.00
Outside City Limits	$ 350,000.00
Total	$3,487,195.00

M/WBE INFORMATION

Attached

ETHNIC COMPOSITION

TCB, Inc.

Hispanic female	24	Hispanic male	67
Black female	14	Black male	12
Other female	17	Other male	37
White female	120	White male	256

OWNER

TCB, Inc.

James F. Thompson, President

MAP

Attached

GOOD FAITH EFFORT PLAN SUMMARY

PROJECT: Authorize a professional services contract with TCB, Inc. to provide engineering services for the study, surveying and design of a water transmission main from the City of Hutchins West Corporate limits to the Sorcey Pump Station - $3,487,195 - Financing: Water Utilities Capital Improvement Funds

TCB, Inc. is a local, non-minority firm, has signed the "Good Faith Effort" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$3,438,695.00	98.61%
Total non-local contracts	$48,500.00	1.39%
TOTAL CONTRACT	$3,487,195.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

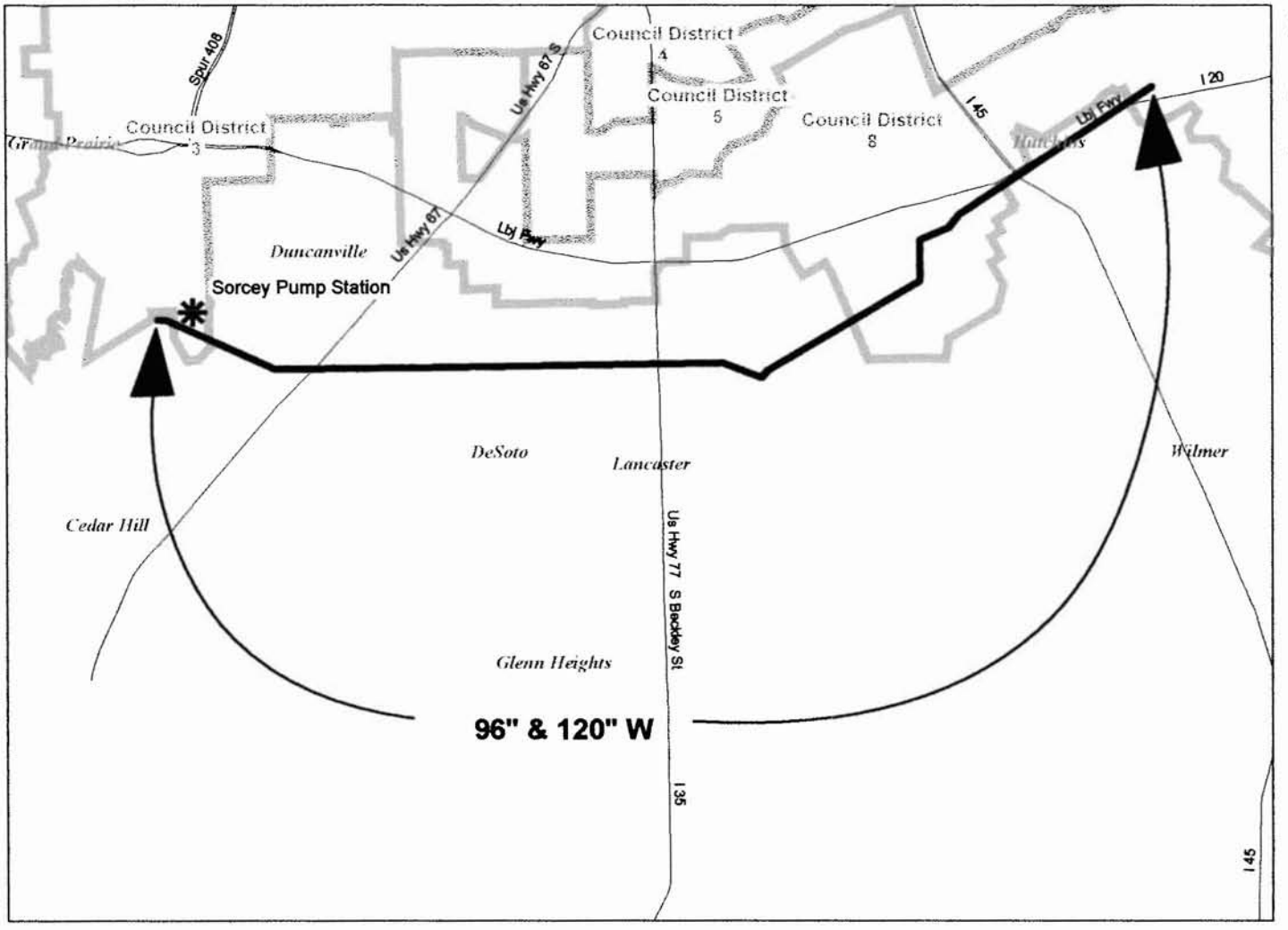
Local	Certification	Amount	Percent
Technical Services Associates	BMDB31889Y0907	$143,000.00	4.16%
Con-Real, Inc.	BMMB29815Y0108	$134,500.00	3.91%
Jaster Quintanilla	HMMB32784N1107	$190,000.00	5.53%
Texas Municipal Engineering, LLC.	HMMB32118Y0907	$72,500.00	2.11%
Nathan D. Maier Consulting Engineers, Inc.	WFWB33878Y0508	$338,000.00	9.83%
Mehta West Breshear Group, LLP.	WFDB32964Y1207	$127,500.00	3.71%
Total Minority - Local		$1,005,500.00	29.24%

Non-Local Contractors / Sub-Contractors

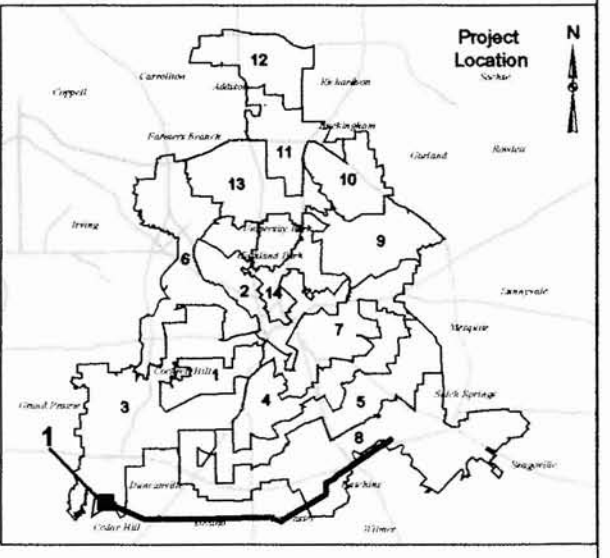
None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$277,500.00	8.07%	$277,500.00	7.96%
Hispanic American	$262,500.00	7.63%	$262,500.00	7.53%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$465,500.00	13.54%	$465,500.00	13.35%
Total	$1,005,500.00	29.24%	$1,005,500.00	28.83%



1: Mapsco: 67R, U, V, W, X, Y;
68K, N, P; 72S, T, U, V;
73S, T, U, V; 74S, T, U, V;
75Q, R, S, T, U; 76C, D, G, H, K, L, N, P; 77A;
71B, J, K, P, Q, R, V
Council Districts: 3 & 8
Cities: Outside City Limits



Dallas Water Utilities

Contract No. 06-035E
East Side Wastewater Treatment Plant to
Summit Pipeline Design
Section 1

D1704 1

September 12, 2007

WHEREAS, this project consists of providing engineering services for the study, design, surveying and construction administration support for a new water transmission main; and,

WHEREAS, a new water transmission main is needed to maintain service to our customers for future population growth and water supply capacity; and,

WHEREAS, TCB, Inc., 17300 Dallas Parkway, Suite 1010, Dallas, Texas 75248, has submitted an acceptable proposal to provide these engineering services; **Now, Therefore,**

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

Section 1. That the proposal submitted by TCB, Inc., in the amount of $3,487,195.00 be approved and the consultant be authorized to perform the required engineering services.

Section 2. That the City Manager be and is hereby authorized to enter into a contract with TCB, Inc., to provide engineering services for the study, design and surveying of a water transmission main from the City of Hutchins West Corporate limits to the Sorcey Pump Station, after having approval of the contract documents by the City Attorney.

Section 3. That the City Controller be and is hereby authorized to pay the amount of $3,487,195.00 from the Water Capital Improvement Fund as follows:

FUND	DEPT	UNIT	ACT	OBJ	PRO	REP	ENCUMBRANCE	VENDOR
0115	DWU	PW40	MPSA	4111	706035	WU45	CTDWU706035CP	132725

TCB, Inc. - (Contract No. 06-035E) - $3,487,195.00

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

DISTRIBUTION: Water-Administration, 4AN, Cheryl Glenn
Water-Contracts, 2121 Main Street, Suite 400, Karen Harbin
Water-Accounting, 5AN, Esther Darden
Office of Financial Services, 4FN, Jeanne Chipperfield

AGENDA ITEM # 50

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

First reading of the appropriation ordinances for the proposed FY 2007-08 City of Dallas Operating, Grants and Trusts, and Capital Budgets - Financing: No cost consideration to the City

BACKGROUND

Following the public hearing held on August 22, 2007, the City Council passes the first reading of the appropriation ordinances. The first reading of the appropriation ordinances reflects the City Manager's proposed budget and will be published in the official newspaper of the City, in accordance with the City Charter.

The final reading of the ordinance is scheduled for Council consideration on September 26, 2007, and will incorporate all amendments informally adopted during the scheduled Council budget amendment workshops.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council held a public hearing on August 22, 2007.

City Council authorized a public hearing to be held on August 22, 2007, on August 8, 2007, by Resolution No. 07-2173.

FISCAL INFORMATION

No cost consideration to the City

8/31/07

ORDINANCE NO. _____

OPERATING BUDGET APPROPRIATION ORDINANCE

An ordinance appropriating funds for fiscal year 2007-08 for the maintenance and operation of various departments; authorizing the city manager to make certain adjustments; providing for publication; and providing an effective date.

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

SECTION 1. That for the purpose of providing the funds to be expended in the budget for the fiscal year beginning October 1, 2007 and ending September 30, 2008, the available revenues of the city of Dallas are hereby appropriated for the maintenance and operation of the various city departments and activities as follows:

DEPARTMENTS AND ACTIVITIES	**PROPOSED 2007-08**
Building Services	15,638,867
Business Development and Procurement Services	2,760,733
City Attorney's Office	12,564,412
City Auditor's Office	2,896,465
City Manager's Office	2,693,964
City Secretary's Office	1,977,774
Civil Service	2,045,686
Code Compliance	24,588,299
Court and Detention Services	12,563,426
Dallas Central Appraisal District	2,592,153
Dallas County Tax Collection	534,179
Development Services	1,339,890
Elections	82,260
Environmental and Health Services	19,092,723

Fire	188,585,425
Housing	1,550,102
Human Resources	6,431,057
Independent Audit	1,149,500
Jail Contract - Lew Sterrett	6,823,985
Judiciary	2,553,000
Library	31,984,264
Mayor and Council	3,432,654
Non-Departmental	22,409,596
Office of Cultural Affairs	15,385,701
Office of Economic Development	4,323,548
Office of Emergency Management	902,674
Office of Environmental Quality	1,696,124
Office of Financial Services	17,319,741
Park and Recreation	73,083,071
Police	401,072,233
Public Works and Transportation	29,776,897
Sanitation Services	70,655,106
Street Lighting	18,545,767
Street Services	38,917,446
Contingency Reserve	1,128,013
Liability Reserve/Claims Fund	4,814,947
GENERAL FUND TOTAL	**$1,043,911,682**

GRANT FUNDS	**PROPOSED 2007-08**
City Attorney's Office	
Action Team Grant	247
Court and Detention Services	
State Law Enforcement Grant	12,511
Police	
Tobacco Compliance Program Income	2,328
GRANT FUNDS TOTAL	**$15,086**

TRUST FUNDS	PROPOSED 2007-08
Business Development and Procurement Services	
DABD 2003 Super Fair (0245)	65,035
Court and Detention Services	
Court Technology Fund (0401)	578,831
Development Services	
Naval Air Station Redevelopment Fund (0022)	779,197
Oak Lawn Open Space (0T23)	136,996
Oak Lawn Transit Fund (0249)	20,402
Reforestation Fund (0T06)	523,417
Environmental and Health Services	
Alvin E. Moore Trust (0309)	75,000
Martin Luther King Jr. Trust (0305)	100,000
TXU Energy Aid Trust (0312)	140,000
WDMC Emergency Social Services Trust (0T04)	30,000
WDMPC – Carrie S. Orleans Trust (0305)	10,500
Fire	
Paramedic Activity (0302)	62,990
Park and Recreation	
Athletic Field Maintenance (0349)	16,902
Craddock Park Trust (0340)	16,034
Dallas Zoo (0337)	445,920
Dallas Zoo Education (0358)	148,640
Fair Park Special Maintenance (0329)	11,391
Golf Improvement Trust (0332)	921,952
Golf Maintenance (0469)	54,248
Grauwyler Memorial Trust (0331)	846
Junior Golf Program (0359)	3,851
Mowmentum Park Improvement (0T80)	105,587
Park and Recreation Beautification (0641)	175,905
Recreation Program Trust (0341)	311,323
Southern Skates Roller Rink (0327)	195,000
State Fair of Texas (0426)	3,182

Police	
Commercial Auto Theft Program Income (0S2D)	23,291
Confiscated Monies – State (0411)	750,294
Confiscated Monies – Federal (0412)	502,930
Dallas Against Drugs (0T07)	2,162
Enterprise Community (0S63)	826
First Offender/Life Underwriters (0653)	16,702
Internet Crimes Against Children Program Income (0T90)	6,034
Police Gifts and Donation (0321)	54,861
Various Task Force (0T69)	500,000
Public Works and Transportation	
Freeway Traffic Signals (0669)	292,321
TRUST FUNDS TOTAL	**$7,082,570**
GRANT AND TRUST FUNDS GRAND TOTAL	**$7,097,656**

ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS	**PROPOSED 2007-08**
Aviation	38,559,084
Communication and Information Services:	
Information Technology	34,468,558
Radio Services	4,206,339
Convention and Event Services	66,332,358
Development Services	26,086,747
Employee Benefits	809,839
Equipment Services	45,599,988
Express Business Center	4,409,586
Risk Management	2,556,140
Storm Water Drainage Management	29,427,765
Water Utilities	489,185,295
WRR - Municipal Radio	3,675,646
911 System Operations	14,364,609
ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS TOTAL	**$759,681,954**

SECTION 2. That, in conformity with Chapter XI of the Charter of the City of Dallas, the transfer of an unencumbered balance of an appropriation made for the use of a department or activity to any other department or activity, or an increase in appropriation, may be made by city council resolution upon written recommendation of the city manager.

SECTION 3. That the city manager is hereby authorized, upon written notice to the city controller, to make the following adjustments:

(1) Reduce the allowed expenditures of departments or activities if, in the judgment of the city manager, actual or probable receipts are less than the amount estimated and appropriated for expenditures.

(2) Transfer appropriations budgeted for one account classification or activity to another within any individual department or activity listed in Section 1.

(3) Transfer internal service fund equity from unanticipated excesses to contributing funds.

(4) Transfer appropriations from the Salary and Benefit Reserve to any individual department or activity listed in Section 1, to be used for salaries and benefits.

(5) Transfer funds, not to exceed $252,410, from the Dallas Museum of Art Interest Fund 0009, Revenue Source ROTH to the General Fund 0001, Department OCA, Unit 4843, Revenue Source 8436 to provide maintenance support to the Dallas Museum of Art.

(6) Transfer funds, not to exceed $25,044,467, from the Convention Center Operating Fund 0080, Department CCT, Unit 7840, Object 3870 to the 1998 Convention Center Debt Service Fund 0079, Department CCT, Unit 9090, Revenue Source 9219 for the payment of debt service on Series 1998 Revenue Refunding and Improvement Bonds for the expansion and renovation of the convention center.

(7) Transfer funds, not to exceed $4,814,947, from the General Fund 0001, Department BMS, Unit 1996, Object 3621 to the Liability Reserve Fund 0192, Department ORM, Unit 3890, Revenue Source 8525 for payment of small and large claims against the city.

(8) Transfer funds, not to exceed $250,000, from the Municipal Radio Fund 0140, Department OCA, Unit 1067, Object 3690 to the Arts Endowment Fund 0371, Department OCA, Unit 6732, Revenue Source 9201 to support the arts.

(9) Transfer funds, not to exceed $3,400,000, to the General Fund 0001, Department BMS, Unit 1995, Revenue Source 9201 from the Sports Arena Lease Rental Fund 0A71, Department CCT, Unit 8851, Object 3690 to support general fund operations.

(10) Transfer funds, not to exceed $3,000,000, from the Water Utilities Operating Fund 0100, Department DWU, Unit 7015, Object 3690 to the Public/Private Partnership Fund 0352, Department DEV, Org P151, Revenue Source 8219 as payment in lieu of taxes by the water utilities department to support economic initiatives of the city.

(11) Transfer and administer gifts and bequests to the city in accordance with the terms and conditions accompanying the gifts or bequests and, for this purpose, the appropriation of donated amounts is hereby made.

SECTION 4. That the city manager is authorized, upon written notice to the city controller, to transfer funds between the Employee Benefit Reserve Fund 0279 and other employee benefit funds for the purpose of allocating employee and retiree revenues to the appropriate claims funds and maximizing investment yields.

SECTION 5. That, in conformity with Chapter 40A, "Retirement," of the Dallas City Code, as amended, an appropriation of 1,997,000 is established in the Employees' Retirement Fund Trust Fund 0275, Department ERF, Unit 5821 to provide for costs of administration of the employees' retirement fund office, with services to be paid out of income from investments.

SECTION 6. That the city manager is authorized to establish an appropriation of $83,546 in the Police and Fire Pension Administration Fund 0013, Department PFP, Unit 1440 to provide for costs of administration of the police and fire pension fund office, with services to be paid out of income from investments.

SECTION 7. That, for the purpose of establishing reserves, the increase or reduction of restricted fund balances may be by city council resolution upon written recommendation of the city manager.

SECTION 8. That it is the intent of the city council, by passage of this ordinance, to appropriate the funds for the city departments and activities. No office or position is created by the appropriation.

SECTION 9. That following the public hearing and passage of this ordinance on first reading, the city secretary shall cause the ordinance to be published in a newspaper of general circulation in the city with a separate schedule setting forth the items in the city manager's

estimate that were omitted or changed by the city council, if any. The ordinance must then be presented to the city council for final reading at least 10 days after the publication. Upon final passage by the city council, this ordinance becomes effective immediately and the funds appropriated become available October 1, 2007.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

PASSED ON FIRST READING SEPTEMBER 12, 2007

_____
Deborah Watkins, City Secretary

PASSED ON SECOND READING SEPTEMBER 26, 2007

_____
Deborah Watkins, City Secretary

LC/UC/0133U

08/31/07

CAPITAL BUDGET APPROPRIATION ORDINANCE

An ordinance appropriating funds for public improvements to be financed from bond funds and other revenues of the City of Dallas for fiscal year 2007-08; providing for publication; and providing an effective date.

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

SECTION 1. That the programs listed in Section 2 are hereby adopted as the Capital Budget of the City of Dallas for public improvements to be financed from the proceeds of bond funds and with funds from other sources for the fiscal year beginning October 1, 2007 and ending September 30, 2008.

SECTION 2. (a) That the following amounts are hereby appropriated from the funds indicated for the projects listed in the FY 2007-08 Capital Budget:

CAPITAL FUNDS

From the Animal Control Facilities Improvement Fund (1P46)	10,000
From the Capital Construction Fund (0671)	153,000
From the Capital Equipment Acquisition Fund (0534)	112,723
From the Capital Equipment Acquisition Fund (0569)	112,066
From the Capital Equipment Acquisition Fund (0587)	127,999
From the Capital Equipment Acquisition Fund (0588)	629,967

From the Capital Equipment Acquisition Fund (0595)	147,245
From the Capital Equipment Acquisition Fund (0598)	31,713,450
From the Capital Gifts and Donations Fund (0530)	127,252
From the Cedars Tax Increment Financing District Fund (0033)	265,120
From the City Center Tax Increment Financing District Fund (0035)	3,402,273
From the City Hall, City Service and Maintenance Facilities Fund (7T60)	5,782,424
From the Cityplace Tax Increment Financing District Fund (0030)	6,458,379
From the Cultural Arts Facilities Fund (5R49)	200,000
From the Cultural Arts Facilities Fund (7T49)	10,585,086
From the Cultural Arts Facilities Fund (6R49)	270,000
From the Downtown Connection Tax Increment Financing District Fund (0044)	1,697,065
From the Farmers Market Improvement Fund (4R40)	30,000
From the Farmers Market Improvement Fund (7T40)	3,001,035
From the Farmers Market Tax Increment Financing District Fund (0036)	744,640
From the Fire Station Facilities Fund (5R41)	250,000

From the Fire Station Facilities Fund (6R41)	220,000
From the Flood Protection and Storm Drainage Facilities Improvement Fund (5R23)	100,000
From the Flood Protection and Storm Drainage Facilities Improvement Fund (6R23)	400,000
From the Flood Protection and Storm Drainage Facilities Improvement Fund (6T23)	400,000
From the Flood Protection and Storm Drainage Facilities Improvement Fund (7T23)	80,923,451
From the General Capital Reserve Fund (0625)	7,792,500
From the Grand Park South Tax Increment Financing District Fund (0054)	54,243
From the Homeless Assistance Facilities Fund (6S43)	80,000
From the Land Acquisition in the Cadillac Heights Area Fund (7T11)	1,511,824
From the Library Facilities Improvement Fund (3R42)	200,000
From the Library Facilities Improvement Fund (5R42)	635,000
From the Library Facilities Improvement Fund (7T42)	11,363,032
From the Majestic Theater Gift Trust Fund (0338)	160,000
From the Major and Citywide Park and Recreation Facilities Fund (3R00)	37,000
From the Major and Citywide Park and Recreation Facilities Fund (4R00)	50,000
From the Major and Citywide Park and Recreation Facilities Fund (5R00)	375,000

From the Major and Citywide Park and Recreation Facilities Fund (6R00)	325,000
From the Neighborhood and Community Park, Playground, and Recreational Facilities Fund (3R05)	100,000
From the Neighborhood and Community Park, Playground, and Recreational Facilities Fund (5R05)	500,000
From the Neighborhood and Community Park, Playground, and Recreational Facilities Fund (6R05)	500,000
From the Oak Cliff Gateway Tax Increment Financing District Fund (0034)	1,101,419
From the Park and Recreation Facilities Fund (6T00)	800,000
From the Park and Recreation Facilities Fund (7T00)	92,804,314
From the Police Facilities Fund (4R44)	75,000
From the Police Facilities Fund (5R44)	100,000
From the Police Facilities Fund (6R44)	200,000
From the Public/Private Partnership Fund (0352)	3,000,000
From the Public Safety Facilities Fund (6T33)	150,000
From the Public Safety Facilities Fund (7T33)	14,001,517
From the Specified Street Projects Fund (3R21)	200,000
From the Specified Street Projects Fund (4R21)	500,000
From the Specified Street Projects Fund (5R21)	200,000
From the Specified Street Projects Fund (6R21)	800,000
From the Sports Arena Tax Increment Financing District Fund (0038)	4,105,146

From the State Fair of Texas Capital Construction Fund (0535)	191,036
From the Street and Transportation Improvement Fund (3R22)	2,700,000
From the Street and Transportation Improvement Fund (4R22)	900,000
From the Street and Transportation Improvement Fund (5R22)	1,400,000
From the Street and Transportation Improvement Fund (6R22)	1,400,000
From the Street and Transportation Improvement Fund (6T22)	700,000
From the Street and Transportation Improvement Fund (7T22)	78,233,135
From the Street Assessment Fund - 1985 Bond Program (L085)	200,000
From the Street Assessment Fund - 1998 Bond Program (L098)	400,000
From the Street Assessment Fund - 2003 Bond Program (L003)	100,000
From the Street System Facilities Improvement Fund (0L22)	150,000
From the Street, Utility and Other Infrastructure Improvements in Furtherance of Economic and Business Development in the Southern Area of the City Fund (5R52)	100,000
From the Street, Utility and Other Infrastructure Improvements in Furtherance of Economic and Business Development in the Southern Area of the City Fund (7T52)	8,638,090

From the Texas Utilities Reserve Fund Interest (0007)	550,000
From the Trinity River Corridor Project Fund (4P14)	130,000
From the Trinity River Corridor Project Fund (5P14)	1,075,000
From the Trinity River Corridor Project Electric Line Relocation Fund (0561)	4,533,182
From the Wastewater Capital Construction Fund (0103)	23,634,000
From the Wastewater Capital Improvement Fund (0116)	100,305,000
From the Water and Wastewater Public Art Fund (0121)	76,000
From the Water Capital Construction Fund (0102)	46,366,000
From the Water Capital Improvement Fund (0115)	165,695,000
From the Water Revenue Bond 2006 Series Fund (1100)	1,391,000
From the 2007 Certificates of Obligation Fund – Major Maintenance (0563)	1,011,818
CAPITAL FUNDS TOTAL	**$729,483,427**

(b) That the following amounts are hereby appropriated from the funds indicated for payment of the FY 2007-08 Debt Service Budget:

DEBT SERVICE FUNDS

From the General Obligation Debt Service Fund (0981)	225,448,782
DEBT SERVICE FUNDS TOTAL	**$225,448,782**

(c) That these appropriations and all previous appropriated funds for these projects remain in force until each project is completed or terminated.

(d) That the appropriations listed in Subsections (a) and (b) may be increased by city council resolution upon the recommendation of the city manager.

SECTION 3. That a project will be considered completed when the requisitioning authority informs the city manager of completion by written notice. Any remaining unencumbered balance in an appropriation for a project that has been completed shall then revert to the appropriate fund.

SECTION 4. That the city manager is authorized upon written notice to the city controller to make the following adjustments:

(1) Transfer amounts from one project appropriation to another within the same fund, provided that the total appropriation for each fund is not exceeded by this action.

(2) Decrease appropriation of any fund described in Section 2 to reduce expenditures within the fund when, in the judgment of the city manager, actual or probable receipts are less than the amount estimated and appropriated for expenditures.

(3) Transfer funds, not to exceed $9,215,000, to the General Fund 0001, in the amounts of $150,000 from the Street System Facilities Improvement Fund 0L22; $2,500,000 from the Street and Transportation Improvement Fund 3R22; $700,000 from the Street and Transportation Improvement Fund 4R22; $1,200,000 from the Street and Transportation Improvement Fund 5R22; $1,200,000 from the Street and Transportation Improvement Fund 6R22; $700,000 from the Street and Transportation Improvement Fund 6T22; $10,000 from the Animal Control Facilities Improvement Fund 1P46; $1,075,000 from the Trinity River Corridor

Project Fund 5P14; $30,000 from the Farmers Market Improvement Fund 4R40; $150,000 from the Fire Station Facilities Fund 5R41; $120,000 from the Fire Station Facilities Fund 6R41; $165,000 from the Library Facilities Improvement Fund 5R42; $75,000 from the Police Facilities Fund 4R44; $270,000 from the Cultural Arts Facilities Fund 6R49; $100,000 from the Economic Development Fund 5R52; $45,000 from the Economic Development Fund 7T52; $80,000 from the Homeless Assistance Facilities Fund 6S43; $400,000 from the Flood Protection and Storm Drainage Improvement Fund 6T23; and $245,000 from the Flood Protection and Storm Drainage Improvement Fund 7T23, for reimbursement as needed for engineering, project coordination, inspection, survey, and other activities associated with the implementation of the 1995, 1998, 2003, and 2006 bond programs.

(4) Transfer funds, not to exceed $6,166,259, to the General Obligation Debt Service Fund 0981, in the amounts of $200,000 from the Specified Street Projects Fund 3R21; $500,000 from the Specified Street Projects Fund 4R21; $200,000 from the Specified Street Projects Fund 5R21; $800,000 from the Specified Street Projects Fund 6R21; $100,000 from the Flood Protection and Storm Drainage Improvement Fund 5R23; $400,000 from the Flood Protection and Storm Drainage Facilities Improvement Fund 6R23; $100,000 from the Fire Station Facilities Fund 5R41; $100,000 from the Fire Station Facilities Fund 6R41; $300,000 from the Library Facilities Improvement Fund 5R42; and $3,466,259 from the Flood Protection and Storm Drainage Facilities for the McCommas Bluff Landfill Fund 3R12, for repayment of debt associated with general obligation bonds.

(5) Transfer funds, not to exceed $2,017,000, to the General Fund 0001, in the amounts of $130,000 from the Trinity River Corridor Project Fund 4P14; $37,000 from the Major and Citywide Park and Recreation Facilities Fund 3R00; $50,000 from the Major and

Citywide Park and Recreation Facilities Fund 4R00; $375,000 from the Major and Citywide Park and Recreation Facilities Fund 5R00; $325,000 from the Major and Citywide Park and Recreation Facilities Fund 6R00; $100,000 from the Neighborhood and Community Park, Playground, and Recreational Facilities Fund 3R05; $500,000 from the Neighborhood and Community Park, Playground, and Recreational Facilities Fund 5R05; and $500,000 from the Neighborhood and Community Park, Playground, and Recreational Facilities Fund 6R05, for reimbursement as needed for engineering, project coordination, inspection, survey, and other activities associated with the implementation of the 1995, 1998, 2003, and 2006 bond programs.

(6) Transfer funds, not to exceed $389,000, to the General Fund 0001, in the amounts of $75,000 from the Cedars TIF District Fund 0033; $75,000 from the Oak Cliff Gateway TIF District Fund 0034; $100,000 from the City Center TIF District Fund 0035; and $75,000 from the Farmers Market TIF District Fund 0036; $30,000 from the Sports Arena TIF District Fund 0038; and $34,000 from the Grand Park South TIF District Fund 0054, for reimbursement of TIF administration costs.

(7) Transfer funds, not to exceed $70,076,000, from the Water Utilities Operating Fund 0100, in the amounts of $46,366,000 to the Water Capital Construction Fund 0102; $23,634,000 to the Wastewater Capital Construction Fund 0103; and $76,000 to the Water and Wastewater Public Art Fund 0121, for projects listed in the FY 2007-08 Capital Budget.

(8) Transfer funds, not to exceed $664,813, to the General Obligation Debt Service Fund 0981 from the Golf Surcharge Fund 0332 for payment of the 2000 Certificates of Obligation for golf course improvements.

(9) Transfer funds, not to exceed $2,013,360, to the General Obligation Debt Service Fund 0981 from the Storm Water Drainage Operating Fund 0061 for payment of the 2000 Certificates of Obligation for lake dredging and the 2004 and 2005 Certificates of Obligation for compliance with the municipal separate sewer system (MS4) permit.

(10) Transfer funds, not to exceed $9,043, to the General Obligation Debt Service Fund 0981 from the Express Business Center Fund 0199 for payment of the 2003 Equipment Acquisition Notes for fleet replacement.

(11) Transfer funds, not to exceed $40,297, to the General Obligation Debt Service Fund 0981, in the amounts of $21,289 from the Aviation Operating Fund 0130 and $19,008 from the Convention Center Operating Fund 0080, for payment of the 2004 Equipment Acquisition Notes for technology enhancements.

(12) Transfer funds, not to exceed $4,661, to the General Obligation Debt Service Fund 0981, in the amounts of $4,661 from the Aviation Operating Fund 0130, for payment of the 2005 Equipment Acquisition Notes for fleet replacement.

(13) Transfer funds, not to exceed $12,925, to the General Obligation Debt Service Fund 0981 from the Development Services Fund 0150 for payment of the 2004 Equipment Acquisition Notes for technology enhancements.

(14) Transfer funds, not to exceed $1,360,242, to the General Obligation Debt Service Fund 0981 from the Water Utilities Operating Fund 0100 for payment of the 2003, 2004, and 2005 Equipment Acquisition Notes for fleet replacement and technology enhancements.

(15) Transfer funds, not to exceed $7,888,237, to the General Obligation Debt Service Fund 0981 from the General Fund 0001 for payment of the 2003, 2004, 2005, 2006, and 2007 Equipment Acquisition Notes for sanitation collection and fleet replacement and the 2003 general obligation bonds for flood protection and storm drainage facilities for the McCommas Bluff Landfill.

(16) Transfer funds, not to exceed $338,502, to the General Obligation Debt Service Fund 0981 from the Information Technology Operating Fund 0198 for payment of the 2005 Equipment Acquisition Notes for technology enhancements.

(17) Transfer funds, not to exceed $30,333, to the General Obligation Debt Service Fund 0981 from the Communications Services Fund 0197 for payment of the 2003, 2004, 2005, and 2006 Equipment Acquisition Notes for fleet replacement.

(18) Transfer funds, not to exceed $197,663, to the General Obligation Debt Service Fund 0981 from the Fleet Services Fund 0196 for payment of the 2004, 2005, 2006, and 2007 Equipment Acquisition Notes for fleet replacement.

(19) Transfer funds, not to exceed $8,342,500, to the General Fund 0001, in the amounts of $7,792,500 from the General Capital Reserve Fund 0625; and $550,000 from the Texas Utilities Reserve Fund 0007, for the purpose of general fund operating and maintenance costs.

(20) Transfer funds, not to exceed $68,444, to the General Capital Reserve Fund 0625 from the General Fund 0001 for repayment of prior interim financing.

(21) Transfer funds, not to exceed $200,000, to the South Dallas/Fair Park Redevelopment Fund 0351 from the Public/Private Partnership Fund 0352, for economic development initiatives.

(22) Transfer funds, not to exceed $28,911,149, to the General Obligation Debt Service Fund 0981 from any general government, internal service, or enterprise fund incurring civilian payroll costs based on the pro-rata allocation of the actual civilian payroll costs incurred during fiscal year 2007-08 for payment of debt service on the Pension Obligation Bonds Series 600 and 602.

SECTION 5. That following the public hearing and passage of this ordinance on first reading, the city secretary shall cause the ordinance to be published in a newspaper of general circulation in the city with a separate schedule setting forth the items in the city manager's estimate that were omitted or changed by the city council, if any. The ordinance must then be presented to the city council for final reading at least 10 days after the publication. Upon final passage by the city council, this ordinance becomes effective immediately and the funds appropriated become available October 1, 2007.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

PASSED ON FIRST READING SEPTEMBER 12, 2007

_____
Deborah Watkins, City Secretary

PASSED ON SECOND READING SEPTEMBER 26, 2007

_____
Deborah Watkins, City Secretary

LC/UC/0132U

AGENDA ITEM # 51

KEY FOCUS AREA: Economic Development

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	4
DEPARTMENT:	Department of Development Services
CMO:	A. C. Gonzalez, 671-8925
MAPSCO:	55X

SUBJECT

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

BACKGROUND

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

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

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

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

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

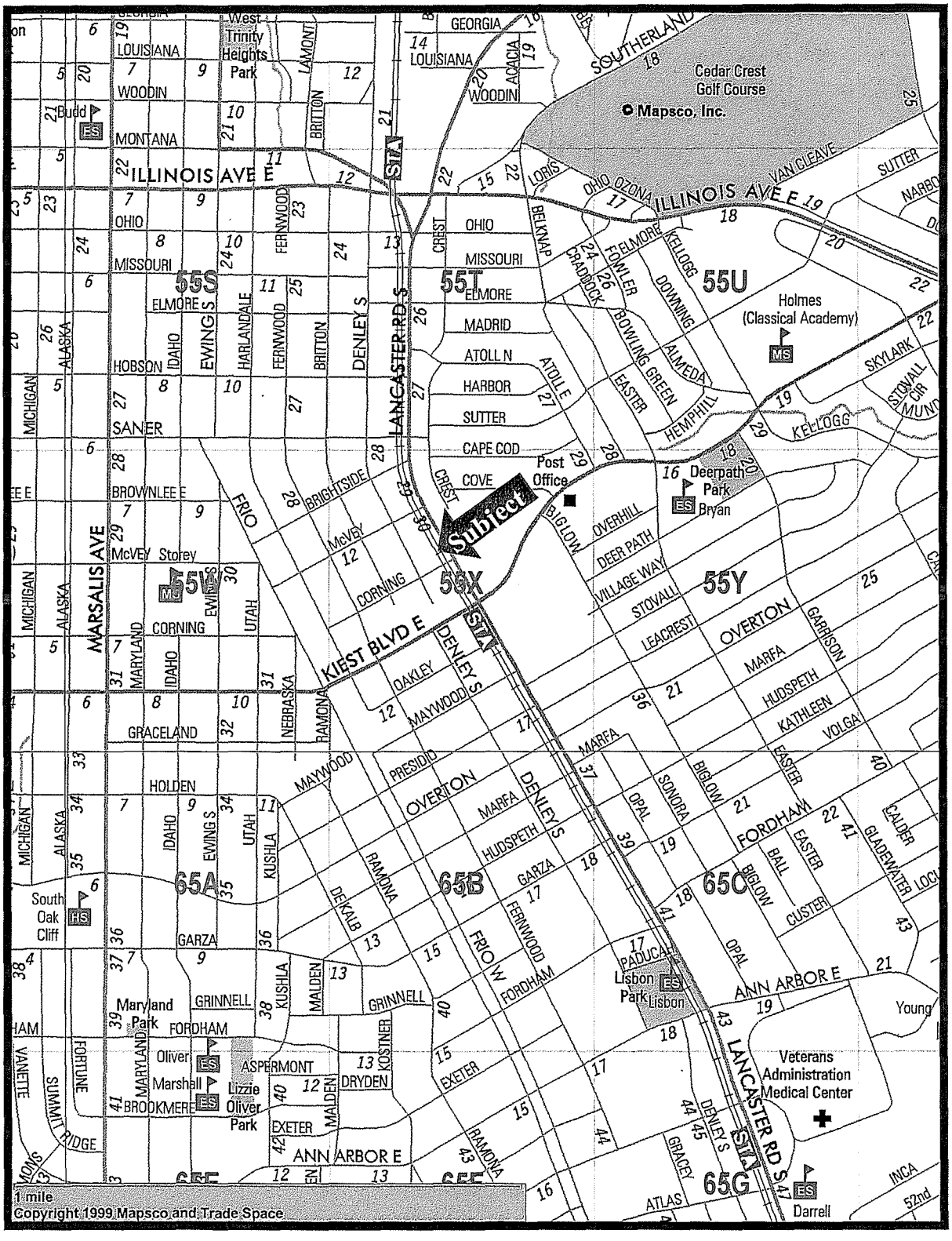
On June 27, 2007, this item was deferred by Deputy Mayor Pro Tem Dwaine R. Caraway.

FISCAL INFORMATION

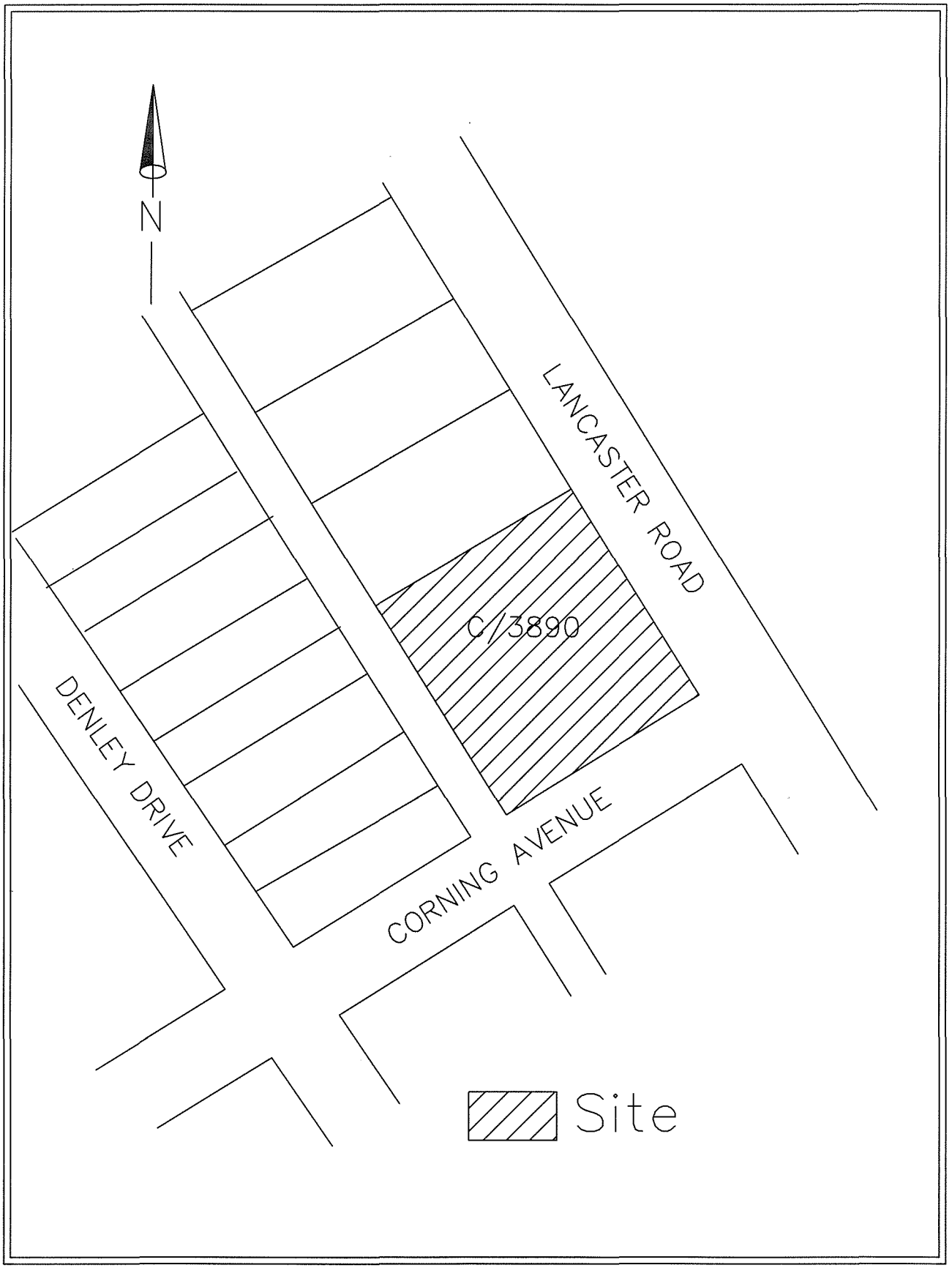
No cost consideration to the City

MAPS

Attached


Cedar Crest Golf Course
Mapsco, Inc.
Subject
Post Office
Holmes (Classical Academy)
Deerpath Park
Bryan
Lisbon Park
Lisbon
Veterans Administration Medical Center
Darrell
South Oak Cliff
Maryland Park
Oliver
Marshall
Lizzie Oliver Park
West Trinity Heights Park
Budd
ILLINOIS AVE E
LANCASTER RD S
MARSALIS AVE
KIEST BLVD E
ANN ARBOR E
55S
55T
55U
55V
55X
55Y
65A
65B
65C
65G
1 mile
Copyright 1999 Mapsco and Trade Space

Mapsco 55X


N
LANCASTER ROAD
C/3890
DENLEY DRIVE
CORNING AVENUE
Site

September 12, 2007

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

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

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

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

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

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

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

a) that the City of Dallas reserves the right to reject any and all bids received and all sales are subject to approval by the Dallas City Council;

b) that the sale shall be by Deed Without Warranty in a form approved by the City Attorney;

c) that the sale shall be subject to the terms, covenants, conditions, reservations, restrictions and exceptions of this authorizing resolution, including without limitation the following:

i) any and all visible and apparent easements and encroachments, whether of record or not;

ii) a restriction prohibiting the placement of industrialized housing on the property;

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

iv) an easement for street purposes containing approximately 3,523 square feet of land as conveyed by Volume 3698 Page 42, Volume 3704 Page 109 and Volume 3737 Page 65, Deed Records of Dallas County, Texas;

v) the reservation in the deed conveying the said property of a 15 foot by 15 foot alley sight easement and a 10 foot by 10 foot corner clip easement at the southwest and southeast corners respectively of said Lot 24 Block C/3890;

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

vii) standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes, and assessments being assumed by grantee;

d) that, to the maximum extent allowed by law, the sale shall be strictly on an "AS IS, WHERE IS, WITH ALL FAULTS" basis; and

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

SECTION 4. That as a material part of the consideration for the sale, the grantee and the City shall acknowledge and agree and provided in any relevant instrument that, to the maximum extent allowed by law, (a) grantee is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS", (b) the City disclaims responsibility as to the accuracy or completeness of any information relating to the Property, (c) grantee assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) the City expressly disclaims and grantee expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property. Without limiting the foregoing, the City makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which grantee may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its

operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated.

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

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

SECTION 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

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

AGENDA ITEM # 52

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 Supplemental Agreement No. 3 to the development agreement with Forest City previously approved on June 13, 2007, Resolution No. 07-1821, Section 2B, 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)** 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, **(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 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).

Section 2B of the resolution, however, does not 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. This City Council item clarifies the intended result of the parties' negotiations.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 8, 2004, 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, 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, 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, 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.

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.

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

On August 9, 2006, 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, 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	**DEVELOPER**
Forest City	**Forest City**
Albert Ratner, Chairman of the Board	David Levey, Executive For Residential Development

September 12, 2007

WHEREAS, on August 29, 2005, 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

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, 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, 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) 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, (3) if Forest City decides not to go forward with such redevelopment at that time, that Forest City maintains its election to thereafter terminate its ownership, pay any unpaid portion of the $750,000 and convey the Atmos Complex to, or at the direction of, City until December 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

AGENDA ITEM # 53

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Environmental & Health Services
CMO:	Charles W. Daniels, 670-3390
MAPSCO:	N/A

SUBJECT

Authorize the second twelve-month renewal option to the contract with Phoenix Houses of Texas, Inc. for outpatient substance abuse treatment services for low-income medically indigent adolescents for the period October 1, 2007 through September 30, 2008 - Not to exceed $75,000 - Financing: Current Funds (subject to appropriations)

BACKGROUND

Founded in 1967, Phoenix Houses of Texas, Inc. is one of the nation's largest nonprofit substance abuse services providers with 100 programs in eight states: Texas, New York, Florida, Rhode Island, Vermont, Massachusetts, New Hampshire, and California. Over 100,000 men, women, and adolescents have received treatment at one of these programs. Phoenix Houses of Texas, Inc. service system includes outpatient treatment, after care, intervention, and prevention programs.

In 2000, Phoenix Houses of Texas, Inc. leased the City owned facility located at 2345 Regan Street near downtown Dallas for a period of 15 years for the purpose of providing substance abuse treatment for Dallas youth.

Teens with a substance abuse problem attend comprehensive programming between one-to-three days a week, depending upon youth's need, which will be determined during initial intake. The length of the program depends upon his or her individual needs and progression in the program. The Intensive Outpatient and Supportive Outpatient program provide substance abuse treatment for Dallas youth during non-school hours. This is a year-round program and continues during the summer months with the same schedule as during the school year.

The program includes assessment and individual treatment planning, individual and group counseling, family classes and case management.

BACKGROUND (Continued)

PERFORMANCE MEASURES

	2006-07 Goal	2006-07 Actual*	2007-08 Goal
Screenings	100	100	100
Assessments	50	50	50
Units of Counseling Services	1,300	800	1,300

*Thru May 2007

OUTCOME MEASURES

	2006-07 Goal	2006-07 Actual	2007-08 Goal
# of clients completing the program	45	5	45
maintain a 2% or less relapse rate for clients served by the program	2	0	2

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 22, 2007, this item was deferred by Mayor Pro Tem Dr. Elba Garcia.

Authorized the first twelve-month renewal of a contract with Phoenix Houses of Texas, Inc. for outpatient substance abuse treatment services on August 23, 2006, by Resolution No. 06-2221.

Authorized a contract with Phoenix Houses of Texas, Inc. for outpatient substance abuse treatment services on October 12, 2005, by Resolution No. 05-2931.

Authorized the application for and acceptance of grant funds for FY 2002-2005 on December 12, 2001, by Resolution No. 01-3677.

FISCAL INFORMATION

$75,000 - Current Funds (subject to appropriations)

ETHNIC COMPOSITION

Phoenix Houses of Texas, Inc. (Board)

Hispanic Female	0	Hispanic Male	0
Black Female	0	Black Male	0
White Female	0	White Male	8
Other Female	0	Other Male	0

OWNER(S)

Phoenix Houses of Texas, Inc.

Board of Directors

Hill A. Feinberg, Chairman	Thomas Marinis
Paul Bass, Secretary/Treasurer	John D. Carreker
David Court	Ernest Pomerantz
Steve Ivy	Burton M. Tansky

September 12, 2007

WHEREAS, the City of Dallas supports the idea of addressing substance abuse issues in a comprehensive manner including the provision of prevention, intervention, and treatment services; and

WHEREAS, Phoenix Houses of Texas, Inc. is a licensed provider of residential substance abuse treatment services for youth and an integral part of the continuum of care for recovery from alcohol and substance abuse addiction; and

WHEREAS, the City Council has identified the need to support local substance abuse treatment programs and is committed to insuring the availability of chemical dependency treatment for Dallas citizens;

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 the second twelve-month renewal option to the contract with Phoenix Houses of Texas, Inc. for outpatient substance abuse treatment services for low-income medically indigent adolescents for the period October 1, 2007 through September 30, 2008, and execute all related documents required by the agreement.

Section 2. That the City Controller is hereby authorized to disburse funds from Fund 0001, Dept. EHS, Unit 4023, Object Code 3099, Encumbrance No. CTGH183995, to Vendor No. 505213, in an amount not to exceed $75,000 (subject to appropriations).

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

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

AGENDA ITEMS # 54,55

KEY FOCUS AREA: Neighborhood Quality of Life

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 5

DEPARTMENT: Department of Development Services

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 58P

SUBJECT

Municipal Setting Designation – 7220 C. F. Hawn Freeway

* A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath property currently owned by Gemini Industries, Inc. located near the intersection of C. F. Hawn Freeway and Southeast Drive and adjacent street right-of-way - Financing: No cost consideration to the City

* An ordinance authorizing support of the issuance of a municipal setting designation to Gemini Industries, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water – Financing: No cost consideration to the City
  Recommendation of Staff: Approval

BACKGROUND

The property is underlain by shallow terrace and alluvial deposits, which are underlain by the Austin Chalk formation, which has an estimated thickness of approximately 300 to 500 feet. This designated groundwater lies within the lower portion of the terrace/alluvial soils and the upper, weathered portion of the Austin Chalk formation from approximately 22 to 30 feet below ground surface (bgs). Groundwater flow beneath the Designated Property appears to be towards the southwest. This groundwater has been affected by volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and metals at concentrations above groundwater standards. The sources of these chemicals appear to be from historical releases from a tank farm storing solvents and a drum washing shed formerly located within the Designated Property. Activities on adjacent properties, including car salvage, repair, and painting are also potential sources.

BACKGROUND (continued)

The property was entered into the Corrective Action Program, administered by the TCEQ, on November 14, 1986, and was assigned Solid Waste Registration (SWR) No. 34651.

The applicant has requested that the City support its application for a MSD designation. A public meeting was held on July 24, 2007 to receive comments and concerns. Notices of the meeting were sent to 808 property owners within 2,500 feet of the property and private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath properties near the intersection of C.F. Hawn Freeway and Southeast Drive including adjacent street right-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain a letter of closure from the Corrective Action Program, supported by a MSD. Current and future property uses are expected to remain paint and paint supply warehousing and distribution (no manufacturing or processing).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City

OWNER

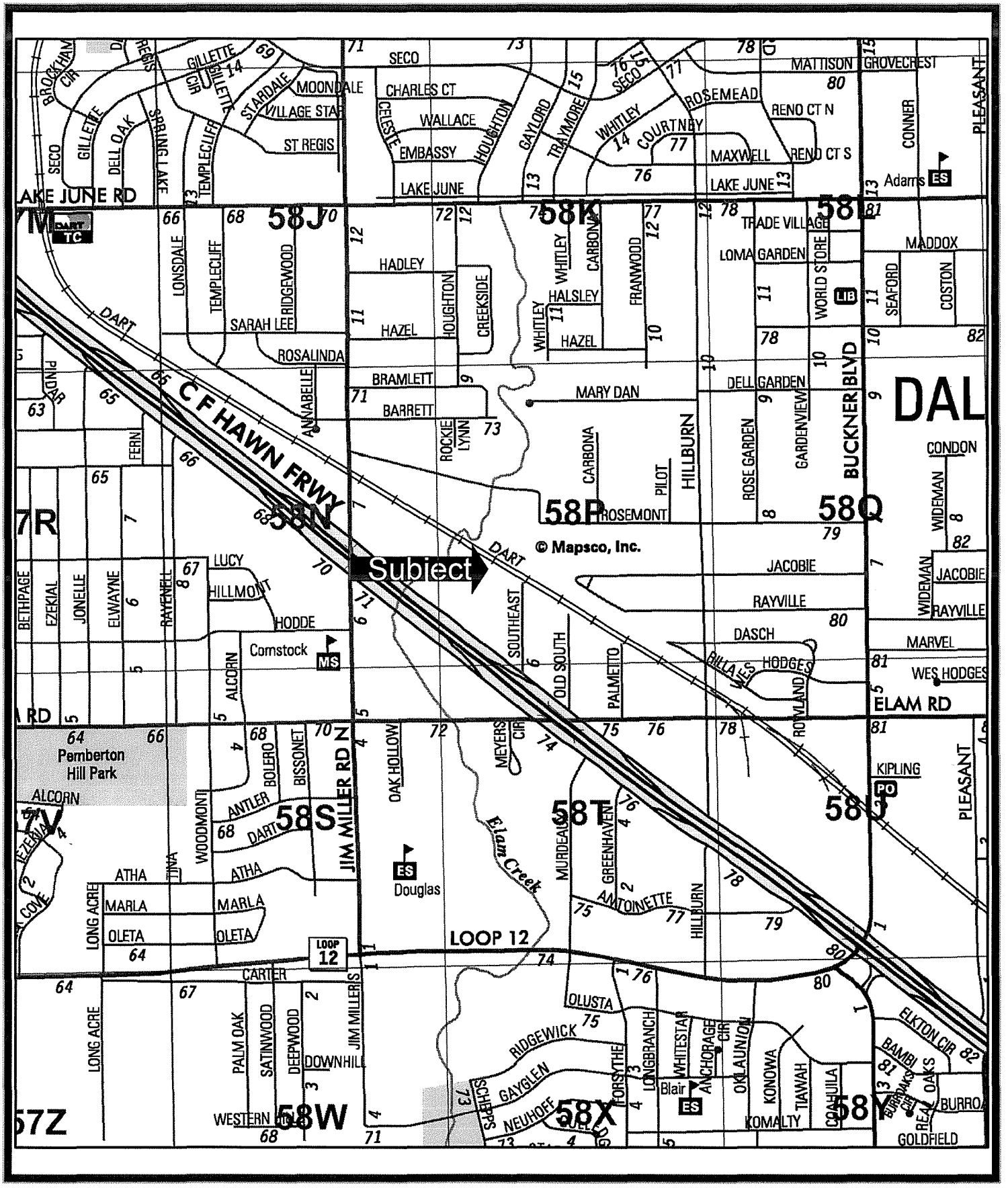
Gemini Industries, Inc.

Roger Woolery, President

MAPS

Attached

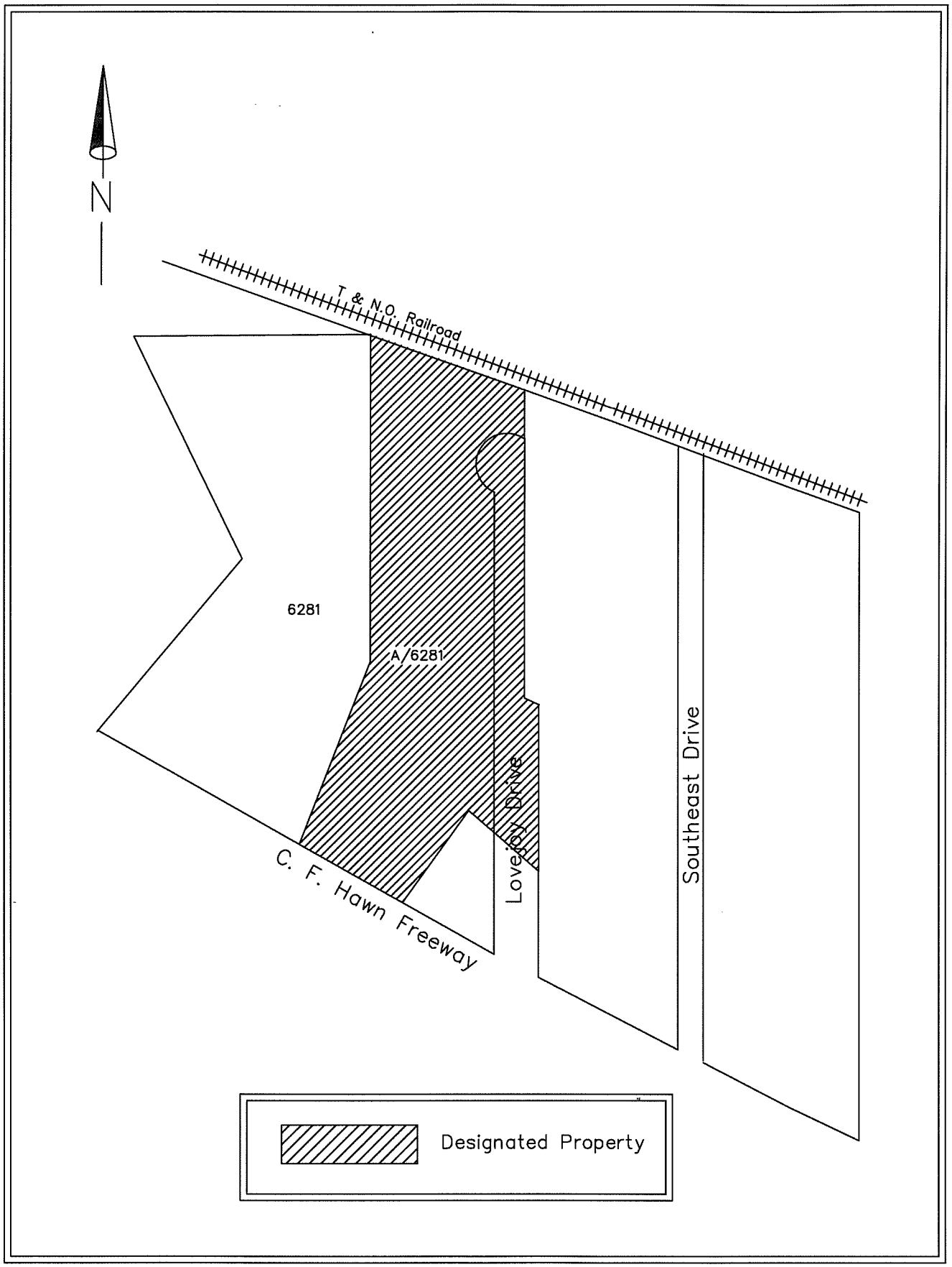
MAPSCO 58P



copyright © 2004 MAPSCO, Inc. (rel. 09-04)

0 ft 1310.53 ft 2621.06 ft

Scale 1 : 15 978


N
T & N.O. Railroad
6281
A/6281
C. F. Hawn Freeway
Lovejoy Drive
Southeast Drive
Designated Property

AGENDA ITEM # 56

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

A public hearing to receive comments on the proposed 75.09¢/$100 property tax rate for the 2007-08 fiscal year - Financing: No cost consideration to the City

BACKGROUND

The City Manager's recommended FY 2007-08 budget includes a tax rate of 75.09¢/$100. On August 27, 2007, Council voted to consider a tax rate not to exceed 75.09¢/$100. To set a property tax rate above the FY 2007-08 calculated effective rate of 68.72¢/$100, State law requires two special public hearings on the tax rate.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council held a Budget Workshop on August 13, 2007.

City Council was briefed on the proposed tax rate at a Budget Workshop on August 27, 2007.

City Council authorized the public hearings on August 27, 2007.

FISCAL INFORMATION

No cost consideration to the City

AGENDA ITEM # 57

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 4

DEPARTMENT: Public Works & Transportation

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

MAPSCO: 55S

SUBJECT

A benefit assessment hearing to receive comments on street paving and storm drainage improvements on Alaska Avenue from East Saner Avenue to East Elmore Avenue, and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: No cost consideration to the City

BACKGROUND

Alaska Avenue from East Saner Avenue to East Elmore Avenue was included in the 2003 Bond Program as a Target Neighborhood project. The improvements will consist of upgrading the existing unimproved two-lane asphalt street with 26-foot wide concrete pavement with curbs, sidewalks, drive approaches and a storm drainage.

The paving assessment process requires the following three steps:

1. Authorize paving improvements.
2. Authorize a benefit assessment hearing.
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction.

This action is the 3rd step in the process. This project will be awarded on October 10, 2007.

ESTIMATED SCHEDULE OF PROJECT

Began Design	May 2006
Completed Design	June 2007
Begin Construction	November 2007
Complete Construction	May 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on April 12, 2006, by Resolution No. 06-1036.

Authorized street paving improvements and a benefit assessment hearing on August 8, 2007, by Resolution No. 07-2192.

FISCAL INFORMATION

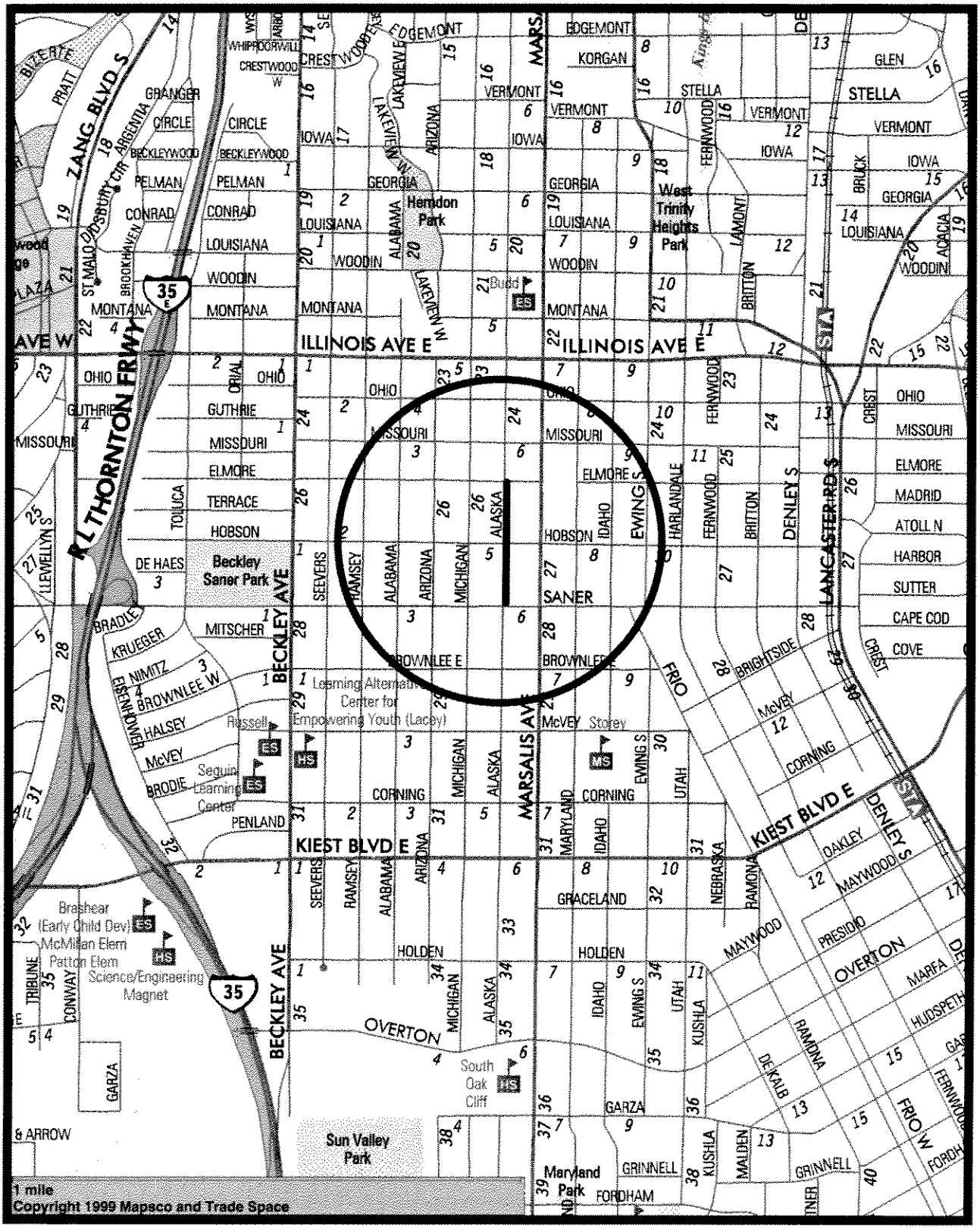
Design	$ 48,751.00
Construction	
Paving & Drainage - (PBW)	$617,700.00 (est.)
Total Project Cost	$666,451.00 (est.)

This project does involve assessments.

MAP

Attached.

Alaska Avenue



Mapsco 55S

September 12, 2007

WHEREAS, heretofore, a resolution was duly adopted by the City Council of the City of Dallas for the improvement of the following street between the limits set forth, out of materials specified, ordering that bids be taken for the construction, and ordering that an estimate of the cost of such improvements be prepared, to wit:

Alaska Avenue from E. Saner Avenue to E. Hobson Avenue to E. Elmore Avenue

and,

WHEREAS, by resolution such estimate and specifications were duly adopted therefore, and the Purchasing Agent was authorized to advertise for bids for such construction; and,

WHEREAS, by resolution the City Council determined the necessity for assessing a portion of the cost of such improvements against the property abutting such improvements, and the owners thereof, and duly and legally set a time and place for a public hearing thereon, and provided for notice to be given to such owners, as provided by law; and,

WHEREAS, the said hearing was duly held at said time and place; and,

WHEREAS, the City Council, after fully considering said proposed assessments, and fully considering the benefits that each property owner and his property receive from making said improvements, is of the opinion that the said proposed assessments determined to be levied are fair and equitable, and in accordance with the enhancement report submitted by the Real Estate Manager, Development Services Department, representing the benefits that the said property receives in enhanced values from the making of the said improvements, and that the said assessments should be made; and,

WHEREAS, the Council having no further protest, remonstrance, or objection before it, is of the opinion that the said hearing should be closed;

Now, Therefore,

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

SECTION 1. That the said hearing held on the **12th** day of **September** A.D. **2007** be and the same is hereby ordered closed.

SECTION 2. That the City Attorney is hereby directed to prepare an ordinance assessing against the several owners of the abutting property, and against their property abutting upon the street hereinabove mentioned, the proportionate part of said cost herein adjudged against the said respective owners and their property, such assessments to be in accordance with the attached enhancement report. That the said ordinance shall fix a lien upon said property, and shall declare said respective owners thereof to be respectively liable for the amounts so adjudged against them. Said ordinance shall in all respects comply with the applicable law in such cases made and provided.

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

Distribution: Public Works and Transportation, OCMC, Room 101
Public Works and Transportation, Athan M. Thompson, OCMC, Room 307
City Attorney
Office of Financial Services

III-SP-2

PAVING ASSESSMENT ENHANCEMENT STUDY – ALASKA AVENUE FROM E. SANER TO E. HOBSON AVENUE TO E. ELMORE AVENUE

DEFINITIONS AND LIMITING CONDITIONS

MARKET VALUE

The most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

The price which the property would bring when it is offered for sale by who desires, but is not obligated to sell, and is bought by one who is no necessity of buying it. State v. Carpenter (Tex Comm App 1936) S.W.2d 194, 2002.

FRONT FOOT RULE

Each front foot of an abutting owner's property is assessed a portion of the total cost of improvements which is equal to the portion of the assessment levied against each front foot of property of other abutting owners along the improved segment of the road. Provided that the assessment must be no greater than the benefit to the particular individual abutting property and there must be an equitable adjustment for any application of the rule in an injustice or inequality, see Dufford v. City of Corpus Christi (Civ.App.1960) 332 S.W.2d 447,450 and Section 313.044, Transportation Code.

SPECIAL BENEFITS

An enhancement more localized than a general improvement in community welfare, but not necessarily unique to a given piece of property. A special benefit is going beyond the general benefits supposed to diffuse itself from the improvements through the municipality. Haynes v. City of Abilene (Tex 1983) 659 S.W.2d 638,641.

LIMITATIONS

1. Ownership information was obtained from information appearing on the Tax Rolls.

2. Information furnished by others is assumed to be correct and reliable.

3. The existence of potentially hazardous materials on or in the properties has not been considered.

4. **THIS IS AN OPINION OF VALUE OR COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDEREDAN APPRAISAL. In making any decision that relies upon our work, you should know that we have not followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.**

PAVING ASSESSMENT STUDY
BASIC PROCEDURES

The City of Dallas by City Council policy and in accordance with State law assesses abutting property owners a portion of the cost for paving of streets, sidewalks and alleys. This program is administered by the Public Works and Transportation Department (Public Works) with an enhancement review and adjustments as required by the Department of Development Services Real Estate Division (Real Estate.)

The Public Works calculates proposed assessments based upon the Front Foot Rule with adjustments for factors such as irregularly shaped lots, flood plains, zoning and lot orientation. The City council has established policy guidelines to lessen the impact of the Front Foot Rule and to provide for more equitable assessments (Resolution #65-2602 and Resolution #74-1272). The proposed assessments per the construction bid, as adjusted by Public Works, are submitted to Real Estate.

Upon receipt of the preliminary assessment figures from the Public Works, Real Estate staff review each assessment to ensure that special benefits are estimated to ensure that special benefits exceed the assessment, then the assessment is adjusted downward to an amount which, in the opinion of the Real Estate staff, is clearly supported by the special benefits to the property. Real Estate goes through a review process which includes the following:

1. The tax rolls are checked to determine the size of the parcel and the land value on the tax roll;

2. Comparable land sales are checked to assist in determining land value estimates;

3. Zoning maps are checked to determine the correct zoning of each parcel to be assessed;

4. Flood plain and drainage maps are reviewed, where drainage problems appear to significantly affect parcels to be assessed;

5. All parcels are viewed by staff to identify special or unique factors which could affect the level of benefits resulting from the project for each property to be assessed;

6. Paving assessments in connection with other comparable City Projects are reviewed to ensure overall consistency and fairness.

DESCRIPTION OF PROJECT

This project is generally described as follows:

ALASKA AVENUE FROM E. SANER TO E. HOBSON AVENUE TO E. ELMORE AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABLIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCERETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FREE WIDE WHERE SPECIFIED; SO THAT THEY ROADWAY SHALL BE 26 FEET IN WIDTH.

While acknowledging the positive impact that the proposed improvements will have on the overall aesthetic value of the neighborhood, it is difficult to quantify this value correctly and virtually impossible to present the cost of such improvements as their value-added to property owners. A typical example is landscape or flooring installation. A property owner may spend $20,000 on such improvements, but these improvements may add not more than $5,000 to the value of the property.

For this reason, the proposal to assess the property owners for their proportionate cost by the front-foot method is not recommended. We acknowledge that the new improvements will enhance the value of the properties. In our opinion, however, the improvements will not increase values of the properties at the rate indicated.

In an effort to be equitable to the property owners, we recommend that the property owners be assessed as indicated in following tables. We feel that the values presented are a fair and reasonable value for the assessments.

It is our estimation that the subject properties will only experience a slight increase in value in lieu of the market value due to the proposed improvements.

ALASKA AVENUE FROM E. SANER TO E. HOBSON AVENUE TO E. ELMORE AVENUE SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH LIME STABLIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCERETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FREE WIDE WHERE SPECIFIED; SO THAT THEY ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE			RATE	AMOUNT	TOTAL ASSESSMENT	ASSESSED VALUE - LAND	ZONING	TOTAL ASSESSMENT
WEST SIDE OF STREET											
	BROADMOOR										
IGNACIO BANALES	PT. 24	41/4211	47	FT	PVMT	$67.38	$3,166.86				
515 E. SANER AVE.	2747		37	FT	WALK	$8.49	$314.13				
DALLAS, TX 75216-3026	ALASKA AVE.		18.3	SY	DR.(10')	$40.50	$741.15				
	63.3 X 100							**$4,222.14**	$7,000	R-7.5	**$2,122.07**
JOSE REYES JR. &	23	41/4211	50	FT	PVMT	$67.38	$3,369.00				
AURORA REYES			50	FT	WALK	$8.49	$424.50				
2743 ALASKA AVE.								**$3,793.50**	$14,000	R-7.5	**$1,896.75**
DALLAS, TX 75216-3055											
FELIX CABRERA	22	41/4211	50	FT	PVMT	$67.38	$3,369.00				
2706 ALASKA AVE.	2743		50	FT	WALK	$8.49	$424.50				
DALLAS, TX 75216-3054	ALASKA AVE.							**$3,793.50**	$14,000	R-7.5	**$1,896.75**
JUAN ZAVALA MAGANA	21	41/4211	50	FT	PVMT	$67.38	$3,369.00				
2737 ALASKA AVE.			38	FT	WALK	$8.49	$322.62				
DALLAS, TX 75216-3055			20.7	SY	DR.(12')	$40.50	$838.35				
								$4,529.97	$14,000	R-7.5	**$2,265.00**

MATEO R. ORTIZ	20	41/4211	50	FT	PVMT	$67.38	$3,369.00				
2731 ALASKA AVE.			40	FT	WALK	$8.49	$339.60				
DALLAS, TX 75216-3055			18.3	SY	DR.(10')	$40.50	$741.15				
								$4,449.75	$14,000	R-7.5	**$2,224.88**
JUAN RODRIQUEZ	19	41/4211	50	FT	PVMT	$67.38	$3,369.00				
2727 ALASKA AVE.			40	FT	WALK	NO COST	$0.00				
DALLAS, TX 75216-3055			10	FT	DRIVE	NO COST	$0.00				
								$3,369.00	$14,000	R-7.5	**$1,684.50**
	BROADMOOR										
LUQMAN ALEEM	18	41/4211	50	FT	PVMT	$67.38	$3,369.00				
834 GREEN CASTLE DR.	2723		40	FT	WALK	NO COST	$0.00				
DALLAS, TX 75231-1208	ALASKA AVE.		18.3	SY	DR.(10')	$40.50	$741.15				
								$4,110.15	$14,000	R-7.5	**$2,055.08**
WALTER BROWN	17	41/4211	50	FT	PVMT	$67.38	$3,369.00				
2719 ALASKA AVE.			30	FT	WALK	NO COST	$0.00				
DALLAS, TX 75216-3055			20	FT	DRIVE	NO COST	$0.00				
								$3,369.00	$14,000	R-7.5	**$1,684.50**
GERONIMO ESPINOZA ET AL	16	41/4211	50	FT	PVMT	$67.38	$3,369.00				
2510 WYNNEWOOD DR.	2715		40	FT	WALK	$8.49	$339.60				
DALLAS, TX 75224-2668	ALASKA AVE.		13.9	SY	DR.(10')	$40.50	$562.95				
								$4,271.55	$14,000	R-7.5	**$2,135.78**

RAFAEL &	15	41/4211	50	FT	PVMT	$67.38	$3,369.00				
ESPERANZA BANALES			40	FT	WALK	$8.49	$339.60				
2711 ALASKA AVE.			18.3	SY	DR.(10')	$40.50	$741.15				
DALLAS, TX 75216-3055								**$4,449.75**	$14,000	R-7.5	**$2,224.88**
FREDY W. & WILMA E. MAY	14	41/4211	50	FT	PVMT	$67.38	$3,369.00				
2707 ALASKA AVE.			40	FT	WALK	$8.49	$339.60				
DALLAS, TX 75216-3055			18.3	SY	DR.(10')	$40.50	$741.15	**$4,449.75**	$14,000	R-7.5	**$2,224.88**
	BROADMOOR										
MARIA BANALES DEL CARMEN	13	41/4211	50	FT	PVMT	$67.38	$3,369.00				
2703 ALASKA AVE.	2701		50	FT	WALK	$8.49	$424.50				
DALLAS, TX 75216-3055	ALASKA AVE.							**$3,793.50**	$14,000	R-7.5	**$1,896.75**
E. HOBSON AVENUE INTERSECTS											
	BROADMOOR										
GEORGE M. BLACKBURN III	24	18/4208	50	FT	PVMT	$67.38	$3,369.00				
2529 QUAIL GLEN RD.	2647		50	FT	WALK	NO COST	$0.00				
CARROLLTON, TX 75006-2012	ALASKA AVE.							**$3,369.00**	$14,000	R-7.5	**$1,684.50**
HMK LTD	23	18/4208	50	FT	PVMT	$67.38	$3,369.00				
1119 SINGLETON BLVD.	2643		50	FT	WALK	$8.49	$424.50				
DALLAS, TX 75212-5217	ALASKA AVE.							**$3,793.50**	$14,000	R-7.5	**$1,896.75**

JUAN & MARIA MORALES	22	18/4208	50	FT	PVMT	$67.38	$3,369.00				
2639 ALASKA AVE.			40	FT	WALK	NO COST	$0.00				
DALLAS, TX 75216-3053			13.9	SY	DR.(10')	$40.50	$562.95				
								$3,931.95	$14,000	R-7.5	**$1,965.98**
DIMPLE WATSON	21	18/4208	50	FT	PVMT	$67.38	$3,369.00				
2802 KELLOGG AVE.	2635		40	FT	WALK	NO COST	$0.00				
DALLAS, TX 75216-3252	ALASKA AVE.		10	FT	DRIVE	NO COST	$0.00				
								$3,369.00	$14,000	R-7.5	**$1,684.50**
	BROADMOOR										
WILBON JOHNSON	20	18/4208	50	FT	PVMT	$67.38	$3,369.00				
4938 HILANDALE ST.	2631		28	FT	WALK	NO COST	$0.00				
DALLAS, TX 75216-6726	ALASKA AVE.		12.8	SY	DR.(10')	$40.50	$518.40				
			16.3	SY	DR.(12')	$40.50	$660.15				
								$4,547.55	$14,000	R-7.5	**$2,273.76**
JEFFREY L. &	19	18/4208	50	FT	PVMT	$67.38	$3,369.00				
GINGER B. PELLETIER	2627		40	FT	WALK	NO COST	$0.00				
1112 COURTNEY LN.	ALASKA AVE.		12.8	SY	DR.(10')	$40.50	$518.40				
LEWISVILLE, TX 75077-2565								**$3,887.40**	$14,000	R-7.5	**$1,938.70**

LUIS D. RODRIGUEZ	18	18/4208	50	FT	PVMT	$67.38	$3,369.00				
2623 ALASKA AVE.			40	FT	WALK	NO COST	$0.00				
DALLAS, TX 75216-3053			10	FT	DRIVE	NO COST	$0.00				
								$3,369.00	$14,000	R-7.5	**$1,684.50**
BEN GOTTLIEB	17	18/4208	50	FT	PVMT	$67.38	$3,369.00				
7401 WINDMILL LN.	2619		40	FT	WALK	NO COST	$0.00				
GARLAND, TX 75044-2055	ALASKA AVE.		18.3	SY	DR.(10')	$40.50	$741.15				
								$4,110.15	$14,000	R-7.5	**$2,055.08**
BILL J. MILLER	15 & 16	18/4208	100	FT	PVMT	$67.38	$6,738.00				
4621CREIGHTON DR.	2615		90	FT	WALK	$8.49	$764.10				
DALLAS, TX 75214-2121	ALASKA AVE.		18.3	SY	DR.(10')	$40.50	$741.15				
								$8,243.25	$14,000	R-7.5	**$4,121.63**
	BROADMOOR										
ROLANDO & MARIA JIMENEZ	14	18/4208	50	FT	PVMT	$67.38	$3,369.00				
1032 TWIN FALLS DR.	2607		38	FT	WALK	$8.49	$322.62				
DESOTO, TX 75115-5454	ALASKA AVE.		12	FT	DRIVE	NO COST	$0.00				
								$3,691.62	$14,000	R-7.5	**$1,845.81**
DANIEL & ANA LOPEZ	13	18/4208	50	FT	PVMT	$65.27	$3,263.50				
2601 ALASKA AVE.	ALASKA &		40	FT	WALK	$8.49	$339.60				
DALLAS, TX 75216-3053	ELMORE		10	FT	DRIVE	NO COST	$0.00				
								$3,603.10	$14,000	R-7.5	**$1,803.05**
EAST SIDE OF STREET											
	BROADMOOR										

NECEIE G. ROBERTSON	1	19/4209	50	FT	PVMT	$67.38	$3,369.00				
606 E. ELMORE AVE.			50	FT	WALK	$8.49	$424.50				
DALLAS, TX 75216-3011								**$3,793.50**	$14,000	R-7.5	**$1,896.75**
MILDRED L. WATSON	2	19/4209	50	FT	PVMT	$67.38	$3,369.00				
2606 ALASKA AVE.			40	FT	WALK	$8.49	$339.60				
DALLAS, TX 75216-3052			18.3	SY	DR.(10')	$40.50	$741.15				
								$4,449.75	$14,000	R-7.5	**$2,224.88**
AGUSTIN BARRAZA &	3	19/4209	50	FT	PVMT	$67.38	$3,369.00				
IRENE GUTIERREZ			40	FT	WALK	$8.49	$339.60				
2610 ALASKA AVE.			18.3	SY	DR.(10')	$40.50	$741.15				
DALLAS, TX 75216-3052								**$4,449.75**	$14,000	R-7.5	**$2,224.88**
	BROADMOOR										
ROBERT A. MURTORFF	4	19/4209	50	FT	PVMT	$67.38	$3,369.00				
726 MOBLEY RD.	2614		40	FT	WALK	$8.49	$339.60				
CEDAR HILL, TX 75104-1515	ALASKA AVE.		18.3	SY	DR.(10')	$40.50	$741.15				
								$4,449.75	$14,000	R-7.5	**$2,224.88**
WASHINGTON MUTUAL	5	19/4209	50	FT	PVMT	$67.38	$3,369.00				
BANK FA	2618		40	FT	WALK	NO COST	$0.00				
STE. 200	ALASKA AVE.		18.3	SY	DR.(10')	$40.50	$741.15				
C/O 1270 NORTHLAND DR.											
MENDOTA HEIGHTS, MN 55120								**$4,110.15**	$14,000	R-7.5	**$2,055.08**

CESAR VELIZ &	6	19/4209	50	FT	PVMT	$67.38	$3,369.00				
MARIA CARRERA			30	FT	WALK	$8.49	$254.70				
2622 ALASKA AVE.			18.3	SY	DR.(10')	$40.50	$741.15				
DALLAS, TX 75216-3052			18.3	SY	DR.(10')	$40.50	$741.15				
								$5,106.00	$14,000	R-7.5	**$2,553.00**
B. J. MILLER	7	19/4209	50	FT	PVMT	$67.38	$3,369.00				
C/O JERRY MILLER	2626		40	FT	WALK	NO COST	$0.00				
P. O. BOX 600091	ALASKA AVE.		13.9	SY	DR.(10')	$40.50	$562.95				
DALLAS, TX 75360-0091								**$3,931.95**	$14,000	R-7.5	**$1,965.97**
	BROADMOOR ADDN										
COMMUNITY CHURCH	8	19/4209	50	FT	PVMT	$67.38	$3,369.00				
4409 CRANFILL DR.	2628		40	FT	WALK	$8.49	$339.60				
DALLAS, TX 75216-6616	ALASKA AVE.		18.3	SY	DR.(10')	$40.50	$741.15				
								$4,449.75	$14,000	R-7.5	**$2,224.88**
	BROADMOOR										
FRANCISCO & ANITA CAZARES	9	19/4209	50	FT	PVMT	$67.38	$3,369.00				
2632 ALASKA AVE.			40	FT	WALK	NO COST	$0.00				
DALLAS, TX 75216-3052			10	FT	DRIVE	NO COST	$0.00				
								$3,369.00	$14,000	R-7.5	**$1,684.50**
LOUISE DICKSON	10	19/4209	50	FT	PVMT	$67.38	$3,369.00				
2638 ALASKA AVE.			40	FT	WALK	NO COST	$0.00				
DALLAS, TX 75216-3052			13.9	SY	DR.(10')	$40.50	$562.95				
								$3,931.95	$14,000	R-7.5	**$1,965.97**

NORTHERN INTERCORP INC.	11	19/4209	50	FT	PVMT	$67.38	$3,369.00				
SUITE 100	2642		40	FT	WALK	NO COST	$0.00				
1702 N. COLLINS BLVD.	ALASKA AVE.		10	FT	DRIVE	NO COST	$0.00				
RICHARDSON, TX 75080-3566								**$3,369.00**	$14,000	R-7.5	**$1,684.50**
RAFAEL BANALES	12	19/4209	50	FT	PVMT	$67.38	$3,369.00				
2644 ALASKA AVE.			40	FT	WALK	$8.49	$339.60				
DALLAS, TX 75216-3052			10	FT	DRIVE	NO COST	$0.00				
								$3,708.60	$14,000	R-7.5	**$1,854.30**
E. HOBSON AVENUE INTERSECTION	**BROADMOOR**										
BARON CASTON	1	40/4210	50	FT	PVMT	$67.38	$3,369.00				
2702 ALASKA AVE.			40	FT	WALK	$8.49	$339.60				
DALLAS, TX 75216-3054			10	FT	DRIVE	NO COST	$0.00				
								$3,708.60	$14,000	R-7.5	**$1,854.30**
	BROADMOOR										
FELIX CABRERA	2	40/4210	50	FT	PVMT	$67.38	$3,369.00				
2706 ALASKA AVE.			30	FT	WALK	$8.49	$254.70				
DALLAS, TX 75216-3054			10	FT	DRIVE	NO COST	$0.00				
			18.3	SY	DR.(10')	$40.50	$741.15				
								$4,364.85	$14,000	R-7.5	**$2,182.43**

CAROLYN FORD	3	40/4210	50	FT	PVMT	$67.38	$3,369.00				
2710 ALASKA AVE.			40	FT	WALK	$8.49	$339.60				
DALLAS, TX 75216-3054			18.3	SY	DR.(10')	$40.50	$741.15				
								$4,449.75	$14,000	R-7.5	**$2,224.88**
GILBERTO GONZALES	4	40/4210	50	FT	PVMT	$67.38	$3,369.00				
139 W. ILLINOIS AVE.	2714		40	FT	WALK	$8.49	$339.60				
DALLAS, TX 75224-2216	ALASKA AVE.		13.9	SY	DR.(10')	$40.50	$562.95				
								$4,271.55	$14,000	R-7.5	**$2,135.78**
JOSE & CARMEN MORENO	5	40/4210	50	FT	PVMT	$67.38	$3,369.00				
2716 ALASKA AVE.			40	FT	WALK	NO COST	$0.00				
DALLAS, TX 75216-3054			13.9	SY	DR.(10')	$40.50	$562.95				
								$3,931.95	$14,000	R-7.5	**$1,965.98**
KATHRYN BLACKMAN	6	40/4210	50	FT	PVMT	$67.38	$3,369.00				
504 WOODACRE DR.	2720		50	FT	WALK	$8.49	$424.50				
DALLAS, TX 75241-1035	ALASKA AVE.							**$3,793.50**	$14,000	R-7.5	**$1,896.75**
OCTAVIO &	7 &	40/4210	75	FT	PVMT	$67.38	$5,053.50				
FERMIN MENDOSA	N. 1/2		55	FT	WALK	NO COST	$0.00				
2726 ALASKA AVE.	LOT 8		26.1	SY	DR.(20')	$40.50	$1,057.05				
DALLAS, TX 75216-3054								**$6,110.55**	$14,000	R-7.5	**$3,055.26**

	BROADMOOR										
LIGHTWORLD VISION INC.	9 &	40/4210	75	FT	PVMT	$67.38	$5,053.50				
C/O FAITH CHURCH OF GOD	S. 1/2		75	FT	WALK	$8.49	$636.75				
2726 ALASKA AVE.	LOT 8							**$5,690.25**	$17,500	R-7.5	**$2,845.13**
DALLAS, TX 75216-3054	2730 ALASKA AVE										
PEDRO & AGUEDA MARTINEZ	10	40/4210	50	FT	PVMT	$67.38	$3,369.00				
2732 ALASKA AVE.			40	FT	WALK	NO COST	$0.00				
DALLAS, TX 75216-3054			10	FT	DRIVE	NO COST	$0.00				
								$3,369.00	$14,000	R-7.5	**$1,684.50**
JAROD PETTIT INC.	11	40/4210	50	FT	PVMT	$67.38	$3,369.00				
17817 COIT RD., #1101	2742		40	FT	WALK	NO COST	$0.00				
DALLAS, TX 75252-6474	ALASKA AVE.		12.8	SY	DR.(10')	$40.50	$518.40				
								$3,887.40	$14,000	R-7.5	**$1,943.70**
ARTHUR L. HENDERSON	12	40/4210	50	FT	PVMT	$67.38	$3,369.00				
1728 STAFFORD ST.	2746		50	FT	WALK	$8.49	$424.50				
CEDAR HILL, TX 75104-4936	ALASKA AVE. ALASKA & SANER							**$3,793.50**	$14,000	R-7.5	**$1,896.75**
							$191,007.13	**$191,007.13**			**$95,511.13**

CERTIFICATE

We certify that, except as otherwise noted in this report, that:

1. The statements of fact contained in this report are true and correct to the best of our knowledge.

2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and is our personal, unbiased and professional analyses, opinions and conclusions.

3. We have no present or prospective interest in the property which is the subject of this report and we have no personal interest or bias with respect to the parties involved.

4. Our compensation is not contingent upon an action or event resulting from the analyses, opinions or conclusions in, or the use of, our report.

5. Ownership and site data was obtained from information appearing in the Tax Rolls and for data provided to us by the Department of Public Works and Transportation.

6. The analyses, opinions and conclusions were developed and this report has been prepared in conformity with the rules of the Texas Real Estate Commission.

7. Mark Gooch has made a personal inspection of the project area, which is the subject of this report.

8. This assignment was not based on a requested minimum valuation or a specific valuation.

9. Race, color, religion, sex, national origin, handicap or familial status was not considered in estimating the values in this report.

10. **THIS IS NOT AN OPINION OF VALUE; IT IS A COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL. In making any decision that relies upon this report, you should know that we have NOT followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.**

Gladys Bowens — 7-23-07

Gladys Bowens
Assistant Director, Real Estate Division
Development Services

Date

ORDINANCE NO._____

AN ORDINANCE LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREET IN THE CITY OF DALLAS, TEXAS, TO WIT:

Alaska Avenue from E. Saner Avenue to E. Hobson Avenue to E. Elmore Avenue

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE, THE RATE OF INTEREST, AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY AND MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID STREET, AND PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvements of

Alaska Avenue from E. Saner Avenue to E. Hobson Avenue to E. Elmore Avenue

by filling, raising, grading, and paving same; and,

WHEREAS, pursuant to said resolution, specifications and an estimate of the cost of such improvements were prepared for said work by the Interim Director of Public Works and Transportation (City Engineer), filed with said Council, examined, approved, and adopted by it, all as required by applicable law; and,

WHEREAS, in compliance with the law the City Engineer prepared her statement or list showing the names of property owners upon said street the description of their property, the total cost of the said improvements, the cost there of per front foot and cost to each property owner, said statements possessing all the other requisites required by law; and,

WHEREAS, thereafter the said statements were filed with the City Council and by them examined and approved and a resolution was passed by said Council determining the necessity of making an assessment for part of the cost of said pavement against property owners and their property, and fixing a time and providing for a hearing to such property owners, all in accordance with the terms of applicable law, at which hearing to such property owners were to be heard as to the benefits of the said improvements to connected with the said improvements and,

WHEREAS, the said resolution in connection with the improvement of said street was duly adopted in compliance with the law on the 8th day of August, 2007; and,

WHEREAS, in accordance with the terms of the law, the City Secretary of the City of Dallas gave notice to the property owners on said street of said hearing, by publishing a copy of said notice in the Dallas Morning News, a daily paper of general circulation in the City of Dallas, for three successive days prior to the days set for the hearing, to wit, the 12th day of September, 2007; and the City Secretary also gave notice of said hearing by mailing letters containing the same to said property owners at least fourteen (14) days before the said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate these proceedings; and,

WHEREAS, said hearing was held at the time and place mentioned in the said resolution and notice, to wit, on the 12th day of September, 2007 at 1:00 o'clock P.M. at the Council Chamber in the City Hall of the City of Dallas, Texas, which hearing was then closed; and,

WHEREAS, at said hearing, all desiring to contest the said assessments, correct the same, or in any manner be heard concerning the benefits thereof, or in any related matter, were heard, and errors and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected;

Now, Therefore,

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

SECTION 1. That the action of the City Council closing the hearing and overruling the protests at the public hearing on the 12th day of September, 2007, in these proceedings is hereby ratified and confirmed by this ordinance. That the City Council, from the evidence, finds that the assessments herein levied should be made and levied against the respective parcels of property abutting upon the street herein below mentioned and against the owners thereof; that such assessments and charges are right and proper, and are substantially in proportion to the benefits to the respective parcels of property by means of the improvement in the unit or district for which such assessments are levied, and establish substantial justice, equality, and uniformity between the respective owners of the respective properties between all parties concerned, considering the benefits received and burdens imposed.

That the Council further finds that in each case the abutting property assessed is specially benefited in enhanced value to the said properties by means of the said improvements in the unit or district upon which the particular property abuts, and for which assessment is levied and charge made, in a sum in excess of the said assessment and charge made against the same by this ordinance. The Council further finds that the apportionment of the cost of the improvements is in accordance with the law in force in this City and that the proceedings of the City heretofore had with reference to said improvements are in all respects valid and regular.

SECTION 2. That there shall be and is hereby levied and assessed against the parcels of property hereinbelow mentioned, and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money below mentioned and itemized shown opposite the description of the respective parcels of property, and the several amounts assessed against the same and the owners thereof, as far as such owners are known, being as follows:

ALASKA AVENUE FROM E. SANER AVENUE TO E. HOBSON AVENUE TO E. ELMORE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 8-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET						
	BROADMOOR					
IGNACIO BANALES	PT. 24	41/4211	47 FT PVMT	$67.38	$3,166.86	
515 E. SANER AVE.	2747		37 FT WALK	$8.49	$314.13	
DALLAS, TX 75216-3026	ALASKA AVE.		18.3 SY DR.(10')	$40.50	$741.15	
	63.3 X 100	TOTAL			$4,222.14	
		ADJ PER ENHANCEMENT EVAL			$2,100.07	
		NET DUE BY OWNER				**$2,122.07**
JOSE REYES JR. &	23	41/4211	50 FT PVMT	$67.38	$3,369.00	
AURORA REYES			50 FT WALK	$8.49	$424.50	
2743 ALASKA AVE.		TOTAL			$3,793.50	
DALLAS, TX 75216-3055		ADJ PER ENHANCEMENT EVAL			$1,896.75	
		NET DUE BY OWNER				**$1,896.75**
FELIX CABRERA	22	41/4211	50 FT PVMT	$67.38	$3,369.00	
2706 ALASKA AVE.	2743		50 FT WALK	$8.49	$424.50	
DALLAS, TX 75216-3054	ALASKA AVE.	TOTAL			$3,793.50	
		ADJ PER ENHANCEMENT EVAL			$1,896.75	
		NET DUE BY OWNER				**$1,896.75**
JUAN ZAVALA MAGANA	21	41/4211	50 FT PVMT	$67.38	$3,369.00	
2737 ALASKA AVE.			38 FT WALK	$8.49	$322.62	
DALLAS, TX 75216-3055			20.7 SY DR.(12')	$40.50	$838.35	
		TOTAL			$4,529.97	
		ADJ PER ENHANCEMENT EVAL			$2,264.97	
		NET DUE BY OWNER				**$2,265.00**
MATEO R. ORTIZ	20	41/4211	50 FT PVMT	$67.38	$3,369.00	
2731 ALASKA AVE.			40 FT WALK	$8.49	$339.60	
DALLAS, TX 75216-3055			18.3 SY DR.(10')	$40.50	$741.15	
		TOTAL			$4,449.75	
		ADJ PER ENHANCEMENT EVAL			$2,224.87	
		NET DUE BY OWNER				**$2,224.88**
JUAN RODRIQUEZ	19	41/4211	50 FT PVMT	$67.38	$3,369.00	
2727 ALASKA AVE.			40 FT WALK	NO COST	$0.00	
DALLAS, TX 75216-3055			10 FT DRIVE	NO COST	$0.00	
		TOTAL			$3,369.00	
		ADJ PER ENHANCEMENT EVAL			$1,684.50	
		NET DUE BY OWNER				**$1,684.50**

ALASKA AVENUE FROM E. SANER AVENUE TO E. HOBSON AVENUE TO E. ELMORE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 8-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
	BROADMOOR					
LUQMAN ALEEM	18	41/4211	50 FT PVMT	$67.38	$3,369.00	
834 GREEN CASTLE DR.	2723		40 FT WALK	NO COST	$0.00	
DALLAS, TX 75231-1208	ALASKA AVE.		18.3 SY DR.(10')	$40.50	$741.15	
		TOTAL			$4,110.15	
		ADJ PER ENHANCEMENT EVAL			$2,055.07	
		NET DUE BY OWNER				**$2,055.08**
WALTER BROWN	17	41/4211	50 FT PVMT	$67.38	$3,369.00	
2719 ALASKA AVE.			30 FT WALK	NO COST	$0.00	
DALLAS, TX 75216-3055			20 FT DRIVE	NO COST	$0.00	
		TOTAL			$3,369.00	
		ADJ PER ENHANCEMENT EVAL			$1,684.50	
		NET DUE BY OWNER				**$1,684.50**
GERONIMO ESPINOZA ET AL	16	41/4211	50 FT PVMT	$67.38	$3,369.00	
2510 WYNNEWOOD DR.	2715		40 FT WALK	$8.49	$339.60	
DALLAS, TX 75224-2668	ALASKA AVE.		13.9 SY DR.(10')	$40.50	$562.95	
		TOTAL			$4,271.55	
		ADJ PER ENHANCEMENT EVAL			$2,135.77	
		NET DUE BY OWNER				**$2,135.78**
RAFAEL &	15	41/4211	50 FT PVMT	$67.38	$3,369.00	
ESPERANZA BANALES			40 FT WALK	$8.49	$339.60	
2711 ALASKA AVE.			18.3 SY DR.(10')	$40.50	$741.15	
DALLAS, TX 75216-3055		TOTAL			$4,449.75	
		ADJ PER ENHANCEMENT EVAL			$2,224.87	
		NET DUE BY OWNER				**$2,224.88**
FREDY W. & WILMA E. MAY	14	41/4211	50 FT PVMT	$67.38	$3,369.00	
2707 ALASKA AVE.			40 FT WALK	$8.49	$339.60	
DALLAS, TX 75216-3055			18.3 SY DR.(10')	$40.50	$741.15	
		TOTAL			$4,449.75	
		ADJ PER ENHANCEMENT EVAL			$2,224.87	
		NET DUE BY OWNER				**$2,224.88**

ALASKA AVENUE FROM E. SANER AVENUE TO E. HOBSON AVENUE TO E. ELMORE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 8-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
	BROADMOOR					
MARIA BANALES DEL CARMEN	13	41/4211	50 FT PVMT	$67.38	$3,793.50	
2703 ALASKA AVE.	2701		50 FT WALK	$8.49	$424.50	
DALLAS, TX 75216-3055	ALASKA AVE.	TOTAL			$3,793.50	
		ADJ PER ENHANCEMENT EVAL			$1,896.75	
		NET DUE BY OWNER				**$1,896.75**
E. HOBSON AVENUE INTERSECTS						
	BROADMOOR					
GEORGE M. BLACKBURN III	24	18/4208	50 FT PVMT	$67.38	$3,369.00	
2529 QUAIL GLEN RD.	2647		50 FT WALK	NO COST	$0.00	
CARROLLTON, TX 75006-2012	ALASKA AVE.	TOTAL			$3,369.00	
		ADJ PER ENHANCEMENT EVAL			$1,684.50	
		NET DUE BY OWNER				**$1,684.50**
HMK LTD	23	18/4208	50 FT PVMT	$67.38	$3,369.00	
1119 SINGLETON BLVD.	2643		50 FT WALK	$8.49	$424.50	
DALLAS, TX 75212-5217	ALASKA AVE.	TOTAL			$3,793.50	
		ADJ PER ENHANCEMENT EVAL			$1,896.75	
		NET DUE BY OWNER				**$1,896.75**
JUAN & MARIA MORALES	22	18/4208	50 FT PVMT	$67.38	$3,369.00	
2639 ALASKA AVE.			40 FT WALK	NO COST	$0.00	
DALLAS, TX 75216-3053			13.9 SY DR.(10')	$40.50	$562.95	
		TOTAL			$3,931.95	
		ADJ PER ENHANCEMENT EVAL			$1,965.97	
		NET DUE BY OWNER				**$1,965.98**
DIMPLE WATSON	21	18/4208	50 FT PVMT	$67.38	$3,369.00	
2802 KELLOGG AVE.	2635		40 FT WALK	NO COST	$0.00	
DALLAS, TX 75216-3252	ALASKA AVE.		10 FT DRIVE	NO COST	$0.00	
		TOTAL			$3,369.00	
		ADJ PER ENHANCEMENT EVAL			$1,684.50	
		NET DUE BY OWNER				**$1,684.50**

ALASKA AVENUE FROM E. SANER AVENUE TO E. HOBSON AVENUE TO E. ELMORE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 8-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
	BROADMOOR					
WILBON JOHNSON	20	18/4208	50 FT PVMT	$67.38	$3,369.00	
4938 HILANDALE ST.	2631		28 FT WALK	NO COST	$0.00	
DALLAS, TX 75216-6726	ALASKA AVE.		12.8 SY DR.(10')	$40.50	$518.40	
			16.3 SY DR.(12')	$40.50	$660.15	
		TOTAL			$4,547.55	
		ADJ PER ENHANCEMENT EVAL			$2,273.79	
		NET DUE BY OWNER				**$2,273.76**
JEFFREY L. &	19	18/4208	50 FT PVMT	$67.38	$3,369.00	
GINGER B. PELLETIER	2627		40 FT WALK	NO COST	$0.00	
1112 COURTNEY LN.	ALASKA AVE.		12.8 SY DR.(10')	$40.50	$518.40	
LEWISVILLE, TX 75077-2565		TOTAL			$3,887.40	
		ADJ PER ENHANCEMENT EVAL			$1,948.70	
		NET DUE BY OWNER				**$1,938.70**
LUIS D. RODRIGUEZ	18	18/4208	50 FT PVMT	$67.38	$3,369.00	
2623 ALASKA AVE.			40 FT WALK	NO COST	$0.00	
DALLAS, TX 75216-3053			10 FT DRIVE	NO COST	$0.00	
		TOTAL			$3,369.00	
		ADJ PER ENHANCEMENT EVAL			$1,684.50	
		NET DUE BY OWNER				**$1,684.50**
BEN GOTTLIEB	17	18/4208	50 FT PVMT	$67.38	$3,369.00	
7401 WINDMILL LN.	2619		40 FT WALK	NO COST	$0.00	
GARLAND, TX 75044-2055	ALASKA AVE.		18.3 SY DR.(10')	$40.50	$741.15	
		TOTAL			$4,110.15	
		ADJ PER ENHANCEMENT EVAL			$2,055.07	
		NET DUE BY OWNER				**$2,055.08**
BILL J. MILLER	15 & 16	18/4208	100 FT PVMT	$67.38	$6,738.00	
4621CREIGHTON DR.	2615		90 FT WALK	$8.49	$764.10	
DALLAS, TX 75214-2121	ALASKA AVE.		18.3 SY DR.(10')	$40.50	$741.15	
		TOTAL			$8,243.25	
		ADJ PER ENHANCEMENT EVAL			$4,121.62	
		NET DUE BY OWNER				**$4,121.63**

ALASKA AVENUE FROM E. SANER AVENUE TO E. HOBSON AVENUE TO E. ELMORE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 8-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
	BROADMOOR					
ROLANDO & MARIA JIMENEZ	14	18/4208	50 FT PVMT	$67.38	$3,369.00	
1032 TWIN FALLS DR.	2607		38 FT WALK	$8.49	$322.62	
DESOTO, TX 75115-5454	ALASKA AVE.		12 FT DRIVE	NO COST	$0.00	
		TOTAL			$3,691.62	
		ADJ PER ENHANCEMENT EVAL			$1,845.81	
		NET DUE BY OWNER				**$1,845.81**
DANIEL & ANA LOPEZ	13	18/4208	50 FT PVMT	$65.27	$3,263.50	
2601 ALASKA AVE.	ALASKA &		40 FT WALK	$8.49	$339.60	
DALLAS, TX 75216-3053	ELMORE		10 FT DRIVE	NO COST	$0.00	
		TOTAL			$3,603.10	
		ADJ PER ENHANCEMENT EVAL			$1,800.05	
		NET DUE BY OWNER				**$1,803.05**
EAST SIDE OF STREET						
	BROADMOOR					
NECEIE G. ROBERTSON	1	19/4209	50 FT PVMT	$67.38	$3,369.00	
606 E. ELMORE AVE.			50 FT WALK	$8.49	$424.50	
DALLAS, TX 75216-3011		TOTAL			$3,793.50	
		ADJ PER ENHANCEMENT EVAL			$1,896.75	
		NET DUE BY OWNER				**$1,896.75**
MILDRED L. WATSON	2	19/4209	50 FT PVMT	$67.38	$3,369.00	
2606 ALASKA AVE.			40 FT WALK	$8.49	$339.60	
DALLAS, TX 75216-3052			18.3 SY DR.(10')	$40.50	$741.15	
		TOTAL			$4,449.75	
		ADJ PER ENHANCEMENT EVAL			$2,224.87	
		NET DUE BY OWNER				**$2,224.88**
ASSOCIATES FIRST CAPITAL	3	19/4209	50 FT PVMT	$67.38	$3,369.00	
1111 NORTHPOINT DR.	2610		40 FT WALK	$8.49	$339.60	
BLDG. 4, STE. 100	ALASKA AVE.		18.3 SY DR.(10')	$40.50	$741.15	
COPPELL, TX 75019-3831		TOTAL			$4,449.75	
		ADJ PER ENHANCEMENT EVAL			$2,224.87	
		NET DUE BY OWNER				**$2,224.88**

ALASKA AVENUE FROM E. SANER AVENUE TO E. HOBSON AVENUE TO E. ELMORE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 8-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
	BROADMOOR					
KARINA DELAO	4	19/4209	50 FT PVMT	$67.38	$3,369.00	
2614 ALASKA AVE.			40 FT WALK	$8.49	$339.60	
DALLAS, TX 75216-3052			18.3 SY DR.(10')	$40.50	$741.15	
		TOTAL			$4,449.75	
		ADJ PER ENHANCEMENT EVAL			$2,224.87	
		NET DUE BY OWNER				**$2,224.88**
WASHINGTON MUTUAL	5	19/4209	50 FT PVMT	$67.38	$3,369.00	
BANK FA	2618		40 FT WALK	NO COST	$0.00	
STE. 200	ALASKA AVE.		18.3 SY DR.(10')	$40.50	$741.15	
C/O 1270 NORTHLAND DR.		TOTAL			$4,110.15	
MENDOTA HEIGHTS, MN 55120		ADJ PER ENHANCEMENT EVAL			$2,055.07	
		NET DUE BY OWNER				**$2,055.08**
CESAR VELIZ &	6	19/4209	50 FT PVMT	$67.38	$3,369.00	
MARIA CARRERA			30 FT WALK	$8.49	$254.70	
2622 ALASKA AVE.			18.3 SY DR.(10')	$40.50	$741.15	
DALLAS, TX 75216-3052			18.3 SY DR.(10')	$40.50	$741.15	
		TOTAL			$5,106.00	
		ADJ PER ENHANCEMENT EVAL			$2,553.00	
		NET DUE BY OWNER				**$2,553.00**
B. J. MILLER	7	19/4209	50 FT PVMT	$67.38	$3,369.00	
C/O JERRY MILLER	2626		40 FT WALK	NO COST	$0.00	
P. O. BOX 600091	ALASKA AVE.		13.9 SY DR.(10')	$40.50	$562.95	
DALLAS, TX 75360-0091		TOTAL			$3,931.95	
		ADJ PER ENHANCEMENT EVAL			$1,965.98	
		NET DUE BY OWNER				**$1,965.97**
	BROADMOOR ADDN					
COMMUNITY CHURCH	8	19/4209	50 FT PVMT	$67.38	$3,369.00	
4409 CRANFILL DR.	2628		40 FT WALK	$8.49	$339.60	
DALLAS, TX 75216-6616	ALASKA AVE.		18.3 SY DR.(10')	$40.50	$741.15	
		TOTAL			$4,449.75	
		ADJ PER ENHANCEMENT EVAL			$2,224.87	
		NET DUE BY OWNER				**$2,224.88**

ALASKA AVENUE FROM E. SANER AVENUE TO E. HOBSON AVENUE TO E. ELMORE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 8-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
	BROADMOOR					
FRANCISCO & ANITA CAZARES	9	19/4209	50 FT PVMT	$67.38	$3,369.00	
2632 ALASKA AVE.			40 FT WALK	NO COST	$0.00	
DALLAS, TX 75216-3052			10 FT DRIVE	NO COST	$0.00	
		TOTAL			$3,369.00	
		ADJ PER ENHANCEMENT EVAL			$1,684.50	
		NET DUE BY OWNER				**$1,684.50**
LOUISE DICKSON	10	19/4209	50 FT PVMT	$67.38	$3,369.00	
2638 ALASKA AVE.			40 FT WALK	NO COST	$0.00	
DALLAS, TX 75216-3052			13.9 SY DR.(10')	$40.50	$562.95	
		TOTAL			$3,931.95	
		ADJ PER ENHANCEMENT EVAL			$1,965.98	
		NET DUE BY OWNER				**$1,965.97**
NORTHERN INTERCORP INC.	11	19/4209	50 FT PVMT	$67.38	$3,369.00	
SUITE 100	2642		40 FT WALK	NO COST	$0.00	
1702 N. COLLINS BLVD.	ALASKA AVE.		10 FT DRIVE	NO COST	$0.00	
RICHARDSON, TX 75080-3566		TOTAL			$3,369.00	
		ADJ PER ENHANCEMENT EVAL			$1,684.50	
		NET DUE BY OWNER				**$1,684.50**
RAFAEL BANALES	12	19/4209	50 FT PVMT	$67.38	$3,369.00	
2644 ALASKA AVE.			40 FT WALK	$8.49	$339.60	
DALLAS, TX 75216-3052			10 FT DRIVE	NO COST	$0.00	
		TOTAL			$3,708.60	
		ADJ PER ENHANCEMENT EVAL			$1,854.30	
		NET DUE BY OWNER				**$1,854.30**
	BROADMOOR					
E. HOBSON AVENUE INTERSECTION						
BARON CASTON	1	40/4210	50 FT PVMT	$67.38	$3,369.00	
2702 ALASKA AVE.			40 FT WALK	$8.49	$339.60	
DALLAS, TX 75216-3054			10 FT DRIVE	NO COST	$0.00	
		TOTAL			$3,708.60	
		ADJ PER ENHANCEMENT EVAL			$1,854.30	
		NET DUE BY OWNER				**$1,854.30**

ALASKA AVENUE FROM E. SANER AVENUE TO E. HOBSON AVENUE TO E. ELMORE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 8-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
	BROADMOOR					
FELIX CABRERA	2	40/4210	50 FT PVMT	$67.38	$3,369.00	
2706 ALASKA AVE.			30 FT WALK	$8.49	$254.70	
DALLAS, TX 75216-3054			10 FT DRIVE	NO COST	$0.00	
			18.3 SY DR.(10')	$40.50	$741.15	
		TOTAL			$4,364.85	
		ADJ PER ENHANCEMENT EVAL			$2,182.42	
		NET DUE BY OWNER				**$2,182.43**
ROBERT D. COX	3	40/4210	50 FT PVMT	$67.38	$3,369.00	
P.O. BOX 389	2710		40 FT WALK	$8.49	$339.60	
MINEOLA, TX 75773-0389	ALSAKA AVE.		18.3 SY DR.(10')	$40.50	$741.15	
		TOTAL			$4,449.75	
		ADJ PER ENHANCEMENT EVAL			$2,224.87	
		NET DUE BY OWNER				**$2,224.88**
GILBERTO GONZALES	4	40/4210	50 FT PVMT	$67.38	$3,369.00	
139 W. ILLINOIS AVE.	2714		40 FT WALK	$8.49	$339.60	
DALLAS, TX 75224-2216	ALASKA AVE.		13.9 SY DR.(10')	$40.50	$562.95	
		TOTAL			$4,271.55	
		ADJ PER ENHANCEMENT EVAL			$2,135.77	
		NET DUE BY OWNER				**$2,135.78**
JOSE & CARMEN MORENO	5	40/4210	50 FT PVMT	$67.38	$3,369.00	
2716 ALASKA AVE.			40 FT WALK	NO COST	$0.00	
DALLAS, TX 75216-3054			13.9 SY DR.(10')	$40.50	$562.95	
		TOTAL			$3,931.95	
		ADJ PER ENHANCEMENT EVAL			$1,965.97	
		NET DUE BY OWNER				**$1,965.98**
KATHRYN BLACKMAN	6	40/4210	50 FT PVMT	$67.38	$3,369.00	
504 WOODACRE DR.	2720		50 FT WALK	$8.49	$424.50	
DALLAS, TX 75241-1035	ALASKA AVE.	TOTAL			$3,793.50	
		ADJ PER ENHANCEMENT EVAL			$1,896.75	
		NET DUE BY OWNER				**$1,896.75**

ALASKA AVENUE FROM E. SANER AVENUE TO E. HOBSON AVENUE TO E. ELMORE AVENUE

SHALL BE PAVED FROM CURB TO CURB WITH 8-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
	BROADMOOR					
OCTAVIO &	7 &	40/4210	75 FT PVMT	$67.38	$5,053.50	
FERMIN MENDOSA	N. 1/2		55 FT WALK	NO COST	$0.00	
2726 ALASKA AVE.	LOT 8		26.1 SY DR.(20')	$40.50	$1,057.05	
DALLAS, TX 75216-3054		TOTAL			$6,110.55	
		ADJ PER ENHANCEMENT EVAL			$3,055.29	
		NET DUE BY OWNER				**$3,055.26**
LIGHTWORLD VISION INC.	9 &	40/4210	75 FT PVMT	$67.38	$5,053.50	
C/O FAITH CHURCH OF GOD	S. 1/2		75 FT WALK	$8.49	$636.75	
2726 ALASKA AVE.	LOT 8	TOTAL			$5,690.25	
DALLAS, TX 75216-3054	2730	ADJ PER ENHANCEMENT EVAL			$2,845.12	
	ALASKA AVE	NET DUE BY OWNER				**$2,845.13**
PEDRO & AGUEDA MARTINEZ	10	40/4210	50 FT PVMT	$67.38	$3,369.00	
2732 ALASKA AVE.			40 FT WALK	NO COST	$0.00	
DALLAS, TX 75216-3054			10 FT DRIVE	NO COST	$0.00	
		TOTAL			$3,369.00	
		ADJ PER ENHANCEMENT EVAL			$1,684.50	
		NET DUE BY OWNER				**$1,684.50**
JAROD PETTIT INC.	11	40/4210	50 FT PVMT	$67.38	$3,369.00	
17817 COIT RD., #1101	2742		40 FT WALK	NO COST	$0.00	
DALLAS, TX 75252-6474	ALASKA AVE.		12.8 SY DR.(10')	$40.50	$518.40	
		TOTAL			$3,887.40	
		ADJ PER ENHANCEMENT EVAL			$1,943.70	
		NET DUE BY OWNER				**$1,943.70**
ARTHUR L. HENDERSON	12	40/4210	50 FT PVMT	$67.38	$3,369.00	
1728 STAFFORD ST.	2746		50 FT WALK	$8.49	$424.50	
CEDAR HILL, TX 75104-4936	ALASKA AVE.	TOTAL			$3,793.50	
	ALASKA &	ADJ PER ENHANCEMENT EVAL			$1,896.75	
	SANER	NET DUE BY OWNER				**$1,896.75**

Alaska Avenue from E. Saner Avenue to E. Hobson Avenue to E. Elmore Avenue

Total Property Owners' Cost - Assessments	$191,007.13	
Adjustments Per Enhancement Evaluation	$95,496.00	
Net Due by Owner		$95,511.13
Total City of Dallas' Cost - Paving	$392,188.87	
Total City of Dallas' Cost - Drainage	$130,000.00	
Total City of Dallas' Cost		$522,188.87
Total Cost of Improvements		$617,700.00

SECTION 3. That where more than one person, firm or corporation owns an interest in any property above described, each said person, firm or corporation shall be personally liable for its, his or her pro rata of the total assessment against such property in proportion as its, his or her respective interest bears to the total ownership of such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of such proportionate sum.

SECTION 4. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight per centum (8.00%) per annum, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be a first paramount lien thereon, superior to all other liens and claims except State, County, School District and City ad valorem taxes.

That the sums so assessed against the abutting property and the owners thereof, shall be and become due and payable as follows, to wit, in twelve (12) equal installments, the first payable on or before thirty (30) days after the acceptance of the completed improvements by the City, and one (1) each month thereafter until the total amount is paid; deferred payments shall bear interest from the date of such completion and acceptance at the rate of eight per centum (8.00%) per annum, payable monthly with each installment, so that upon the completion and acceptance of the improvements in a particular unit or district, assessments against such completed and accepted unit or district shall be and become due and payable in such installments and with interest from the date of such completion and acceptance. Provided, however, that any owner shall have the right to pay the entire assessment, or any installment thereof, before maturity, by payment of principal and accrued interest, and further provided that if default shall be made in the payment of any installment of principal or interest promptly as the same matures, then the entire amount of the assessment upon which such default is made shall, at the option of the said City of Dallas, or its assigns, be and become immediately due and payable, and shall be collectible, together with reasonable attorney's fees and costs of collection, if incurred. Any assessed property owner, however, shall have the right to execute a mechanics and materialman's lien contract and a promissory note whereby the assessments due, together with interest at the rate mentioned above, shall be payable over a period of not longer than ten years in equal monthly payments, but each monthly payment shall never be less than $5.00.

SECTION 5. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof shall be enforced either by suit in any court having jurisdiction or by lien foreclosure.

SECTION 6. That for the purpose of evidencing the several sums payable by said property owners and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates may be issued by the City of Dallas upon the completion and acceptance of the said work of improvement, which shall be executed by the Mayor, signing the same or by his facsimile signature impressed thereon, attested by the City Secretary, under the impress of the corporate seal, and shall be payable to the City of Dallas, or its assigns, which certificate shall declare the said amounts and the time and terms of payment thereof, and the said rate of interest payable thereof, and shall contain the name of the owner and the description of his property by Lot or Block Number of front feet thereof, or such description as may otherwise identify the same by reference to any other fact, and if said property shall be owned by an estate, then the description thereof as so owned shall be sufficient.

And, that the said certificates shall further provide that if default shall be made in the payment of any installment of principal or interest thereon, when due then at the option of the said City of Dallas being the owner and holder thereof, the whole of the said assessment shall at once become due and payable and shall be collectible with reasonable attorney's fees and costs if incurred.

And, that the said certificates shall further set forth and evidence the said personal liability of the owner and the lien upon his premises and shall provide that if default shall be made in the payment thereof, the same may be enforced as above provided.

And, that the said certificates shall further recite that the proceedings with reference to making said improvements have been regularly had in compliance with the terms of the applicable law, and that all prerequisites to the fixing of the lien and claims of personal liability evidenced by such certificates have been performed, which recitals shall be prima facie evidence of the facts so recited and no further proof thereof shall be required.

That the said certificates shall also provide that the amounts payable thereunder shall be paid to the City Controller of the City of Dallas, who shall credit said payments upon the said certificates, and shall immediately deposit the amounts so collected with the City Treasurer of the City of Dallas, to be kept and held by him in a special fund, which is hereby designated as Capital Assessments Fund and which payments shall be by the Treasurer paid to the said City of Dallas or other holder of the said certificates, on presentation thereof to him, duly credited by the City Controller the said credit by said City Controller being the Treasurer's Warranty for making such payment and the said City of Dallas or other holder of said certificate, shall receipt in writing to said Treasurer when paid in full, together with all costs of collection.

SECTION 6. (continued)

And, that the said certificates shall further provide that the City of Dallas shall exercise all legal power, when requested so to do by the holder of said certificate, to aid in the collection thereof; but the City of Dallas shall in nowise be liable to the holder of said certificates in any manner for payment of the amount evidenced by the said certificates or for any costs or expense in the premises, or for any failure of the said City Council or any of its officers in connection therewith.

That full power to make and levy reassessments, and to correct mistakes, errors, invalidates or irregularities, either in the assessments or in the certificates issued in evidence thereof, is in accordance with the law in force in this City, vested in the City.

SECTION 7. That all assessments levied are a personal liability and charged against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 8. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law has been adopted as an alternative method for the construction of street improvements in the City of Dallas, Texas, by Chapter XX of the Charter of the City of Dallas.

SECTION 9. That the assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments for the improvements in one unit or district are in nowise related to or connected with the improvements in any other unit or district, and in making assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the assessments therefore in any other unit or district.

SECTION 10. That the City Manager, or her designee, is hereby authorized to execute releases of any paving assessment liens herein levied and assessed against the parcels of property and owners thereof, if same are fully paid, such releases to be approved as to form by the City Attorney and attested by the City Secretary.

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

Distribution: Public Works and Transportation, OCMC, Room 101
Public Works and Transportation, Athan M. Thompson, OCMC, Room 307
City Attorney
Office of Financial Services

APPROVED AS TO FORM:

Thomas P. Perkins, Jr.,
City Attorney

By _____
Assistant City Attorney

Prepared by _____
Paving Assessment Coordinator

Approved by _____
Interim Director of Public Works
and Transportation

Passed and correctly enrolled _____

AGENDA ITEM # 58

KEY FOCUS AREA: Economic Development

AGENDA DATE:	September 12, 2007
COUNCIL DISTRICT(S):	6
DEPARTMENT:	Public Works & Transportation
CMO:	Ramon F. Miguez, P.E., 670-3308
MAPSCO:	23X 33B

SUBJECT

A benefit assessment hearing to receive comments on street paving, storm drainage, water and wastewater main improvements for Community Drive from Denton Drive to West Northwest Highway, and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: No cost consideration to the City

BACKGROUND

Community Drive from Harry Hines Boulevard to West Northwest Highway is a Thoroughfare project in the 2003 Bond Program. The section of Community Drive from Harry Hines Boulevard to Denton Drive will be constructed by Dallas Area Rapid Transit in connection with the DART rail line and station. The limits of this project will be Community Drive from Denton Drive to West Northwest Highway. The improvements will consist of four-lane undivided concrete pavement with curbs, sidewalks, drive approaches, storm drainage, water and wastewater main improvements. This project will improve traffic flow and conform with the City thoroughfare standards.

The paving assessment process requires the following three steps:

1. Authorize paving improvements.
2. Authorize a benefit assessment hearing.
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction.

This action is the 3rd step in the process. This project will be awarded on October 10, 2007.

ESTIMATED SCHEDULE OF PROJECT

Began Design	May 2006
Completed Design	July 2007
Begin Construction	November 2007
Complete Construction	July 2008

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on April 12, 2006, by Resolution No. 06-1036.

Authorized street paving improvements and a benefit assessment hearing on August 8, 2007, by Resolution Nos. 07-2193 and 07-0000.

FISCAL INFORMATION

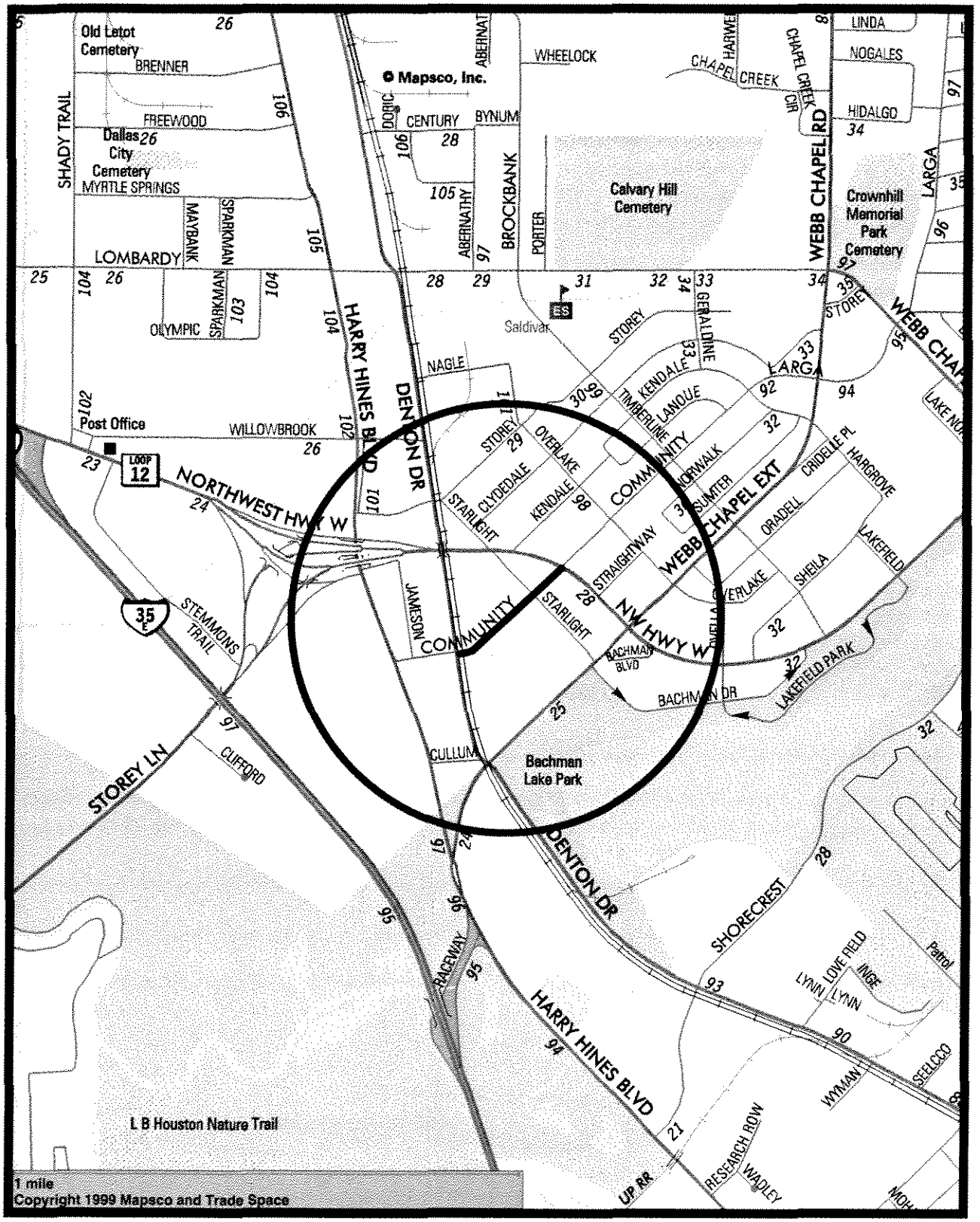
Design	$206,278.00
Construction	
Paving & Drainage (PBW)	$918,165.00 (est.)
Water & Wastewater - (WTR)	$500,590.00 (est.)
Total Project Cost	$1,625,033.00 (est.)

This project does involve assessments.

MAP

Attached.

Community Drive



Mapsco 23X, 33B

September 12, 2007

WHEREAS, heretofore, a resolution was duly adopted by the City Council of the City of Dallas for the improvement of the following street between the limits set forth, out of materials specified, ordering that bids be taken for the construction, and ordering that an estimate of the cost of such improvements be prepared, to wit:

Community Drive from Denton Drive to Starlight Road to W. Northwest Highway

and,

WHEREAS, by resolution such estimate and specifications were duly adopted therefore, and the Purchasing Agent was authorized to advertise for bids for such construction; and,

WHEREAS, by resolution the City Council determined the necessity for assessing a portion of the cost of such improvements against the property abutting such improvements, and the owners thereof, and duly and legally set a time and place for a public hearing thereon, and provided for notice to be given to such owners, as provided by law; and,

WHEREAS, the said hearing was duly held at said time and place; and,

WHEREAS, the City Council, after fully considering said proposed assessments, and fully considering the benefits that each property owner and his property receive from making said improvements, is of the opinion that the said proposed assessments determined to be levied are fair and equitable, and in accordance with the enhancement report submitted by the Real Estate Manager, Development Services Department, representing the benefits that the said property receives in enhanced values from the making of the said improvements, and that the said assessments should be made; and,

WHEREAS, the Council having no further protest, remonstrance, or objection before it, is of the opinion that the said hearing should be closed;

Now, Therefore,

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

SECTION 1. That the said hearing held on the **12th** day of **September** A.D. **2007** be and the same is hereby ordered closed.

SECTION 2. That the City Attorney is hereby directed to prepare an ordinance assessing against the several owners of the abutting property, and against their property abutting upon the street hereinabove mentioned, the proportionate part of said cost herein adjudged against the said respective owners and their property, such assessments to be in accordance with the attached enhancement report. That the said ordinance shall fix a lien upon said property, and shall declare said respective owners thereof to be respectively liable for the amounts so adjudged against them. Said ordinance shall in all respects comply with the applicable law in such cases made and provided.

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

Distribution: Public Works and Transportation, OCMC, Room 101
Public Works and Transportation, Athan M. Thompson, OCMC, Room 307
City Attorney
Office of Financial Services

III-SP-2

PAVING ASSESSMENT ENHANCEMENT STUDY – COMMUNITY DRIVE

DEFINITIONS AND LIMITING CONDITIONS

MARKET VALUE

The most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

The price which the property would bring when it is offered for sale by who desires, but is not obligated to sell, and is bought by one who is no necessity of buying it. State v. Carpenter (Tex Comm App 1936) S.W.2d 194, 2002.

FRONT FOOT RULE

Each front foot of an abutting owner's property is assessed a portion of the total cost of improvements which is equal to the portion of the assessment levied against each front foot of property of other abutting owners along the improved segment of the road. Provided that the assessment must be no greater than the benefit to the particular individual abutting property and there must be an equitable adjustment for any application of the rule in an injustice or inequality, see Dufford v. City of Corpus Christi (Civ.App.1960) 332 S.W.2d 447,450 and Section 313.044, Transportation Code.

SPECIAL BENEFITS

An enhancement more localized than a general improvement in community welfare, but not necessarily unique to a given piece of property. A special benefit is going beyond the general benefits supposed to diffuse itself from the improvements through the municipality. Haynes v. City of Abilene (Tex 1983) 659 S.W.2d 638,641.

LIMITATIONS

1. Ownership information was obtained from information appearing on the Tax Rolls.

2. Information furnished by others is assumed to be correct and reliable.

3. The existence of potentially hazardous materials on or in the properties has not been considered.

4. **THIS IS AN OPINION OF VALUE OR COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDEREDAN APPRAISAL. In making any decision that relies upon our work, you should know that we have not followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.**

PAVING ASSESSMENT STUDY
BASIC PROCEDURES

The City of Dallas by City Council policy and in accordance with State law assesses abutting property owners a portion of the cost for paving of streets, sidewalks and alleys. This program is administered by the Public Works and Transportation Department (Public Works) with an enhancement review and adjustments as required by the Department of Development Services Real Estate Division (Real Estate.)

The Public Works calculates proposed assessments based upon the Front Foot Rule with adjustments for factors such as irregularly shaped lots, flood plains, zoning and lot orientation. The City council has established policy guidelines to lessen the impact of the Front Foot Rule and to provide for more equitable assessments (Resolution #65-2602 and Resolution #74-1272). The proposed assessments per the construction bid, as adjusted by Public Works, are submitted to Real Estate.

Upon receipt of the preliminary assessment figures from the Public Works, Real Estate staff review each assessment to ensure that special benefits are estimated to ensure that special benefits exceed the assessment, then the assessment is adjusted downward to an amount which, in the opinion of the Real Estate staff, is clearly supported by the special benefits to the property. Real Estate goes through a review process which includes the following:

1. The tax rolls are checked to determine the size of the parcel and the land value on the tax roll;

2. Comparable land sales are checked to assist in determining land value estimates;

3. Zoning maps are checked to determine the correct zoning of each parcel to be assessed;

4. Flood plain and drainage maps are reviewed, where drainage problems appear to significantly affect parcels to be assessed;

5. All parcels are viewed by staff to identify special or unique factors which could affect the level of benefits resulting from the project for each property to be assessed;

6. Paving assessments in connection with other comparable City Projects are reviewed to ensure overall consistency and fairness.

DESCRIPTION OF PROJECT

This project is generally described as follows:

COMMUNITY DRIVE FROM DENTON DRIVE TO STARLIGHT ROAD TO W. NORTHWEST HIGHWAY SHALL BE PAVED WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE REINFORCED CONCRETE PAVEMENT; WITH 6-INCH TREATED LIME SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURB; WITH 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNES REINFORCED CONCERETE SIDEWALKS 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 44 FEET IN WIDTH

While acknowledging the positive impact that the proposed improvements will have on the overall aesthetic value of the neighborhood, it is difficult to quantify this value correctly and virtually impossible to present the cost of such improvements as their value-added to property owners. A typical example is landscape or flooring installation. A property owner may spend $20,000 on such improvements, but these improvements may add not more than $5,000 to the value of the property.

For this reason, the proposal to assess the property owners for their proportionate cost by the front-foot method is not recommended. We acknowledge that the new improvements will enhance the value of the properties. In our opinion, however, the improvements will not increase values of the properties at the rate indicated.

In an effort to be equitable to the property owners, we recommend that the property owners be assessed as indicated in following tables. We feel that the values presented are a fair and reasonable value for the assessments.

It is our estimation that the subject properties will only experience a slight increase in value in lieu of the market value due to the proposed improvements.

COMMUNITY DRIVE FROM DENTON DRIVE TO STARLIGHT ROAD TO W. NORTHWEST HIGHWAY SHALL BE PAVED WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE REINFORCED CONCRETE PAVEMENT; WITH 6-INCH TREATED LIME SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURB; WITH 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNES REINFORCED CONCERETE SIDEWALKS 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 44 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE			RATE	AMOUNT	TOTAL ASSESSMENT	ASSESSED VALUE - LAND	ZONING	TOTAL ASSESSMENT
NORTH SIDE OF STREET											
			916.5	FT	ADJ. TO						
ARTESIA VILLAGE LP ETAL 16807 SUNNY RIDGE CT. CERRITOS, CA 90703-1623	1	5792	618.5	FT	PVMT	$91.55	$56,623.68				$30,925.00
	10.8902 ACS.		508.5	FT	WALK	$8.49	$4,317.17				$1,079.29
	2650		22	FT	DRIVE	NO COST	$0.00				
	W. N.W.		20	FT	DRIVE	NO COST	$0.00				
	HWY.		22	FT	DRIVE	NO COST	$0.00				
			20	FT	DRIVE	NO COST	$0.00				
			26	FT	DRIVE	NO COST	$0.00				
								$60,940.85	$1,897,510	CR	**$32,004.29**
STARLIGHT ROAD INTERSECTS											
	D. PARKER SURV ABST #1113										
NORTHWEST STARLIGHT LTD 5930 LBJ. FRW., STE. 400 DALLAS, TX 75240-6304	2.0129 ACS.	5779	324.5	FT	PVMT	$113.36	$36,785.32				$20,560.32
	2750		298.5	FT	WALK	$8.49	$2,534.27				$1,194.00
	W. N.W.		26	FT	DRIVE	NO COST	$0.00				
	HWY.							**$39,319.59**	$1,052,180	CR	**$21,754.32**

SOUTH SIDE OF STREET												
	LAKE LINE PARK											
ASHER DREYFUS JR.	LOTS 13, 14 &	A/5780	143.4		FT	PVMT	$113.36	$16,255.82				$9,034.20
12106 VENDOME PL.	S.W. 21.5'		93.4	FT		WALK	$8.49	$792.97				$313.60
DALLAS, TX 75230-2236	LOT 15		28		FT	DRIVE	NO COST	$0.00				
	2802		22		FT	DRIVE	NO COST	$0.00				
	W. N.W. HWY.								**$17,048.79**	$231,830	CR	**$9,347.80**
ARRANGMENT WEST	11 & 12	A/5780	200		FT	PVMT	$67.38	$13,476.00				$6,738.00
CONDOMINIUM			164		FT	WALK	$8.49	$1,392.36				$696.18
2710 COMMUNITY DR.			16		FT	DRIVE	NO COST	$0.00				
DALLAS, TX 75220			20		FT	DRIVE	NO COST	$0.00				
									$14,868.36	$124,170	MF-2	**$7,434.18**
STARLIGHT ROAD INTERSECTS												
	HH SMITH SUBDIVISION											
PRIMAVERA APARTMENTS LIMITED PARTNERSHIP	LTS 13,14, 15 & TR 16											
2610 COMMUNITY DR.	183720 SQ. FT.	5791	485		FT	PVMT	$91.55	$44,401.75				$24,250.00
DALLAS, TX 75220-5534	300X200X		461	FT		WALK	$8.49	$3,913.89				$1,956.95
	31X108.72		24		FT	DRIVE	NO COST	$0.00				
	X245X199.48								**$48,315.64**	$734,880	MF-2	**$26,206.95**
	2606 COMMUNITY DR.											

520 N. CAHUENGA BLVD. LOS ANGELES, CA 90004	17 1.0445 ACS. COMMUNITY DR. 485 FR. STARLIGHT RD. 2530 COMMUNITY DR.	5791	146 122 24	FT FT FT	PVMT WALK DRIVE	$91.55 $8.49 NO COST	$13,366.30 $1,035.78 $0.00	**$14,402.08**	$181,300	MF-2	$7,300.00 $488.00 **$7,788.00**
HYGINUS OBINWANNE & BIBIAN OBINWANNE 7172 GARDEN OAKS ST. FONTANA, CA 92336-4418	18 0.9998 ACS. COMMUNITY DR. 182 FR MKT RR 2514 COMMUNITY DR.	5791	126 86 22 18	FT FT FT FT	PVMT WALK DRIVE DRIVE	$91.55 $8.49 NO COST NO COST	$11,535.30 $730.14 $0.00 $0.00	**$12,265.44**	$174,200	MF-2	$6,300.00 $344.00 **$6,644.00**
LKR LTD 3401 ARMSTRONG AVE. DALLAS, TX 75205-3949	**COHEN** TR 1 2504 COMMUNITY DR.	A/5791	182.2 162.2 20	FT FT FT	PVMT WALK DRIVE	$91.55 $8.49 NO COST	$16,680.41 $1,377.08 $0.00	**$18,057.49**	$430,550	MF-2	$9,110.00 $648.80 **$9,758.80**
								$225,218.23			**$120,938.34**

CERTIFICATE

We certify that, except as otherwise noted in this report, that:

1. The statements of fact contained in this report are true and correct to the best of our knowledge.

2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and is our personal, unbiased and professional analyses, opinions and conclusions.

3. We have no present or prospective interest in the property which is the subject of this report and we have no personal interest or bias with respect to the parties involved.

4. Our compensation is not contingent upon an action or event resulting from the analyses, opinions or conclusions in, or the use of, our report.

5. Ownership and site data was obtained from information appearing in the Tax Rolls and for data provided to us by the Department of Public Works and Transportation.

6. The analyses, opinions and conclusions were developed and this report has been prepared in conformity with the rules of the Texas Real Estate Commission.

7. Mark Gooch has made a personal inspection of the project area, which is the subject of this report.

8. This assignment was not based on a requested minimum valuation or a specific valuation.

9. Race, color, religion, sex, national origin, handicap or familial status was not considered in estimating the values in this report.

10. **THIS IS NOT AN OPINION OF VALUE; IT IS A COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL. In making any decision that relies upon this report, you should know that we have NOT followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.**

Gladys Bowens — 7-23-07

Gladys Bowens
Assistant Director, Real Estate Division
Development Services

Date

ORDINANCE NO._____

AN ORDINANCE LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREET IN THE CITY OF DALLAS, TEXAS, TO WIT:

Community Drive from Denton Drive to Starlight Road to W. Northwest Highway

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE, THE RATE OF INTEREST, AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY AND MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID STREET, AND PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvements of

Community Drive from Denton Drive to Starlight Road to W. Northwest Highway

by filling, raising, grading, and paving same; and,

WHEREAS, pursuant to said resolution, specifications and an estimate of the cost of such improvements were prepared for said work by the Interim Director of Public Works and Transportation (City Engineer), filed with said Council, examined, approved, and adopted by it, all as required by applicable law; and,

WHEREAS, in compliance with the law the City Engineer prepared her statement or list showing the names of property owners upon said street the description of their property, the total cost of the said improvements, the cost there of per front foot and cost to each property owner, said statements possessing all the other requisites required by law; and,

WHEREAS, thereafter the said statements were filed with the City Council and by them examined and approved and a resolution was passed by said Council determining the necessity of making an assessment for part of the cost of said pavement against property owners and their property, and fixing a time and providing for a hearing to such property owners, all in accordance with the terms of applicable law, at which hearing to such property owners were to be heard as to the benefits of the said improvements to connected with the said improvements and,

WHEREAS, the said resolution in connection with the improvement of said street was duly adopted in compliance with the law on the 8th day of August, 2007; and,

WHEREAS, in accordance with the terms of the law, the City Secretary of the City of Dallas gave notice to the property owners on said street of said hearing, by publishing a copy of said notice in the Dallas Morning News, a daily paper of general circulation in the City of Dallas, for three successive days prior to the days set for the hearing, to wit, the 12th day of September, 2007; and the City Secretary also gave notice of said hearing by mailing letters containing the same to said property owners at least fourteen (14) days before the said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate these proceedings; and,

WHEREAS, said hearing was held at the time and place mentioned in the said resolution and notice, to wit, on the 12th day of September, 2007 at 1:00 o'clock P.M. at the Council Chamber in the City Hall of the City of Dallas, Texas, which hearing was then closed; and,

WHEREAS, at said hearing, all desiring to contest the said assessments, correct the same, or in any manner be heard concerning the benefits thereof, or in any related matter, were heard, and errors and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected;

Now, Therefore,

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

SECTION 1. That the action of the City Council closing the hearing and overruling the protests at the public hearing on the 12th day of September, 2007, in these proceedings is hereby ratified and confirmed by this ordinance. That the City Council, from the evidence, finds that the assessments herein levied should be made and levied against the respective parcels of property abutting upon the street herein below mentioned and against the owners thereof; that such assessments and charges are right and proper, and are substantially in proportion to the benefits to the respective parcels of property by means of the improvement in the unit or district for which such assessments are levied, and establish substantial justice, equality, and uniformity between the respective owners of the respective properties between all parties concerned, considering the benefits received and burdens imposed.

That the Council further finds that in each case the abutting property assessed is specially benefited in enhanced value to the said properties by means of the said improvements in the unit or district upon which the particular property abuts, and for which assessment is levied and charge made, in a sum in excess of the said assessment and charge made against the same by this ordinance. The Council further finds that the apportionment of the cost of the improvements is in accordance with the law in force in this City and that the proceedings of the City heretofore had with reference to said improvements are in all respects valid and regular.

SECTION 2. There shall be and is hereby levied and assessed against the parcels of property hereinbelow mentioned, and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money below mentioned and itemized shown opposite the description of the respective parcels of property, and the several amounts assessed against the same and the owners thereof, as far as such owners are known, being as follows:

COMMUNITY DRIVE FROM DENTON DRIVE TO STARLIGHT ROAD TO W. NORTHWEST HIGHWAY SHALL BE PAVED WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH TREATED LIME SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURB;WITH 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 44 FEET IN WIDTH.

							AMOUNT	TOTAL ASSESSMENT
NORTH SIDE OF STREET								
			916.5	FT	ADJ. TO			
ARTESIA VILLAGE LP ETAL	1	5792	618.5	FT	PVMT	$91.55	$56,623.68	
16807 SUNNY RIDGE CT.	10.8902 ACS.		508.5	FT	WALK	$8.49	$4,317.17	
CERRITOS, CA 90703-1623	2650		22	FT	DRIVE	NO COST	$0.00	
	W. N.W.		20	FT	DRIVE	NO COST	$0.00	
	HWY.		22	FT	DRIVE	NO COST	$0.00	
			20	FT	DRIVE	NO COST	$0.00	
			26	Ft	Drive	NO COST	$0.00	
		TOTAL					$60,940.85	
		ADJ PER ENHANCEMENT EVAL					$28,936.56	
		NET DUE BY OWNER						**$32,004.29**
STARLIGHT ROAD INTERSECTS								
D. PARKER SURV ABST #1113								
NORTHWEST STARLIGHT LTD	2.0129 ACS.	5779	324.5	FT	PVMT	$113.36	$36,785.32	
5930 LBJ. FRW., STE. 400	2750		298.5	FT	WALK	$8.49	$2,534.27	
DALLAS, TX 75240-6304	W. N.W.		26	FT	DRIVE	NO COST	$0.00	
	HWY.	TOTAL					$39,319.59	
		ADJ PER ENHANCEMENT EVAL					$17,565.27	
		NET DUE BY OWNER						**$21,754.32**
SOUTH SIDE OF STREET								
LAKE LINE PARK								
ASHER DREYFUS JR.	LOTS 13, 14 &	A/5780	143.4	FT	PVMT	$113.36	$16,255.82	
12106 VENDOME PL.	S.W. 21.5'		93.4	FT	WALK	$8.49	$792.97	
DALLAS, TX 75230-2236	LOT 15		28	FT	DRIVE	NO COST	$0.00	
	2802		22	FT	DRIVE	NO COST	$0.00	
	W. N.W.	TOTAL					$17,048.79	
	HWY.	ADJ PER ENHANCEMENT EVAL					$7,700.99	
		NET DUE BY OWNER						**$9,347.80**
ARRANGMENT WEST	11 & 12	A/5780	200	FT	PVMT	$67.38	$13,476.00	
CONDOMINIUM			164	FT	WALK	$8.49	$1,392.36	
2710 COMMUNITY DR.			16	FT	DRIVE	NO COST	$0.00	
DALLAS, TX 75220			20	FT	DRIVE	NO COST	$0.00	
		TOTAL					$14,868.36	
		ADJ PER ENHANCEMENT EVAL					$7,434.18	
		NET DUE BY OWNER						**$7,434.18**

The following is the individual condo owner's assessment. These make up the total assessment amount

ARRANGEMENT WEST CONDOMINIUMS

OWNER	BUILDING	UNIT	PERCENTAGE OWNERSHIP OF EACH UNIT IN THE GENERAL COMMON ELEMENTS	
HERBERT E. & MARTA ROMERO	A	101	0.06271	$932.40
2715 W. AVENUE 31			ADJ PER ENHANCEMENT EVAL	$466.20
LOS ANGELES, CA 90065-1329			NET DUE BY OWNER	**$466.20**
PATRICIA LYNN	A	106	0.06271	$932.40
1428 DONALD AVE.			ADJ PER ENHANCEMENT EVAL	$466.20
CARROLLTON, TX 75006-3723			NET DUE BY OWNER	**$466.20**
JORGE & MARIA CARBAJAL	A	201	0.06271	$932.40
111 N. PATTON AVE.			ADJ PER ENHANCEMENT EVAL	$466.20
DALLAS, TX 75203-2253			NET DUE BY OWNER	**$466.20**
ERNEST SCHWARZER	A	202	0.04276	$635.77
& OK SUN SCHWARZER			ADJ PER ENHANCEMENT EVAL	$317.88
3376 NORTHAVEN RD.			NET DUE BY OWNER	**$317.89**
DALLAS, TX 75229-2544				
HERBERT E. & MARTA ROMERO	A	203	0.04091	$608.26
2715 W. AVENUE 31			ADJ PER ENHANCEMENT EVAL	$304.13
LOS ANGELES, CA 90065-1329			NET DUE BY OWNER	**$304.13**
HERBERT E. & MARTA ROMERO	A	204	0.04091	$608.26
2715 W. AVENUE 31			ADJ PER ENHANCEMENT EVAL	$304.13
LOS ANGELES, CA 90065-1329			NET DUE BY OWNER	**$304.13**
ELIZABETH KAWA	A	205	0.04276	$635.77
2710 COMMUNITY DR			ADJ PER ENHANCEMENT EVAL	$317.88
BLDG. A, SUITE 205			NET DUE BY OWNER	**$317.89**
DALLAS, TX 75220				

ARRANGEMENT WEST CONDOMINIUMS

OWNER	BUILDING	UNIT	PERCENTAGE OWNERSHIP OF EACH UNIT IN THE GENERAL COMMON ELEMENTS	
ERNEST & OK SUN	A	206	0.06271	$932.40
SCHWARZER			ADJ PER ENHANCEMENT EVAL	$466.20
3376 NORTHAVEN RD.			NET DUE BY OWNER	**$466.20**
DALLAS, TX 75229-2544				
HERBERT E. & MARTA ROMERO	A	303	0.04091	$608.26
2715 W. AVENUE 31			ADJ PER ENHANCEMENT EVAL	$304.13
LOS ANGELES, CA 90065-1329			NET DUE BY OWNER	**$304.13**
HERBERT E. & MARTA ROMERO	A	304	0.04091	$608.26
2715 W. AVENUE 31			ADJ PER ENHANCEMENT EVAL	$304.13
LOS ANGELES, CA 90065-1329			NET DUE BY OWNER	**$304.13**
ERNEST & OK SUN	B	107	0.06271	$932.40
SCHWARZER			ADJ PER ENHANCEMENT EVAL	$466.20
3376 NORTHAVEN RD.			NET DUE BY OWNER	**$466.20**
DALLAS, TX 75229-2544				
ROSALIE W. ELKINS &	B	112	0.06271	$932.40
ROBERT LEE ELKINS			ADJ PER ENHANCEMENT EVAL	$466.20
2710 COMMUNITY DR., APT. 112			NET DUE BY OWNER	**$466.20**
DALLAS, TX 75220-5677				
ERNEST & OK SUN SCHWARZER	B	207	0.06271	$932.40
3376 NORTHAVEN RD.			ADJ PER ENHANCEMENT EVAL	$466.20
DALLAS, TX 75229-2544			NET DUE BY OWNER	**$466.20**
ERNEST & OK SUN SCHWARZER	B	208	0.04276	$635.77
3376 NORTHAVEN RD.			ADJ PER ENHANCEMENT EVAL	$317.88
DALLAS, TX 75229-2544			NET DUE BY OWNER	**$317.89**

ARRANGEMENT WEST CONDOMINIUMS

OWNER	BUILDING	UNIT	PERCENTAGE OWNERSHIP OF EACH UNIT IN THE GENERAL COMMON ELEMENTS	
ERNEST & OK SUN SCHWARZER	B	209	0.04091	$608.26
3376 NORTHAVEN RD.			ADJ PER ENHANCEMENT EVAL	$304.13
DALLAS, TX 75229-2544			NET DUE BY OWNER	**$304.13**
ERNEST & OK SUN SCHWARZER	B	210	0.04091	$608.26
3376 NORTHAVEN RD.			ADJ PER ENHANCEMENT EVAL	$304.13
DALLAS, TX 75229-2544			NET DUE BY OWNER	**$304.13**
ERNEST & OK SUN SCHWARZER	B	211	0.04276	$635.77
3376 NORTHAVEN RD.			ADJ PER ENHANCEMENT EVAL	$317.88
DALLAS, TX 75229-2544			NET DUE BY OWNER	**$317.89**
ERNEST &OK SUN SCHWARZER	B	212	0.06271	$932.40
3376 NORTHAVEN RD.			ADJ PER ENHANCEMENT EVAL	$466.20
DALLAS, TX 75229-2544			NET DUE BY OWNER	**$466.20**
ERNEST &OK SUN SCHWARZER	B	309	0.04091	$608.26
3376 NORTHAVEN RD.			ADJ PER ENHANCEMENT EVAL	$304.13
DALLAS, TX 75229-2544			NET DUE BY OWNER	**$304.13**
ERNEST &OK SUN SCHWARZER	B	310	0.04091	$608.26
3376 NORTHAVEN RD.			ADJ PER ENHANCEMENT EVAL	$304.13
DALLAS, TX 75229-2544			NET DUE BY OWNER	**$304.13**

COMMUNITY DRIVE FROM DENTON DRIVE TO STARLIGHT ROAD TO W. NORTHWEST HIGHWAY SHALL BE PAVED WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH TREATED LIME SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURB;WITH 8-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 44 FEET IN WIDTH.

								TOTAL ASSESSMENT
						AMOUNT		
STARLIGHT ROAD INTERSECTS								
	HH SMITH SUBDIVISION							
PRIMAVERA APARTMENTS	LTS 13,14,	5791	485	FT	PVMT	$91.55	$44,401.75	
LIMITED PARTNERSHIP	15 & TR 16		461	FT	WALK	$8.49	$3,913.89	
2610 COMMUNITY DR.	183,720 SQ. FT.		24	FT	DRIVE	NO COST	$0.00	
DALLAS, TX 75220-5534	300X200X	TOTAL					$48,315.64	
	31X108.72	ADJ PER ENHANCEMENT EVAL					$22,108.69	
	X245X199.48	NET DUE BY OWNER						**$26,206.95**
	2606 COMMUNITY DR.							
2530 COMMUNITY DALLAS LLC	17	5791	146	FT	PVMT	$91.55	$13,366.30	
520 N. CAHUENGA BLVD.	1.0445		122	FT	WALK	$8.49	$1,035.78	
LOS ANGELES, CA 90004	ACS.		24	FT	DRIVE	NO COST	$0.00	
	COMMUNITY	TOTAL					$14,402.08	
	DR. 485 FR.	ADJ PER ENHANCEMENT EVAL					$6,614.08	
	STARLIGHT	NET DUE BY OWNER						**$7,788.00**
	RD. 2530 COMMUNITY DR.							
HYGINUS OBINWANNE &	18	5791	126	FT	PVMT	$91.55	$11,535.30	
BIBIAN OBINWANNE	0.9998 ACS.		86	FT	WALK	$8.49	$730.14	
7172 GARDEN OAKS ST.	COMMUNITY DR.		22	FT	DRIVE	NO COST	$0.00	
FONTANA, CA 92336-4418	182 FR		18	FT	DRIVE	NO COST	$0.00	
	MKT RR	TOTAL					$12,265.44	
	2514	ADJ PER ENHANCEMENT EVAL					$5,621.44	
	COMMUNITY	NET DUE BY OWNER						**$6,644.00**
	DR.							
	COHEN							
LKR LTD	TR 1	A/5791	182.2	FT	PVMT	$91.55	$16,680.41	
3401 ARMSTRONG AVE.	2504		162.2	FT	WALK	$8.49	$1,377.08	
DALLAS, TX 75205-3949	COMMUNITY		20	FT	DRIVE	NO COST	$0.00	
	DR.	TOTAL					$18,057.49	
		ADJ PER ENHANCEMENT EVAL					$8,298.69	
		NET DUE BY OWNER						**$9,758.80**

Community Drive from Denton Drive to Starlight Road to W. Northwest Highway

Total Property Owners' Cost - Assessments	$225,218.23	
Adjustments Per Enhancement Evaluation	$104,279.89	
Net Due by Owner		$120,938.34
Estimated Total City of Dallas' Cost - Paving	$380,326.66	
Estimated Total City of Dallas' Cost - Drainage	$416,900.00	
Estimated Total Dallas Water Utilities Cost Water and Wastewater Main Improvements	$500,590.00	
Estimated Total City of Dallas' Cost		$1,297,816.66
Estimated Total Cost of Improvements		$1,418,755.00

SECTION 3. That where more than one person, firm or corporation owns an interest in any property above described, each said person, firm or corporation shall be personally liable for its, his or her pro rata of the total assessment against such property in proportion as its, his or her respective interest bears to the total ownership of such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of such proportionate sum.

SECTION 4. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight per centum (8.00%) per annum, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be a first paramount lien thereon, superior to all other liens and claims except State, County, School District and City ad valorem taxes.

That the sums so assessed against the abutting property and the owners thereof, shall be and become due and payable as follows, to wit, in twelve (12) equal installments, the first payable on or before thirty (30) days after the acceptance of the completed improvements by the City, and one (1) each month thereafter until the total amount is paid; deferred payments shall bear interest from the date of such completion and acceptance at the rate of eight per centum (8.00%) per annum, payable monthly with each installment, so that upon the completion and acceptance of the improvements in a particular unit or district, assessments against such completed and accepted unit or district shall be and become due and payable in such installments and with interest from the date of such completion and acceptance. Provided, however, that any owner shall have the right to pay the entire assessment, or any installment thereof, before maturity, by payment of principal and accrued interest, and further provided that if default shall be made in the payment of any installment of principal or interest promptly as the same matures, then the entire amount of the assessment upon which such default is made shall, at the option of the said City of Dallas, or its assigns, be and become immediately due and payable, and shall be collectible, together with reasonable attorney's fees and costs of collection, if incurred. Any assessed property owner, however, shall have the right to execute a mechanics and materialman's lien contract and a promissory note whereby the assessments due, together with interest at the rate mentioned above, shall be payable over a period of not longer than ten years in equal monthly payments, but each monthly payment shall never be less than $5.00.

SECTION 5. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof shall be enforced either by suit in any court having jurisdiction or by lien foreclosure.

SECTION 6. That for the purpose of evidencing the several sums payable by said property owners and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates may be issued by the City of Dallas upon the completion and acceptance of the said work of improvement, which shall be executed by the Mayor, signing the same or by his facsimile signature impressed thereon, attested by the City Secretary, under the impress of the corporate seal, and shall be payable to the City of Dallas, or its assigns, which certificate shall declare the said amounts and the time and terms of payment thereof, and the said rate of interest payable thereof, and shall contain the name of the owner and the description of his property by Lot or Block Number of front feet thereof, or such description as may otherwise identify the same by reference to any other fact, and if said property shall be owned by an estate, then the description thereof as so owned shall be sufficient.

And, that the said certificates shall further provide that if default shall be made in the payment of any installment of principal or interest thereon, when due then at the option of the said City of Dallas being the owner and holder thereof, the whole of the said assessment shall at once become due and payable and shall be collectible with reasonable attorney's fees and costs if incurred.

And, that the said certificates shall further set forth and evidence the said personal liability of the owner and the lien upon his premises and shall provide that if default shall be made in the payment thereof, the same may be enforced as above provided.

And, that the said certificates shall further recite that the proceedings with reference to making said improvements have been regularly had in compliance with the terms of the applicable law, and that all prerequisites to the fixing of the lien and claims of personal liability evidenced by such certificates have been performed, which recitals shall be prima facie evidence of the facts so recited and no further proof thereof shall be required.

That the said certificates shall also provide that the amounts payable thereunder shall be paid to the City Controller of the City of Dallas, who shall credit said payments upon the said certificates, and shall immediately deposit the amounts so collected with the City Treasurer of the City of Dallas, to be kept and held by him in a special fund, which is hereby designated as Capital Assessments Fund and which payments shall be by the Treasurer paid to the said City of Dallas or other holder of the said certificates, on presentation thereof to him, duly credited by the City Controller the said credit by said City Controller being the Treasurer's Warranty for making such payment and the said City of Dallas or other holder of said certificate, shall receipt in writing to said Treasurer when paid in full, together with all costs of collection.

SECTION 6. (continued)

And, that the said certificates shall further provide that the City of Dallas shall exercise all legal power, when requested so to do by the holder of said certificate, to aid in the collection thereof; but the City of Dallas shall in nowise be liable to the holder of said certificates in any manner for payment of the amount evidenced by the said certificates or for any costs or expense in the premises, or for any failure of the said City Council or any of its officers in connection therewith.

That full power to make and levy reassessments, and to correct mistakes, errors, invalidates or irregularities, either in the assessments or in the certificates issued in evidence thereof, is in accordance with the law in force in this City, vested in the City.

SECTION 7. That all assessments levied are a personal liability and charged against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 8. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law has been adopted as an alternative method for the construction of street improvements in the City of Dallas, Texas, by Chapter XX of the Charter of the City of Dallas.

SECTION 9. That the assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments for the improvements in one unit or district are in nowise related to or connected with the improvements in any other unit or district, and in making assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the assessments therefore in any other unit or district.

SECTION 10. That the City Manager, or her designee, is hereby authorized to execute releases of any paving assessment liens herein levied and assessed against the parcels of property and owners thereof, if same are fully paid, such releases to be approved as to form by the City Attorney and attested by the City Secretary.

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

Distribution: Public Works and Transportation, OCMC, Room 101
Public Works and Transportation, Athan M. Thompson, OCMC, Room 307
City Attorney
Office of Financial Services

APPROVED AS TO FORM:

Thomas P. Perkins, Jr.,
City Attorney

By _____
Assistant City Attorney

Prepared by _____
Paving Assessment Coordinator

Approved by _____
Interim Director of Public Works
and Transportation

Passed and correctly enrolled_____

AGENDA ITEM # 59

KEY FOCUS AREA: Economic Development

AGENDA DATE: September 12, 2007

COUNCIL DISTRICT(S): 2

DEPARTMENT: Public Works & Transportation

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

MAPSCO: 44G H

SUBJECT

A benefit assessment hearing to receive comments on street paving, storm drainage, water and wastewater main improvements on Turtle Creek Boulevard from Levee Street to Market Center Boulevard, and at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: No cost consideration to the City

BACKGROUND

Turtle Creek Boulevard from Levee Street to Market Center Boulevard is a Thoroughfare project on the 2003 Bond Program. The improvements will consist of concrete paving of a divided and undivided roadway with pavement, curbs, sidewalks, drive approaches, storm drainage, water and wastewater main improvements. Turtle Creek Boulevard from Levee Street to Irving Boulevard will be a 36-foot wide undivided roadway and from Irving Boulevard to Market Center Boulevard will be a 65-foot wide divided roadway . The sidewalks on this project will be 6 feet wide to connect Turtle Creek Boulevard from the Trinity River Trails to the Old River Channel Trails.

The paving assessment process requires the following three steps:

1. Authorize paving improvements.
2. Authorize a benefit assessment hearing.
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction.

This action is the 3rd step in the process. This project is scheduled to be awarded in October 2007.

ESTIMATED SCHEDULE OF PROJECT

Began Design	April 2005
Completed Design	May 2007
Begin Construction	November 2007
Complete Construction	December 2008

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on March 9, 2005, by Resolution No. 05-0907.

Authorized street paving improvements and a benefit assessment hearing on August 8, 2007, by Resolution Nos. 07-2194 and 07-0000.

FISCAL INFORMATION

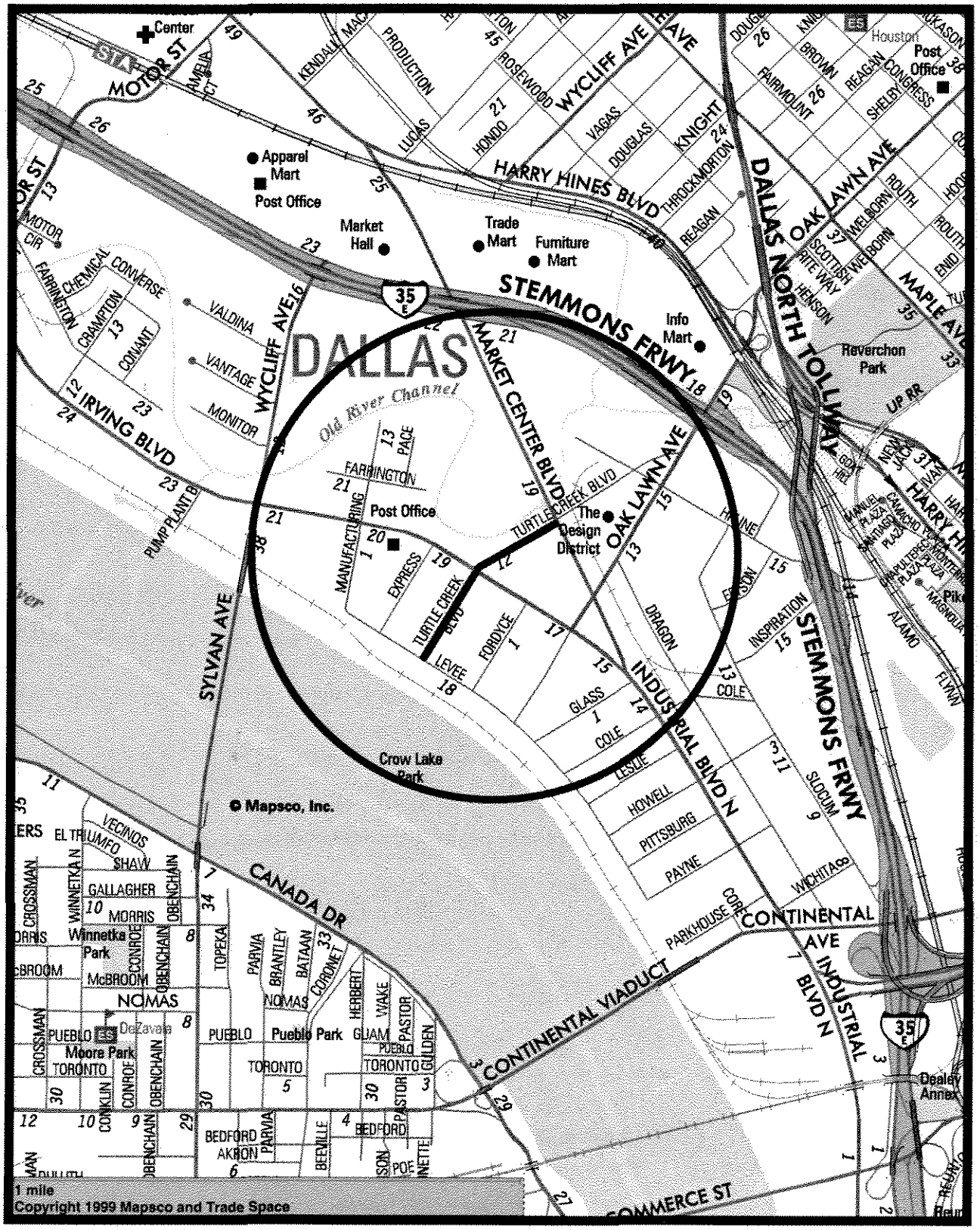
Design	$ 218,981.00
Construction	
Paving & Drainage (PBW)	$1,996,409.00 (est.)
Water & Wastewater - (WTR)	$1,037,264.00 (est.)
Total Project Cost	$3,252,654.00 (est.)

This project does involve assessments.

MAP

Attached.

Turtle Creek Boulevard



Mapsco 44G, H

September 12, 2007

WHEREAS, heretofore, a resolution was duly adopted by the City Council of the City of Dallas for the improvement of the following street between the limits set forth, out of materials specified, ordering that bids be taken for the construction, and ordering that an estimate of the cost of such improvements be prepared, to wit:

Turtle Creek Boulevard from Levee Street to Irving Boulevard to Market Center Boulevard

and,

WHEREAS, by resolution such estimate and specifications were duly adopted therefore, and the Purchasing Agent was authorized to advertise for bids for such construction; and,

WHEREAS, by resolution the City Council determined the necessity for assessing a portion of the cost of such improvements against the property abutting such improvements, and the owners thereof, and duly and legally set a time and place for a public hearing thereon, and provided for notice to be given to such owners, as provided by law; and,

WHEREAS, the said hearing was duly held at said time and place; and,

WHEREAS, the City Council, after fully considering said proposed assessments, and fully considering the benefits that each property owner and his property receive from making said improvements, is of the opinion that the said proposed assessments determined to be levied are fair and equitable, and in accordance with the enhancement report submitted by the Real Estate Manager, Development Services Department, representing the benefits that the said property receives in enhanced values from the making of the said improvements, and that the said assessments should be made; and,

WHEREAS, the Council having no further protest, remonstrance, or objection before it, is of the opinion that the said hearing should be closed;

Now, Therefore,

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

SECTION 1. That the said hearing held on the **12th** day of **September** A.D. **2007** be and the same is hereby ordered closed.

SECTION 2. That the City Attorney is hereby directed to prepare an ordinance assessing against the several owners of the abutting property, and against their property abutting upon the street hereinabove mentioned, the proportionate part of said cost herein adjudged against the said respective owners and their property, such assessments to be in accordance with the attached enhancement report. That the said ordinance shall fix a lien upon said property, and shall declare said respective owners thereof to be respectively liable for the amounts so adjudged against them. Said ordinance shall in all respects comply with the applicable law in such cases made and provided.

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

Distribution: Public Works and Transportation, OCMC, Room 101
Public Works and Transportation, Athan M. Thompson, OCMC, Room 307
City Attorney
Office of Financial Services

III-SP-2

PAVING ASSESSMENT ENHANCEMENT EVALUATION STUDY

GENERAL DATA

Project Location: Turtle Creek Boulevard from Levee Street to Market Center Blvd.
Property Owners: Varied (see tables), comprised of 15 commercial lots.
City: Dallas
County: Dallas
State: Texas
Preparer: Troy C. Alley, Jr. MAI
Company Name: Con-Real, Inc.
Address: 5801 Marvin D. Love Freeway, Suite 301, Dallas, Texas 75237
Telephone No.: (214) 331-6121
Client: City of Dallas

AREA AND NEIGHBORHOOD ANALYSIS

Area Description: Northwest-central Dallas; a commercial and industrial district; adjacent to other commercial regions, between the Trinity River on the southwest, Stemmons Freeway on the northeast, Inwood Road on the northwest and Continental Avenue to the south. Old meanderings of the Trinity River snake though the area and serve as a storm water collection sump.

Neighborhood Description: The immediate neighborhood is the old Trinity Industrial District between Wycliff Ave., the main fork of the Trinity River and Stemmons Freeway (I-35E). All of the buildings in the neighborhood were developed before 1985. No new buildings are currently being built in the immediate area, although many older buildings are remodeled from time to time, and there are several undeveloped lots in the neighborhood. The terrain is flat but drains.

Property Values: All of the nine properties are improved, with vacant yards on two properties. Southwest of Irving Blvd. the lots are valued by the Dallas Central Appraisal District at $3 per square foot, although lots on Irving Blvd. are valued at $4 per square foot. The lots along the subject street northeast of Irving Blvd. are valued by the DCAD at $6 per square foot. Improvements on the properties have values ranging between $150,000 and $7,000,000; the six smaller buildings are valued between $60,000 and $800,000, and the two larger buildings are valued between $5,000,000 and $7,300,000.

Demand/Supply: Stable/Adequate.
Neighborhood Land Use: The three warehouse/office/shop uses are 33%, office/showroom is 22%, one property is a mid-rise bank/office, one property is a City fire station, and the retail/restaurant uses are 22% of the properties along the subject.
Neighborhood Trend & Probable Changes: The neighborhood is stable; there are no changes in use or major redevelopments anticipated in the area.
Factors Affecting the Neighborhood: No adverse factors were noted.
Zoning Classification: Planned Development for commercial, industrial, & retail uses.
Highest and Best Use: Mixed commercial; offices, office/warehouse, and retail uses.
Utilities: All public and private utilities are available to adjacent properties.
Easements, Encumbrances, Special Assessments: None noted.
FEMA Flood Zone: X, protected, subject to flooding at failure of Trinity River levees.
FEMA Map: 48113C0340J dated 8/23/2001
Known or Apparent Environmental Hazards: None noted.

IMPROVEMENT ANALYSIS

General Description and Use: The project area consists of nine commercially zoned lots, one with a bank office building, two office and showroom type buildings, two retail lots fronting on Irving Blvd., one city fire station, and three lots with industrial uses.

Size and Shape: Lots are rectangular along the project frontage, save 2 on the corners at the northeast side of Irving Blvd., and all have varying widths of frontage and depths.

Condition: Buildings in the project area are in good condition at the time of inspection.

Project Description:

The subject street is currently paved with an older asphalt and concrete surface and concrete curbs which are deteriorated and failing in many places. The existing pavement was placed approximately fifty years ago. The portion of the project between Market Center Blvd. and Irving Blvd. has no curbs. The City of Dallas is planning to remove the existing street pavement and replace it with a much thicker continuously poured concrete street pavement with monolithic curbs, placed over a stabilized subgrade. The proposed pavement will eliminate some unused street parking areas.

Along with the project the City plans to construct five-foot wide reinforced concrete sidewalks parallel to the street in front of all the adjacent properties. Sidewalks will be replaced where they exist and constructed new where they do not exist. The frontage along Turtle Creek Boulevard between Market Center Blvd. and parcel number 5 (see page 13) is the old channel of the Trinity River owned by the City of Dallas.

Object of the Report:

Since the subject project has existing paved street and some concrete curbs, the object of this report is to determine the enhancement to property value, if any, due to the addition of paved concrete streets with curbs and sidewalks along the street frontages.

It is the understanding of the appraiser that the property owners along the subject street are content with the existing pavement where there are curbs, and the owners believe there is little need for sidewalks in the neighborhood, unless sidewalks already exist parallel to the street. Therefore the adjacent property owners do not want to be assessed for new pavements that are not considered to be necessary or needed. Nevertheless, where there is no concrete pavement and curb, it is generally understood that proper development of the street pavement does enhance the appearance and thus also enhances the value of adjacent commercial property.

All the same, the appraiser must consider that there might be some benefit of concrete curbs and sidewalks to a commercial property because of visual appearances and also because of the sort of persons who frequent commercial properties, both employees and patrons of businesses.

There is a predisposition to assign a value to properties because of sidewalks if there is regular pedestrian traffic in the neighborhood. Such a reason might be if the subject neighborhood is along a public bus line or near a rapid transit facility.

EVALUATION ANALYSIS

The enhancement analysis performed by the City of Dallas used the Front-Foot method to figure what to charge property owners. In this case no adjustments were made for factors such as the size and shape of lots, or for locations or orientations of the buildings thereon, since all properties adjacent to the subject street are comparable in the uses of the lots. The front foot value was taken from the given cost per linear foot of the new pavement, sidewalk and drive approach areas of each of the subject properties along the project street. The assessed values of the paving enhancements were calculated based on estimated construction costs per front foot as provided by the City of Dallas, dependent on each property's requirements.

A summary of the assessment values presented in the study is:

- **Pavement :** $106.78 per linear foot
- **Sidewalk:** $ 7.29 per linear foot
- **Driveway:** $ 41.25 per square yard

No properties adjacent to the subject street where concrete pavement and concrete curbs exist were assessed the cost of new street pavement. Properties adjacent to asphalt street pavement with gravel shoulders were assessed the cost of concrete street pavement with concrete curbs.

The properties which already have concrete driveways connecting with the subject street were not assessed any cost of new driveway pavement.

The properties which already have concrete sidewalks adjacent to and parallel with the subject street were not assessed any cost of new sidewalk pavement.

This is one method of estimating the effect of the improvements on the value of the subject properties. However, there are other ways to analyze the value the street improvements might enhance a property.

In a review of the City of Dallas study, we applied another approach which we considered reasonable for estimating an equitable assessment to the property owners for any enhancements they might receive from the improvements. This method, the Sales Comparison Method, analyzed the sales of both commercial properties in the area, or in similar areas, for purposes of comparing the prices paid for properties that have and do not have adjacent paved streets and curbs.

SALES COMPARISON METHOD

Since the subject project has some form of street pavement and some areas have concrete curbs and/or sidewalks, the purpose of this comparison is to determine the enhancement to property value, if any, due to both concrete paved streets with concrete curbs and also with concrete sidewalks along the street frontages.

This method involves comparing the sales prices of recent sales of vacant commercial land properties both with and without existing paved curbs and sidewalks on their street frontage, and forming an opinion as to how much, if any, a purchaser is willing to pay for a property that has street curbs and a five-foot wide concrete sidewalk along its frontage, over one that does not. Vacant lots were analyzed so that the value of improvements on the lots would not affect the property value being compared.

The subject neighborhood and the larger metropolitan area was searched for recent sales of commercial land properties that were close enough in size and location to the subject properties so that a comparative analysis of each type could be performed. This search provided only a few sales of commercial properties in the metropolitan area due to the fact that most streets in the city have already been constructed with curbed street pavements, and due to the fact that it is rare for a commercial property in Dallas to have front sidewalks, and sales of lots with sidewalk features were not overly plentiful. However, the few that were found were similar enough to be used for comparable analysis purposes. Each of the comparables employed in the analyses are fairly recent sales of properties that are most similar in size to properties on the subject street.

The adjustment grid for these types of properties is on the following page:

Commercial Vacant Property Sales
Improved with street curbs and sidewalks
vs.
Not improved with street curbs and sidewalks

Commercial Property Land Sales

Improved with Street Curbs & Sidewalks vs. No Curbs & Sidewalks

	Subject 2100 Walnut Hill Ln Dallas $2.54/sq.ft.	Sale 1 4305 Wheatland Rd Dallas $4.72/sq.ft.	Sale 2 3700 No. SH 161 Irving $4.56/sq.ft.	Sale 3 700 Easton Road Dallas $5.03/sq.ft.
Cash Equivalency	-0-	-0-	-0-	-0-
Market Conditions	3-17-2005	12-15-2005 -0-	11-03-2005 -0-	02-16-2006 -0-
Effective Sale Price	$2.54/sq.ft.	$4.72/sq.ft.	$4.56/sq.ft.	$5.03/sq.ft.
Size of Tract	135,907 sq.ft.	46,609 sq.ft. -5%	65,079 sq.ft. -5%	135,165 sq.ft. -0-
Zoning	Industrial	Commercial -5%	Commercial -5%	Residential +5%
Shape	Rectangular	Rectangular	Triangular +5%	Trapezoidal +5%
Concrete street with curbs	No	Yes	Yes	Yes
Concrete sidewalks on street frontage	No	Yes	Yes	Yes
Location		Uptown neighborhood -5%	Uptown neighborhood -5%	Uptown neighborhood -5%
Access and Visibility		Thoroughfare frontage -5%	Highly visible freeway frontage -10%	Thoroughfare frontage -5%
Net Adjustment		-20% -$0.94/sq.ft.	-20% -$0.91	-0-
Adjusted Sale Price	$2.54	$3.78/sq.ft.	$3.65/sq.ft.	$5.03/sq.ft.

GRID ANALYSIS

Commercial Property Land Sales

The subject property selected for this grid, 2100 Walnut Hill Ln., is a 3.12-acre lot that has an asphalt paved street frontage but does not have concrete paved curbs and sidewalk in front, and it sold recently for $2.54 per square foot. Since the aim of this study is to determine whether the presence or lack of concrete paved curbs and sidewalks would have any effect on the market value, we selected comparable sales that did have concrete paved street curbs sidewalks on the frontage of their sites, were not too large in size as to be too dissimilar, and were similar to the subject in other ways, such as potential use and significance in the real estate market. Sale prices of the comparable properties ranged from $4.56 to $5.03 per square foot.

Typically smaller lots sell for higher prices per square foot than larger lots. Sale 1 and 2 are smaller than the subject and were adjusted downward. Sale 3 was similar in size to the subject and was therefore not adjusted for a size comparison.

Typically properties with identical zoning will sell for similar prices per square foot than will properties with diverse permitted uses. Sale number 1 and 2 are zoned for commercial uses similar to the subject's industrial zoning, yet are also zoned to permit office and retail service uses. Therefore they were adjusted downward in comparison to the subject. Sale number 3 is a residentially zoned tract and so it was adjusted upward because residential property is typically worth somewhat less than a commercial tract.

Rectangular land tracts are more efficient to build on and odd-shaped property is less efficient, so sales numbers 2 and 3 were adjusted upward for shape.

The subject of this comparison is located close to an industrial neighborhood area. All the locations of sales number 1, 2 and 3 are considered slightly superior to the subject in terms of location and proximity to other commercial as well as residential uses. Thus these sales were adjusted downward to compensate for location.

Visibility, freeway accessibility and desirability of approach are quite important to the use and value of commercial properties. Sales number 1, 2 and 3 have better freeway visibility and access than the subject and were adjusted downward.

After making the warranted adjustments to the sales comparables, a range of values of comparable lot sales was derived at $3.65 to $5.03 per square foot, somewhat higher than the chosen subject property, ranging from 43% higher to 100% higher in value.

Based on the sales prices of these comparables, and taking into account all the differences, it appears that the variance in the prices paid for these properties can be attributed to whether they had better improvements such as concrete pavement with curbs and concrete sidewalks. It is believed by the analyst that there is obvious value enhancement to land that can be attributed to better-quality streets and sidewalks along the street frontage.

ASSESSMENT VALUATION PROCESS

While acknowledging the positive impact the proposed street improvements will have on the overall usable significance and aesthetic value of the neighborhood, it is difficult to quantify this value correctly and virtually impossible to present the cost of such improvements as their actual value-added to property owners.

A typical example is landscaping. An industrial property owner may spend thousands of dollars landscaping his commercial warehouse property, yet such expenditures may not add to the value of the property in the eyes of a buyer. Similarly, an office building may have a site that is more visually appealing and conducive to attracting tenants, or one with more parking area than is needed, yet if he cannot get higher rents because of these features, the building will have no added value in the opinion of a buyer.

On the other hand, typically commercial neighborhoods with wide paved streets and curbs have a more pleasing and neat appearance and thus the desirability of properties will be enhanced. In addition, it is likely that if there are sidewalks along the streets in commercial areas, they may serve to be more convenient and safer for pedestrians, such as when people use sidewalks walking from bus lines to places of employment.

The analyst had several telephone conversations with local real estate brokers who do transactions in the subject neighborhood. All the brokers are qualified members of the Society of Industrial and Office Realtors, a prestigious national professional and trade organization. The analyst also visited with a few property owners who own commercial office and industrial buildings in the area surrounding the subject street. In these conversations it was determined that sidewalks are not a critical factor in decisions to buy or sell, or in establishing market value of commercial real estate. Nevertheless, it was also the opinions of brokers and owners that the presence of better quality streets with integral concrete curbs, and even at times the presence of concrete sidewalks, does indeed augment in a material way the desirability of commercial real estate.

Based on the market data gathered and examined by the analysts, it is our opinion that the market value of all the properties on the subject street, office, retail and industrial alike, will experience an increase in market value because of the proposed street and sidewalk improvements.

In an effort to be equitable to the property owners, it is our opinion that (1) the property owners should be assessed for street pavement improvements at a rate equal to the actual cost of the concrete pavement but no more than ten percent of the assessed tax value of the lot, (2) property owners should be assessed for sidewalk improvements at a rate of no more than half of the cost of the walk, and (3) where concrete driveways must be constructed new to meet the new street, the property owners should be assessed half the actual cost of the concrete driveways. Properties with concrete street curbs, driveways and/or sidewalks already in place should not be assessed for driveways although the existing improvements may be removed and replaced.

The city's proposal to assess each property owner a portion of the cost of adjacent street pavements and sidewalks is therefore recommended. The tables on the following pages identify each of the subject properties, the assessment process employed by the City of Dallas, and our estimation of a fair and reasonable value for the assessments.

TURTLE CREEK BOULEVARD FROM LEVEE STREET TO IRVING BOULEVARD TO MARKET CENTER BOULEVARD SHALL BE PAVED FROM CURB TO CURB WITH 9-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH CEMENT MODIFIED SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 6 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 AND 50 FEET IN WIDTH; INCLUDING BIKE LANES.

PARCEL	OWNER	LOT	BLOCK		FRONTAGE		RATE	AMOUNT	TOTAL COST	TAX ASSESSMENT LAND VALUE	RECOMMENDED ASSESSMENT
	NORTH SIDE OF STREET	**TRINITY INDUSTRIAL DIST. 9TH INST.**									
1	TRINITY DISTRICT PARTNERS 4929 ELLENBURG DR. DALLAS, TX 75244-7625	16-22 1.714 ACRES 101 TURTLE CREEK BLVD.	23/7890			NO ASSESSMENT PAVEMENT IN PLACE			$0.00	$223,970.00	$0.00
2	JOSEPH D. HOUNCHELL ET AL 1539 EDISON DR. DALLAS, TX 75207-3704	12-15 0.979 ACRES 139 TURTLE CREEK BLVD.	23/7890	180 55 50	FT FT FT	PMVT WALK DRIVE	NO COST $7.29 NO COST	$0.00 $400.95 $0.00	$400.95	$127,980.00	$0.00 $200.47 $0.00 **$200.47**
3	SAWYER DEV. GROUP LP 1400 HILINE DR., STE.1 DALLAS, TX 75207	PT. 3 & 4 ALL 5-11 167 TURTLE CREEK BLVD.	23/7890	380 300 25 55	FT FT FT FT	PMVT WALK DRIVE DRIVE	NO COST $7.29 NO COST NO COST	$0.00 $2,187.00 $0.00 $0.00	$2,187.00	$255,560.00	$0.00 $1,093.50 $0.00 $0.00 **$1,093.50**
4	CITY OF DALLAS FIRE STATION	1A 1901 IRVING BLVD.	23/7890			NO ASSESSMENT CITY PROPERTY			$0.00	$109,060.00	$0.00
	IRVING BLVD. INTERSECTS										
5	MOKS LLC 5701 BELMONT AVE. DALLAS, TX 75206-6801	TRACT B 19,672 SQ. FT. 1201 TURTLE CREEK BLVD.	7892	328.5 164 140 24 25	FT FT FT FT FT	ADJ. TO PVMT WALK DRIVE DRIVE	 $106.78 $7.29 NO COST NO COST	 $17,511.92 $1,020.60 $0.00 $0.00	$18,532.52	$118,030.00	 $11,803.00 $510.30 $0.00 $0.00 **$12,313.00**

TURTLE CREEK BOULEVARD FROM LEVEE STREET TO IRVING BOULEVARD TO MARKET CENTER BOULEVARD SHALL BE PAVED FROM CURB TO CURB WITH 9-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH CEMENT MODIFIED SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 6 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 AND 50 FEET IN WIDTH; INCLUDING BIKE LANES.

PARCEL	OWNER	LOT	BLOCK		FRONTAGE		RATE	AMOUNT	TOTAL COST	TAX ASSESSMENT LAND VALUE	RECOMMENDED ASSESSMENT
	SOUTH SIDE OF STREET	**TRINITY IND. DISTRICT 7TH INST.**									
6	1825 MARKET CENTER LP SUITE 388 1825 MARKET CENTER BLVD. DALLAS, TX 75207-3327	3A	27/7889		NO ASSESSMENT PAVEMENT IN PLACE				$0.00	$729,720.00	$0.00
7	TURTLE CREEK & IRVING LTD P. O. BOX 35828 DALLAS, TX 75235-0828	PT. LOT 4 119.93' X 76.16'X108.63' X233.75'X250' X247.82' 1212 TURTLE CREEK BLVD.	27/7889	233 203 136	FT FT SY	PMVT WALK DR.(30')	$106.78 $7.29 $41.25	$24,879.74 $1,479.87 $5,610.00	$31,969.61	$384,000.00	$24,879.74 $739.93 $2,805.00 **$28,424.67**
8	TURTLE CREEK & IRVING LTD P. O. BOX 35828 DALLAS, TX 75235-0828	PT. LOT 4 0.3144 ACRES 1838 IRVING BLVD.	27/7889	140 115 156	FT FT SY	PMVT WALK DR.(25')	$106.78 $7.29 $41.25	$14,949.20 $838.35 $6,435.00	$22,222.55	$82,200.00	$8,220.00 $419.17 $3,217.50 **$11,856.67**
	IRVING BLVD. INTERSECTS	**TRINITY IND. DISTRICT 9TH INST.**									
9	ONE TURTLE CREEK LTD STE. 101 1350 MANUFACTURING ST. DALLAS, TX 75207-6500	23-44 9.432 ACRES 150 TURTLE CREEK BLVD.	21/7890	968 643 15 12 20 25 20 65 15	FT FT FT FT FT FT FT FT FT	PMVT WALK DRIVE DRIVE DRIVE DRIVE DRIVE DRIVE DRIVE	NO COST $7.29 NO COST NO COST NO COST NO COST NO COST NO COST NO COST	$0.00 $4,687.47 $0.00 $0.00 $0.00 $0.00 $0.00 $0.00 $0.00	$4,687.47	$1,369,500.00	$0.00 $2,343.73 $0.00 $0.00 $0.00 $0.00 $0.00 $0.00 $0.00 **$2,343.73**
									$80,000.10		**$56,232.04**

RECONCILIATION AND GENERAL COMMENTS

The Sales Comparison Method was used in this study because it presented the most reliable data for use in a comparative analysis. Properties compared ranged from vacant industrial lots to commercial sites. The analyst employed sales of vacant commercial properties with and without paved curbs and sidewalks in order to perform this analysis.

The expansion of the search resulted in differences in the appropriate adjustments. We gathered enough data to perform our comparative analysis, and these did indicate that a premium is indeed paid for properties with better quality streets, paved curbs and sidewalks, when compared to sales of similar type properties that did not possess those improvements.

What should be noted though is the fact that if all other considerations were equal, the presence of enhancements may actually be a primary element used to affect a final decision. This means that a potential buyer who has to choose between two properties with glaring differences in price, size, location, age and quality of improvements, the buyer is more likely to base his decision on these fundamental characteristics. If however a choice is between different properties almost identical in every aspect except the presence of better street improvements, the buyer will be likely to use that fact to aid his decision.

While it is true that the property owners may likely receive a minimal benefit from having new street pavement and sidewalks, the benefit received from these new items will only provide a fraction of an amount of enhanced value to the properties when compared to the portion of the value of the property, the land itself. The analyst could only quantify a nominal enhancement or difference in property value because of sidewalks along the street, and thus sees little discernable difference in property value frontage. However, property owners will likely receive a greater benefit from having new street pavements and curbs where the existing street is asphalt and gravel, and the benefit received from new street pavement will provide a definite amount of enhanced value to the properties when compared to the value of the land lot.

As such, it is our contention that the subject properties will increase in value from the street pavement/sidewalk/driveway improvements proposed by the City of Dallas.

Therefore, it is our opinion that the property owners adjacent to the subject street should be assessed a portion of the construction costs for the street, sidewalk and driveway improvements as proposed by the City of Dallas.

CERTIFICATE

We do hereby certify that, except as otherwise noted in this report:

1. The statements of fact contained in this report are true and correct.

2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, unbiased professional analyses, opinions and conclusions.

3. We have no present or prospective interest in the properties which are the subjects of this report and we have no personal interest or bias with respect to the parties involved.

4. Our compensation is not contingent upon an action or event resulting from the analyses, opinions or conclusions in, or the use of, our report.

5. Ownership and site data was obtained from information appearing on the Dallas County Tax Rolls and from data provided by the client.

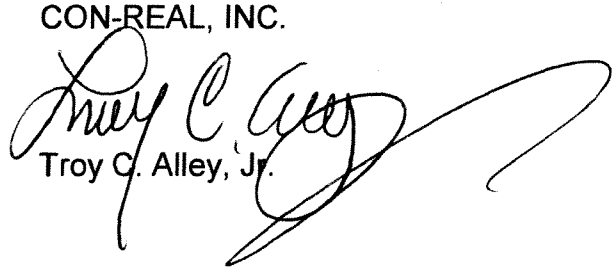
6. Troy Alley, Jr. has made a personal inspection of the project area, which is the subject of this report.

7. The assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

8. The analyst(s) is not an employee, officer or appointed board or commission member of the City of Dallas. We did not consider race, color, religion, sex, national origin, handicap or familial status in determining the value of the Subject Property.

9. THIS IS NOT AN OPINION OF VALUE. IT IS A COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL. In making any decision that relies upon our work, you should know that we have NOT followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

CON-REAL, INC.



Troy C. Alley, Jr.

ORDINANCE NO._____

AN ORDINANCE LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREET IN THE CITY OF DALLAS, TEXAS, TO WIT:

Turtle Creek Boulevard from Levee Street to Irving Boulevard to Market Center Boulevard

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE, THE RATE OF INTEREST, AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY AND MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID STREET, AND PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvements of

Turtle Creek Boulevard from Levee Street to Irving Boulevard to Market Center Boulevard

by filling, raising, grading, and paving same; and,

WHEREAS, pursuant to said resolution, specifications and an estimate of the cost of such improvements were prepared for said work by the Interim Director of Public Works and Transportation (City Engineer), filed with said Council, examined, approved, and adopted by it, all as required by applicable law; and,

WHEREAS, in compliance with the law the City Engineer prepared her statement or list showing the names of property owners upon said street the description of their property, the total cost of the said improvements, the cost there of per front foot and cost to each property owner, said statements possessing all the other requisites required by law; and,

WHEREAS, thereafter the said statements were filed with the City Council and by them examined and approved and a resolution was passed by said Council determining the necessity of making an assessment for part of the cost of said pavement against property owners and their property, and fixing a time and providing for a hearing to such property owners, all in accordance with the terms of applicable law, at which hearing to such property owners were to be heard as to the benefits of the said improvements to connected with the said improvements and,

WHEREAS, the said resolution in connection with the improvement of said street was duly adopted in compliance with the law on the 8th day of August, 2007; and,

WHEREAS, in accordance with the terms of the law, the City Secretary of the City of Dallas gave notice to the property owners on said street of said hearing, by publishing a copy of said notice in the Dallas Morning News, a daily paper of general circulation in the City of Dallas, for three successive days prior to the days set for the hearing, to wit, the 12th day of September, 2007; and the City Secretary also gave notice of said hearing by mailing letters containing the same to said property owners at least fourteen (14) days before the said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate these proceedings; and,

WHEREAS, said hearing was held at the time and place mentioned in the said resolution and notice, to wit, on the 12th day of September, 2007 at 1:00 o'clock P.M. at the Council Chamber in the City Hall of the City of Dallas, Texas, which hearing was then closed; and,

WHEREAS, at said hearing, all desiring to contest the said assessments, correct the same, or in any manner be heard concerning the benefits thereof, or in any related matter, were heard, and errors and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected;

Now, Therefore,

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

SECTION 1. That the action of the City Council closing the hearing and overruling the protests at the public hearing on the 12th day of September, 2007, in these proceedings is hereby ratified and confirmed by this ordinance. That the City Council, from the evidence, finds that the assessments herein levied should be made and levied against the respective parcels of property abutting upon the street herein below mentioned and against the owners thereof; that such assessments and charges are right and proper, and are substantially in proportion to the benefits to the respective parcels of property by means of the improvement in the unit or district for which such assessments are levied, and establish substantial justice, equality, and uniformity between the respective owners of the respective properties between all parties concerned, considering the benefits received and burdens imposed.

SECTION 1. (continued)

That the Council further finds that in each case the abutting property assessed is specially benefited in enhanced value to the said properties by means of the said improvements in the unit or district upon which the particular property abuts, and for which assessment is levied and charge made, in a sum in excess of the said assessment and charge made against the same by this ordinance. The Council further finds that the apportionment of the cost of the improvements is in accordance with the law in force in this City and that the proceedings of the City heretofore had with reference to said improvements are in all respects valid and regular.

SECTION 2. There shall be and is hereby levied and assessed against the parcels of property hereinbelow mentioned, and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money below mentioned and itemized shown opposite the description of the respective parcels of property, and the several amounts assessed against the same and the owners thereof, as far as such owners are known, being as follows:

TURTLE CREEK BOULEVARD FROM LEVEE STREET TO IRVING BOULEVARD TO MARKET CENTER BOULEVARD SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH CEMENT MODIFIED SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 6 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 AND 65 FEET IN WIDTH; INCLUDING BIKE LANES.

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
NORTH SIDE OF STREET							
	TRINITY INDUSTRIAL DIST. 9TH INST.						
TRINITY DISTRICT	16-22	23/7890		NO ASSESSMENT			
PARTNERS	1.714 ACRES			PAVEMENT IN PLACE			
4929 ELLENBURG DR.	101						
DALLAS, TX 75244-7625	TURTLE CREEK BLVD.						
JOSEPH D. HOUNCHELL ET AL	12-15	23/7890	180 FT	PMVT	NO COST	$0.00	
1539 EDISON DR.	0.979 ACRES		55 FT	WALK	$7.29	$400.95	
DALLAS, TX 75207-3704	139		50 FT	DRIVE	NO COST	$0.00	
	TURTLE CREEK BLVD.	TOTAL				$400.95	
		ADJ PER ENHANCEMENT EVAL				$200.48	
		NET DUE BY OWNER					**$200.47**
SAWYER DEV. GROUP LP	PT. 3 & 4	23/7890	380 FT	PMVT	NO COST	$0.00	
1400 HILINE DR., STE.1	ALL 5-11		300 FT	WALK	$7.29	$2,187.00	
DALLAS, TX 75207	167		25 FT	DRIVE	NO COST	$0.00	
	TURTLE CREEK BLVD.		55 FT	DRIVE	NO COST	$0.00	
		TOTAL				$2,187.00	
		ADJ PER ENHANCEMENT EVAL				$1,093.50	
		NET DUE BY OWNER					**$1,093.50**
CITY OF DALLAS	1A	23/7890		NO ASSESSMENT			
FIRE STATION	1901			CITY PROPERTY			
	IRVING BLVD.						

TURTLE CREEK BOULEVARD FROM LEVEE STREET TO IRVING BOULEVARD TO MARKET CENTER BOULEVARD SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH CEMENT MODIFIED SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 6 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 AND 65 FEET IN WIDTH; INCLUDING BIKE LANES.

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
IRVING BLVD. INTERSECTS							
MOKS LLC	TRACT B	7892	328.5 FT	ADJ. TO			
5701 BELMONT AVE.	19,672 SQ. FT.		164 FT	PVMT	$106.78	$17,511.92	
DALLAS, TX 75206-6801	1201		140 FT	WALK	$7.29	$1,020.60	
	TURTLE CREEK BLVD.		24 FT	DRIVE	NO COST	$0.00	
			25	DRIVE	NO COST	$0.00	
		TOTAL				$18,532.52	
		ADJ PER ENHANCEMENT EVAL				$6,219.52	
		NET DUE BY OWNER					**$12,313.00**
SOUTH SIDE OF STREET							
	TRINITY IND. DISTRICT 7TH INST.						
1825 MARKET CENTER LP	3A	27/7889		NO ASSESSMENT			
SUITE 388				PAVEMENT IN PLACE			
1825 MARKET CENTER BLVD.							
DALLAS, TX 75207-3327							
	TRINITY IND. DISTRICT						
TURTLE CREEK &	PT. LOT 4	27/7889	233 FT	PMVT	$106.78	$24,879.74	
IRVING LTD	119.93' X		203 FT	WALK	$7.29	$1,479.87	
P. O. BOX 35828	76.16'X108.63'		136 SY	DR.(30')	$41.25	$5,610.00	
DALLAS, TX 75235-0828	X233.75'X250'	TOTAL				$31,969.61	
	X247.82'	ADJ PER ENHANCEMENT EVAL				$3,544.94	
	1212	NET DUE BY OWNER					**$28,424.67**
	TURTLE CREEK BLVD.						
TURTLE CREEK &	PT. LOT 4	27/7889	140 FT	PMVT	$106.78	$14,949.20	
IRVING LTD	0.3144 ACRES		115 FT	WALK	$7.29	$838.35	
P. O. BOX 35828	1838	TOTAL	156 FT	(DR.25')	$41.25	$22,222.55	
DALLAS, TX 75235-0828	IRVING BLVD.	ADJ PER ENHANCEMENT EVAL				$10,365.88	
		NET DUE BY OWNER					**$11,856.67**

TURTLE CREEK BOULEVARD FROM LEVEE STREET TO IRVING BOULEVARD TO MARKET CENTER BOULEVARD SHALL BE PAVED FROM CURB TO CURB WITH 10-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH CEMENT MODIFIED SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 6 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 36 AND 65 FEET IN WIDTH; INCLUDING BIKE LANES.

OWNER	LOT	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
IRVING BLVD. INTERSECTS							
	TRINITY IND. DISTRICT 9TH INST.						
ONE TURTLE CREEK LTD	23-44	21/7890	968 FT	PMVT	NO COST	$0.00	
STE. 101	9.432 ACRES		643 FT	WALK	$7.29	$4,687.47	
1350 MANUFACTURING ST.	150		15 FT	DRIVE	NO COST	$0.00	
DALLAS, TX 75207-6500	TURTLE CREEK BLVD.		12 FT	DRIVE	NO COST	$0.00	
			20 FT	DRIVE	NO COST	$0.00	
			25 FT	DRIVE	NO COST	$0.00	
			20 FT	DRIVE	NO COST	$0.00	
			65 FT	DRIVE	NO COST	$0.00	
			15 FT	DRIVE	NO COST	$0.00	
		TOTAL				$4,687.47	
		ADJ PER ENHANCEMENT EVAL				$2,343.74	
		NET DUE BY OWNER					**$2,343.73**

Turtle Creek Boulevard from Levee Street to Irving Boulevard to Market Center Boulevard

Total Property Owners' Cost - Assessments	$80,000.01	
Adjustments Per Enhancement Evaluation	$23,768.06	
Net Due by Owner		$56,232.04
Estimated Total City of Dallas' Cost - Paving	$1,266,756.96	
Estimated Total City of Dallas' Cost - Drainage	$673,420.00	
Estimated Total Dallas Water Utilities Cost Water and Wastewater Main Improvements	$1,037,264.00	
Estimated Total City of Dallas' Cost		$2,977,440.96
Estimated Total Cost of Improvements		$3,033,673.00

SECTION 3. That where more than one person, firm or corporation owns an interest in any property above described, each said person, firm or corporation shall be personally liable for its, his or her pro rata of the total assessment against such property in proportion as its, his or her respective interest bears to the total ownership of such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of such proportionate sum.

SECTION 4. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight per centum (8.00%) per annum, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be a first paramount lien thereon, superior to all other liens and claims except State, County, School District and City ad valorem taxes.

That the sums so assessed against the abutting property and the owners thereof, shall be and become due and payable as follows, to wit, in twelve (12) equal installments, the first payable on or before thirty (30) days after the acceptance of the completed improvements by the City, and one (1) each month thereafter until the total amount is paid; deferred payments shall bear interest from the date of such completion and acceptance at the rate of eight per centum (8.00%) per annum, payable monthly with each installment, so that upon the completion and acceptance of the improvements in a particular unit or district, assessments against such completed and accepted unit or district shall be and become due and payable in such installments and with interest from the date of such completion and acceptance. Provided, however, that any owner shall have the right to pay the entire assessment, or any installment thereof, before maturity, by payment of principal and accrued interest, and further provided that if default shall be made in the payment of any installment of principal or interest promptly as the same matures, then the entire amount of the assessment upon which such default is made shall, at the option of the said City of Dallas, or its assigns, be and become immediately due and payable, and shall be collectible, together with reasonable attorney's fees and costs of collection, if incurred. Any assessed property owner, however, shall have the right to execute a mechanics and materialman's lien contract and a promissory note whereby the assessments due, together with interest at the rate mentioned above, shall be payable over a period of not longer than ten years in equal monthly payments, but each monthly payment shall never be less than $5.00.

SECTION 5. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof shall be enforced either by suit in any court having jurisdiction or by lien foreclosure.

SECTION 6. That for the purpose of evidencing the several sums payable by said property owners and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates may be issued by the City of Dallas upon the completion and acceptance of the said work of improvement, which shall be executed by the Mayor, signing the same or by his facsimile signature impressed thereon, attested by the City Secretary, under the impress of the corporate seal, and shall be payable to the City of Dallas, or its assigns, which certificate shall declare the said amounts and the time and terms of payment thereof, and the said rate of interest payable thereof, and shall contain the name of the owner and the description of his property by Lot or Block Number of front feet thereof, or such description as may otherwise identify the same by reference to any other fact, and if said property shall be owned by an estate, then the description thereof as so owned shall be sufficient.

And, that the said certificates shall further provide that if default shall be made in the payment of any installment of principal or interest thereon, when due then at the option of the said City of Dallas being the owner and holder thereof, the whole of the said assessment shall at once become due and payable and shall be collectible with reasonable attorney's fees and costs if incurred.

And, that the said certificates shall further set forth and evidence the said personal liability of the owner and the lien upon his premises and shall provide that if default shall be made in the payment thereof, the same may be enforced as above provided.

And, that the said certificates shall further recite that the proceedings with reference to making said improvements have been regularly had in compliance with the terms of the applicable law, and that all prerequisites to the fixing of the lien and claims of personal liability evidenced by such certificates have been performed, which recitals shall be prima facie evidence of the facts so recited and no further proof thereof shall be required.

That the said certificates shall also provide that the amounts payable thereunder shall be paid to the City Controller of the City of Dallas, who shall credit said payments upon the said certificates, and shall immediately deposit the amounts so collected with the City Treasurer of the City of Dallas, to be kept and held by him in a special fund, which is hereby designated as Capital Assessments Fund and which payments shall be by the Treasurer paid to the said City of Dallas or other holder of the said certificates, on presentation thereof to him, duly credited by the City Controller the said credit by said City Controller being the Treasurer's Warranty for making such payment and the said City of Dallas or other holder of said certificate, shall receipt in writing to said Treasurer when paid in full, together with all costs of collection.

SECTION 6. (continued)

And, that the said certificates shall further provide that the City of Dallas shall exercise all legal power, when requested so to do by the holder of said certificate, to aid in the collection thereof; but the City of Dallas shall in nowise be liable to the holder of said certificates in any manner for payment of the amount evidenced by the said certificates or for any costs or expense in the premises, or for any failure of the said City Council or any of its officers in connection therewith.

That full power to make and levy reassessments, and to correct mistakes, errors, invalidates or irregularities, either in the assessments or in the certificates issued in evidence thereof, is in accordance with the law in force in this City, vested in the City.

SECTION 7. That all assessments levied are a personal liability and charged against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 8. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law has been adopted as an alternative method for the construction of street improvements in the City of Dallas, Texas, by Chapter XX of the Charter of the City of Dallas.

SECTION 9. That the assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments for the improvements in one unit or district are in nowise related to or connected with the improvements in any other unit or district, and in making assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the assessments therefore in any other unit or district.

SECTOPM 10. That the City Manager, or her designee, is hereby authorized to execute releases of any paving assessment liens herein levied and assessed against the parcels of property and owners thereof, if same are fully paid, such releases to be approved as to form by the City Attorney and attested by the City Secretary.

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

Distribution: Public Works and Transportation, OCMC, Room 101
Public Works and Transportation, Athan M. Thompson, OCMC, Room 307
City Attorney
Office of Financial Services

APPROVED AS TO FORM:

Thomas P. Perkins, Jr.,
City Attorney

By _____
Assistant City Attorney

Prepared by _____
Paving Assessment Coordinator

Approved by _____
Interim Director of Public Works
and Transportation

Passed and correctly enrolled_____